** Revised 12-15-03

CITY OF TIGARD
OREGON

TIGARD CITY COUNCIL
MEETING

DECEMBER 16, 2003 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223

PUBLIC NOTICE:

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and

- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead-time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting date by calling:
503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
DECEMBER 16, 2003

6:30 PM

- STUDY SESSION

  > QUARTERLY MEETING – BUDGET COMMITTEE

  > PARK RESERVATION UPDATE – INITIATING AN ON-LINE PARKS RESERVATION SERVICE

  > COUNCIL VACANCY OPTION REVIEW

- EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. BUSINESS MEETING

   1.1 Call to Order - City Council & Local Contract Review Board
   1.2 Roll Call
   1.3 Pledge of Allegiance
   1.4 Council Communications & Liaison Reports
   1.5 Call to Council and Staff for Non-Agenda Items

Added:

PROCLAMATION AND ACKNOWLEDGEMENT

- Congratulations to the Tigard High School Tigers Boys Football Team as 2003 State Champions

2. VISITOR'S AGENDA (Two Minutes or Less, Please)

3. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

3.1 Approve Council Meeting Minutes: November 19, 2003
3.2 Approve the Dedication of a Portion of Right-of-Way Along Hall Boulevard to the Oregon Department of Transportation
3.3 Local Contract Review Board:
   a. Approve Changes to the Pavement Major Maintenance Program Contract with S-2 Contractors Inc.
   b. Approve Amendment to the Hall Boulevard/Wall Street Intersection Project Contract with DeHaas & Associates and Authorize Additional Amendments
3.4 Approve Proposed Library Policies and Procedures

- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*

4. CONTINUATION OF PUBLIC HEARING (LEGISLATIVE) – BULL MOUNTAIN ANNEXATION PLAN (ZONE CHANGE ANNEXATION [ZCA] 2003-00003/ZONE CHANGE ANNEXATION [ZCA] 2003-00004/ZONE CHANGE ANNEXATION [ZCA] 2003-00005/ZONE CHANGE ANNEXATION [ZCA] 2003-00006)

ZONE CHANGE ANNEXATION (ZCA) 2003-00003, 2003-00004, 2003-00005, 2003-00005 BULL MOUNTAIN ANNEXATION PLAN
REQUEST: The City of Tigard is proposing to annex 1,378 acres of Washington County known as Bull Mountain through the annexation plan process. State law allows the City to annex territory within an urban growth boundary (UGB) pursuant to a detailed annexation plan, subject to voter approval. If the Tigard City Council approves the annexation proposal, it would set a date for the proposal to be placed on the ballot. **LOCATION:** The unincorporated area is within the UGB. It is generally bounded on the north by Barrows Road, on the east by Tigard City limits, on the south by Beef Bend Road, and on the west partially by 150th Avenue and near Roy Rogers Road. For specific boundary, see vicinity map. **ZONE:** The area includes R-4.5 (Low-Density Residential District; minimum lot size 7,500 square feet), R-7 (Medium-Density Residential District; minimum lot size 5,000 square feet), R-12 (Medium-Density Residential District; minimum lot size 3,050 square feet) and R-25 (Medium High-Density Residential District; minimum lot size 1,480 square

feet). **APPLICABLE REVIEW CRITERIA:** The approval standards for annexations are set out in Community Development Code Chapter 18.320 and 18.390, Comprehensive Plan Policies 2 and 10; ORS Chapters 195.205 and 222; and Metro Code Chapter 3.09.

a. Continue Public Hearing from December 2, 2003
b. Staff Report – presented on December 2, 2003
c. Public Testimony - concluded on December 2, 2003
d. Staff Recommendation
e. Council Discussion
f. Close Public Hearing
g. Council Consideration: Resolution No. 03 - _____

5. CONTINUATION OF PUBLIC HEARING ON A BALLOT MEASURE FOR THE MARCH 9, 2004 ELECTION FOR A MEASURE EXPANDING THE TIGARD CITY LIMITS BY PHASED ANNEXATION

a. Continue Public Hearing from December 2, 2003
b. Staff Report - presented on December 2, 2003
c. Public Testimony - concluded on December 2, 2003
d. Staff Recommendation
e. Council Discussion
f. Close Public Hearing
g. Council Consideration: Resolution No. 03 - _____

6. PUBLIC HEARING (QUASI-JUDICIAL) – PUBLIC RIGHT-OF-WAY STREET VACATION FOR 74th AVENUE AT LANDAU STREET VACATION (VAC 2003-00001)

The Tigard City Council will consider the proposed vacation involving 3,241 square feet of public right-of-way that lies to the northwest of the SW 74th Avenue/Landau Street intersection.

The reason for the vacation request is the Tigard Transportation System Plan indicates that SW 74th Avenue is to meet SW Landau Street at a 90 degree angle. To facilitate the realignment of SW 74th Avenue, the applicant has secured a right-of-way dedication agreement with the adjacent property owners to the east.

With the successful vacation of the requested right-of-way, the subject square footage would be incorporated into the proposed parcels of the recently submitted Weigela Terrace Subdivision; however, the proposed lots of the subdivision do not need the

square footage of the vacation application to meet minimum lot size standards of the underlying R-4.5 zoning district.

The request was filed with the City on July 11, 2003 and initiated by the City Council at the request of the applicant on October 28, 2003. Any interested person may appear and be heard for or against the proposed vacation of said 74th Avenue @ Landau Street Public Right-of-Way Street Vacation. Any written objections or remonstrances shall be filed with the City Recorder by 7:30 PM on December 16, 2003.

a. Open Public Hearing

b. Declarations or Challenges
   - Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits?
   - Have all members familiarized themselves with the application?
   - Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council?

c. Staff Report: Community Development Department

d. Public Testimony

   - For all those wishing to testify, please be aware that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and parties an opportunity to respond to the issue will preclude an appeal to the Land Use Board of Appeals on this issue. Testimony and evidence must be directed toward the criteria described by staff or other criteria in the plan or land use regulation which you believe apply to the decision.
   - Proponents
   - Opponents
   - Rebuttal

e. Staff Recommendation

f. Council Questions

g. Close Public Hearing

h. Council Consideration: Ordinance No. 03-____

7. CONSIDER AN AGREEMENT GRANTING THE CITY MEMBERSHIP ON THE JOINT WATER COMMISSION

a. Staff Report: Public Works Staff
b. Council Discussion
c. Council Consideration: Motion to authorize the Council President to sign an agreement granting the City membership on the Joint Water Commission.

8. CONSIDER APPROVAL OF THE PROPOSED CITY OF TIGARD/TRIMET MEMORANDUM OF UNDERSTANDING

a. Staff Report: Community Development Staff
b. Council Discussion
c. Council consideration: Motion to approve the City of Tigard/TriMet Memorandum of Understanding and authorize the Council President to sign.

9. PUBLIC HEARING TO CONSIDER ACCEPTING THE 2003 LOCAL LAW ENFORCEMENT BLOCK GRANT AND APPROVING THE SPENDING OF FUNDS

a. Open Public Hearing
b. Summation by Police Staff
c. Public Testimony
d. Staff Recommendation
e. Council Discussion
f. Close Public Hearing
g. Consideration by Council: Motion to accept the grant and approve the spending of funds.

10. CONSIDER A RESOLUTION APPROVING BUDGET AMENDMENT #12 TO THE FISCAL YEAR 2003-2004 BUDGET TO ACCEPT AND EXPEND LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS

a. Staff Report: Finance Staff
b. Council Discussion
c. Council Consideration: Resolution No. 03 - _____

11. CONSIDER AN ORDINANCE AMENDING CHAPTER 11.08 OF THE TIGARD MUNICIPAL CODE PERTAINING TO BURGLARY AND ROBBERY ALARM SYSTEMS

a. Staff Report: Police Staff
b. Council Discussion
c. Council Consideration: Ordinance No. 03 - _____

12. CONSIDER AN ORDINANCE AMENDING CHAPTER 10.36 OF THE TIGARD MUNICIPAL CODE PERTAINING TO BICYCLES AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

a. Staff Report: Police Staff
b. Council Discussion
c. Council Consideration: Ordinance No. 03 - _____

13. CONSIDER ACCEPTING THE DEDICATION OF APPROXIMATELY 2.93 ACRES OF PROPERTY BY FANNO POINTE, L.L.C. FOR USE AS OPEN SPACE OR GREENWAY

a. Staff Report: Public Works Staff
b. Council Discussion
c. Council Consideration: Motion to accept the dedication of approximately 2.93 acres of property by Fanno Pointe, L.L.C. for use as open space or greenway

14. COUNCIL LIAISON REPORTS

15. NON AGENDA ITEMS

16. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

17. ADJOURNMENT

I:\ADM\CATHY\CCA\2003\031216P.DOC

AGENDA ITEM # Study Session
FOR AGENDA OF 12/16/03

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Park Reservations Update Re: initiating an on-line parks reservation service

PREPARED BY: Dan Plaza DEPT HEAD OK DLH for CW CITY MGR OK MA

ISSUE BEFORE THE COUNCIL

Consider entering into an agreement to place park reservations on-line.

STAFF RECOMMENDATION

Staff recommends that Council give direction to proceed with placing park reservations on-line.

INFORMATION SUMMARY

In an effort to save money and time it is proposed that the Parks Division initiate an on-line park reservation service. Projections show that if we continue to make reservations manually the reservation cost will continue to rise due to increases in part-time personnel costs, materials and supplies.

Currently, we handle picnic shelter and field reservations on a manual basis only. The administration cost is $13,264 per annum (clerical, materials and supplies). In FY '02-'03, 438 reservations were made at a cost of $28.00 per manual reservation. During this year's peak reservation period, 497 reservations were made at a cost of $31.00 per manual reservation.

In June, Council established a cost recovery rate of 70% by the year 2006. To meet this goal, an on-line reservation service is being recommended. Currently, the City's cost per reservation done manually is $31.00, while an on-line service is projected to reduce the cost per reservation to only $10.00 by the year 2006 – a reduction of $21.00.

While researching for service providers, only one company, RecNet, was found that met the department's established criteria of: a) an on-line system specifically designed for park and recreation reservations, b) ability to accept and process credit cards, c) ease of use for staff and the public, d) services provided by a well-established, experienced company, e) setup and training program, f) customer service and technical support, and g) cost effective. Further, the City's Finance Department, Network Services Division, and Risk Management Division were contacted and each Department/Division have approved going on-line with RecNet.

Other companies considered were: Class Software Solutions (no on-line service for parks and recreation reservations) and Book King (no on-line service for parks and recreation reservations).

Finance, Risk Management, and Network Services have been consulted and each Department/Division has checked-off on initiating the on-line service.

OTHER ALTERNATIVES CONSIDERED

Stay with manual system.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

n/a

ATTACHMENT LIST

Memo from Dan Plaza to Ed Wegner dated 11/25/03

FISCAL NOTES

Initial, one-time setup and training costs total $3,500 and will be paid from the General Fund. The minimum transaction fee is $250 per month ($3,000 annually). Service transaction fees are a percentage of the total reservation which is 6.5% plus $0.50 or $2.00 whichever is greater. Credit Card transaction fee is 3.75% of the total reservation. These transaction fees will be paid by the administrative/application fee of $20.00 for residents and $40.00 for non-residents. For example; a non-resident picnic reservation for 4-hours at Cook Park with less than 50 people:

Administration/Application Fee	$ 40.00
Rental Fee	$ 96.00
Total	$136.00
RecNet Service Transaction Fee	$ 9.00
Credit Card Transaction Fee	$ 5.00
Total Transaction Fees paid to RecNet	$ 14.00 (total manual cost would be $31.00)
Total Revenue to City of Tigard	$122.00

MEMORANDUM

TO: Ed Wegner

FROM: Dan Plaza and Shawn Cutsforth

RE: Park Reservation Program

DATE: December 2, 2003

BACKGROUND

In an effort to save money and time it is proposed that the Parks Division initiate an on-line park reservation program. Projections show that if we continue to make reservations manually the reservation cost will continue to rise due to increases in part-time personnel costs, materials and supplies. In a recent Public Works questionnaire, rising park reservation administrative costs was identified as one of the Department's top problems to solve.

Currently, we handle picnic shelter and field reservations on a manual basis only. The administration cost is $13,264 per annum (clerical, materials and supplies). The majority of the administration costs are during the peak reservation period of May thru September. In FY '02-'03, 438 reservations were made at a cost of $28.00 per manual reservation. During this year's peak reservation period, 497 reservations were made at a cost of $31.00 per manual reservation.

In June, Council established a cost recovery rate of 70% by the year 2006. To meet this goal, an on-line reservation service is being recommended. Currently, the City's cost per reservation done manually is $31.00, while an on-line service is projected to reduce the cost per reservation to only $10.00 by the year 2006 – a reduction of $21.00 per reservation.

While researching for service providers, only one company, RecNet, was found that met the department's established criteria of: a) an on-line system specifically designed for park and recreation reservations, b) ability to accept and process credit cards, c) ease of use for staff and the public, d) services provided by a well-established, experienced company, e) setup and training program, f) customer service and technical support, and g) cost effective. Further, the City's Finance Department, Network Services Division, and Risk Management Division were contacted and each Department/Division have approved going on-line with RecNet.

Other companies considered were: Class Software Solutions (no on-line service for parks and recreation reservations) and Book King (no on-line service for parks and recreation reservations).

Finance, Risk Management, and Network Services have been consulted and each Department/Division has checked-off on initiating the on-line service.

Initial, one-time setup and training costs total $3,500 and will be paid from the General Fund. The minimum transaction fee is $250 per month ($3,000 annually). Service transaction fees are a percentage of the total reservation which is 6.5% plus $0.50 with a minimum fee of $2.00. The credit card transaction fee is 3.75% of the total reservation. These transaction fees will be paid by the administrative/application fee of $20.00 for residents and $40.00 for non-residents.

For example; a non-resident picnic reservation for 4-hours at Cook Park with less than 50 people:

Administration/Application Fee	$ 40.00	
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Total	$136.00	
RecNet Service Transaction Fee	$ 9.00	
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Total Transaction Fees paid to RecNet	$ 14.00	(total manual cost would be $31.00)
Total Revenue to City of Tigard	$122.00	

Only one of four agencies we requested information from responded. The one agency that responded had very positive things to say about RecNet. They are as follows:

- no negative issues with the company
- customer services were deemed excellent
- very little down time has been experienced
- no software to maintain
- very use friendly and easy for staff to become proficient at
- generates good reports, contracts, receipts, that are easy to read by staff and customers
- did not experience any procedural changes going from manual to automated system

RECOMMENDATION

Our recommendation is to go with RecNet for our park reservation needs. We also recommend that we offer a $5.00 discount per reservation when made on-line. A discount will encourage the public to utilize the on-line system.

Bull Mountain Open House
November 19, 2003
Meeting Minutes

Agenda Item No. 3.1
Council Meeting of 12.16.03

Craig Dirksen opened the public meeting by introducing Sydney Sherwood, Nick Wilson, and Brian Moore. Washington County Administrator Charlie Cameron and County Commissioners Roy Rogers and Dick Schouten were also present.

Craig gave an overview of the Annexation Plan, outlining what has lead to the question of annexing Bull Mountain, the Urban Growth Boundary expansion, and the need to go forward with community discussions. He also outlined the recommendations of the Annexation Plan and the alternatives that City Council will consider on December, 2003 at the public hearing.

1. During the question and answer period, the following issues were discussed: Why change from double majority to area-wide vote?
2. Is the only way to annex Bull Mountain by the vote?
3. Two year ago, at a public meeting, Council voted no on annexation. Why is the City going ahead now?
4. What are the mutual benefits of annexation? What services will Bull Mountain receive?
5. Pedestrian connections to Bonita Park – will safety be a concern?
6. Will there be sidewalks and pedestrian connections to parks?
7. How many Police/1,000 will Tigard provide and how many will County provide?
8. Why do you think majority of Bull Mountain residents don't support annexation?
9. Why did the City wait 20 years to start annexation? Why now?
10. Were does Parks SDC money from recently annexed areas go?
11. What are the plans for parks on Bull Mountain and what oversight will ensure that they will happen?
12. How many years will it take to collect enough SDCs to start acquiring and building parks on Bull Mountain?
13. Why wasn't the Parks SDC agreement with the County done 20 years ago?
14. How will Bull Mountain park needs be prioritized?
15. What is required population to apply for federal grants (CDBG)?
16. What is the cost/benefit of annexation for citizens of Tigard?
17. How will cost/benefit issues be communicated to citizens of Tigard?
18. Do you have up-to-date record of Bull Mountain residents? All property owners must be provided mailed notice.
19. Will City take over road maintenance or not? (Remonstrances?)
20. What percentage of revenue from Bull Mountain will be dedicated back to Bull Mountain?
21. What was public process for Urban Services Agreement and County 2000 Plan?
22. Where should Bull Mountain residents go to get assistance developing parks and community (between City and County)?

The meeting concluded at 8:45 p.m.

James N.P. Hendyx, Community Development Director

Attest:

Council President, City of Tigard

Date:

AGENDA ITEM # 3.2
FOR AGENDA OF December 16, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Right-of-Way Dedication for Hall Boulevard

PREPARED BY: A.P. Duenas DEPT HEAD OK CITY MGR OK

ISSUE BEFORE THE COUNCIL

Should City Council approve the dedication of approximately 396 square feet of right-of-way along the Hall Boulevard frontage on the east side to the Oregon Department of Transportation to provide a continuous right-of-way along the east side of the street?

RECOMMENDATION

Staff recommends that City Council approve the dedication of the property described in the dedication documents to the Oregon Department of Transportation (ODOT) and authorize the City Manager to sign the documents.

INFORMATION SUMMARY

The new Library Property and the Fanno Pointe Condominium property are separated by a piece of property approximately 20 feet wide owned by Mr. Fred Field. This property is part of the larger lot located between Fanno Creek and the railroad tracks and is intended to provide access from Hall Boulevard to the rest of the property. The proposed Wall Street right-of-way includes this strip of land plus rights-of-way dedications on either side of the property, from the Library to the north and Fanno Pointe Condominiums to the south.

The library dedicated right-of-way to ODOT along the library frontage as required by the conditions of approval for the project. Fanno Pointe Condominiums also dedicated property to ODOT along their development frontage on Hall Boulevard. Mr. Fred Fields dedicated his strip of property as public right-of-way to allow for the Hall Boulevard/Wall Street intersection improvements. The City is in turn dedicating a segment of this property to ODOT to connect the two previous dedications along Hall Boulevard and provide a continuous 50-foot wide right-of-way along the east half of Hall Boulevard. A map of the area showing surrounding properties is attached for reference. The segment to be dedicated to ODOT is identified as Parcel 3 on that map.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

The improvements to Hall Boulevard meet the Tigard Beyond Tomorrow goal of *Improve Traffic Flow*. The widening of Hall Boulevard provides an additional lane to allow for turning movements while permitting traffic flow to continue on the travel lanes.

ATTACHMENT LIST

1. Rights-of-Way Dedication Documents
2. Map of the area showing surrounding properties and Parcel 3

FISCAL NOTES

The rights-of-way dedication is at no cost to the City. The Hall Boulevard improvements include funding from the Library Project, from the Fanno Pointe Development Project, and from City Traffic Impact Fee funds.

DONATION DEED

CITY OF TIGARD, a municipal corporation of the State of Oregon, Grantor, for no monetary consideration does convey unto the **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION,** Grantee, fee title to the property described on **Exhibit "A"** attached hereto and by this reference made a part hereof.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

RETURN TO AND TAX STATEMENT TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL STREET NE, ROOM 420
SALEM OR 97301-3871

Account No.:

Property Address:

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

Dated this _____ day of _____, 20_____.

CITY OF TIGARD

By _____
City Manager

By _____
City Recorder

STATE OF OREGON, County of _____

Dated _____, 20_____. Personally appeared _____ and _____, who, being sworn, stated that they are the City Manager and City Recorder of the City of Tigard, Oregon, a municipal corporation of the State of Oregon, and that this instrument was voluntarily signed on behalf of said municipal corporation by authority of its Ordinance No. _____ passed by the Council of said City this _____ day of _____, 20_____.

_____
Notary Public for Oregon

My Commission expires _____

Accepted on behalf of the Oregon Department of Transportation

_____

d:/7782shar/acquis/shell/region1/6007312dondeed

EXHIBIT A

A strip of land, 20.00 feet in width, situated in the southeast one-quarter of Section 2, Township 2 South, Range 1 West of the Willamette Meridian, City of Tigard, Washington County, State of Oregon, said 20.00 foot strip of land is more particularly described as follows:

Beginning at a 5/8 inch iron rod with yellow plastic inscribed "DEHAAS ASSOC. INC." monumenting the Southeast corner of Lot 1 EDGEWOOD, a subdivision recorded in Washington County Plat Book 2, Page 73; thence North 87°39'27" West 846.71 feet, coincident with the south line of that tract of land identified as "Parcel II" and described in Statutory Special Warranty Deed recorded November 14, 2002 at Washington County Deed document Number 2002-136823, to its point of intersection with the easterly right-of-way line of S.W. Hall Blvd. (C.R. A-130), said point is monumented by a 5/8 inch iron rod with yellow plastic cap marked "DEHAAS ASSOCIATES INC.", as depicted on the map of Washington County Survey Number 29031, and the TRUE POINT OF BEGINNING; thence South 00°19'56" West, coincident with said easterly right-of-way established easterly in direction, a perpendicular distance of 30.00 feet from the monumented centerline of aforementioned S.W. Hall Blvd., a distance of 19.79 feet to a 5/8 inch iron rod with yellow plastic cap marked "ALPHA ENG. INC." said iron rod with yellow plastic cap is called as the beginning point in the boundary description of that Donation Deed recorded May 30, 2003 in Washington County Document 2003-087661 and marks the northwesterly corner of said described boundaries; thence South 87°39'27" East, coincident with the northerly boundary line of said tract described in Document No. 2003-087661, a distance of 20.01 feet to a point situated easterly in direction, a perpendicular distance of 20.00 feet from aforementioned easterly right-of-way; thence North 00°19'56" East, parallel with said easterly right-of-way, 19.79 feet to the south line of aforementioned "Parcel II"; thence South 87°39'27" West, coincident with said South line, 20.01 feet to the TRUE POINT OF BEGINNING and containing 396 square feet of land.

Expires 12/31/04

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Roger W. Moreland

OREGON
AUGUST 22, 1975
ROGER W. MORELAND
1033

EXHIBIT TO ACCOMPANY DESCRIPTION

Located in the SE 1/4 of Section 2,
Township 2 South, Range 1 West,
Willamette Meridian, City of Tigard,
Washington County, Oregon

July 18, 2003

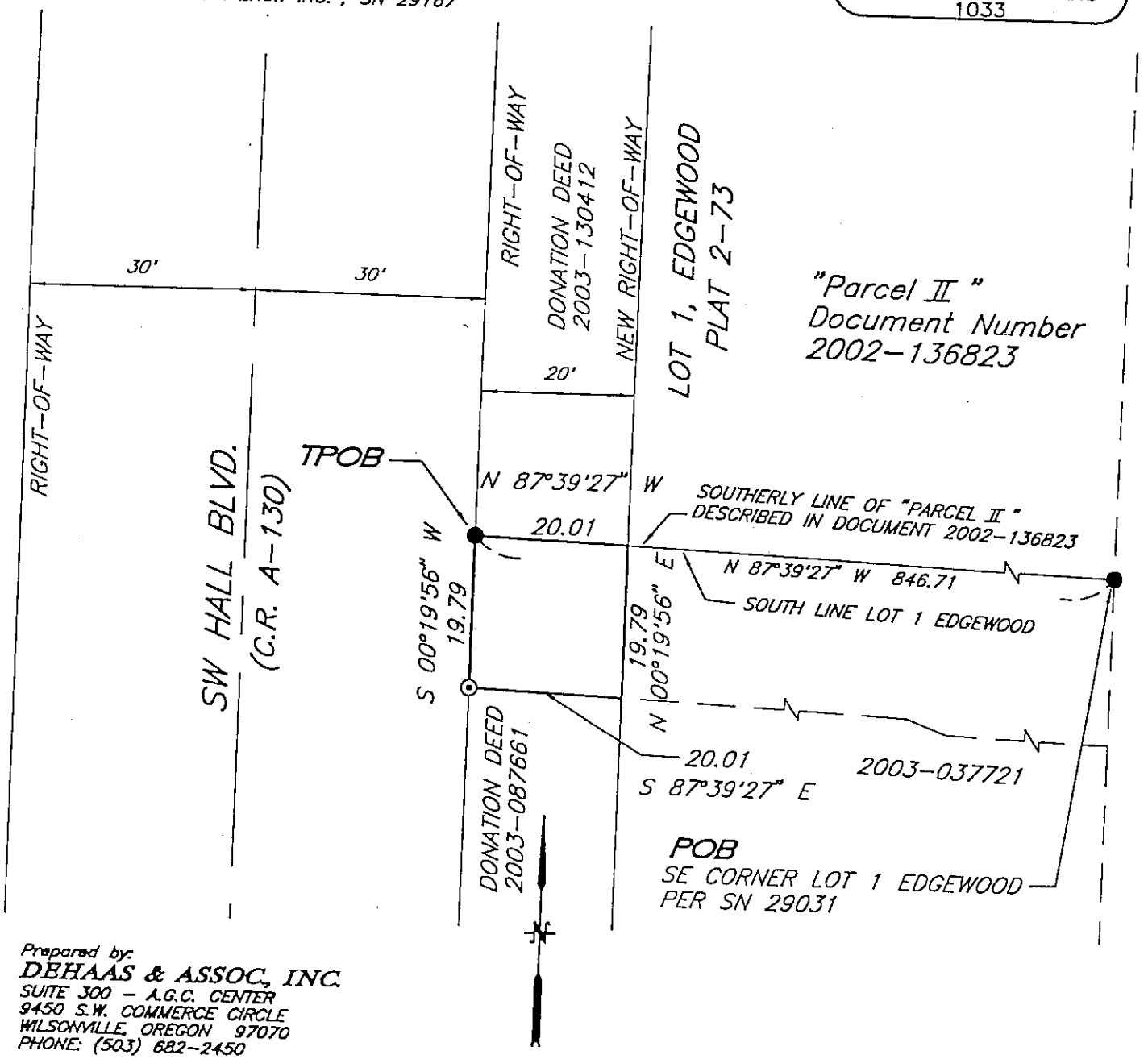
LEGEND

SN	SURVEY NUMBER, WASHINGTON COUNTY SURVEY RECORDS
C.R.	COUNTY ROAD
POB	POINT OF BEGINNING
TPOB	TRUE POINT OF BEGINNING
●	FOUND 5/8" IR/YPC MARKED "DeHAAS ASSOC. INC.", SN 29031
⊙	FOUND 5/8" IR/YPC MARKED "ALPHA ENG.. INC.", SN 29167

Expires 12/31/04

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
AUGUST 22, 1975
ROGER W. MORELAND
1033



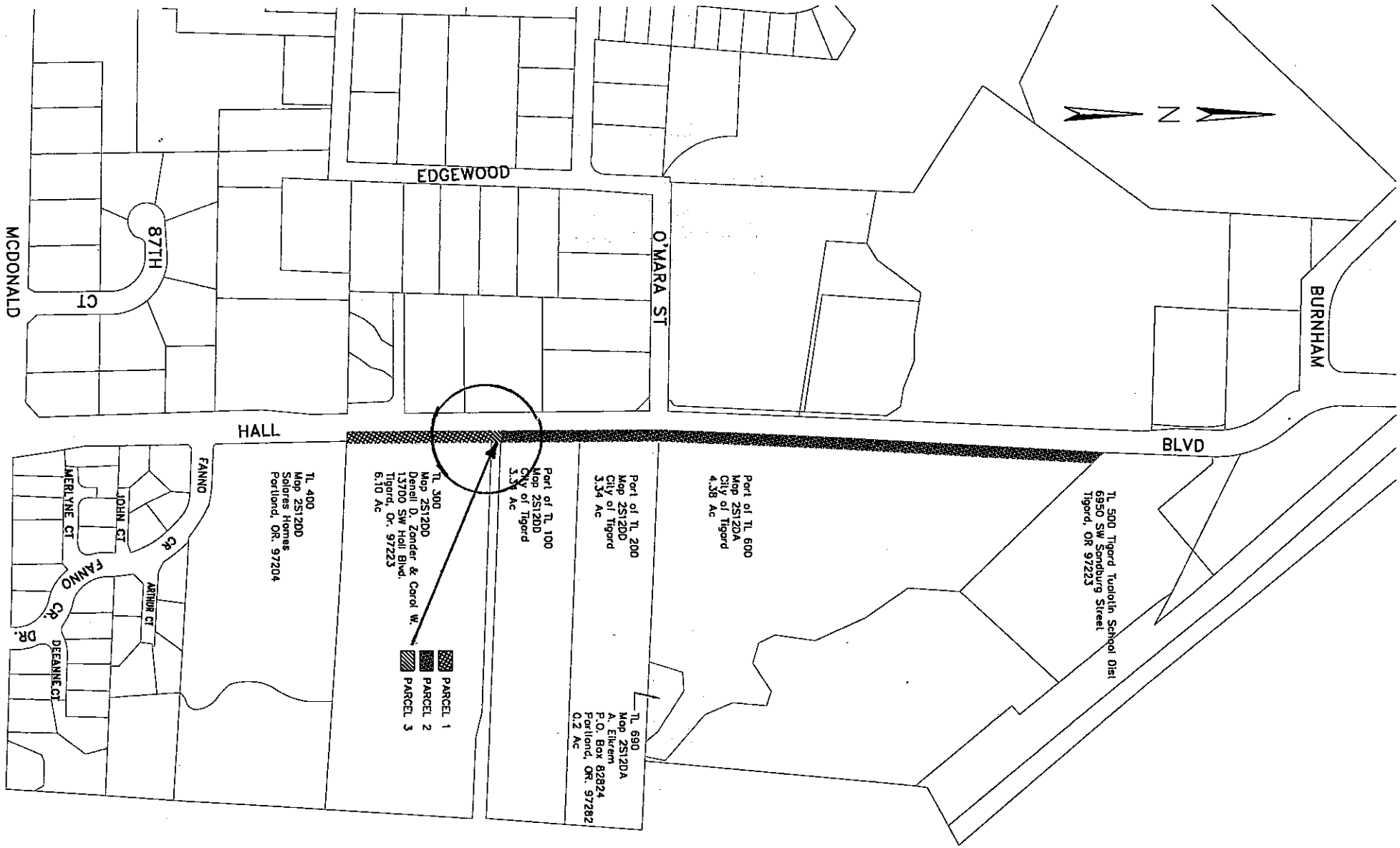
Prepared by:
DEHAAS & ASSOC., INC.
SUITE 300 – A.G.C. CENTER
9450 S.W. COMMERCE CIRCLE
WILSONVILLE, OREGON 97070
PHONE: (503) 682-2450

Prepared for:
CITY OF TIGARD

02.644-FRED_EXHIBIT.DWG

PLAN

SCALE: 1" = 20'



CITY OF TIGARD
OREGON

ENGINEERING DEPARTMENT
13125 S.W. HALL BLVD.
TIGARD, OREGON 97223
VOICE: (503) 639-4171
FAX: (503) 684-7297

HALL BLVD. IMPROVEMENTS
RIGHT OF WAY DEDICATION

AGENDA ITEM # 3.3 a.
FOR AGENDA OF December 16, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Change to the Pavement Major Maintenance Program Contract

PREPARED BY: A.P. Duenas DEPT HEAD OK CITY MGR OK

ISSUE BEFORE THE COUNCIL

The cumulative total of change to the Pavement Major Maintenance Program contract exceeds twenty percent of the original contract amount. This agenda item explains the need for those changes. Council, acting as the Local Contract Review Board (LCRB), will be requested to approve the changes.

RECOMMENDATION

Staff recommends that the LCRB approve, by motion, the changes to the contract with S-2 Contractors Inc. for the Pavement Major Maintenance Program contract.

INFORMATION SUMMARY

On August 12, 2003, the Local Contract Review Board awarded the contract for the FY 2003-04 Pavement Major Maintenance Program Project to S-2 Contractors Inc. in the amount of $107,656.50. Completion of the project has resulted in additional costs of $63,736.17, a 58% increase, as summarized in the following table. The five change orders were for extra work not included in the original contract as-bid. The remaining cost changes resulted from work quantities actually completed by the contractor differing from the quantities estimated for bidding at unit prices. Council was informed by the attached memorandum dated November 13, 2003 of the changes and the reasons for executing them. This agenda item submits the changes for formal LCRB approval. Upon approval, the contractor's request for final payment will be accepted.

Change	Amount		Scope of Work
Project: Walnut Terrace			
Change Order 1	$1,644.00		Walnut Terrace driveway repair. The original contractor for the project submitted a proposal almost $3,000 for the work. We decided to have the PMMP contractor do it for this lower cost.

Project: FY '03–'04 Pavement Major Maintenance Program			
Change Order 2	$3,538.81		Errol St Driveway
Change Order 3	$2,179.51		Greenburg Road- Overtime for work crew and asphalt plant to work on Saturday as required by ODOT
Change Order 4	$36,837.19		Summerfield Drive reconstruction
Change Order 5	$321.00		Greenburg Road - Installation of an additional signal detection loop as required by ODOT
Net Change of Unit Price Work	$19,215.66		Table 2 of the attached memo shows as-bid and as-constructed unit price quantities and costs.
Total Changes		**$63,736.17**	
Original Contract Amount		$107,656.50	
Revised Contract Amount		**$171,392.67**	

The $19,215.66 net change of the unit price work shown in Table 2 includes additions and deductions to the contract. Nearly all of the increases were caused by four items. In Schedule A of the contract, (Errol St., Greenburg Rd., and Walnut St.) crack sealing was eliminated, reducing the contract by $1,960, and an additional $1,140 of geotexile fabric and $7,442 of additional asphaltic concrete were installed. In Schedule B of the contract (Summerfield Dr.) five inches instead of three inches of asphalt were remove and replaced because the base of the street had failed as described in the Change Order No. 4 portion of the attached memo. The additional two inches of depth required an additional $3,642 of asphaltic concrete removal and $9,350 of additional asphaltic concrete. Other items of work required to repair the base of the street were included in Change Order No. 4.

OTHER ALTERNATIVES CONSIDERED

The LCRB does not approve the changes.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Completion of the Hall Boulevard Improvement Project expands the capacity of that street and meets the Tigard Beyond Tomorrow goal of *Improve Traffic Flow.*

ATTACHMENT LIST

November 13, 2003 memorandum
Table 2

FISCAL NOTES

Change Order No. 1, Walnut Terrace, is funded from the State Gas Tax Fund as a separate project. The remainder of the contract is included in the FY 2003-04 Pavement Major Maintenance Program and is funded from the State Gas Tax fund. There are sufficient funds in the project account for these changes.

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CITY OF TIGARD
Engineering Department
Shaping A Better Community

MEMORANDUM

CITY OF TIGARD

13125 SW Hall Boulevard.
Tigard, OR 97223
Phone 503-639-4171
Fax: 503-624-0752

TO: Mayor and City Councilors
Bill Monahan, City Manager

FROM: Gus Duenas
City Engineer

DATE: November 13, 2003

SUBJECT: Changes to the Pavement Major Maintenance Program Contract

This is to inform you of the changes that occurred during construction implementation of the Pavement Major Maintenance Contract with S-2 Contractors, Inc. The changes are scheduled for formal Local Contract Review Board approval at the December 16, 2003 Council meeting.

On August 12, 2003, the Local Contract Review Board awarded the contract for the FY 2003-04 Pavement Major Maintenance Program Project to S-2 Contractors Inc. in the amount of $107,656.50. Completion of the project has resulted in additional costs as summarized in the Change Orders in the attached Table 1. The five change orders were for extra work not included in the original contract as-bid. The remaining cost changes resulted from work quantities actually completed by the contractor differing from the quantities estimated for bidding at unit prices (shown in Table 2). Also attached is a table showing the quantity and cost of this work paid at unit prices. The quantities as originally bid by the contractor and as actually completed are both shown.

- Change Order No. 1 was not originally part of the Pavement Major Maintenance Program project list. This work was added to the contract to take advantage of an offered price significantly less than the proposal for completing the work by the original contractor. This item is separately funded.

- Change Order No. 2 -The existing pavement of Errol Street was of insufficient width to align with the driveways. Rather than widening the pavement only at driveways, the pavement was widened along the entirety of street so that the edge of the pavement now aligns with the

driveways. In addition, three asphalt berms were installed to direct storm water away from houses.

- Change Order No. 3 – Closing Greenburg Road for paving also closed the access for a bank so the paving was scheduled for a Saturday. Upon finding that the bank was open on Saturdays as well, the paving was scheduled for a Sunday. This resulted in additional overtime costs for the asphalt plant and subcontractor's crew and equipment.

- Change Order No. 4 is additional work in Summerfield Drive that needed to be completed without delay to avoid additional costs and prolonged interruption of the operation of the street. The segment of Summerfield Drive programmed for pavement overlay was closed for slightly over a week. The initial work by the contractor in preparation for the overlay of the street revealed that the street had not been constructed to City standards and that the street subbase had failed.

  From initial inspection of the street, it appeared that only the asphalt surface had failed. As-built plans showed that the street consisted of three inches of asphalt on eight inches of rock. Hence, the scope of work in the bid documents was for the contractor to remove the existing pavement and pave a new wearing course on the existing base material. The contractor was directed to grind off the three inches of failed asphalt and replace it. However, the grinding revealed that the actual thickness of the asphalt varied from three to five inches. This left a thin, loose layer asphalt that could not be overlaid and had to be removed. The contractor was then directed to remove the entire depth of asphalt. Once the asphalt was removed, a saturated, failed base was revealed. Below this base material was a subgrade saturated in most of the locations within the project limits. Removal of two feet of material in several locations did not reveal acceptable material below. To avoid costly overexcavation and importation of aggregate fill, the road base was repaired by tilling cement into it and allowing it to cure for three days. This successfully repaired the road except for a 150 by 34 foot area. This area was repaired by excavating it to a depth of three feet, placing fabric at the bottom of the excavation, then filling it with large rocks. The street could not be overlaid or returned to service until the base and subgrade repair work were completed.

  This extra work was not anticipated in the original contract. Payment was by an agreed upon lump sum, except for asphalt removal and replacement that was paid for at the unit price bid as shown as Schedule B, items 8 and 9, in the attached Table 2.

- Change Order No. 5 – An additional detection loop for a signal was installed in Greenburg Road as required by ODOT.

TABLE 1

Summary of Contract Changes

Change	Amount		Scope of Work
Project: Walnut Terrace			
Change Order 1	$1,644.00		Walnut Terrace driveway repair. The original contractor for the project submitted a proposal almost $3,000 for the work. We decided to have the PMMP contractor do it for this lower cost.
Project: FY '03–'04 Pavement Major Maintenance Program			
Change Order 2	$3,538.81		Errol St Driveway
Change Order 3	$2,179.51		Greenburg Road- Overtime for work crew and asphalt plant to work on Saturday as required by ODOT
Change Order 4	$36,837.19		Summerfield Drive reconstruction
Change Order 5	$321.00		Greenburg Road - Installation of an additional signal detection loop as required by ODOT
Net Change of Unit Price Work	$19,215.66		Table 2 showing as-bid and as-constructed unit price quantities and costs is attached.
Total Changes		**$63,736.17**	
Original Contract Amount		$107,656.50	
Revised Contract Amount		**$171,392.67**	

c: Vannie Nguyen, CIP Division Manager

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TABLE 2

FY 2003-04 PAVEMENT MAJOR MAINTENANCE PROGRAM

ASPHALTIC CONCRETE OVERLAYS

ERROL STREET, GREENBURG ROAD, WALNUT STREET & SUMMERFIELD DRIVE

Project No. ST 03-06

SCHEDULE A - ERROL STREET, GREENBURG ROAD, & WALNUT STREET

ITEM NO.	DESCRIPTION	BID QUANTITY	UNIT	S-2 CONTRACTORS, INC UNIT PRICE	S-2 CONTRACTORS, INC TOTAL AMOUNT	FINAL PAYMENT TOTALS ACTUAL QUANTITIES	FINAL PAYMENT TOTALS ACTUAL TOTALS	EXPLANATION
1	MOBILIZATION	*****	L.S.	*****	$6,100.00	*****	$6,100.00	
2	TRAFFIC CONTROL	*****	L.S.	*****	$725.00	*****	$725.00	
3	DUST & EROSION/SEDIMENTATION CONTRI	*****	L.S.	*****	$400.00	*****	$400.00	
4	CONSTRUCTION AREA SIGNS	*****	L.S.	*****	$500.00	*****	$500.00	
5	TEMPORARY BARRICADE (TYPE III)	2	EA.	$235.00	$470.00	4	$940.00	WALNUT STREET
6	TRAFFIC SIGNAL LOOP DETECTORS	*****	L.S.	*****	$3,500.00	3,500	3,500	
7	ADJUST CATCH BASIN	2	EA.	$300.00	$600.00	1	$300.00	OVER ESTIMATED
8	ADJUST SANITARY/STORM SEWER MANHO	4	EA.	$140.00	$560.00	4	$560.00	
9	ADJUST SANITARY SEWER CLEANOUT	1	EA.	$50.00	$50.00	1	$50.00	
10	ADJUST WATER VALVE	1	EA.	$50.00	$50.00	1	$50.00	
11	ADJUST GAS VALVE	1	EA.	$50.00	$50.00	1	$50.00	
12	DIG OUT & REPAIR	40	S.F.	$20.00	$800.00	40	$800.00	
13	CRACK SEALING	700	L.F.	$2.80	$1,960.00	0	$0.00	OVER ESTIMATED
14	AC GRINDING	3,365	S.Y.	$1.22	$4,105.30	3,380	$4,123.60	UNDER ESTIMATED
15	GEOTEXTILE FABRIC	2,780	S.Y.	$2.00	$5,560.00	3,350	$6,700.00	UNDER ESTIMATED
16	ASPHALTIC CONCRETE	885	TONS	$36.00	$31,860.00	1,092	$39,301.92	UNDER ESTIMATED
17	SHOULDER ROCK (3/4" - 0")	15	C.Y.	$20.00	$300.00	15	$300.00	
18	TRAFFIC STRIPE -TYPE 3 (DURA STRIPE)	490	L.F.	$2.80	$1,372.00	478	$1,338.40	OVER ESTIMATED
19	TRAFFIC STRIPE -TYPE 5 (DURA STRIPE)	584	L.F.	$2.40	$1,401.60	584	$1,401.60	
20	TRAFFIC STRIPE -TYPE 7 (DURA STRIPE)	385	L.F.	$2.40	$924.00	413	$991.20	UNDER ESTIMATED
21	TRAFFIC STRIPE -SCHOOL (DURA STRIPE)	35	S.F.	$17.00	$595.00	35	$595.00	
22	PAVEMENT MARKING - XING (DURA STRIPE	21	S.F.	$12.00	$252.00	21	$252.00	
23	PAVEMENT MARKING - STOP BAR (DURA S	12	S.F.	$12.00	$144.00	12	$144.00	
24	PAVEMENT MARKING - CROSS WALK (DUR	240	S.F.	$8.00	$1,920.00	235	$1,880.00	OVER ESTIMATED
25	PAVEMENT MARKING - ARROW TYPE A1 (D	5	S.F.	$200.00	$1,000.00	5	$1,000.00	
26	PAVEMENT MARKING - ARROW TYPE A2 (D	4	S.F.	$360.00	$1,440.00	4	$1,440.00	
27	PAVEMENT MARKING - ARROW TYPE A3 (D	1	S.F.	$200.00	$200.00	1	$200.00	
28	PAVEMENT MARKERS - (BI-DIRECTIONAL)	48	EA.	$5.00	$240.00	46	$230.00	OVER ESTIMATED
29	PAVEMENT MARKERS - (MONO-DIRECTION	26	EA.	$5.00	$130.00	32	$160.00	UNDER ESTIMATED
	SCHEDULE A TOTAL				**$67,208.90**		**$74,032.72**	

FY 2003-04 PAVEMENT MAJOR MAINTENANCE PROGRAM

ASPHALTIC CONCRETE OVERLAYS

ERROL STREET, GREENBURG ROAD, WALNUT STREET & SUMMERFIELD DRIVE

Project No. ST 03-06

ITEM NO.	DESCRIPTION	BID QUANTITY	UNIT	S-2 CONTRACTORS, INC UNIT PRICE	S-2 CONTRACTORS, INC TOTAL AMOUNT	FINAL PAYMENT TOTALS ACTUAL QUANTITIES	FINAL PAYMENT TOTALS ACTUAL TOTALS	EXPLAINATIONS OF DIFFERENCES
SCHEDULE B - SUMMERFIELD DRIVE								
1	MOBILIZATION	*****	L.S.	*****	$4,000.00	*****	$4,000.00	
2	TRAFFIC CONTROL	*****	L.S.	*****	$200.00	*****	$200.00	
3	DUST & EROSION/SEDIMENTATION CONTR	*****	L.S.	*****	$100.00	*****	$100.00	
4	CONSTRUCTION AREA SIGNS	*****	L.S.	*****	$110.00	*****	$110.00	
5	REMOVE SPEED HUMP	*****	L.S.	*****	$100.00	*****	$100.00	
6	ADJUST CATCH BASIN	2	EA.	$300.00	$600.00	0	$0.00	OVER ESTIMATED
7	ADJUST GAS VALVE	1	EA.	$50.00	$50.00	1	$50.00	
8	ASPHALT REMOVAL	4,505	S.Y.	$1.52	$6,847.60	6,901	$10,489.52	**SUMMERFIELD** - 5" INSTEAD OF 3" DEPTH OF GRIND AND PAVING THUS INCREASING BOTH THE ASPHALT AND CONCRETE COSTS
9	ASPHALTIC CONCRETE	790	TONS	$36.00	$28,440.00	1,050	$37,789.92	
			SCHEDULE B TOTAL		$40,447.60		$52,839.44	
			PROJECT TOTAL		$107,656.50		$126,872.16	

CHANGE ORDERS

NO. 1		$1,644.00	**WALNUT TERR.** DRIVEWAY
NO. 2		$3,538.81	**ERROL ST.** - BERMS AND DRIVEWAY TRANSITIONS
NO. 3		$2,179.51	**GREENBURG RD.** PAVING CHANGED FRON SATURDAY TO SUNDAY. OVERTIME CHARGES FOR PLANT AND CREWS.
NO. 4		$36,837.19	**SUMMERFIELD DR.** - SUBSURFACE FAILURE. DIGOUTS/BACKFILL, CEMENT TREATED BASE
NO. 5		$321.00	**GREENBURG RD.** EXTRA LOOP REQUESTED BY THE STATE
	PAYMENT TOTAL WITH (CHANGE ORDERS)	$171,392.67	
	PROJECT TOTAL WITH (CHANGE ORDERS)	$171,392.67	

AGENDA ITEM # 3.3b
FOR AGENDA OF December 16, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: Amendment to the Engineering Design Services Contract on the Hall Boulevard/Wall Street Intersection project

PREPARED BY: Vannie Nguyen DEPT HEAD OK : Agustin. P. Duenas CITY MGR OK: Bill Monahan

ISSUE BEFORE THE COUNCIL

The proposed contract amendment for additional services on the Hall Boulevard/Wall Street Intersection project exceeds 20 percent of the contract amount. This agenda item requests the Council, acting as the LCRB (Local Contract Review Board), to approve the contract amendment to date on this project.

STAFF RECOMMENDATION

Staff recommends that the LCRB approve the amendment to the contract with **DeHaas & Associates** in the amount of **$177,410.00** for engineering design services on the Hall Boulevard/Wall Street Intersection project.

Staff also recommends that LCRB authorize any additional amendments which may become necessary as the project progresses, up to 20 percent of the amended contract amount, without further action by LCRB.

INFORMATION SUMMARY

In July 2002, the Engineering Department began an RFP (Request for Proposal) process to select a design consultant for the Wall Street LID (Local Improvement District) project. The design team led by DeHaas & Associates was selected to provide the required services. The intent of the RFP was to obtain a full range of engineering services for the engineering design, construction staking and construction management of the Wall Street LID Project. The streets included in the project are Hall Boulevard and its approaches to the Wall Street intersection, and Wall Street from its intersection with Hall Boulevard across Fanno Creek to its intersection with Hunziker Street. However, because we were not certain that building Wall Street in its entire length would be feasible, the initial contract with DeHaas & Associates consisted of preparation of a Conceptual Report at 35% design completion and a Preliminary Engineer's Report at 60% design completion. If City Council decided to form the district after the 60% design stage, the intent was to amend the original contract to include final design, construction staking, construction management and preparation of a Final Report.

As a condition of approval for the Library project, the City was required to provide half-street improvements along Hall Boulevard and construct a permanent access for the library. To provide joint access for the new Library and the Fanno Pointe Condominiums, the City determined that Hall Boulevard and a segment of Wall Street needed to be designed and constructed separate from the rest of the proposed LID. In the City Council meeting of May 13, 2003, Council approved a resolution amending the FY 2002-03 CIP Budget to separate the Hall Boulevard/Wall Street Intersection project from the Wall Street LID project. Separation of the two projects provided the City an opportunity to complete the design of the Hall Boulevard/Wall Street intersection Project and expedite the construction schedule for the project. The rest of Wall Street would be

designed to the 60% stage to complete the Preliminary Engineer's Report. Any additional design after that would be dependent upon formation on the LID to construct the improvements.

The intersection project widens Hall Boulevard along the Library and the Fanno Pointe frontages and constructs the first 425 feet of Wall Street to provide a common access point to Hall Boulevard for the two developments. To ensure that the intersection project would be designed and constructed expeditiously, a separate contract of $202,022.00 was initiated with DeHaas & Associates for providing engineering and construction survey services for the project. The Library project contributed $568,000.00 for the Hall Boulevard Improvements and signalization of the Hall/Wall Intersection. Polygon Northwest, the developer for the Fanno Pointe Condominiums, agreed to pay the City $118,465.85 for the design and construction of Hall Boulevard in front of their development. The project was approved in the FY 2003-04 Capital Improvement Program using Traffic Impact Fee funding to supplement the contributions from the Library and Fanno Pointe.

Because of the requirements involving acquisition of wetland permits for construction of the first 425 feet of Wall Street, the project was further sub-divided into two phases to ensure timely construction of the Hall Boulevard improvements:

- Phase 1 – Hall Boulevard Improvements: This project was advertised for bids this summer and now is being constructed by Eagle Elsner, Inc. Construction of this phase has been substantially completed.
- Phase 2 – The first 425 feet of Wall Street: Construction of this phase requires wetland permits and sensitive lands permit. This phase is being designed.

Because of the need to meet the permitting requirement for phase 2 of the project and to perform additional services for both projects, a contract amendment is required to add the scope of services necessary to complete the design of the project. The requirement to obtain wetland permits for construction of Phase 2 is the one single major work item that causes the significant increase in the contract cost. The proposed amendment exceeds 20 percent of the contract amount which requires staff to bring the amendment to Council for approval. Council was informed by staff's memorandum dated November 13, 2003 (attached) of the amendment. This agenda item submits the amendment for formal Council approval. The following is a brief overview of additional services included in the proposed amendment:

- Obtain wetland permits: The regulatory agencies want to see wetland permits applied for the entire length of Wall Street. Included in this task are preparations of wetland permit application, alternative design analysis for nine different street alignments, Comprehensive Plan amendment to remove two existing man-made ponds, wetland site assessment and report, wetland mitigation plan, biological assessment and report, natural resource assessment and report, and public involvement.

  Because of the complexity of the requirements and the need to amend the Comprehensive Plan as part of the permit, the scope of services is increased in the amount of $99,807.00 for this task. DeHaas & Associates will be performing this work through Fishman & Associates, an environmental sub-consultant.

- Re-design the existing culvert on Hall Boulevard to allow for fish passage into Fanno Creek. The additional design was required by the Oregon Department of Fish and Wildlife after wetland permits for improvement of Hall Boulevard had been issued.

- Provide miscellaneous design and other services that include additional water quality facility for the Hall Boulevard drainage, retaining walls and right-of-way legal descriptions for Wall Street

alignments, two separate bid documents for Phase 1 and Phase 2 projects, and technical assistance for wetland permit application.

Upon Council's approval of the amendment on December 16, 2003, the total contract amount would be:

Original Contract	$ 202,022.00
Amendment No. 1	$ 177,410.00
Total Contract	**$ 379,432.00**

There may be additional contract amendments necessary as the Phase 2 project proceeds towards final design. For example, in order to have finals plans and specifications complete to construct the Phase 2 project in the summer of 2004, the consultant must begin the final design using the preferred alternative alignment as soon as possible. There is a risk factor that some issues in the environmental approval process could alter the design and incur re-design costs. Staff recommends that Council authorize any additional amendments which may become necessary as the project progresses, up to 20 percent of the amended contract amount, without further action by Council.

OTHER ALTERNATIVES CONSIDERED

Council does not approve the contract amendment.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Completion of the Hall Boulevard/Wall Street Intersection project that expands the capacity of Hall Boulevard and prohibits direct access onto Hall Boulevard, an arterial street, meets the Tigard Beyond Tomorrow Transportation and Traffic Goal of "Improve Traffic Flow and Safety."

ATTACHMENT LIST

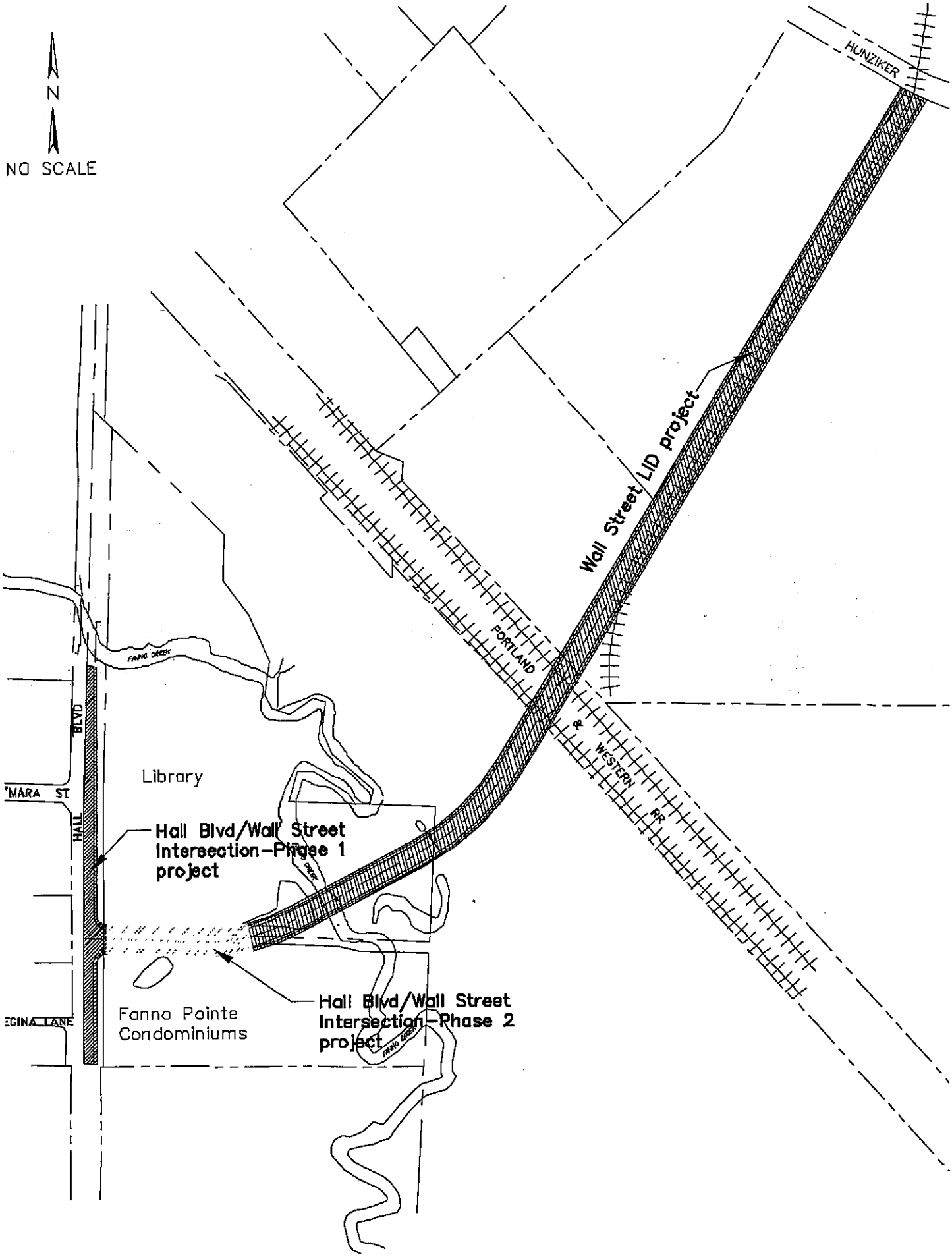
1. Map showing the project limits for the Wall Street LID project and the Phase 1 and Phase 2 Hall Boulevard/Wall Street Intersection projects.
2. Memorandum to Mayor, City Councilors and City Manager dated November 13, 2003.

FISCAL NOTES

The Library project contributed $568,000.00 and Polygon Northwest, the developer for the Fanno Pointe Condominiums, provided $118,465.85 for the design and construction of the Hall Boulevard and Wall Street Intersection project in FY 2003-04. The project was approved in the FY 2003-04 Capital Improvement Program using Traffic Impact Fee funding of $600,000.00 to supplement the contributions from the Library and Fanno Pointe for a total of $1,286,466. Project expenditures and available budget are summarized as follows:

FY 2003-04 budget	$1,286,466
Expenditures to date	– $302,300
Phase 1 construction contract balance	– $320,000
Phase 2 design contract balance	– $19,000
Remaining budget	**± $645,000**

The remaining budget of approximately $645,000 is sufficient to approve the proposed contract amendment of $177,410.00.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NO SCALE
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Wall Street LID project
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Library
Hall Blvd/Wall Street Intersection–Phase 1 project
Hall Blvd/Wall Street Intersection–Phase 2 project
EGINA LANE
Fanno Pointe Condominiums

CITY OF TIGARD
Engineering Department
Shaping A Better Community

MEMORANDUM

CITY OF TIGARD

13125 SW Hall Boulevard.
Tigard, OR 97223
Phone 503-639-4171
Fax: 503-624-0752

TO: Mayor and City Councilors
Bill Monahan, City Manager

FROM: Gus Duenas
City Engineer

DATE: November 13, 2003

SUBJECT: Contract Amendment for the Hall Boulevard/Wall Street Intersection Project

This is to inform you of a proposed contract amendment for the Hall Boulevard/Wall Street Intersection project. The amendment for formal Local Contract Review Board (LCRB) approval is scheduled for LCRB consideration on December 16, 2003.

In July 2002, the Engineering Department began an RFP (Request for Proposal) process to select a design consultant for the Wall Street LID (Local Improvement District) project. The design team led by DeHaas & Associates was selected to provide the required services. The intent of the RFP was to obtain a full range of engineering services for the engineering design, construction staking and construction management of the Wall Street LID Project. The streets included in the project are Hall Boulevard and its approaches to the Wall Street intersection, and Wall Street from its intersection with Hall Boulevard across Fanno Creek to its intersection with Hunziker Street. However, because we were not certain that building Wall Street in its entire length would be feasible, the initial contract with DeHaas & Associates consisted of preparation of a Conceptual Report at 35% design completion and a Preliminary Engineer's Report at 60% design completion. If City Council decided to form the district after the 60% design stage, the intent was to amend the original contract to include final design, construction staking, construction management and preparation of a Final Report.

As a condition of approval for the Library project, the City was required to provide half-street improvements along Hall Boulevard and construct a permanent access for the library. To provide joint access for the new Library and the Fanno Pointe Condominiums, the City determined that Hall Boulevard and a segment of Wall Street needed to be designed and constructed separate from the rest of the proposed LID. In the City Council meeting of May 13, 2003, Council approved a resolution amending the FY 2002-03 CIP Budget to separate the Hall Boulevard/Wall Street Intersection project

from the Wall Street LID project. Separation of the two projects provided the City an opportunity to complete the design of the Hall Boulevard/Wall Street intersection Project and expedite the construction schedule for the project. The rest of Wall Street would be designed to the 60% stage to complete the Preliminary Engineer's Report. Any additional design after that would be dependent upon formation on the LID to construct the improvements.

The intersection project widens Hall Boulevard along the Library and the Fanno Pointe frontages and constructs the first 425 feet of Wall Street to provide a common access point to Hall Boulevard for the two developments. To ensure that the intersection project would be designed and constructed expeditiously, a separate contract of $202,022.00 was initiated with DeHaas & Associates for providing engineering and construction survey services for the project. The Library project contributed $568,000.00 for the Hall Boulevard Improvements and signalization of the Hall/Wall Intersection. Polygon Northwest, the developer for the Fanno Pointe Condominiums, agreed to pay the City $118,465.85 for the design and construction of Hall Boulevard in front of their development. The project was approved in the FY 2003-04 Capital Improvement Program using Traffic Impact Fee funding to supplement the contributions from the Library and Fanno Pointe.

Because of the requirements involving acquisition of wetland permits for construction of the first 425 feet of Wall Street, the intersection project was further subdivided into two phases to ensure timely completion of the Hall Boulevard improvements.

- Phase 1 - Hall Boulevard improvements: This project was advertised for bids this summer and is now being constructed by Eagle Elsner. Construction of this phase has been substantially completed.
- Phase 2 - The first 425-feet of Wall Street: Construction of this phase requires wetland permits. This phase is currently being designed.

Because of the need to meet the permitting requirements, a contract amendment is required to add the scope of services necessary to obtain the permits for construction of approximately 425 feet of Wall Street. The regulatory agencies want to see the alignment of Wall Street in its entirety, including an alternatives analysis to show that it is appropriately located. In addition, construction of Wall Street requires a Comprehensive Plan amendment to remove two existing man-made ponds from the Comprehensive Plan. The City's objective is to complete 100% design of approximately 425 feet of Wall Street, obtain the necessary permits, amend the Comprehensive Plan to remove the two existing ponds, and construct that segment of Wall Street by late summer of 2004. This would allow the new Library and Fanno Pointe to connect to a street that provides joint access to both developments and intersects Hall Boulevard at one location. We are also working with Oregon Department of Transportation to approve signalization of the intersection to provide controlled access to the two developments.

The amendment to the contract includes the following:

- Re-design the existing culvert on Hall Boulevard to allow for fish passage into Fanno Creek. The additional design was required by the Oregon Department of Fish and Wildlife after wetland permits had been issued and the construction had been in progress.
- Obtain wetland permits for the project. The Corps of Engineers requires that the wetland permit application include the entire Wall Street alignment and the plan for mitigation of any wetland impacts. Because of the complexity of the requirements and the need to amend the Comprehensive Plan as part of the project, the original scope of services is increased in the

amount of $99,807 for this task. DeHaas & Associates will be performing this work through Fishman and Associates, an environmental subconsultant.

- Provide miscellaneous design and other services that include additional topographic survey along the existing railroad tracks, water quality facility for the Hall Boulevard drainage, retaining walls and right-of-way descriptions for Wall Street alignments, two separate bid documents for Phase 1 and Phase 2 projects, and technical assistance for the preparation of the wetland permit application.

The proposed amendment exceeds 20 percent of the contract amount which requires staff to bring the amendment to Council for approval. Upon Council's approval of the amendment on December 16, 2003, the total contract amount would be:

Original Contract	$ 202,022.00
Amendment No. 1	$ 177,410.00
Total Contract	**$ 379,432.00**

There may be additional contract amendments necessary as the Phase 2 project proceeds towards final design. For example, in order to have finals plans and specifications complete to construct the Phase 2 project in the summer of 2004, the consultant must begin the final design using the preferred alternative alignment as soon as possible. There is a risk factor that some issues in the environmental approval process could alter the design and incur re-design costs.

If you have any questions or need additional information regarding the proposed contract amendment, please let me know.

c: Vannie Nguyen, CIP Division Manager

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AGENDA ITEM # 3.4
FOR AGENDA OF December 16, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Approval of Library Policies and Procedures

PREPARED BY: Margaret Barnes DEPT HEAD OK CITY MGR OK

ISSUE BEFORE THE COUNCIL

Tigard City Council to approve policies and procedures for the Tigard Library as recommended by the Tigard Library Board.

STAFF RECOMMENDATION

Approve attached policies and procedures as recommended by the Tigard Library Board and as states in the Tigard Municipal Code, Section 2.36.040.

INFORMATION SUMMARY

The Tigard Library Board reviews pertinent policies and procedures annually that relate to the operation of the Tigard Public Library. As it states in the Tigard Municipal Code, Section 2.36.040 Board Responsibilities: To recommend library policies as deemed desirable in the operation and utilization of library facilities to the Council. The City Attorney has reviewed these documents and has no concerns or issues. The Library Board is forwarding the following polices and procedures to Council for their approval:

Collection Development Policy
Confidentiality of Library Records Policy
Internet Acceptable Use Policy
Library Bill of Rights
Library Borrowing Policy
Library Card Policy
Library Use Guidelines
Postings and Distribution of Materials Policy
The Freedom to Read
Tigard Public Library Exhibit and Display Policy
Tigard Public Library Public Computer Rules

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None.

ATTACHMENT LIST

A. Collection Development Policy
B. Confidentiality of Library Records Policy
C. Internet Acceptable Use Policy
D. Library Bill of Rights
E. Library Borrowing Policy
F. Library Card Policy
G. Library Use Guidelines
H. Postings and Distribution of Materials Policy
I. The Freedom to Read
J. Tigard Public Library Exhibit and Display Policy
K. Tigard Public Library Public Computer Rules

FISCAL NOTES

None.

Collection Development Policy

I. Mission Statement
II. Purpose of the Collection Development Policy
III. Responsibility for Collection Development
IV. Objectives of Collection Development
V. General criteria for selection
VI. Collection Maintenance
VI.I Gifts
VIII. Reconsideration of Library Materials
IX. Limits on the Collection
X. Policy Implementation, Evaluation and Revision

I. MISSION STATEMENT:

To provide a current, responsive collection of library materials to meet the needs and interests of the diverse and growing Tigard community.

II. PURPOSE OF THE COLLECTION DEVELOPMENT POLICY:

The purpose of this collection development policy is to establish the guidelines for the selection of materials in the Library's collection. Its intent is to develop the collection to reflect the needs and interests of a diverse community and to establish a plan for the selection of materials. Specific information regarding the library's collection and guidelines for acquisition of materials is contained in the Collection Development Procedures Manual.

III. RESPONSIBILITY FOR COLLECTION DEVELOPMENT:

The Library Board has the authority to determine the selection and acquisition policy. Final responsibility for selection of materials rests with the Library Director, who may delegate some or all of the selection to professional staff. Any staff member or citizen may submit suggestions for purchase of materials; professional staff will consider these suggestions on a regular basis according to the selection criteria.

IV. OBJECTIVES OF COLLECTION DEVELOPMENT:

The library will acquire, organize, make available and encourage the use of all media that:

- contributes constructively to the individual's awareness of self and community while providing insight into a wide range of human and social conditions and various cultural heritages
- encourages informational self education
- meets the informational and recreational needs of the entire community

- stimulates thoughtful participation in the affairs of the community, the state, the nation, and the world
- gives access to a variety of opinions on matters of current interest
- assists the individual to grow intellectually and culturally
- reflects minority opinions as well as those of the majority

V. GENERAL PRINCIPLES AND CRITERIA FOR SELECTION:

The library's collection is essentially a popular and informational one. It exists to serve the recreational, educational and self-help needs of the library's patrons. Multiple copies of titles may be purchased as determined by popular demand. The library will not attempt to create a research collection, but will select basic, representative works in most subject areas. Additionally, although an effort will be made to collect popular works by local authors, no attempt will be made to develop a comprehensive local author collection. Materials acquired will be selected on the basis of the following criteria:

1. Current and anticipated needs and interests of the public
2. Accuracy of content
3. Timeliness of information
4. Author's, artist's or publisher's qualifications and/or reputation
5. Evaluations in review media
6. Contribution to diversity or breadth of collections.
7. Presentation of unique or controversial points of view.
8. Receipt of or nomination for major awards or prizes
9. Quality of production

These selection standards also apply to materials received as gifts or donations.

The Tigard Public Library endorses the material selection principles contained in the following statements of principles adopted by the American Library Association:

A. The Library Bill of Rights
B. The Freedom to Read statement
C. The Freedom to View statement
D. Free Access to Libraries by Minors
E. Economic Barriers to Information Access

VI. COLLECTION MAINTENANCE:

Materials which are no longer useful in light of stated objectives of the library will be systematically withdrawn from the collection according to accepted professional practices.

Withdrawn items will be disposed of by one of the following means:

A. Gifts to other libraries
B. Book sales for Friends of the Library
C. Recycling
D. Discarding

VII. GIFTS:

The Library will accept monetary donations and gifts of material with the understanding that gifts of materials will be added to the collection only if they meet the same standards of value required of materials purchased by the Library. Gift materials not meeting those standards, i.e., those that are out of date, unneeded duplicates of items already owned, or those in a form unsuitable for library use, may be given to other organizations, sold, exchanged, or discarded. Ultimate responsibility for inclusion of materials in the library collection lies with the library director or his/her designated representative. Contributions of materials are deductible for income tax purposes to the extent allowed by law. Appraisal remains the responsibility of the donor.

When a monetary donation for materials is made, it will be determined whether the gift is designated for a certain item or general category. Patrons who provide donations to be used for acquiring materials are requested to permit library staff to select specific titles which may meet the wishes of the donor, satisfy selection criteria, and are appropriate for the general public.

VIII. RECONSIDERATION OF LIBRARY MATERIALS:

As the Library strives to provide books and other materials for the interest, information and enlightenment of all people in the community, there may be disagreements on the merit of various items. Therefore, the following procedures will apply in responding to complaints:

A. Recognizing that citizens have the right to question Library decisions, the Library staff will first try to determine the basis of the individual's request.

1. If the individual is seeking information about why the item has been selected, the matter will be handled informally by a professional librarian. Such a request is an opportunity to explain the mission of the Library and the guarantee of our freedom to read under the First Amendment to the U.S. Constitution.

2. If the individual objects to the material being available and wishes to have the material removed from the Library or relocated within the Library, then he or she will be furnished with the "Request for Reconsideration of Library Materials" Form, which must be filled out completely before the item will be reconsidered. The material

under question will remain in the active collection until a final decision is made.

B. A committee of three staff members, consisting of one staff member from Readers Services, the Manager of Readers Services and an additional Management group representative, will review the item in question to determine the Reconsideration Request form. This review will be initiated within 10 days of the receipt of the Reconsideration Request form. After their review, the Manager of Readers Services will communicate the response of the committee to the individual making the reconsideration request.

C. If the individual wishes to contest this committee's decision, a committee consisting of one member of the Tigard Library Board, one staff member from Reader's Services and one staff member from Library Administration will then consider the comments on the form and examine the item in question. The committee will seek reviews of the item in question and determine whether it conforms to the guidelines as stated in the Collection Development Procedures Manual. This review will be initiated within 10 days of receipt of the requestor's appeal for reconsideration of the item in question, and must be completed within 60 days. Based on the written recommendation of the committee, the Library Director will decide whether to retain, withdraw, restrict or relocate the material in question and will provide a written response giving the reasons for the decision.

D. If the individual inquiring wishes to contest the Library Director's decision, the Library Director will forward the "Request for Reconsideration of Library Materials" form to the Tigard Library Board as an agenda item for its next regularly scheduled meeting. The Library Director will also arrange for the questioner to be invited to attend the meeting. The Board will consider the requester's statement and the Library Director's recommendation. The Library Board will make its decision based on the policy as stated in the Collection Development Policy in the Tigard Public Library Policies and Procedures Manual and the Collection Development Procedures Manual.

E. If the questioner contests the Library Board's decision, the Library Director will forward the "Request for Reconsideration of Library Materials" form to the Tigard City Manager.

IX. LIMITS ON THE COLLECTION:

Due to various constraints of budget, space, limited audience and other limitations, the Library is not able to collect many of the following items:

A. Textbooks: Elementary through college, unless the title fills a specific need, and information on a particular subject is not otherwise available.

B. Microform formats: Exceptions include a limited number of local newspaper titles, the Tigard Times back file and locally produced Tigard-area genealogical information.

C. Government documents: Exceptions include the Tigard City Council proceedings, the Oregon Revised Statutes and similar items of high demand or importance.

D. In-depth research and/or retrospective works.

E. Foreign language: Except for items such as instructional materials and cassettes, texts, and dictionaries, which may be collected, and for materials filling the need of specific user groups within the Library community.

X. POLICY IMPLEMENTATION, EVALUATION AND REVISION:

The Library Director and the Library Board members will review the Tigard Public Library Collection Development Policy every other year beginning in fiscal year 2003-04.

APPENDICES:

A. Library Bill of Rights.
B. The Freedom to Read statement
C. Request for Library Material Reconsideration Form

Adopted by the Tigard Library Board November 13, 2003

Request for Reconsideration of Materials Form

Date_____

1. Name_____

Telephone_____

Address_____

2. Individual represents ____self _____organization

3. Title (please include author or call number if possible):_____

_____

_____

_____

_____

_____

4. What is your concern about this material? Please be specific: list pages or sections: _____

_____

_____

_____

_____

_____

5. Did you read, hear, or see the entire content? _____

6. Have you read any reviews of this material?

7. Have you had a chance to see the Tigard Public Library Collection Development Policy? _____

8. Do you have suggestions for materials to be included in the collection to provide other viewpoints? _____

_____

_____

_____

_____

_____

9. Additional comments: _____

_____

_____

_____

10. Your comments will be reviewed by library administrators and you will receive a written response. Please note: Your comments are public records, however, your name, address and phone number will be kept confidential.

Signature _____

Attachment B

Tigard Public Library
February 2003
Adopted by the Tigard Library Board March 6, 2003

CONFIDENTIALITY OF LIBRARY RECORDS POLICY

The Tigard Public Library recognizes that all library users, regardless of age, have the right to confidentiality and privacy with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.

User records of the Tigard Public Library showing 1) use of specific library materials consulted, borrowed, acquired or transmitted, by a named person; or 2) consisting of the name of a library patron together with the person's address or telephone number, or both, are conditionally exempt from disclosure. These records include, but are not limited to:

- Circulation records
- Borrower registration records
- Records created to facilitate access to and/or use of library information, materials and services.

Tigard Public Library reserves the right to use library records for administrative purposes, such as recovering overdue materials, payment for lost items, customer surveys and other administrative mailings. Circulation and registration records may be used only by a library employee working within the scope of his or her duties or by outside agencies charged with the enforcement of library rules and policies or collection of library property, unpaid fees, fines or other charges.

The Tigard Public Library recognizes that the disclosure of a person's record showing specific library use is an invasion of privacy. Circulation records will not be divulged voluntarily to anyone except the patron or someone who can produce the patron's library card number. User records will be provided pursuant to lawfully issued subpoenas or warrants issued by a court of competent jurisdiction. When a subpoena or warrant is served on the Library, the subpoena or warrant shall be delivered to the Library Director or designee, who shall guide the Library's response. The Library Director may consult with the City Attorney if served with a subpoena or warrant.

Rationale

Protecting the privacy and confidentiality of library users is a fundamental library value.

Oregon State Law recognizes the Tigard Public Library as a public body subject to the Public Records Law. However, ORS 192.502.22 provides the following exemption from disclosure of library public records:

"The records of a library, including circulation records, showing use of a specific library material by a named person or consisting of the name of a library patron together with the address or telephone number, or both, of the patron."

This law allows the library to set policies to protect library circulation and registrations records from disclosure. In setting these policies, the library tries to strike a balance between the privacy of the user and convenience for that same user.

Adopted by the Tigard Library Board March 6, 2003.

Tigard Public Library
Adopted by the Library Board July 12, 2001

INTERNET ACCEPTABLE USE POLICY

The Tigard Public Library offers public Internet access as part of its mission to provide resources that reflect the great diversity of interests and opinions in our community.

Internet use will be managed in a manner consistent with the Library Use Guidelines, which are posted in the Library. Failure to use the Internet stations appropriately and responsibly may result in revocation of Internet use privileges, Library privileges and/or criminal prosecution.

As with other library resources, providing access to electronic information does not imply sponsorship nor endorsement by the Library. The Library does not monitor and has no control over the information viewed through the Internet and cannot be responsible for its content. Users are encouraged to take advantage of the Internet and to exercise good judgment and discretion. The Internet offers access to many valuable sources of information, but not all sites are accurate, complete, or current. There are many sites that carry information that you may think controversial or inappropriate. It is left to each user to choose what is individually appropriate and, as with other Library materials, parents or legal guardians are responsible for their minor children's use of the Internet.

Privacy Protection:

Users should be aware that it is their responsibility to protect their privacy while using the Internet. Interactions involving personal information such as credit card numbers, home address and phone, etc. should be used with caution. Tigard Library and the City of Tigard are not responsible for sensitive or personal information transferred via the Internet on Library computers.

Adopted by the Tigard Public Library Board July 12, 2001

Attachment D

Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background or views.

VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 18, 1948.
Amended February 2, 1961, and January 23, 1980,
inclusion of "age" reaffirmed January 23, 1996,
by the ALA Council.

Endorsed and reaffirmed by the Tigard Library Board, October 9, 2003

Library Borrowing Policy

Borrowing periods, limits, renewals and reserves

Borrowers must have a valid library card to check out materials. (A driver's license or other appropriate identification may be used on occasion if the card is forgotten, but should not be used as a permanent substitute for the actual library card.)

In order to provide for the efficient and equitable circulation of materials, the library sets the policies regarding length of loan for various materials; limits on the number of items that can be borrowed; renewals and reserves.

a. Equipment disclaimer

The library assumes no responsibility for damage caused to a borrower's audiovisual or computer equipment.

b. Length of loan

The Tigard Public Library sets the borrowing period for all materials borrowed and reserves the right to set limited loan periods for particular types of material. Tigard Library will honor borrowing periods set by other loaning libraries.

c. Limits

Limits may be placed on the number of items checked out per patron in order to give access to library materials to a greater number of patrons.

d. Renewals

Items may be renewed for up to two (2) renewal periods. Items that are on a waiting list for other patrons may not be renewed. Items may be renewed through the online catalog, by presenting them at the circulation desk, or by phone. Items long overdue are set to lost status and may not be renewed.

e. Holds (Reserves)

Patrons may have up to 50 hold requests. Tigard Public Library allows most circulating materials to be placed on reserve.

IV. Fines, fees and replacement charges

Library material is loaned without charge for a defined loan period. Material retained past the loan period is subject to overdue fines. Tigard Public Library charges overdue fines in order to encourage library users to return materials for use by other patrons. Patrons are charged fines for material that is overdue,

beginning the first day after the due date. Fines are not charged for days that the library is closed.

The charge for lost or damaged material is the replacement cost of the item plus the processing charge. The processing charge is intended to help offset the labor and materials cost involved with processing a replacement item.

Charges are not assessed for minor damage or general wear and tear. Charges will be assessed for damage beyond normal use and that is obviously the patron's responsibility. This includes items that are marked, cut, wet, moldy, scribbled on, chewed, melted, have foreign materials on them, or missing parts that affect the use of the item.

Items that are damaged and need to be withdrawn from use will be charged the full price plus processing charges. Items that are damaged in a way that will shorten the useful life of the item but that can still be used will be charged up to one-half the price of the item.

Patron account charges must be paid within one year of assessment and remain below $5.00 total in order to remain in good standing. Borrowing privileges for accounts that are not in good standing will be suspended until the charges are paid. Patron accounts with at least $25 in fines or lost material charges may be turned over to a collection agency 49 days after the due date. Accounts referred to a collection agency will be assessed an additional fee to cover the agency cost.

Tigard Library charges overdue fines and processing fees according to the fine structure of Washington County Cooperative Library Services (WCCLS). These charges are detailed in *Borrowers Schedule of Charges.*

Library Card Policy

Registration for Library Card

Library cards are available free of charge to all citizens of Washington, Multnomah, Clackamas, Hood River, Clark, Klickitat and Skamania Counties who can provide proof of current residency. Applicant must be present to receive a card. All patrons registering for a Washington County Library card must show acceptable, current printed verification of name and street address of residence. If a single piece of identification does not meet the criteria, a second piece of identification may be used to furnish the needed information.

Acceptable I.D. for adults 18 or over will be:
Preferred:
♦Driver's License, State I.D. Card or picture I.D. with current address.

If the current address is not on the preferred identification, the following additional identification is accepted as proof of address:

- ♦Dated utility bill or rent receipt
- ♦Canceled envelope addressed to applicant with a current postmark
- ♦Voter's registration card
- ♦Automobile registration

Acceptable I.D. for youths under 18 will be:
♦Any of the above in their name or the name of their parent/legal guardian (this does not include babysitters, nannies day-care providers or grandparents).
♦Evidence that youth is enrolled in the Tigard/Tualatin School District * including:

- A valid I.D. or Student Body Card
- Dated Report Card
- Obtaining card during school visit (ask Staff person for details)

Parent(s) or guardian(s) of all youths under age 18 will receive a letter outlining guidelines for library use.

There is a charge for replacement cards. (Same Identification requirements apply). Those individuals not eligible for a free library card may obtain a card for yearly nonresident fee.

Borrower's responsibility

Patrons enter into an agreement with the Library when they obtain their library card. The library card states that "I accept full responsibility for the use of this card. I will give immediate notice of loss of card or change of address." The signature of the cardholder signifies acceptance of this responsibility.

The Library requires patrons to present their cards, appropriate identification, or library card number with verification of address or phone number before checking

out materials. Unless reported as lost or stolen, it is implied that a person possessing a library card has permission from the owner for use. Cardholders are responsible for notifying the Library when their card is lost or stolen. Patrons are responsible for all charges until their card is reported lost, including items checked out on the card prior to reporting it lost.

To avoid referral of the account to collections and to be considered for a waiver of fees, cardholders must immediately file a police report of theft and unauthorized use. They must then submit a copy of this report to a Library Circulation Supervisor to avoid referral of the account for collection.

Patrons who have lost their card may be issued a new one. Printed verification of name and address of residence is required. Picture identification is the preferred verification.

Retrieval of lost items is the library's priority. Replacement charges will be removed for lost items returned in good condition within a reasonable amount of time. Overdue charges will remain.

Attachment G

Tigard Public Library
Adopted by the Tigard Library Board December 4, 2003

LIBRARY USE GUIDELINES

The Tigard Public Library expects patrons of all ages to exercise social responsibility in the use of the library. Appropriate behavior ensures that all customers are able to use the public library for their information, education and entertainment needs. Please be considerate of others as you use this library and observe the following guidelines:

- Treat other patrons and staff with courtesy and respect.
- Quiet conversation, please. Prolonged conversations, in person or by phone, are allowed only in the study rooms, lobby or any other areas specifically designated for such use.
- Children 10 years or younger shall not be left unattended by their responsible adult guardian (ORS 163.545).
- Respect furnishings and equipment by using them appropriately.
- Respect other users' privacy.
- Beverages with lids are allowed in the Library Lobby and areas of the Library where tables are available. At no time will beverages be allowed in or near the book stacks or computer areas. Food consumption is allowed in the lobby. Food consumption may be allowed in other areas during Library-sponsored events.
- Please use personal audio devices with headphones on low volume.
- Please park bicycles, skateboards, etc., outside.
- Patrons bringing cell phones or paging devices into the library must set them to the silent or vibrating mode. Use of cell phones in the library is permitted if the use is not loud.

Library staff members are required to speak to those who may need a reminder of these guidelines. Our goal is to help everyone have an enjoyable, successful library visit.

Persons who violate certain provisions of State or local laws while on library premises may be excluded from the premises, and/or have their library privileges revoked for up to 90 days.

Adopted by the Tigard Library Board December 4, 2003

Tigard Public Library
Adopted by the Library Board January 17, 2002

POSTINGS AND DISTRIBUTION OF MATERIALS POLICY

The Library will post and display for distribution information concerning activities in the community and public announcements of general interest to the community as space permits and according to the following guidelines:

- Nothing may be posted, displayed or removed except by permission of authorized library staff. Postings and materials for display must be submitted to the Staff Contact Person for consideration. Items will remain posted at the discretion of the staff and subject to limitations of space.

- The only postings permitted on the entrance doors are those that provide information about the library.

- Posters are limited to a maximum size of 14" x 17".

- Advertising by private commercial enterprises or commercial notices will not be accepted. Posters or notices with price charges for lectures, concerts, or other cultural or educational events may be accepted at the library staff's discretion. Lost and found ads, want ads, and other notices of a "classified" nature will not be accepted.

- No political postings or materials for distribution that solicit a vote for or against a particular candidate or issue will be accepted. Materials of a non-partisan nature that educate the public are permitted.

- Announcements of group religious activities may be accepted, but not those of individual congregations or churches.

- Persons are strictly forbidden from distributing literature, circulating or posting petitions, or soliciting funds in the library building.

- Rejections of materials for posting or display may be appealed to the Tigard Library Board.

- Posting or display of materials does not imply endorsement by the library.

Adopted by the Tigard Public Library Board January 17, 2002

Attachment I

The Freedom to Read

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to avoid the subversion of politics and the corruption of morals. We, as citizens devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary citizen, by exercising critical judgment, will accept the good and reject the bad. The censors, public and private, assume that they should determine what is good and what is bad for their fellow citizens.

We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they need the help of censors to assist them in this task. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy.

Such pressure toward conformity is perhaps natural to a time of accelerated change. Any yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings. The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox or unpopular with the majority.*

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. *Publishers, librarians and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral or aesthetic views as a standard for determining what should be published or circulated.*

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. *It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.*

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. *There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.*

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. *It is not in the public interest to force a reader to accept with any expression the prejudgment of a label characterizing it or its author as subversive or dangerous.*

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for the citizen. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. *It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large.*

It is inevitable in the give and take of the democratic process that the political, the moral or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive.

7. *It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.*

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principle means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all citizens that fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953; revised January 28, 1972, January 16, 1991, July 12, 2000, by the ALA Council and the AAP Freedom to Read Committee.

A Joint Statement by: American Library Association
Association of American Publishers

Subsequently Endorsed by:

American Association of University Professors
American Booksellers Foundation for Free Expression
American Society of Journalists and Authors
The American Society of Newspaper Editors
Anti-Defamation League of B'nai B'rith
Association of American University Presses
Center for Democracy & Technology
The Children's Book Council
The Electronic Frontier Foundation
Feminists for Free Expression
Freedom to Read Foundation
International Reading Association
The Media Institute
National Coalition Against Censorship
National PTA

Parents, Families and Friends of Lesbians and Gays
People for the American Way
Student Press Law Center
The Thomas Jefferson Center for the Protection of Free Expression

Endorsed and reaffirmed by the Tigard Library Board, October 9, 2003

Attachment J

Tigard Public Library Exhibit and Display Policy

The Tigard Public Library welcomes exhibits and displays. Exhibits and displays in the Library offer a means for public expression by individuals and groups in the community as well as enrich the Library by allowing it to serve in a community forum role. The purpose of this policy is to provide fair and consistent standards for the use of exhibit areas in the Library, thus ensuring appropriate use of these spaces in a manner that is consistent with the library's other service objectives. The Library welcomes the use of the display areas by the public, with priority given to the residents of Tigard in cases of date conflicts.

The Tigard Public Library is committed to following guidelines for display set out in the Library Bill of Rights written by the American Library Association. In particular, Article I of the Library Bill of Rights states, "Materials should not be excluded because of the origin, background, or views of those contributing to their creation." Article 11 of the Library Bill of Rights states, "Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Article IV maintains that exhibit space should be made available "on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use."

I. Display Policy and Purpose

A. The Library functions as an intellectual and cultural resource for the community. Displays are a means through which the public can visually share experiences, appreciate special interests, and exchange information.

B. When not being used to promote library-related or City of Tigard activities or services, display and exhibit spaces are available to community groups engaged in educational, cultural, intellectual or charitable activities and will be provided on an equitable basis to any such group which goes through the application process. The library reserves the right to designate and limit space, size, and location of displays or exhibits.

C. Exhibit areas are accessible on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use. Those who object to or disagree with the content of any exhibit are entitled to submit their own exhibit, which will be judged according to the policies established by the Library.

D. The Library will not act as an agent for the exhibitor. Artists are encouraged to post a statement about their work, but price tags or the posting of price lists are not permitted.

E. In general, the library does not accept commercial notices for any group unless they have a special educational, informational, or cultural value to the community. The library does not accept any materials being offered for sale to the public unless the proceeds are intended to directly benefit the library.

F. Display areas include but are not limited to:
   1. Puett Room
   2. Wall Space above large print books
   3. Display Case

No exhibits may be mounted by the public outside of the exhibit area defined in this policy, as they may interfere with other library operations and public safety, and present a cluttered appearance. For example, no exhibits or displays may be mounted from columns or from the ceiling.

II. Display Guidelines
   A. Displays are accepted at the sole discretion of the Staff Contact Person and/or the Library Director. They should be designed as expressions of culture, have educational value, and promote the use of the Library.
   B. The Library has the right to review the materials before the exhibit is set up. The library will not accept displays, exhibits, posters, etc. which are judged either illegal, offensive or inappropriate for a public library setting (i.e. one that is free and open to persons of all ages). The decision of the Library Director may be appealed to the Tigard Library Board. The decision of the Library Board may be appealed to the City Council.
   C. Displays and exhibits will be accepted as long as they do not interfere with the daily conduct of library business and as long as it is made clear that the library does not necessarily endorse their contents or points of view. Displays and exhibits will be approved and scheduled as space permits. The sponsoring group or individual is responsible for creating the display, setting it up according to schedule, and removing it before the next scheduled display or exhibit.
   D. The fact that an organization or person is permitted the use of a Library exhibit area does not in any way constitute an endorsement by the Library of their policies or beliefs and no claim to that effect may be used in advertising.

Tigard Public Library Exhibit and Display Procedures

I. Display Procedures

A. Persons interested in using a display space at the Tigard Public Library first need to fill out a "Display Application". This form can be picked up in the library lobby, at the circulation desk or found on the Library WEB site. A copy of the library's policy will accompany the application for applicant's perusal.

B. Displays will be for a proscribed time with the owner supervising installation and removal.

C. The City of Tigard (Library) will not be responsible for any damage or theft that may occur during exhibitor transport, setup or removal of exhibit.

D. Limited exhibit space should be taken into consideration when making application to display works of art and craft.

E. The Library has one illuminated, lockable glass display case. The dimensions of the display area are 3 feet wide x 3 feet deep x 2 feet high. Exhibitors wishing to use this case must contact Circulation Desk staff to obtain a key to unlock the cases. Exhibitors are responsible for locking the case after installation and dismantling, and returning the keys to the Circulation Desk staff. These cases have proven to be ideal for the display of collectible items, jewelry, and pottery.

F. All exhibit scheduling is coordinated by the Display Coordinator. Library exhibit areas are available to the public on a first come, first served basis, and are available to individuals and groups if the Library has not previously scheduled the use of those exhibit spaces. Library sponsored exhibits and displays will have priority.

G. It is not the intent of the Library to provide permanent or continuous exhibit space to a specific individual or group. Up to two exhibits may be scheduled at one time.

H. Reservations for exhibit areas may be made up to three months in advance.

I. Exhibits normally are scheduled on a one month basis, from the first day to the last day of each month.

J. Exhibit areas will be available only if a reservation application is made in advance. Applications must be made in writing using the Library's Exhibit Area Reservation Application. The Exhibit Area Reservation Application may be obtained from the Library Lobby, the Circulation Desk or from the Tigard Library WEB site. Completed application forms may be returned to the Circulation desk.

K. Displays must conform to the space restrictions of the assigned areas and be securely affixed to display surfaces.

II. Installation and Removal of Exhibits

A. Responsibility for setting up and dismantling exhibits lies with the exhibitor. The exhibitor will supply all tools and other materials needed for the exhibit.

B. Exhibitors are asked to be respectful of the multipurpose community use of the Library; thus conversations and noise should be kept to a minimum. Exhibits are to be installed with all deliberate speed. Entrances and aisles may not be obstructed.

C. Exhibitors may not move any existing exhibit or library materials during the installation of their exhibit.

D. Individuals or groups using the Library's exhibit spaces may not install their work prior to the date on which their space reservation begins. They may not mount their artwork in a manner that defaces the space provided. The gallery walls are designed so that two-dimensional exhibit pieces may be hung from metal mounts. Such works may also be attached to the wall surfaces using push pins.

E. Damages to the premises, equipment, or furnishings as a result of exhibitor use will be charged to the individual or group responsible. The exhibitor or organization and its members, jointly and severally, assume and shall bear full responsibility for loss of, or injury or damage to, any property of the Tigard Public Library as shall be caused or inflicted by the using individual or organization.

F. Groups and individuals using the exhibit areas are responsible for basic clean up and returning the space to order.

G. It is appropriate for exhibit owners to visit the exhibit space in the Library periodically during the time it is on display to assure that no portions of the exhibit have fallen to the floor or have otherwise become unkempt.

H. Each exhibitor will supply and display descriptive information to describe the purpose, title, and ownership of the exhibit.

I. All displays shall be set up and removed on the assigned dates with supervision by the Display Coordinator.

J. The Library does not have space for storage of the property of exhibitors in the Library building; therefore, artists are asked to deliver and pick up art work according to the dates established in advance. Insurance covering the value of the exhibit will be the responsibility of the displaying artist. The artist will sign a disclaimer releasing the Library from all responsibility prior to the display of the works. See attached Display Agreement.

III. Responsibility for Loss or Damage

A. Each approved exhibitor will supply a complete inventory of the exhibit and the reasonable estimated value of each item.

B. Items on display in the library enjoy the same security as the library collection and equipment; the glass display cases are locked, but irreplaceable items or items of great value should not be included in a display.

IV. Cancellation of Exhibits

The Library Director and Library Board reserve the right to cancel any exhibit should conditions or situations, such as a unique exhibit opportunity or unforeseen need, warrant such action. If an exhibit is canceled, the exhibitor will have the right to display their exhibit again, for the full duration of the exhibit time originally scheduled, at the earliest convenience of the exhibitor and the Library.

Adopted by the Tigard Library Board January 17, 2002

Tigard Public Library Public Computer Rules

Posted - November 18, 2003

To enable the largest number of people to obtain the maximum benefit from these information facilities, certain rules are in effect. The Tigard Public Library reserves the right to modify these rules at any time. Rule changes will be posted.

1. Public computer users are expected to have a basic knowledge of how to operate a computer. Library staff can only provide limited assistance.

2. Use of the public computer workstations is limited to one hour per day per patron, in order to provide equitable access for all of our patrons. Patrons need a Washington County Library Card in order to log on to the public computer stations. Visitors who are not eligible for a Washington County Library Card may use the public computer stations by registering with the Library as a guest.

3. The Library is not responsible for damage to users' disks or computers or for any loss of data, damage or liability that may occur from use of the Library's computers.

4. Patrons are expected to be mindful and respectful of the rights of other patrons and to respect staff, library rules and library equipment.

5. The settings on each computer are fixed for general use. Please do not attempt to alter any computer settings. Individuals who tamper with these settings will be asked to leave the computer area.

6. Internet access is open to patrons of all ages. The Library cannot control the Internet and cannot be held responsible for its content. Parents are responsible for their child's access to the Internet; children 10 years or younger must be accompanied by a parent or guardian (ORS 163.545). Any restriction of a child's or young adult's access to the Internet is the responsibility of the parent or guardian. Selected terminals utilize Internet filters that block some Internet sites.

7. Tigard Public Library provides access to a printer from the public computer workstations. Copies are 10 cents per sheet. Please keep in mind that information printed from a public computer workstation is not private and can be viewed by other patrons and staff.

8. Unacceptable behavior that may result in the loss of public computer privileges include:

   - Internet access for purposes which violate U.S., state or local laws;

   - Making unauthorized copies of copyrighted or licensed software or data;

- Tampering with the settings of any computer;
- Using another person's library card number to log onto a public computer for the purpose of avoiding the one hour limit on computer use.

Any person who refuses to comply with these directions will be asked to leave the Library premises. Law enforcement officials may be called to enforce compliance with such a request.

Adopted by the Tigard Library Board November 13, 2003

AGENDA ITEM # 4
FOR AGENDA OF December 16, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Continuation of Public Hearing for the Bull Mountain Annexation Plan (Zone Change Annexation (ZCA) 2003-00003/Zone Change Annexation (ZCA) 2003-00004/Zone Change Annexation (ZCA) 2003-00005/Zone Change Annexation (ZCA) 2003-00006)

PREPARED BY: Jim Hendryx DEPT HEAD OK CITY MGR OK

ISSUE BEFORE THE COUNCIL

Continuation of the December 2, 2003 public hearing for the Bull Mountain Annexation Plan. Council can accept the Annexation Plan and place it on a March 9, 2004 or subsequent ballot; take no action at this time, form sub-committees to address specific issues and defer action until Summer 2004, with a possible election date in November, 2004; or deny the Plan.

STAFF RECOMMENDATION

Council consider one of the above alternatives for *The Bull Mountain Annexation Plan* (Zone Change Annexation (ZCA) 2003-00003/Zone Change Annexation (ZCA) 2003-00004/Zone Change Annexation (ZCA) 2003-00005/Zone Change Annexation (ZCA) 2003-00006).

INFORMATION SUMMARY

The Public Hearing for the Bull Mountain Annexation Plan was opened on December 2, 2003. The meeting was continued to December 16, 2003. Verbal testimony was closed at the end of the meeting on December 2nd. Written testimony will be accepted until noon, on Thursday, December 11th. The Council Meeting Recap and Staff Assignments for the meeting of December 2, 2003, is attached (Attachment 3). Pages 3-7 illustrate the series of comments made by citizens during the public hearing as well as Council direction.

The City of Tigard is proposing to annex 1,378 acres of Washington County known as Bull Mountain through the annexation plan process. State law ORS 195.205 allows the City to annex territory within an urban growth boundary (UGB) pursuant to a detailed annexation plan, subject to voter approval. If the Tigard City Council approves *The Bull Mountain Annexation Plan*, it could place the proposal on the March 9th 2004 ballot or subsequent ballot.

The Bull Mountain Annexation Plan proposal states that the City of Tigard can serve the Bull Mountain area without a significant reduction in service to Tigard residents. Due to size, the proposal divides the area into four subareas: East (276.95 acres), South (492.18 acres), North (357.35 acres), and West (251.23). To allow time to hire additional staff, acquire equipment, and maintain current service standards to City residents, the Plan proposes a three-phase approach:

Phase 1: East, 2004; Phase 2: South, 2005; Phase 3: North and West, 2006.

Although there are other methods of annexation, the City chose the annexation plan method because it requires the creation of a long-term annexation strategy. The Tigard Urban Service Agreement names the City of Tigard as the ultimate service provider for the Plan Area, for most services. Without annexation, the City has limited ability to plan for, provide for, and manage growth outside its City limits to ensure that efficient and effective public facilities and services are available when needed. The TUSA contains a provision that the City shall endeavor to annex the Bull Mountain area in the near to mid-term (3 to 5 years). Lastly, if *The Bull Mountain Annexation Plan* is approved by the Council, ORS195.205 allows both the territory to be annexed and the annexing city to vote on the annexation plan proposal.

OTHER ALTERNATIVES CONSIDERED

N/A – alternatives given above.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Growth Management Goal #2, Urban services are provided to all citizens within Tigard's urban growth boundary and recipients of services pay their share.

ATTACHMENT LIST

(Note: Attachments to the Agenda Item Summary prepared for this item for December 2, 2003, will be resubmitted to the City Council members in their electronic packets.) Please refer to the December 2, 2003, packet to view Attachments 1 and 2:

Attachment 1: Resolution
- Exhibit A: The Bull Mountain Annexation Plan, September 2003
  - Appendix B: Fiscal Analysis Update
  - Appendix C: Tax Rate Table
  - Appendix D: Tigard Urban Service Agreement, November 26, 2002
  - Appendix E: Evaluation Criteria from 2003 Assessment Report
  - Technical Document B: Facilities and Public Services Assessment Report for the Bull Mountain Area, 2003 and The Bull Mountain Annexation Study, 2001 (including Appendix D, 2001 Tax Rate Table, and Appendix F, Question and Answer Packet)
- Exhibit B: Staff Report

Attachment 2: Bull Mountain Annexation Plan Comment Log, through 11/18/03

Attachment 3: Council Meeting Recap and Staff Assignments, Meeting of 12/02/03

FISCAL NOTES

The Bull Mountain Annexation Plan proposes to annex approximately 1,378 acres of land into the City of Tigard with an assessed value of $605,857,310 (North: $193,411,910; East: $52,016,420; South: $251,261,770; West: $109,167,210). The plan proposes a three-phased annexation, employing the following sequence: East, 2004; South, 2005; North and West, 2006.

CITY OF TIGARD, OREGON
RESOLUTION NO. 03-

A RESOLUTION AND FINAL ORDER APPROVING THE BULL MOUNTAIN ANNEXATION PLAN ZONE CHANGE ANNEXATION (ZCA) 2003-00003/ZONE CHANGE ANNEXATION (ZCA) 2003-00004/ZONE CHANGE ANNEXATION (ZCA) 2003-00005/ZONE CHANGE ANNEXATION (ZCA) 2003-00006, ADOPTING FINDINGS.

WHEREAS, City staff has drafted a Bull Mountain Annexation Plan authorizing a possible approach to annexation of the Bull Mountain area to the City of Tigard; and

WHEREAS, the Bull Mountain Annexation Plan would add 1,378 acres, including approximately 7,600 residents living in 2,600 homes, from an area of unincorporated Washington County known as Bull Mountain to the Tigard City limits; and

WHEREAS, Bull Mountain is located within the Metro Urban Growth Boundary; and

WHEREAS, urban services to the Bull Mountain area will be provided according to the Tigard Urban Services Agreement; and

WHEREAS, the Annexation Plan states that the City of Tigard can serve the Bull Mountain area without a significant reduction in City service to Tigard residents; and

WHEREAS, while there are other methods for annexation, the annexation plan method was chosen because it requires the creation of a long-term annexation strategy; and

WHEREAS, because of the large land area involved, the Annexation Plan divides the area into four subareas (East, South, North and West) based on development patterns, topography and major roads; and

WHEREAS, the Annexation Plan calls for a three-phase annexation, in 2004 (East Subarea), 2005 (South Subarea) and 2006 (North and West Subareas); and

WHEREAS, the City Council held a public hearing on the Bull Mountain Annexation Plan on December 2, 2003, and

WHEREAS, the City Council has reviewed the testimony, submittals, and staff report on this matter; and

WHEREAS, the City Council concludes that the proposed Annexation Plan would be in compliance with all applicable review criteria in the Oregon Revised Statutes, Metro Code and the Tigard Community Development Code, as described in the Staff Report; and

WHEREAS, the Bull Mountain Annexation Plan would be subject to general voter approval at a later time,

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Tigard City Council approves applications ZCA2003-00003/ZCA2003-00004/ZCA2003-00005/ZCA2003-00006 – Bull Mountain Annexation Plan, attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 2: The Tigard City Council adopts the findings stated in the Staff Report to the City Council, attached hereto as Exhibit B and incorporated herein by this reference. The Council further adopts the findings stated in the above-referenced Exhibit A.

SECTION 3: This resolution is effective when notice of the decision is mailed.

PASSED: This _____ day of _____, 2003.

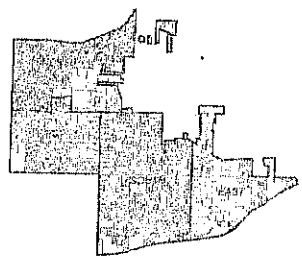
_____
Council President - City of Tigard

ATTEST:

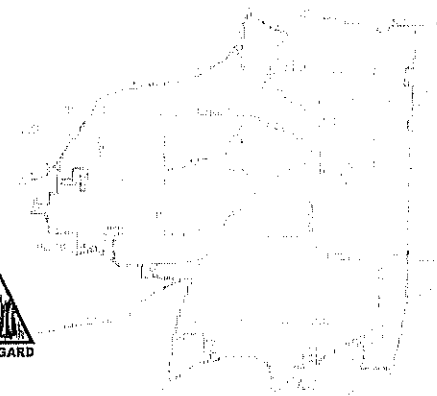
_____
City Recorder - City of Tigard

EXHIBIT "A"

THE BULL MOUNTAIN ANNEXATION PLAN



CITY OF TIGARD



A STEP TOWARD COMPLETING OUR COMMUNITY

CITY OF TIGARD
NOV. 17, 2003

THE BULL MOUNTAIN ANNEXATION PLAN

NOVEMBER 2003

PRODUCED BY:
THE CITY OF TIGARD
IN COLLABORATION WITH WASHINGTON COUNTY

CITY OF TIGARD
13125 SW HALL BLVD.
TIGARD, OR 97223
503/639-4171

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TECHNICAL DOCUMENT B (AVAILABLE SEPARATELY)

- Draft *Facilities and Public Services Assessment Report for the Bull Mountain Area*, 2003.
- *The Bull Mountain Annexation Study*, 2001.

EXECUTIVE SUMMARY

Twenty years ago, Washington County and the City of Tigard laid the groundwork for bringing Bull Mountain into Tigard's city limits (annexation). Although cattle and farms shared the mountain at that time, the County and City recognized that the area's inclusion within the Urban Growth Boundary would eventually lead to urban development. State land-use planning goals require the UGB to contain a 20-year supply of land, and, when conditions warrant, lands within the boundary must be available for urban uses. Washington County and Bull Mountain residents developed the 1983 Bull Mountain Community Plan, which assigned urban densities to the area but did not provide for all urban services.

However, statewide planning Goal 14 directs local governments to have a plan in place to allow for an orderly and efficient transition from rural to urban uses. In 1983, the County and City signed the Urban Planning Area Agreement (UPAA). The UPAA established Bull Mountain as part of the City's planning area and paved the way for the County and City to jointly serve the area. At the same time, the City's long-term vision for land-use and development in Tigard (the Comprehensive Plan) encouraged the annexation of all unincorporated areas. The City acknowledged that it should provide urban services to its own citizens - once areas require urban services, residents should receive all the benefits of citizenship, including representation.

Today, Bull Mountain has grown beyond its rural roots, and become an urbanized area with streets, sidewalks, and urban service needs. Farms have been largely replaced by subdivisions built at the same densities as adjacent Tigard neighborhoods. Urban areas need urban service providers – and cities, not counties, are best equipped to provide urban services. Over time, the needs of an urban area will outpace a non-urban provider's service capabilities.

There are approximately 7,600 residents living in 2,600 homes on the mountain's 1,378 unincorporated acres. Development of the remaining land to existing zoning standards would raise the overall population to just under 10,000. This additional growth will require additional facilities and services. Without annexation, the City has limited ability to plan for, provide for, and manage growth outside its City limits to ensure that efficient and effective public facilities and services are available when needed. Annexation would allow the City to plan for growth on Bull Mountain with an updated comprehensive plan for the entire community.

The Tigard City Council established a goal in 2001 to develop an annexation policy/strategy for unincorporated areas. From 2001-2003, the City has thoroughly examined annexation and urban service issues for Bull Mountain. *The Bull Mountain Annexation Plan* builds upon these efforts and proposes an annexation strategy. It addresses the how, when, where and who of annexation. State law created the annexation plan process as a growth management tool for jurisdictions: the plan must address criteria related to urban service provision to the Plan Area, and is a pre-requisite for an annexation vote by the annexing city and Plan Area.

Recommendation

Using existing service agreements among agencies, cost-benefit analyses, and the 2003 *Public Facilities and Services Assessment Report for the Bull Mountain Area* recommendations, the plan addresses all criteria set forth by state law ORS195: the provision (how and when) of urban services, annexation's impact on existing providers, the timing and sequence of annexation, and the plan's long-term benefits. The plan also follows Tigard Comprehensive Plan policies, which require a review to determine that services can be provided to the annexed area and their provision will not significantly reduce service levels to the City of Tigard. Based on these criteria and previous research, the plan provides a proposal for transferring services and households to Tigard in an organized and efficient manner.

In order to provide City service standards to annexed residents and maintain standards to current residents, the Tigard City Council directed staff on November 4, 2003, to finalize the annexation plan with a three-phase approach. The plan proposes to annex Bull Mountain using the following sequence and timing:

Phase 1 –2004. Annex East. Brings in the area that is closest in proximity to the City and the least developed, and with the least service needs. Maximizes potential financial contributions by new development toward capital improvements.

Phase 2 –2005. Annex South. Next logical area due to location. Provides a connection to Urban Growth Boundary (UGB) expansion site 63. Annexing second allows additional acquisition time for equipment and staff.

Phase 3 – 2006. Annex North and West. Allows the City to develop its parkland and makes a connection to Urban Growth Boundary (UGB) expansion site 64.

It must be noted that individual annexations will occur in the Plan Area with or without an annexation plan. Currently, annexations occur at the owner's request, resulting in a piecemeal approach to incorporation. In contrast, *The Bull Mountain Annexation Plan* provides a comprehensive strategy for annexation. Long-term planning offers long-term benefits, including certainty of future incorporation, enhanced efficiency, and quantified costs and benefits – which provide certainty to Tigard residents that annexation will not impact their service levels. Financially, it captures more capital improvement dollars for parks and roads, and more funds to enhance capital facilities – such as the library and parks – currently used by both Bull Mountain and Tigard residents but paid for by Tigard residents.

Bull Mountain residents would receive park services, local representation, and urban services by an urban provider who can meet the needs of a growing community. Lastly, annexation would unify the community, as both the city and Bull Mountain residents can plan together for their future, a future joined together 20 years ago. In sum, *The Bull Mountain Annexation Plan* presents a clear and efficient approach to annex unincorporated Bull Mountain and a step toward completing our community.

I. INTRODUCTION

Twenty years ago, Washington County and the City of Tigard laid the groundwork for Bull Mountain's annexation to Tigard. Although cattle and farms shared the mountain at that time, the County and City recognized that the area's inclusion within the Urban Growth Boundary would eventually lead to urban development. State land-use planning goals require the UGB to contain a 20-year supply of land, and, when conditions warrant, lands within the boundary must be available for urban uses. Washington County and Bull Mountain residents developed the 1983 Bull Mountain Community Plan, which assigned urban densities to the area but not urban services.

However, state planning Goal 14 directs local governments to have a plan in place to allow for an orderly and efficient transition from rural to urban uses. In 1983, the County and City signed the Urban Planning Area Agreement (UPAA), which established Bull Mountain as part of the City's planning area and paved the way for the County and City to jointly serve the area. At the same time, the City's long-term vision for land-use and development in Tigard (the Comprehensive Plan) encouraged the annexation of all unincorporated areas. The City acknowledged that it should provide urban services to its own citizens - once areas require urban services, residents should receive all the benefits of citizenship, including representation.

Today, Bull Mountain has grown beyond its rural roots, and become an urbanized area with streets, sidewalks, and urban service needs. Over time and additional agreements, Tigard has absorbed more services toward an eventual annexation, blurring the line between County and City. However, major services remain under the County's purview, as does jurisdiction. Without annexation, the City has limited ability to manage growth outside its city limits to ensure that efficient and effective public facilities and services are provided.

Since 2001, when the Tigard City Council established a goal to develop an annexation policy/strategy for unincorporated areas, the City has thoroughly examined urban service issues for Bull Mountain: *The Bull Mountain Annexation Study* (2001), which examined the costs and benefits of annexation; a public opinion survey of Tigard and Bull Mountain residents on annexation (2002); *The Public Facilities and Services Assessment Report for the Bull Mountain Area* (2003), which evaluated the factors affecting long-term service provision to Bull Mountain, including annexation.

The 2003 Assessment Report demonstrated that annexation would serve citizens the most efficiently and effectively over the long-term, providing urban levels of services to an area that has grown from a rural community to an urban neighborhood. In addition, annexation would allow the City to plan for Bull Mountain's future. Currently, unincorporated areas cannot collect parks system development charges (SDCs) from new developments or plan for parks, and the County has jurisdiction over the area's long-range planning. Annexation would allow the City to plan for growth on Bull Mountain with an updated comprehensive plan for the entire community. As citizens of Tigard, Bull Mountain residents would have a say on local issues that affect their community's future.

The Bull Mountain Annexation Plan represents a significant step toward the realization of an united Tigard and Bull Mountain community. The plan lays out a blueprint for annexation as required by state law ORS195.205 and .220, which established the annexation plan process.

It addresses the how, when, where and who of annexation, but in essence, the plan is a proposal for transferring services and households to Tigard in an organized and efficient manner. It is based upon existing service agreements among agencies and cost-benefit analyses, and addresses the following, per state law ORS195.220:

a) Local standards of urban service availability required as a precondition of annexation;
b) The planned schedule for providing urban services to the annexed territory;
c) The timing and sequence of annexation;
d) The effects on existing urban services providers;
e) The long-term benefits of the annexation plan.

The plan examines each criterion separately. Each section offers a brief explanation of the criterion and follows with text based on the City's previous research (*The Public Facilities and Services Assessment Report for the Bull Mountain Area*, 2003) and recent analysis produced by the City and County for this plan. Appendix A contains a glossary of planning terms used in this document. Technical Document B (available separately) contains copies of previous Bull Mountain reports.

A) THE ANNEXATION PLAN AREA: BOUNDARIES

The Annexation Plan applies to the unincorporated area of Bull Mountain ("Plan Area"). It is bounded on the north by Barrows Road, on the east by Tigard city limits, to the south by Beef Bend Road, and on the west by the new Urban Growth Expansion Areas (Roy Rogers Road and 150th Ave.). (See Map 1 on page 3).

The land in the Plan Area is sloped—steeply in some areas—allowing for views at higher elevations. There is no commercial or industrial zoned land. Most of the property is zoned R-7, as designated in the Bull Mountain Community Plan, a medium-density residential zone requiring minimum lots sizes of 5,000 square feet. The area consists of a combination of 1) a mix of larger undeveloped lots, 2) larger lots developed through the County under different standards, and 3) smaller lots that are built to the minimum density allowed under the current zoning regulations.

Subareas and Population Estimates

The Plan Area comprises 1,378 acres,[1] with approximately 7,600 residents living in 2,600 homes. Numbers are 2003 estimates based on Census 2000 figures and average growth rates.[2] This is consistent with the assessment report methods, with the exception of deducting four annexations that took place from late 2001 to 2003. [3]

Table 1. 2003 Estimates

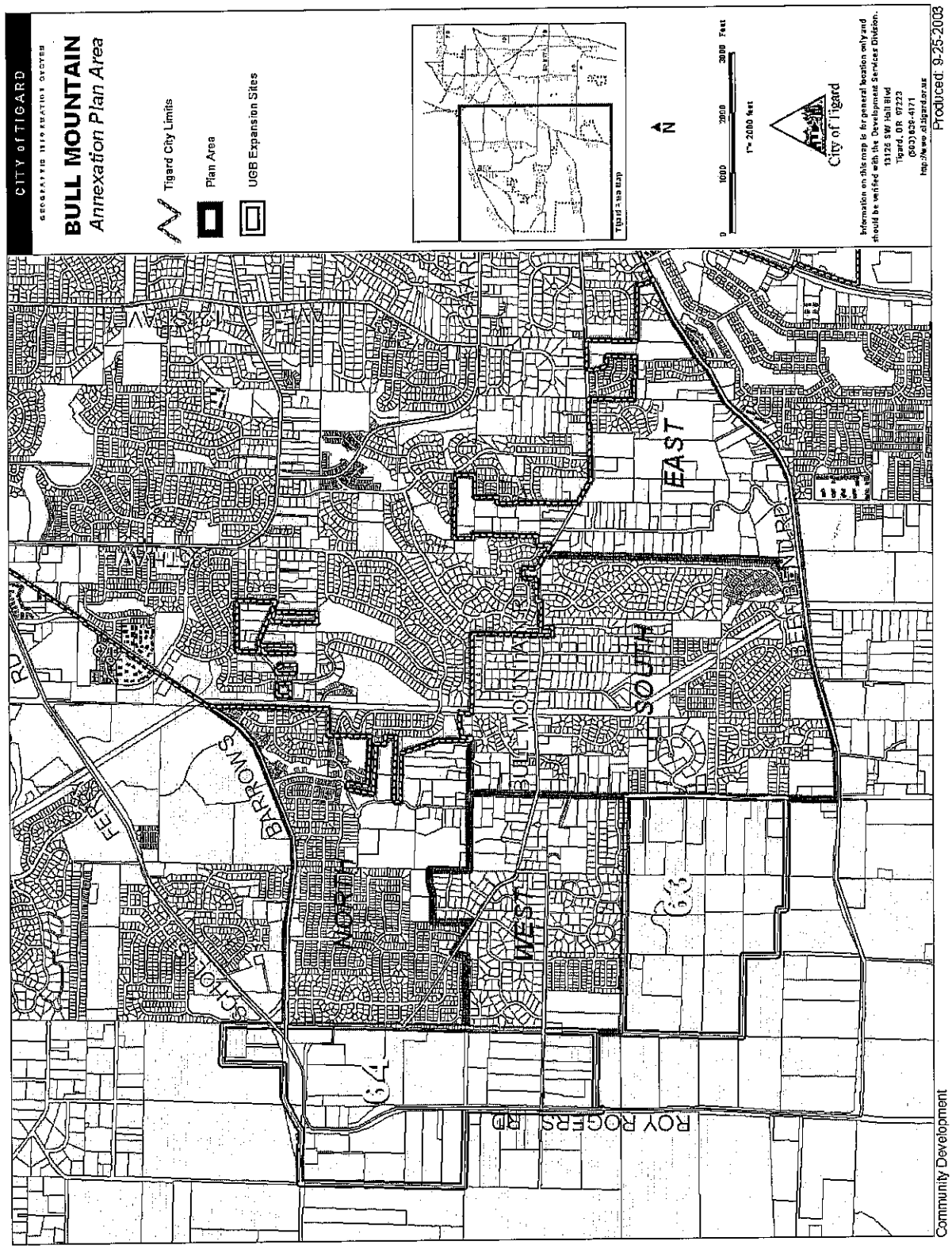
	Homes	Population
North	991	2930
West	346	982
South	1174	3259
East	167	452
Total	2678	7622

Based on census 2000/average growth rate

Due to the area's size, it has been divided into four subareas: North, West, South and East. These subareas were developed

[1] Differs from the 2001 study due to four annexations: Pacific Crest, Fern Street, Thornwood, Daffodil Hill.
[2] The numbers here (7,622 and 2,678) reflect **2003** projected population and deduct for annexations, differing from *The Bull Mountain Study* and *Public Facility and Services Assessment Report* numbers.

Map 1.


CITY of TIGARD
BULL MOUNTAIN
Annexation Plan Area
Tigard City Limits
Plan Area
UGB Expansion Sites
Tigard's tax map
N
0 1000 2000 3000 Feet
1" = 2000 feet
City of Tigard
Information on this map is for general location only and should be verified with the Development Services Division.
13125 SW Hall Blvd
Tigard, OR 97223
(503) 639-4171
http://www.ci.tigard.or.us
Produced: 9-25-2003
Community Development
BULL MOUNTAIN RD
WEST
SOUTH
EAST
ROY ROGERS RD
BARROWS
SCHOLLS FERRY RD
63
64

based on development patterns, topography, and man-made boundaries, such as major roads. The South area has the most homes and population, with North close behind. East has the least number of homes and people (Table 1 on p. 2).

Future Projections

Future projections were estimated by calculating the number of new homes the area could potentially absorb at current zoning (R-7, or 5,000 sq. ft. lots), and taking half to allow for moderate development.[4] Based on these estimates, East has the largest share of future growth, due to large, undeveloped lots (Table 2). The remaining subareas have more developed subdivisions and few vacant lots, and have limited growth remaining.

Table 2. Moderate Growth (Estimated capacity)

	Homes	Population
North	1130	3331
West	496	1439
South	1317	3724
East	650	1356
Total	3593	9850

Based on formula from 2001 Study; revised for annexations that occurred since 2001.

The Public Facilities and Services Assessment Report (2003) used these numbers to approximate service needs, costs, and associated revenues.[5] The condition and number of roads, current condition of facilities, current and future population/homes, and year of development affected each subarea's needs. The Annexation Plan analysis is based upon the 2003 report conclusions and additional refinements to the report data.

[4]Based on vacant or underdeveloped lots. A moderate scenario was assumed due to the uncertainty of the land market – not every owner will fully develop each vacant or underdeveloped parcel.

[5] The 2003 *Report* did not deduct for annexations; the change did not significantly affect this analysis.

II. ANNEXATION PLAN CRITERIA

In 1993 the State Legislature established the annexation plan approach to make annexation an effective growth management tool for jurisdictions. Annexation plans require fiscal and territorial coordination between service providers, encourage the creation of long-term master plans, address the economic viability of special districts, and clarify the costs and benefits of annexation.[6]

Specifically, state law ORS195.220 requires annexation plans to include the following:

a) Local standards of urban service availability required as a precondition of annexation;
b) The planned schedule for providing urban services to the annexed territory;
c) The timing and sequence of annexation;
d) The effects on existing urban services providers;
e) The long-term benefits of the annexation plan.

What is an Urban Service?

ORS195 defines "urban services" as sanitary sewers, water, fire protection, parks, open space, recreation, streets, roads and mass transit. *The Bull Mountain Annexation Plan* considers four additional services as essential elements for an urban community: police, storm sewer, building and development services, and street light maintenance.

City of Tigard Annexation Criteria

The City's Community Development Code criteria for annexations are consistent with ORS195.220. The Code (Title 18) states that the decision to annex property to the City shall be based on 1) all services and facilities being available to the area, and with sufficient capacity to provide service; and 2) satisfying all Comprehensive Plan policies.

Tigard's Comprehensive Plan policies require a review to determine that services will be available to the annexed area and their provision will not significantly reduce service levels to the City of Tigard. The City's Comprehensive Plan also encourages annexations that eliminate existing unincorporated 'islands.' It discourages expansions that result in irregular boundaries, making it difficult for the police to determine a parcel's jurisdiction in an emergency situation.

[6] From Department of Land Conservation and Development; http:www.lcd.state.or.us/tgm/pub/3annex.htm.

A. LOCAL STANDARDS OF URBAN SERVICE AVAILABILITY

> ***An annexation plan adopted under ORS 195.205 shall include***
> **Local standards of urban services required prior to annexation and the availability of each service.**

Level of Urban Services

The annexation plan process emphasizes coordination between service agencies to identify and address any service deficiencies early in the process, assuring that services can be provided to local standards after annexation. Prior to the plan, state law requires urban service agreements between all service providers in the affected territory. By taking this step first, agencies resolve future service provision issues and lay groundwork for the plan.

In February 2003, Washington County, the City of Tigard, other agencies and service districts finalized the Tigard Urban Service Agreement (TUSA) for the Bull Mountain area (Appendix D). In sum, all urban services are available for the Plan Area except recreation.[7] The agreement determines long-term service providers: the City of Tigard is the ultimate service provider for the Plan Area, except for services provided by special districts and agencies. Table 3 on p. 7 summarizes changes in local service standards between current and future providers.

Urban Service Requirements Prior to Annexation

Table 3 demonstrates that City of Tigard standards offer higher levels of service for parks and open space, street maintenance, police, and long-range planning. Of those services, parks will require action by the County prior to annexation. Road quality maintenance also will require action per the Tigard Urban Service Agreement (TUSA). County action will allow the City to provide its standard of service following annexation. All other services will require only staffing and equipment to meet local service standards as summarized in Table 3. The specifics are addressed in section IIB.

Road Quality Maintenance

- County improves roads so that all individual roads have a pavement condition index (PCI) of 40 or greater and the average PCI of streets and roads in the area is 75 or higher.

Parks and Open Space

- County collects parks system development charges (SDCs) for new development prior to annexation. Upon annexation, those funds will transfer to Tigard and be used toward new facilities.

> Summary: Criteria 1 (Local Standards of Urban Service Availability)
> ☑ *All services except recreation are available to the Plan Area.*
> ☑ *Providers for each urban service are established, per urban service agreements.*
> ☑ *Local standards of urban service are identified.*
> ☑ *Where applicable, identified steps needed by the County to meet local standards prior to annexation.*

[7] Neither Washington County nor Tigard provide this service at this time. However, Tigard has a Park and Recreation Advisory Board that can examine the issue in the future.

Table 3. Bull Mountain: Service Standard Changes Following Annexation		
No Change: Service and Provider Remain the Same		
Service	**Provider after Annexation**	**Do Local (Tigard) Standards differ from Current Standards?**
Fire Protection & Emergency Services	**Tualatin Valley Fire and Rescue**	No.
Mass Transit	**TriMet**	No.
Building and Development Services	**City of Tigard**	No. Tigard now provides these services for Plan Area through an agreement with Washington County. The agreement will cease but Tigard continues same services.
Recreation	**No provider.** Tigard does not provide recreation services.	No. Not currently provided. However, Tigard has a Park and Recreation Advisory Board that can examine the issue in the future.
Schools	**Annexation does not change school district boundaries.**	
Service Remains the Same, Provider Changes		
Sanitary Sewer (Clean Water Services)	**City of Tigard**	No.
Water (Tigard Water District)	**City of Tigard**	No.
Street Light Maintenance (Washington County)	**City of Tigard**	No.
Storm Sewer (Clean Water Services)	**City of Tigard**	No.
Road Quality Maintenance* (Washington County) (*Actions to maintain pavement quality)	**City of Tigard.**	No. However, the Tigard Urban Service Agreement (TUSA) requires the County to improve individual roads to a pavement condition index (PCI) of at least 40, with all roads averaging at least 75, prior to transferring the roads and service.
Service Changes, Provider Changes		
Parks and Open Space (NONE)	**City of Tigard.** Washington County does not provide these services to unincorporated areas.	Yes; 8 acres/1,000 people.
Street Maintenance – (Washington County through the Urban Road Maintenance District)	**City of Tigard**	Yes. Mowing roadside grass and brush (strip and ditch line). Dust abatement on graveled roads. Vegetation removal for vision clearance. Crack sealing and road shoulders on 4-year cycle.
Police (Washington County Enhanced Sheriff Patrol District)	**City of Tigard**	Yes. Additional .5 officers/1000 people (city standard is 1.5 officers/1000).
Community Development – Long Range Planning (Washington County).	**City of Tigard.** This includes comprehensive planning, such as master plans. The 1983 Bull Mountain Community Plan is the operative plan Washington County has in place for the Plan Area.	Yes. Staff serves smaller area than County; focuses on local projects. Annexation will allow the City to plan for growth on Bull Mountain with an updated comprehensive plan for the entire community.

B. SCHEDULE FOR PROVIDING URBAN SERVICES

> ***An annexation plan adopted under ORS 195.205 shall include***
> **The planned schedule for providing urban services to the annexed territory.**

As shown in section IIA, the Plan Area receives most urban services today, some of which will be provided at higher standards after annexation. All services would be available upon annexation, due to the continuation of existing services per the Tigard Urban Service Agreement (TUSA).

To ensure smooth transitions, this section identifies when providers would transfer services. The following analysis reviews staff and equipment needs and evaluates where gradual provider transitions will best serve the Plan Area, are dictated by the TUSA, or are required to maintain existing service levels to current City of Tigard residents. *The Bull Mountain Annexation Plan* defines the annexation effective date ("upon annexation") as the day properties become part of Tigard's tax rolls. For analysis purposes, this section assumes a date of July 1, the first day of the new fiscal year following an approval by voters.

Equipment and Staff Needs

For *The Public Facilities and Services Assessment Report*, City of Tigard staff from all affected departments projected start-up costs, needs, and ability to serve the entire Bull Mountain area or individual areas upon annexation. Each department based its analysis on current population and housing unit estimates, future service needs at build-out, and service standards.

All departments – except for Public Works (Streets Division) and Police – concluded that they could absorb any or all subareas using current resources, and without significantly reducing services to existing residents.

The Public Works and Police departments concluded the following:

- **Public Works.** Annexation of the Plan Area would increase the road mile inventory by 23%. The Streets Division could not absorb the entire Plan Area's roads and streets upon annexation without hiring two employees and purchasing three trucks immediately.
- **Police.** Police could absorb all or any subareas with existing resources; however, there would be a temporary reduction in response time to Priority Three calls (lowest priority, no one in danger; i.e., car prowl) within a few minutes. Citizens would not see a difference, and the change would not endanger lives. Internal shifts would occur to fully staff patrols until additional officers could be hired and fully trained.
- **Police.** The entire Plan Area requires 11 police officers, 1 supervisor, and 1 support staff. New officer hiring procedures established in 2003 now reduce the time needed to six months, as recruiting time has been significantly shortened by maintaining an applicant pool. It would take less than a year for the department to complete its staffing needs, hiring two phases of new officers at three-month intervals, without significantly reducing services to existing residents.

A detailed plan and schedule for hiring staff and purchasing or transferring equipment from Washington County will be developed by February 2004, as required by the TUSA.

Agreement Provisions

The TUSA includes separate agreements for each service. For those services transferring to Tigard, the agreements state "upon annexation"; however, roads and streets can be transferred up to one year following annexation. The sewer agreement defers to a separate operating agreement between the City and Clean Water Services. The operating agreement transfers sanitary and storm sewer maintenance to the City on July 1, 2004. The agreement covers an area including Tigard and Bull Mountain, and includes provisions for equipment and funding. Annexation does not affect the transfer or provision of sanitary and storm sewer services.

Proposed Schedule for Tigard Assuming Urban Services

A thorough consideration of TUSA requirements, Bull Mountain's service needs, and the effects on existing services to Tigard residents suggests the following schedule:

Table 4. Proposed Schedule for Tigard to Provide Urban Services

Immediately Upon Annexation
Building and Development Services (already provided) Parks and Open Space – Bull Mountain receives resident privileges for City parks Police Sanitary and Storm Sewer (provided by Tigard effective July 1,2004) Street Light Maintenance Water
Within 1st year
• **Parks and Open Space** –Initiate Capital Project planning for Cache Creek Nature Park. Explore additional park opportunities adjacent to Cache, including Tigard Water District reservoir property and Clute property. Develop playground either on Cache Creek or adjacent property. Maintenance begins once lands are bought and developed. • **Road Quality Maintenance and Street Maintenance:** Within 30 days of annexation, the City will initiate the process to transfer jurisdiction of County and public streets and roads, including local streets, neighborhood routes, collectors and other roads. This transfer should take no more than one year from effective date of the annexation. Services will commence with full transfer. • **Long-Range Planning** – Annexation will allow the City to plan for growth on Bull Mountain with an updated comprehensive plan for the entire community.

Summary: Criteria 2 (Schedule for Providing Urban Services)

☑ *City of Tigard can serve the Bull Mountain area without a significant reduction in service to Tigard residents.*

☑ *City of Tigard will assume all services upon annexation, except Road Quality and Street Maintenance.*

☑ *City of Tigard will initiate transfer of roads and streets within 30 days of annexation, serving the area within one year.*

☑ *Following annexation and within the first year, Tigard will initiate capital project planning for Parks and Open Space and long-range planning.*

☑ *Police can serve the entire area without a significant reduction in service. Until additional staff is hired and trained, only a reduction in Priority 3 calls (lowest priority; no one in danger) will occur until additional staff is hired.*

C. TIMING AND SEQUENCE

> ***An annexation plan adopted under ORS 195.205 shall include***
> **Timing and Sequence of Annexation.**

Annexation plans offer the option of phased, or incremental, annexations. In some instances, it may be more efficient to annex an entire area at one time. In other cases, a phased annexation allows the necessary time for service providers to hire enough staff and buy equipment.

The Public Facilities and Services Assessment Report examined nine sequencing options to identify the combinations which allowed the City to annex and efficiently serve the unincorporated Bull Mountain area. It also studied how timing (i.e., the year of annexation) affected service costs and the availability of capital improvement funds in the Plan Area.

Sequencing

Factors

The assessment report examined annexing subareas alone, in contiguous pairs (i.e., West and North); and all areas at once. Three evaluation factors were chosen based on Tigard Comprehensive Plan policies, which require annexations 1) to not significantly reduce service levels to the City of Tigard and 2) the affected property to receive efficient service provision at capacity (no service islands or irregular boundaries). Each factor was weighted, based on the extent to which it implements those policies:

> *1) Financial Impact*: Will this area be a financial drain on the city? Do service needs outpace tax dollars, and are there large capital improvements needed in the short term? (45 points)
>
> *2) Efficiency of service provision*: Is it easy to access this area, or will staff have to cross unincorporated areas to do so? Does it create islands of unincorporated areas? Is there an economy of scale? (30 points)
>
> *3) Adjacency to the new Urban Growth Boundary properties*, located to the south and west of the Plan Area. Metro approved these areas in December 2002. A future city link to these areas would enable long-term planning. (20 points)

An additional category was also included to capture additional considerations, such as publicly owned land with park potential, that didn't fit into the three main categories (5 points).

Ranking

The evaluation matrix ranked the nine options (the full evaluation matrix is located in Appendix E), concluding the following:

- The more areas annexed, the higher the ranking due to an increase in efficiency. Annexing all areas at once ranked most highly, due to economy of scale and its ability to support areas that ranked less highly.
- The contiguous pairs were ranked the next highest, followed by all individual subareas, with the exception of West. In every combination except all areas, West ranked low since it does not connect to City boundaries.

Consider Available Resources
The plan recommendation must also consider comments by individual service providers regarding their ability to serve the area upon annexation, per the Comprehensive Plan. As detailed in section IIB, all service providers except for Public Works (Streets Division) and Police could absorb any or all subareas with current resources.

- **Public Works (Streets Division)** requires additional resources to serve the entire area upon annexation. Six months prior to assuming services, the department would require two additional staff and three trucks. Annexing without these resources would reduce services, including street light clearance pruning, crack sealing, and postponement of speed humps, unless the area was annexed in two or more phases.

  Since the assessment report's completion, Public Works has indicated that a one-year delay in transferring roads and streets (as the TUSA allows) would give the department time to obtain resources.
- **Police** can serve Bull Mountain and the City of Tigard with current staff, resulting only in a reduction in Priority Three (lowest priority) call response times. The response time would vary within minutes, and citizens would not see a difference. Internal shifts would occur to fully staff patrols until additional officers could be hired and fully trained. The department will need to hire 11 additional officers, 1 supervisor, and 1 support staff.

The *Public Facilities and Service Assessment Report* concluded that delaying the effective date of annexation by up to a year would allow hiring and training of police staff and purchase of new equipment. However, since the report was completed, Police made two additional statements: 1) An all-areas annexation would provide an advantageous economy of scale, as a larger department can provide more services and reduced response times; and 2) a phased annexation would reach the same goal, but tax existing resources less and result in a higher quality of service in the interim.
Conclusion: Phase the annexation.

Timing
The assessment report examined how timing (i.e., the year of annexation) affects the availability of capital improvement funds and general revenues in the Plan Area.

Capital Improvement Funds
Funding for capital improvements, such as major road improvements, parks, and sanitary and storm sewer, are partially funded by system development charges (SDCs) paid by new development. SDCs act as growth management tools by helping pay for system improvements, such as roads and parks, needed as population and households increase.

In the Plan Area, SDCs are collected for storm and sanitary sewer, roads (the traffic impact fee or TIF), and water. However, Washington County does not collect parks SDCs in the Plan Area or provide parks services. Because SDCs are one-time charges applied to new developments, each new home built without SDCs represents lost revenue.

Once the County initiates a parks SDC for the Plan Area, and following annexation, SDCs would be collected and directed into City projects. The City of Tigard collects parks SDCs within its city limits, which are used for developing new parks. Without a parks SDC, delaying annexation impacts the City's ability to address Bull Mountain's parks capital needs. Each incremental delay lessens contributions – or eliminates them entirely in some subareas (new developments have been built). Based on recent development trends, the assessment report recommended that annexation of all areas should occur by 2005 to maximize potential financial contributions.
Conclusion: Annex all areas by 2005 or have Washington County institute Parks SDCs in the interim and allow more time for annexation..

Timing and Sequencing Recommendation:
Based on the timing and sequencing conclusions above, the Comprehensive Plan criteria, and the *Public Facilities and Services Assessment Report*, the most efficient recommendation would annex the entire Plan Area at one time prior to 2005. In the assessment report, this option ranked the most highly due to an economy of scale. However, it requires the authorization of police hiring prior to annexation, and a delay in the transfer of roads and streets until one year after annexation. At its November 4, 2003, meeting, the Tigard City Council supported a phased annexation to lessen the impact on City resources and to provide better service to both new and existing residents. Council recommended the following timing and sequence:

Phase 1 –2004. Annex East. Brings in the area that is closest in proximity to the City and the least developed, and with the least service needs. Maximizes potential financial contributions by new development toward capital improvements.
Phase 2 –2005. Annex South. Next logical area due to location. Provides a connection to Urban Growth Boundary (UGB) expansion site 63. Annexing second allows additional acquisition time for equipment and staff.
Phase 3 – 2006. Annex North and West. Allows the City to develop its parkland and makes a connection to Urban Growth Boundary (UGB) expansion site 64.

Summary: Criteria 3 (Timing and Sequence)
☑ *The more areas annexed, the higher the ranking due to an increase in efficiency.*
☑ *Based on department resource needs, the annexation needs to be phased.*
☑ *To fund future capital improvements, annexation should occur by 2005 or have Washington County institute a parks SDC in the interim and allow more time for annexation.*
☑ *City Council supports an option that takes more time, lessening the impact on City resources and providing better service to both new and existing residents.*
☑ *Therefore, annex Bull Mountain in three phases to provide City service standards to annexed residents and maintain*

D. EFFECTS ON CURRENT PROVIDERS

An annexation plan adopted under ORS 195.205 shall include
The effects on current urban services providers.

Previous sections evaluated the City of Tigard's ability to provide urban services to the Bull Mountain area. However, the service providers that cease serving the area would also be affected. This section examines the impact of withdrawing the Plan Area from current service districts, both on service quality and finances. Table 3 on page 7 provides a summary of service provider changes. The following information was developed in coordination with Washington County and the Tigard Water District, and is based upon estimated 2003 population and housing units (Table 1 on p. 2).

Washington County

Service Districts

Washington County reviewed how annexing the Plan Area would impact County services and the services of its special districts. It determined that there will be no significant impact on these services.

Enhanced Sheriff's Patrol District (ESPD)

The ESPD is funded with a two-tiered financing plan that includes a permanent rate of $0.6365 per $1,000 and a local option dollar levy of $6,150,000 per year for five years. The local option levy is authorized through 2008. As a result of this financial structure, only property tax revenue derived from the permanent rate will be affected by the proposed annexation.

Annexation of the Plan Area would remove an estimated 3,192 properties from the ESPD area, or 5.3% of the ESPD assessed value. As a result, the district would lose an estimated $397,000 from the permanent rate if the entire Plan Area were to annex in one piece.

The ESPD supports a total of 94 certified officers. At the ESPD average service level of .51 officers per 1,000 population, the theoretical reduction in staff due to the annexation would be an estimated 3.9 FTE, or 4.1% of ESPD certified officers. However, it is anticipated that growth elsewhere in the district will mitigate the need for actual staff reductions. Therefore the impact on the ESPD from the annexation is considered minimal, due to the expected future growth in the remaining district over the next five years.

Urban Road Maintenance District (URMD)

The property tax revenue loss to the URMD is estimated to be $153,000. This represents 5.5% of revenue of the URMD. The district provides the majority of its services through contracts rather than with paid staff. Due to the relatively small proportion of the URMD service area impacted by the proposed annexation and its reliance on contract-based work, the impact on the URMD is considered minimal.

Street District for Lighting (SDL)
Washington County operates a street lighting district throughout the County. As areas develop, special assessment areas are established to collect and pay for street light installation, maintenance, and power. The assessments are determined specifically for each area based on actual costs and assessed annually on property tax bills.

The proposed annexation area includes 49 street lighting district assessment areas encompassing 2,430 tax lots. The total assessment to be levied in these areas for FY 2003-04 is $83,530.

Upon annexation, the street lighting assessments will no longer be levied. The impact of this lost revenue on the SDL is considered insignificant: the costs to provide maintenance and operation in the Plan Area will be absorbed by Tigard and no longer paid by the district. Because the street lighting assessments are included on property tax bills, coordination of the transition from the County Street District for Lighting to the City of Tigard will be important.

Washington County
Washington County would lose its share of County gas tax at an estimated $3.71 per capita or $27,179 due to the proposed annexation. The County would also lose an estimated $43,475 per year in cable television franchise fees. Total County operating revenues from all sources for FY 2003-04 are $297,000,000. The loss of the County gas tax share and cable franchise fee share will not have a significant impact on Washington County.

The County also has established a number of Road Maintenance Local Improvement Districts (LIDs) throughout the County. The County establishes these LIDs and determines the assessments, but it has not imposed the assessments. The purpose of each district is to ensure that road maintenance activities will be adequately funded as new development occurs. They are a backup funding mechanism to the Urban Road Maintenance District. No assessments have been levied; therefore, the districts have no fiscal impact.

Tigard Water District
The Tigard Water District (TWD) consists of approximately 3,500 accounts within the Urban Growth Boundary (UGB). It is generally bounded by Barrows Road on the north, Tigard city limits on the east, Beef Bend Road on the west and King City on the south. TWD, the City of Tigard, King City, and Durham compose the Intergovernmental Water Board. TWD serves properties that are inside the Urban Growth Boundary but unincorporated.

Financial Impacts
The district collects its only revenues from 1% of total water sales within its boundaries. All water sales are billed and managed by the City of Tigard, and the 1% is remitted on an annual basis.

Current accounts generate approximately $18,000 in revenue for TWD. Annexing the Plan Area would withdraw 83% of current accounts and just less than half (48.6%) of the current

annual revenue. Approximately 524 accounts would remain in the district, producing approximately $9,450 in revenue (Appendix B contains all figures).

Institutional Impacts
As Tigard and King City annex land, they withdraw those lands from TWD. If the Plan Area is annexed, approximately 83% of the current accounts would be withdrawn. The remaining district territory is within the UGB and would be annexed in the future. At that time, the district will cease to exist.

The TWD Board has discussed this scenario and has been briefed by the Tigard City Attorney on the process of dissolving the district, should the need develop. However, annexing the Plan Area would not necessarily cause the district to dissolve since approximately 524 accounts would remain. Those accounts could be annexed into either King City or Tigard in the future. The Tigard Water District Board may choose to dissolve the district following procedures clearly laid out in state law; that decision rests with the TWD Board.

Other Districts
The Plan Area currently is served by Tualatin Valley Fire and Rescue (TVF&R), TriMet, and Clean Water Services. The proposed annexation will have no impacts on TVF&R or TriMet, which also provide service to the City of Tigard.

The City of Tigard and Clean Water Services have entered into an agreement to transfer operation and maintenance of a portion of the Clean Water Services territory, including the Plan Area, to the City of Tigard effective July 1, 2004. The City is already scheduled to provide these services regardless of annexation. Therefore, the annexation of this territory to the City of Tigard is anticipated to have no impact on Clean Water Services.

Summary: Criteria 4 (Effects on Existing Service Providers)
☑ *Washington County's services or the services of its special districts would not be significantly impacted by the annexation.*
☑ *The Tigard Water District would lose 83% of current accounts and 48.6% of current annual revenue. However, this does not cause the district to dissolve, as it can continue to serve its remaining customers.*
☑ *Other service providers would not be significantly impacted.*

E. LONG-TERM BENEFITS

An annexation plan adopted under ORS 195.205 shall include
The long-term benefits of the annexation plan.

Individual annexations will occur in the Plan Area with or without an annexation plan. Currently, annexations occur at the owner's request, resulting in a piecemeal approach to incorporation. In contrast, *The Bull Mountain Annexation Plan* provides a comprehensive strategy for annexation, and long-term planning offers long-term benefits:

- **Completing the community.** Annexation would allow the City to plan for growth on Bull Mountain with an updated comprehensive plan for the entire community. The plan presents a significant step toward completing our community as it was envisioned 20 years ago.

- **Smooth transition.** The plan's orderly schedule of annexation allows services to be phased in effectively. All needed services have been identified, along with interim measures to get these services on-line prior to annexation. Citizens can depend on a smooth transition.

- **Efficiency.** Ensures that annexations occur in an orderly manner. It eliminates piecemeal annexations, which can create inefficiencies for service providers due to irregular boundaries. By coordinating services, agencies assure that services are not duplicated and are provided by the most appropriate provider, leading to cost-savings and more efficient services.

- **Certainty.** The plan establishes a schedule for annexation and service area adjustments, which allows the City, County and affected special districts time to plan for changes and capital improvements. The plan provides certainty for homeowners and developments on annexation's timeline, which can be factored into future decisions in the Plan Area.

- **Urban services by an urban provider.** Bull Mountain has grown beyond its rural roots, and become an urbanized area with streets, sidewalks, and services that require city-level maintenance. Urban areas need urban service providers, as envisioned in the Tigard and Washington County comprehensive plans. Cities, not counties, are best equipped to provide urban services, and the plan assigns this duty to Tigard. Bull Mountain would receive its services from a provider just down the street who can respond quickly to service needs. Maintaining facilities at higher levels protects the original investment and prevents more costly improvements in the long run, maximizing available funds.

- **Known costs and benefits.** The plan clarified the costs and benefits of annexation to Bull Mountain residents, citizens of Tigard, the City and the County, and to all related agencies. By anticipating future needs, the analysis concluded that services

can be provided to both Bull Mountain and current residents without a significant reduction in services. It assures current Tigard residents they can continue to rely on the same standard of service they receive today. Annexation will not raise taxes for current Tigard residents.

- **Equity.** Annexation would allow all users to equitably share service costs. Bull Mountain residents enjoy Tigard parks and its library, but Tigard resident taxes pay for parks maintenance and almost half of the library capital costs (the other half comes from the County library system, for which all County residents pay). With annexation, everyone would pay for the same service, and facilities will benefit from increased maintenance dollars.

- **Parks services.** Tigard provides parks services only to the incorporated area. Upon annexation, Bull Mountain will receive resident privileges. The plan also allows the County to begin collecting system development charges. The funds would be frozen in a fund until annexation. At that time, the funds would transfer to Tigard for acquisition, planning and development of parks, including Cache Creek in the North subarea.

- **Unify the community.** As citizens of Tigard, Bull Mountain residents would have a say on local issues that affect their community's future. Although Tigard has included Bull Mountain residents in its planning efforts (The Parks Master Plan, Tigard Beyond Tomorrow), Bull Mountain residents cannot vote on Tigard issues or its leaders, or run for City Council. Considering this plan together would help both parties work together for their future.

Most of all, an annexation plan takes the guesswork out of future annexations. It is a blueprint for the Plan Area that clearly quantifies the future: *when* will annexation happen, *how* will it occur, *what* services can residents expect, and *how* much will it cost, and *why* it's going to happen. Both the Plan Area and the City can plan for the future, as they move closer to completing their community.

Summary: Criteria 5 (Long-Term Benefits)
☑ *The plan provides a comprehensive strategy for annexation. The plan's long-term benefits include certainty, efficiency, making a smooth transition, more capital improvement dollars, urban services by an urban provider, quantifying the costs and benefits, equity, parks, and unifying the community.*
☑ *It allows the city and residents to plan for Bull Mountain's future.*

III. Additional Annexation Plan Requirements

The Bull Mountain Annexation Plan proposes an orderly transition of services. It addresses the criteria contained in ORS 195.220:

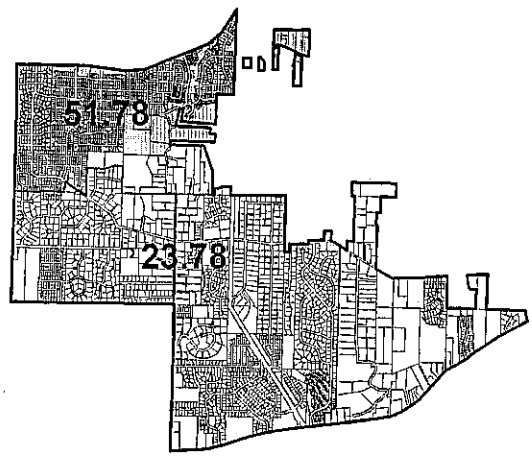
1. Local standards of urban service availability required as a precondition of annexation;
2. The planned schedule for providing urban services to the annexed territory;
3. The timing and sequence of annexation;
4. The effects on existing urban services providers;
5. The long-term benefits of the annexation plan.

The plan process also requires two additional documents:
1. Urban Services Agreement with all urban services providers in the Plan Area. All providers in the Plan Area signed the Tigard Urban Service Agreement, and it took effect in February 2003. A copy is included as Appendix D.

2. Fiscal impact agreement between the county and annexing city if the annexation causes reductions in the county property tax revenues (compression). The Washington County Finance Department conducted the following analysis:

ORS 195.205(2)(b) states that "The territory contained in the annexation plan is subject to an agreement between the city and county addressing fiscal impacts, if the annexation is by a city and will cause reductions in the county property tax revenues by operation of section 11b, Article XI of the Oregon Constitution."

Section 11b, Article XI of the Oregon Constitution (commonly known as Measure 5) limits total non-school property tax rates to no more than $10 per $1,000 of assessed valuation. If the tax rates of all non-school taxing jurisdictions exceed $10 per $1,000, the rates of each district are proportionately reduced to bring the total under the $10 limit. This process is called compression.



The proposed Bull Mountain annexation area makes up the majority of tax code area 23.78 and 51.78. The government tax rate in both code areas for FY 2002-03 was $5.8878 per $1,000. With tax rate adjustments in both codes due to the proposed annexation, the estimated resulting rate will be $7.1318 per $1,000. This rate is well below the $10 Measure 5 cap and therefore compression is not likely to occur in the near future. The Plan Area will continue to pay County taxes after annexation, as all Tigard areas do.

As a result, no agreement between the City and the County is required under this section because annexation of the Plan Area is not expected to cause reductions in County property tax revenues due to compression.

Summary: All Requirements for Annexation Plans

1. Plan Criteria

- ☑ Local standards of urban service availability required as a precondition of annexation;
- ☑ The planned schedule for providing urban services to the annexed territory;
- ☑ The timing and sequence of annexation;
- ☑ The effects on existing urban services providers;
- ☑ The long-term benefits of the annexation plan.

2. Pre-Requisite

- ☑ Urban Service Agreements in place. (TUSA; effective February 2003)

3. Fiscal Impact Agreement Between City and County if Compression Occurs

- ☒ County property taxes will not be reduced due to compression. No fiscal agreement is required.

☑ **All requirements have been addressed.**

IV. CONCLUSION

The Bull Mountain Annexation Plan presents a systematic and efficient approach to annex unincorporated Bull Mountain and move toward completing the Tigard community. Using existing service agreements among agencies and cost-benefit analyses, the plan addresses all criteria set forth by state law ORS195: the provision (how and when) of urban services, annexation's impact on existing providers, the timing and sequence of annexation, and the plan's long-term benefits. Most critically, the plan provides a proposal for transferring services and households to Tigard in an organized and efficient manner, grounded solidly on the ORS195.220 criteria.

In order to provide City service standards to annexed residents and maintain standards to current residents, the plan proposes to annex Bull Mountain in three phases:

> **Phase 1 –2004.** Annex East. Brings in the area that is closest in proximity to the City and the least developed, and with the least service needs. Maximizes potential financial contributions by new development toward capital improvements.
> **Phase 2 –2005.** Annex South. Next logical area due to location. Provides a connection to Urban Growth Boundary (UGB) expansion site 63. Annexing second allows additional acquisition time for equipment and staff.
> **Phase 3 – 2006.** Annex North and West. Allows the City to develop its parkland and makes a connection to Urban Growth Boundary (UGB) expansion site 64.

APPENDIX A

GLOSSARY

Annexation: The act of permanently bringing unincorporated land areas into a City by transferring properties from the County tax roll to the City tax roll. Householders become residents of the annexing city, and receive City resident services.

Annexation Effective Date: Following a yes vote and verification of results, annexation would become effective day one of the following fiscal year (July 1, 2004) for East; July 1, 2005, for South; July 1, 2006, for North and West.

Availability: The service is provided to the area and the infrastructure is present. It does not mean that each household receives the actual service; for example, in the case of sewer, hook-ups are available in the area, but some households maintain septic tanks until they decide to connect.

Comprehensive Plan: The document that envisions how lands will be used and developed in a community and sets policy accordingly. It coordinates all functional and natural systems (i.e., facilities and natural resources). Each Oregon jurisdiction is required by state land-use planning laws to have an adopted comprehensive plan. The plan includes a generalized land use map. The land-use zoning code implements the comprehensive plan. Tigard's is available on its website, www.ci.tigard.or.us

Long-Range Planning: Arm of Community Development that is tasked with meeting State Planning Goals. Staff develops long-term land use and transportation strategies, and plans for future growth.

Plan Area: The Annexation Plan applies to the unincorporated area of Bull Mountain. See **Map 1 on page 3** for a delineation of boundaries.

Unincorporated: Lands that are not located inside any city limits. These areas are governed by Washington County.

Urban Growth Boundary (UGB): Boundary that divides metropolitan areas from the surrounding rural areas. Areas within the UGB can be developed at urban standards; areas outside the UGB cannot.

Urban Planning Area: The City of Tigard's ultimate boundary, determined through the Urban Planning Area Agreement with Washington County.

Urban Service: Services that typically are provided to incorporated areas. ORS195 defines urban services as sanitary sewers, water, fire protection, parks, open space, recreation, streets, roads and mass transit. *The Bull Mountain Annexation Plan* also considers the following services as urban: police, storm sewer, building and development services, and street light maintenance.

Urbanization: To provide for an orderly and efficient transition from rural to urban land use, consistent with State Planning Goal 14 (Urbanization). Land within the boundaries separating urbanizable land from rural land (UGB) is considered available over time for urban uses.

ACRONYMS:

ORS: Oregon Revised Statutes; state law.

SDCs: System Development Charges. Fees paid by new development to fund future capital improvements. SDCs act as growth management tools by helping pay for system improvements needed as population and households increase.

TUSA: Tigard Urban Services Agreement. Signed by the City, Washington County, and all current and future service providers for the unincorporated areas within Tigard's planning area. Determines future service providers and process for transferring services between providers upon annexation. The TUSA took effect in February 2003, and is a pre-requisite for an annexation plan.

UGB: Urban Growth Boundary. Divides metropolitan areas from the surrounding rural areas. Areas within the UGB can be developed at urban standards; areas outside the UGB cannot.

UPAA: Urban Planning Area Agreement. An agreement between Washington County and City of Tigard which established Bull Mountain as part of the City's Urban Planning Area. It was originally signed in 1983 and updated most recently in fall 2003.

Appendix B

Bull Mountain Annexation Plan
Fiscal Analysis Update

The City of Tigard has conducted two previous studies of the impacts of annexing the Bull Mountain area. *The Bull Mountain Annexation Study* was completed in November 2001. *The Public Facilities and Services Assessment Report for the Bull Mountain Area* (draft) was completed in July 2003. Both studies looked at a variety of factors, including the costs of direct service to the Bull Mountain area and revenues that would be generated to pay for those services. These analyses did not attempt to calculate central administrative costs on the assumption that the existing central administrative support structure could absorb the additional workload that would come with annexation of additional territory.

The earlier studies looked at the costs and revenues associated with annexation at points in time (current, maximum build-out, and medium build-out in the *Annexation Study;* and 2005, 2010, and 2015 in *Draft Public Facilities and Services Assessment Report*.) For the purposes of this *Annexation Plan*, it is necessary to look at the total cost of service at the point of full development (which may not be the same as developing to the maximum capacity.) For the purposes of this analysis, we have assumed that the area will reach maximum development by 2015. Accordingly, this *Plan* looks at the cost of providing the level of services needed in 2015 and the operating revenues generated at that level of development.

In addition to operating costs and revenues, it is also necessary to analyze one-time capital needs and revenues. The analysis in this Plan looked at the level of one-time capital revenues generated from the point of annexation (assumed to be 2004) to the level of development anticipated in 2015.

The fiscal impacts of the earlier studies were calculated in 2001 and 2002 dollars. For purposes of this *Annexation Plan*, those fiscal analyses were updated to reflect 2003 dollars. No assumptions for future inflation were built into either the revenue or cost estimates.

Cost and revenue projections for the study area rest on three primary footings: population, number of housing units, and current assessed values.

First, staff reviewed and updated housing unit and population figures for all four sub areas. There have been a number of annexations to the City of Tigard within the study areas since 2002. Each annexation changed the boundaries of the study area and reduced the number of housing units and population remaining to be annexed. In addition, staff reviewed boundaries between sub areas to make sure that they followed subdivision and tax lot lines. Based on this review, staff

changed the boundary between the North and West sub areas. Finally, staff updated housing unit and population figures to reflect recent development.

Washington County staff used the updated maps of the Bull Mountain study area and sub areas to determine current assessed values.

The net effect of the changes discussed above were minor adjustments to the number of housing units and population. Given the small size of these adjustments, staff determined that earlier work to determine the basic costs of ongoing services to, and one-time capital needs of the study areas were still valid. Two corrections were identified, however. The November 2001 study identified two costs which were inadvertently omitted for the July 2003 study: the costs of recruiting 13 new police officers required to serve the Bull Mountain area and the cost of expanding the Police Department building to house the additional officers. Both costs have been added back into the Annexation Plan. Finally, all operating costs were increased by the Consumer Price Index of 1.68% to update the 2002 projections to 2003 dollars. All one-time capital costs were updated by the Construction Cost Index of 2.1% to reflect 2003 dollars.

Staff also reviewed and updated all revenue projections. Since the earlier two studies, some fees and charges have been increased. In addition, other revenues are estimated on a per capita or per housing unit basis. Many of those revenues have fluctuated, which required updating of per capita and per housing unit rates. These revised rates were then applied to the updated housing unit and population figures.

Finally, since the publication of the two earlier reports, a citizen Transportation Funding Task Force has recommended the adoption of a street maintenance fee to help pay for major maintenance of the street system. Statewide, most jurisdictions are dealing with insufficient gas tax and other street-related revenues which are impacting their ability to maintain their street systems. Many jurisdiction, including Tigard, are looking for additional funding sources such as the street maintenance fee.
This recommendation has been presented to the City Council, which has directed staff to prepare an ordinance to implement the fee and to bring that ordinance back to the Council for their consideration. The Council has not yet taken action on that ordinance. In updating the earlier financial analyses, staff has calculated the annual revenues from a street maintenance fee structured as recommended by the Transportation Funding Task Force, and calculated how much revenue that fee would produce from the Bull Mountain Annexation area in 2004. The following table shows how much revenue would be generated in 2004 from the Bull Mountain area if this fee is adopted by the Tigard City Council and Bull Mountain is annexed. These revenues would help to offset costs shown on the following tables charged to the Gas Tax Fund.

Table 1
Potential 2004 Bull Mountain Street Maintenance Fee Revenues

North	West	South	East	Total
$26,743	$9,319	$31,680	$4,514	$72,257

The following tables present the updated cost and revenue projections for the Bull Mountain area.

Table 2a
Projected Revenues and Costs by Fund for the Bull Mountain Area, North Unit
Operating Costs

Fund	Revenue	Operating Cost	Balance
General	$1,001,368	$533,298	$468,070
Gas Tax	$121,782	$147,302	($25,520)
Sanitary Sewer	$72,195	$47,977	$24,218
Storm Sewer	$41,112	$45,138	($4,026)
Water	$535,188	$349,271	$185,917

Table 2b
Projected Revenues and Costs by Fund for the Bull Mountain Area, North Unit
One-Time Capital Costs

Fund	Fund Balance/ Capital Revenue	One-Time Capital Cost	Balance
General	$468,070	$0	$468,070
Gas Tax	($25,520)	$297,111	($322,631)
Sanitary Sewer	$309,113	$295,069	$14,044
Storm Sewer	$54,474	$0	$54,474
Water	$185,917	$0	$185,917
Traffic Impact Fee	$318,240	$3,461,190	($3,142,950)
Parks CIP	$204,399	$453,120	($248,721)
Water SDC	$361,296	$367,560	($6,264)

Table 3a
Projected Revenues and Costs by Fund for the Bull Mountain Area, West Unit
Operating Costs

Fund	Revenue	Operating Cost	Balance
General	$809,097	$302,215	$506,881
Gas Tax	$45,094	$293,020	($247,927)
Sanitary Sewer	$28,385	$20,386	$7,999
Storm Sewer	$16,164	$17,737	($1,573)
Water	$210,420	$147,639	$62,781

Table 3b

Projected Revenues and Costs by Fund for the Bull Mountain Area, West Unit
One-Time Capital Costs

Fund	Fund Balance/ Capital Revenue	One-Time Capital Cost	Balance
General	$506,881	$0	$506,881
Gas Tax	($247,927)	$315,489	($563,416)
Sanitary Sewer	$356,204	$384,917	($28,713)
Storm Sewer	$69,927	$0	$69,927
Water	$62,781	$0	$62,781
Traffic Impact Fee	$388,960	$530,920	($141,960)
Parks CIP	$249,821	$1,914,375	($1,664,554)
Water SDC	$291,863	$0	$291,863

Table 4a
Projected Revenues and Costs by Fund for the Bull Mountain Area, South Unit
Operating Costs

Fund	Revenue	Operating Cost	Balance
General	$1,261,667	$625,477	$636,190
Gas Tax	$134,774	$233,934	($99,160)
Sanitary Sewer	$84,585	$52,733	$31,852
Storm Sewer	$48,468	$49,862	($1,694)
Water	$627,042	$388,113	$238,929

Table 4b
Projected Revenues and Costs by Fund for the Bull Mountain Area, South Unit
One-Time Capital Costs

Fund	Fund Balance/ Capital Revenue	One-Time Capital Cost	Balance
General	$636,190	$272,811	$363,379
Gas Tax	($99,160)	$2,552,500	($2,651,660)
Sanitary Sewer	$316,747	$95,974	$220,773
Storm Sewer	$56,806	$0	$56,806
Water	$238,929	$0	$238,929
Traffic Impact Fee	$318,240	$1,255,830	($937,590)
Parks CIP	$204,399	$1,914,375	($1,709,976)
Water SDC	$361,296	$366,641	($5,345)

Table 5a
Projected Revenues and Costs by Fund for the Bull Mountain Area, East Unit
Operating Costs

Fund	Revenue	Operating Cost	Balance

General	$1,649,439	$262,738	$1,386,701
Gas Tax	$20,737	$50,231	($29,494)
Sanitary Sewer	$13,718	$13,811	($93)
Storm Sewer	$7,812	$11,208	($3,396)
Water	$101,695	$147,944	($46,249)

Table 5b
Projected Revenues and Costs by Fund for the Bull Mountain Area, East Unit
One-Time Capital Costs

Fund	Fund Balance/ Capital Revenue	One-Time Capital Cost	Balance
General	$1,386,701	$0	$1,386,701
Gas Tax	($29,494)	$581,970	($611,464)
Sanitary Sewer	$1,166,272	$499,269	$667,003
Storm Sewer	$236,104	$0	$236,104
Water	($46,249)	$1,337,510	($1,383,759)
Traffic Impact Fee	$1,302,880	$2,695,440	($1,392,560)
Parks CIP	$836,813	$5,743,125	($4,906,312)
Water SDC	$1,479,152	$9,025,640	($7,546,488)

Table 6a
Projected Revenues and Costs by Fund for the Bull Mountain Area, Total Area
Operating Costs

Fund	Revenue	Operating Cost	Balance
General	$4,721,571	$1,723,729	$2,997,842
Gas Tax	$322,386	$724,487	($402,101)
Sanitary Sewer	$198,883	$134,907	$63,976
Storm Sewer	$113,256	$123,945	($10,689)
Water	$1,474,345	$1,032,967	$441,378

Table 6b
Projected Revenues and Costs by Fund for the Bull Mountain Area, Total Area
One-Time Capital Costs

Fund	Fund Balance/ Capital Revenue	One-Time Capital Cost	Balance
General	$2,997,842	$272,811	$2,725,031
Gas Tax	($402,101)	$3,747,070	($4,149,171)
Sanitary Sewer	$2,148,336	$1,275,229	$873,107
Storm Sewer	$417,311	$0	$417,311
Water	$441,378	$1,337,510	($896,132)
Traffic Impact Fee	$2,328,320	$7,943,380	($5,615,060)
Parks CIP	$1,495,432	$10,024,995	($8,529,563)

Water SDC	$2,493,607	$9,759,841	($7,266,234)

The results of these analyses show that the Bull Mountain annexation area will generally more than pay for direct general governmental operational services (primarily police and planning) and for direct operations of the two primary governmental utilities serving the area (water and sanitary sewer). The major exception to this trend is the operation of the street system. The operation of the street system is funded primarily from state and county gas taxes. Gas tax revenues attributable to the Bull Mountain area are insufficient to cover operating costs of street in that area.

One-time capital costs are paid for by a combination of operating fund balances and dedicated capital revenues. A comparison of available resources versus identified capital needs reveals major revenue shortfalls for most service areas. Simply put, the Bull Mountain area by itself will not produce enough revenues to build the capital facilities it needs for streets, parks, and water.

It is important to note that when looked at from a City perspective, this analysis can be misleading. The City operates a number of systems that serve the entire City (including in some cases the Bull Mountain area whether or not it is annexed), not discrete geographical areas. These systems include those covered in this analysis: Police, Streets, Water, Sanitary Sewer, Storm Sewer, Parks, and Planning services. Any one discrete geographical area in the City or adjacent to the City may or may not produce sufficient revenues to serve that area, but what is important is that the system as a whole can provide services to the entire area. The City's systems are financially strong, and these services can be provided to the entire area, including Bull Mountain should it be annexed to the City.

Conversely, this analysis can be very instructive when looked at from the perspective of an area being considered annexation. If the area were to attempt to obtain these same services at the level provided by the City of Tigard as a stand alone district, it may or may not be able to cover operating costs. It would be unable to pay for needed capital improvements without a substantial influx of additional revenues.

Tigard Water District

August 28, 2003

Bull Mountain Accounts

Route # 2, 10, 12, 36, 37, 38, 39, 42, 3, 41 (000-0860, 8023-9999)

Customer Type	# Active Accounts	# Suspended Accounts	Water Sales (Previous 12 Months)
Residential	2,880	69	$837,838.05
Commercial	2	0	$1,554.71
Irrigation	26	7	$27,314.56
Multi-Family	27	0	$30,508.58
Total	2,935	76	$897,215.90

All Other TWD Accounts

Route # 92, 98, 86, 84, 41 (0851-8022)

Residential	459	12	$101,340.91
Commercial	4	3	$3,996.64
Irrigation	7	0	$4,949.84
Multi-Family	38	1	$834,844.73
Total	508	16	$945,132.12

Note: Given the water sales for the previous twelve month period, the Tigard Water District would receive $8,972.16 in revenue.

July 1, 2003 - June 30 2004
Estimated Property Tax for a House
With an Assessed Value[1] of
$250,000

Taxing District	City of Tigard Tax Area 23.74		Unincorporated Washington County Tax Area 23.78		crease or (Decreas With Annexation	Unincorporated Washington County Tax Area 51.78		crease or (Decreas With Annexation
	Rate	Amount	Rate	Amount	Amount	Rate	Amount	Amount
Schools								
Ed. Service Dist. - NW Regional	0.1538	$38.45	0.1538	$38.45	$0.00	0.1538	$38.45	$0.00
Portland Community College	0.2828	$70.70	0.2828	$70.70	$0.00	0.2828	$70.70	$0.00
Tigard School District - 23J[2]	5.9892	$1,497.30	5.9892	$1,497.30	$0.00	0.0000	$0.00	$0.00
Beaverton School District - 48[2]	0.0000	$0.00	0.0000	$0.00	$0.00	6.1930	$1,548.25	$0.00
Total Education Taxes[4]	6.4258	$1,606.45	6.4258	$1,606.45	$0.00	6.6296	$1,657.40	$0.00
General Government								
Washington County[3]	2.6576	$664.40	2.6576	$664.40	$0.00	2.6576	$664.40	$0.00
Tualatin Valley Fire & Rescue[3]	1.7752	$443.80	1.7752	$443.80	$0.00	1.7752	$443.80	$0.00
Port of Portland[3]	0.0701	$17.53	0.0701	$17.53	$0.00	0.0701	$17.53	$0.00
City of Tigard[3]	2.5131	$628.28	0.0000	$0.00	$628.28	0.0000	$0.00	$628.28
Metro[3]	0.0966	$24.15	0.0966	$24.15	$0.00	0.0966	$24.15	$0.00
Washington County Enhanced Patrol	0.0000	$0.00	1.1650	$291.25	($291.25)	1.1650	$291.25	($291.25)
Washington County Road Maintenance	0.0000	$0.00	0.2456	$61.40	($61.40)	0.2456	$61.40	($61.40)
Wash. County Street Light Assessment[5]		$0.00		$35.00	($35.00)		$35.00	($35.00)
Total General Government	7.1126	$1,778.15	6.0101	$1,537.53	$240.63	6.0101	$1,537.53	$240.63
General Obligation Bonds								
Washington County	0.2377	$59.43	0.2377	$59.43	$0.00	0.2377	$59.43	$0.00
Portland Community College	0.2290	$57.25	0.2290	$57.25	$0.00	0.2290	$57.25	$0.00
Tigard School District - 23J	1.1280	$282.00	1.1280	$282.00	$0.00	0.0000	$0.00	$0.00
Beaverton School District - 48	0.0000	$0.00	0.0000	$0.00	$0.00	1.8172	$454.30	$0.00
Tualatin Valley Fire & Rescue	0.0513	$12.83	0.0513	$12.83	$0.00	0.0513	$12.83	$0.00
Port of Portland	0.0000	$0.00	0.0000	$0.00	$0.00	0.0000	$0.00	$0.00
City of Tigard	0.1650	$41.25	0.0000	$0.00	$41.25	0.0000	$0.00	$41.25
Metro	0.1934	$48.35	0.1934	$48.35	$0.00	0.1934	$48.35	$0.00
Tri-Met	0.1080	$27.00	0.1080	$27.00	$0.00	0.1080	$27.00	$0.00
Total General Obligation Bonds	2.1124	$528.10	1.9474	$486.85	$41.25	2.6366	$659.15	$41.25
Grand Total	15.6508	$3,912.70	14.3833	$3,630.83	$281.88	15.2763	$3,854.08	$281.88
Perecent Change					7.8%			7.3%

Notes

1 Assessed Value no longer equals Market Value
2 Annexation to a city does not change the school district that serves the area
3 Permanent rate set by Measure 50
4 Education Taxes are limited by Measure 5 to no more than $5 per $1,000 of Real Market Value, but Measure 50 established permanent rates per $1,000 of Assessed Value. The data presented is from the Washington County Assessors Office which is resonsible for monitoring tax rates.
5 Those areas that are served by Street Lighting Districts pay for the cost of operating and maintaining the street lights. Washington County reports that the average annual assessment per household is $35. Actual assessments will vary by district.

TIGARD URBAN SERVICE AGREEMENT
November 26, 2002

This AGREEMENT is made and entered into by and between Washington County, a municipal corporation of the State of Oregon, hereinafter "COUNTY," the City of Tigard, a municipal corporation of the State of Oregon, hereinafter "CITY," Metro, a metropolitan service district of the State of Oregon, hereinafter "METRO," and the following Special Districts of the State of Oregon, hereinafter "DISTRICT(S),"

Clean Water Services;
Tigard Water District;
Tri-Met;
Tualatin Hills Park and Recreation District;
Tualatin Valley Fire and Rescue District; and
Tualatin Valley Water District

RECITALS

WHEREAS, ORS 195.025(1) requires METRO, through its regional coordination responsibilities, to review urban service agreements affecting land use, including planning activities of the counties, cities, special districts, state agencies; and

WHEREAS, ORS 195.020(4)(e) requires cooperative agreements to specify the units of local government which shall be parties to an urban service agreement under ORS 195.065; and

WHEREAS, ORS 195.065(1) requires units of local government that provide an urban service within an urban growth boundary to enter into an urban service agreement that specifies the unit of government that: will deliver the services, sets forth the functional role of each service provider, determines the future service area, and assigns responsibilities for planning and coordination of services; and

WHEREAS, ORS 195.065(1) and (2) require that the COUNTY shall be responsible for:

1. Convening representatives of all cities and special districts that provide or declare an interest in providing an urban service inside an urban growth boundary within the county that has a population greater than 2,500 persons for the purpose of negotiating an urban service agreement;

2. Consulting with recognized community planning organizations within the area affected by the urban service agreement; and

3. Notifying Metro in advance of meetings to negotiate an urban service agreement to enable Metro's review; and

WHEREAS, ORS 195.075(1) requires urban service agreements to provide for the continuation of an adequate level of urban services to the entire area that each provider serves and to specify if there is a significant reduction in the territory of a special service district; and

WHEREAS, ORS 195.075(1) requires that if there is a significant reduction in territory, the agreement shall specify how the remaining portion of the district is to receive services in an affordable manner; and

WHEREAS, ORS 195.205 TO 195.235 grant authority to cities and districts (as defined by ORS 198.010) to annex lands within an urban growth boundary, subject to voter approval, if the city or district enacts an annexation plan adopted pursuant to ORS 195.020, 195.060 to 195.085, 195.145 to 195.235, 197.005, 197.319, 197.320, 197.335, and 223.304, and if the city or district has entered into urban service agreements with the county, cities and special districts which provide urban services within the affected area; and

WHEREAS, ORS 197.175 requires cities and counties to prepare, adopt, amend, and revise their comprehensive plans in compliance with statewide planning goals, and enact land use regulations to implement their comprehensive plans; and

WHEREAS, Statewide Planning Goals 2, 11, and 14 require cities and counties to plan, in cooperation with all affected agencies and special districts, for the urbanization of lands within an urban growth boundary, and ensure the timely, orderly, and efficient extension of public facilities and urban services.

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

I. ROLES AND RESPONSIBILITIES

A. Parties to this AGREEMENT shall provide land use planning notice to each other in accordance with the provision of the "Cooperative Agreements," developed per ORS 195.020(4)(e).

B. The parties to this AGREEMENT are designated as the appropriate provider of services to the citizens residing within their boundaries as specified in this AGREEMENT.

C. The CITY is designated as the appropriate provider of services to citizens residing within its boundaries and to adjacent unincorporated areas subject to this AGREEMENT as shown on Map A, except for those services that are to be provided by another party as specified in this AGREEMENT.

D. The CITY and COUNTY will be supportive of annexations to the CITY over time. The CITY shall endeavor to annex the unincorporated areas shown on Map A, in keeping with the following schedule:

1. Near to mid-term (3 to 5 years): Bull Mountain area and unincorporated lands north of the Tualatin River and south of Durham Road and

2. Far-term (10 years or later): Metzger area.

E. Pursuant to ORS 195.205, the CITY and DISTRICTS reserve the right and may, subsequent to the enactment of this AGREEMENT, develop an annexation plan or plans in reliance upon this AGREEMENT in accordance with ORS 195.205 to 220.

F. In keeping with the *County 2000 Strategic Plan* or its successor, the COUNTY will focus its energies on those services that provide county-wide benefit and transition out of providing municipal services that may benefit specific geographic areas or districts. The COUNTY recognizes cities and special service districts as the ultimate municipal service providers as specified in this AGREEMENT. The COUNTY also recognizes cities as the ultimate local governance provider to the urban area.

G. Within twelve months of the effective date of this AGREEMENT and prior to any consolidation or transfer of duties or any single or multiple annexations totaling twenty acres, the parties shall identify any duties performed by the parties that will or may be assumed or transferred from one party to another party by annexation, consolidation or agreement. The affected parties shall identify how the duties will be transferred or assumed, including the transfer of employees and equipment. The process to transfer duties, employees and equipment shall account for the cumulative effects of annexation, consolidation and transfer by agreement. This process shall also address large scale annexations and the large scale transfer of duties by consolidation or agreement. In the event the affected parties cannot agree upon the processes to transfer duties, employees and equipment, the provisions of Section VII of this AGREEMENT shall be used to resolve the dispute.

H. The COUNTY shall have the responsibility for convening representatives for the purpose of amending this AGREEMENT, pursuant to ORS 195.065(2)(a).

II. AGREEMENT COORDINATION

A. Existing intergovernmental agreements that are consistent with this AGREEMENT shall remain in force. This AGREEMENT shall control provisions of existing intergovernmental agreements that are inconsistent with the terms of this AGREEMENT. This AGREEMENT does not preclude any party from amending an existing inter-governmental agreement or entering into a new inter-governmental agreement with one or more parties for a service addressed in this AGREEMENT, provided such an agreement is consistent with the provisions of this AGREEMENT.

B. The CITY and COUNTY have entered into an intergovernmental agreement for the CITY provision of building, land development and specific road services on behalf of the COUNTY to the unincorporated lands in the Bull Mountain area.

C. CITY and COUNTY shall endeavor to take all action necessary to cause their comprehensive plans to be amended to be consistent with this AGREEMENT within twelve months of execution of this AGREEMENT, but no later than sixteen months from the date of execution.

III. AREA AFFECTED BY AGREEMENT

This AGREEMENT applies to the Tigard Urban Service Area (TUSA) as shown on Map A and properties added to the Regional Urban Growth Boundary (UGB) that are to be annexed to the CITY in the future as described below in Section VIII.

IV. URBAN SERVICE PROVIDERS

A. The service provisions of this AGREEMENT, as described in Exhibits A through G, establish the providers and elements of urban services for the geographic area covered in this AGREEMENT; and

B. The following urban services are addressed in this AGREEMENT:

1. Fire Protection and Emergency Services (Exhibit A);
2. Public Transit (Exhibit B);
3. Law Enforcement (Exhibit C);
4. Parks, Recreation, and Open Space (Exhibit D);
5. Roads and Streets (Exhibit E);
6. Sanitary Sewer and Storm Water (Exhibit F); and
7. Water Service (Exhibit G).

V. ASSIGNABILITY

No assignment of any party's rights or obligations under this AGREEMENT to a different, new or consolidated or merged entity shall be effective without the prior consent of the other parties affected thereby. Any party to this AGREEMENT who proposes a formation, merger, consolidation, dissolution, or other major boundary change shall notify all other parties of the availability of the reports or studies required by Oregon State Statutes to be prepared as part of the proposal.

VI. EFFECTIVE DATE OF AGREEMENT

This AGREEMENT shall become effective upon full execution by all parties.

VII. TERM OF THE AGREEMENT

This AGREEMENT shall continue to be in effect as long as required under state law. The COUNTY shall be responsible for convening the parties to this AGREEMENT for the review or modification of this AGREEMENT, pursuant to Section VIII.

VIII. PROCESS FOR REVIEW AND MODIFICATION OF THE AGREEMENT

A. Parties shall periodically review the provisions of this AGREEMENT in order to evaluate the effectiveness of the processes set forth herein and to propose any necessary or beneficial amendments to address considerations of ORS 195.070 and ORS 195.075.

B. Any party may propose modifications to this agreement to address concerns or changes in circumstances.

C. The body of this AGREEMENT (Recitals and Sections I through IX) may only be changed by written consent of all affected parties. Amendments to the exhibits of this AGREEMENT may be made upon written consent of the parties identified in each exhibit.

D. The periodic review of this AGREEMENT and all proposed modifications to this AGREEMENT shall be coordinated by the COUNTY. All requests for the periodic review of this AGREEMENT and all proposed modifications shall be considered in a timely manner and all parties shall receive notice of any proposed amendment. Only those parties affected by an amendment shall sign the amended agreement. All amendments that include boundary changes shall comply with Chapter 3.09 of the METRO Code or its successor.

E. Lands added to the Regional Urban Growth Boundary that are determined to be annexed to the CITY in the future by separate process, such an Urban Reserve Plan, shall be subject to this AGREEMENT. The appropriate service providers to new urban lands for the services addressed in this AGREEMENT shall be determined through the provisions of this Section unless those determinations are made through the development of an Urban Reserve Plan and all affected parties agree to the service determinations. This AGREEMENT shall be amended to address new urban lands and reflect the service provider determinations consistent with the provisions of this Section.

IX. DISPUTE RESOLUTION

If a dispute arises between or among the parties regarding breach of this AGREEMENT or interpretation of any term thereof, those parties shall first attempt to resolve the dispute by negotiation prior to any other contested case process. If negotiation fails to resolve the dispute, the parties agree to submit the matter to non-binding mediation. Only after these steps have been exhausted will the matter be submitted to arbitration.

Step 1 – Negotiation. The managers or other persons designated by each of the disputing parties will negotiate on behalf of the entities they represent. The issues of the dispute shall be reduced to writing and each manager shall then meet and attempt to resolve the issue. If the dispute is resolved with this step, there shall be a written determination of such resolution signed by each manager, which shall be binding upon the parties.

Step 2 – Mediation. If the dispute cannot be resolved within 30 days of initiation of Step 1, a party shall request in writing that the matter be submitted to non-binding mediation. The parties shall use good-faith efforts to agree on a mediator. If they cannot agree, the parties shall request a list of five mediators from an entity or firm providing mediation services. The parties will attempt to mutually agree on a mediator from the list provided, but if they cannot agree, each party shall select one name and the two mediators shall jointly select a third mediator. The dispute shall be heard by the third mediator and any common costs of mediation shall be borne equally by the parties, who shall each bear their own costs and fees therefore. If the issue is resolved at this Step, then a written determination of such resolution shall be signed by each manager and shall be binding upon the parties.

Step 3 – Arbitration. After exhaustion of Steps 1 and 2 above, the matter shall be settled by binding arbitration in Washington County, Oregon, in accordance with the Commercial Arbitration Rules of the American Arbitration Association, the rules of the Arbitration Service of Portland, or any other rules mutually agreed to, pursuant to ORS 190.710-790. The arbitration shall be before a single arbitrator; nothing shall prevent the parties from mutually selecting an arbitrator or panel thereof who is not part of the AAA panel and agreeing upon arbitration rules and procedures. The cost of arbitration shall be shared equally. The arbitration shall be held within 60 days of selection of the arbitrator unless otherwise agreed to by the parties. The decision shall be issued within 60 days of arbitration.

X. SEVERABILITY CLAUSE

If any portion of this AGREEMENT is declared invalid, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this AGREEMENT.

XI. SIGNATURES OF PARTIES TO AGREEMENT

In witness whereof, this AGREEMENT is executed by the authorized representatives of the COUNTY, CITY, DISTRICTS, and METRO. The parties, by their representative's signatures to this AGREEMENT, signify that each has read the AGREEMENT, understands its terms, and agrees to be bound thereby.

CITY OF TIGARD

By:_____ _____
James E. Griffith, Mayor Date

Approved as to Form:

By:_____
City Attorney

TUALATIN VALLEY FIRE AND RESCUE DISTRICT

By:_____ _____
Chairman, Board of Directors Date

Approved as to Form:

By:_____
District Counsel

TUALATIN HILLS PARK AND RECREATION DISTRICT

By:_____ _____
President, Board of Directors Date

Approved as to Form:

By:_____
District Counsel

TRI-MET

By:_____ _____
General Manager Date

Approved as to Form:

By:_____
District Counsel

CLEAN WATER SERVICES

By:_____ _____

Tom Brian, Chair Date

Board of Directors

Approved as to Form:

By:_____

District Counsel

TIGARD WATER DISTRICT

By:_____ _____
Chairman, Board of Directors Date

Approved as to Form:

By:_____
District Counsel

TUALATIN VALLEY WATER DISTRICT

By:_____ _____
Chairman, Board of Directors Date

Approved as to Form:

By:_____
District Counsel

WASHINGTON COUNTY

By:_____ _____

Tom Brian, Chair Date

Board of Commissioners

Approved as to Form:

By:_____

County Counsel

METRO

By:_____ _____
Presiding Officer Date

Approved as to Form:

By:_____
Legal Counsel

EXHIBIT A

PROVISIONS OF AGREEMENT FOR FIRE PROTECTION AND PUBLIC EMERGENCY SERVICES

TUALATIN VALLEY FIRE AND RESCUE DISTRICT, CITY and COUNTY agree:

1. That the TUALATIN VALLEY FIRE AND RESCUE DISTRICT (TVFR) is and shall continue to be the sole provider of fire protection services to the Tigard Urban Service Area (TUSA) shown on Map A.

2. That TVFR, CITY and COUNTY are and shall continue to provide emergency management response services to the TUSA.

3. That TVFR is and shall continue to be the sole provider of all other public emergency services to the TUSA, excluding law enforcement services.

EXHIBIT B

PROVISIONS OF AGREEMENT FOR PUBLIC TRANSIT SERVICE

TRI-MET, CITY, COUNTY and METRO agree:

1. That TRI-MET, pursuant to ORS Chapter 267, is currently the sole provider of public mass transit to the Tigard Urban Service Area (TUSA) shown on Map A. Future options for public mass transit services to the TUSA may include public/private partnerships to provide rail or other transit service, CITY operated transit service, and transit service by one or more public agency to all or part of the area.

2. That TRI-MET shall work with the COUNTY, CITY, and METRO to provide efficient and effective public mass transit services to the TUSA.

EXHIBIT C

PROVISIONS OF AGREEMENT FOR LAW ENFORCEMENT

COUNTY and CITY agree:

1. That as annexations occur within the Tigard Urban Service Area shown on Map A, the CITY will assume law enforcement services and the area will be withdrawn from the Enhanced Sheriff's Patrol District. The Sheriff's Office will continue to provide law enforcement services identified through the Cogan Law Enforcement Project and those services mandated by state law. Eventually, the Enhanced Sheriff's Patrol District, consistent with its conditions of formation, will be eliminated when annexations on a county-wide basis reach a point where the function of the District is no longer economically feasible.

2. That over time as annexations occur within the urban unincorporated area, the primary focus of the Sheriff's office will be to provide programs that are county-wide in nature or serve the rural areas of the COUNTY. The Sheriff's office will continue to maintain needed service levels and programs to ensure the proper functioning of the justice system in the COUNTY. The Sheriff's Office will also continue to provide available aid to smaller cities (e.g., Banks and North Plains) for services specified in the COUNTY'S mutual aid agreement with those cities upon their request. The Sheriff's Office will also consider requests to provide law enforcement services to cities on a contractual basis consistent with the COUNTY's law enforcement contracting policy**.**

3. That the COUNTY and CITY and other Washington County cities, through the Cogan Law Enforcement Project, shall determine the ultimate functions of the Sheriff's Office that are not mandated by state law.

4. That the COUNTY and CITY shall utilize comparable measures of staffing that accurately depict the level of service being provided to residents of all local jurisdictions in the COUNTY.

EXHIBIT D

PROVISIONS OF AGREEMENT FOR PARKS, RECREATION AND OPEN SPACE

CITY, TUALATIN HILLS PARK AND RECREATION DISTRICT (THPRD), COUNTY, and METRO agree:

1. That the CITY shall be the designated provider of park, recreation and open spaces services to the Tigard Urban Service Area (TUSA) shown on Map A. Actual provision of these services by the CITY to lands within the TUSA is dependent upon lands being annexed to the CITY. Within the Metzger Park Local Improvement District (LID), the CITY will be a joint provider of services. The CITY and THPRD, however, may also enter into inter-governmental agreements for the provision of park, recreation and open space services to residents within each other' boundaries, such as the joint use of facilities or programs. This provision does not preclude future amendments to this AGREEMENT concerning how park, recreation and open space services may be provided within the TUSA.

2. That the CITY and the COUNTY should further examine the feasibility of creating a park and recreation district for the TUSA.

3. That standards for park, recreation, and open space services within the TUSA will be as described in the CITY'S park master plan.

4. That the CITY and COUNTY are supportive of the concept of a parks systems development charge as a method for the future acquisition and development of parks lands in the TUSA that are outside of the CITY. The CITY and COUNTY agree to study the feasibility of adopting such a systems development charge for lands outside of the CITY.

5. That at the next update of its parks master plan, the CITY shall address all the lands within the TUSA.

6. That the Metzger Park LID shall remain as a special purpose park provider for as long as a majority of property owners within the LID wish to continue to pay annual levies for the operation and maintenance of Metzger Park. The CITY and COUNTY also agree to the continuation of the Metzger Park Advisory Board. However, the COUNTY as administrator of the LID, may consider contracting operation and maintenance services to another provider if that option proves to be more efficient and cost-effective. This option would be presented and discussed with the Park Advisory Board before the COUNTY makes a decision.

7. That continuation of the Metzger Park LID shall not impede provision of parks, and eventually recreation services, to the Metzger Park neighborhood by the CITY. Continuation of the Metzger Park LID will be considered as providing an additional level of service to the neighborhood above and beyond that provided by the CITY.

8. That the CITY and COUNTY will coordinate with Metro to investigate funding sources for acquisition and management of parks which serve a regional function.

9. That Metro may own and be the provider of region-wide parks, recreation and open space facilities within the TUSA. Metro Greenspace and Parks facilities typically are to serve a broader population base than services provided to residents of the TUSA by the CITY. Where applicable, the CITY, COUNTY, and METRO will aspire to coordinate facility development, management and services.

EXHIBIT E

PROVISIONS OF AGREEMENT FOR ROADS AND STREETS

CITY and COUNTY agree:

1. Existing Conditions and Agreements

   A. The COUNTY shall continue to retain jurisdiction over the network of arterials and collectors within the Tigard Urban Service Area (TUSA) that are specified on the COUNTY-wide roadway system in the Washington County Transportation Plan. The CITY shall accept responsibility for public streets, local streets, neighborhood routes and collectors and other streets and roads that are not part of the COUNTY-wide road system within its boundaries upon annexation if the street or road meets the agreed upon standards described in Section 2.C.(2) below.

   B. The COUNTY and CITY agree to continue sharing equipment and services with renewed emphasis on tracking of traded services and sharing of equipment without resorting to a billing system, and improved scheduling of services. Additionally, the COUNTY and CITY shall work to improve coordination between the jurisdictions so that the sharing of equipment and services is not dependent on specific individuals within each jurisdiction. The COUNTY and CITY shall also work to establish a more uniform accounting system to track the sharing and provision of services.

   C. Upon annexation to the CITY, the annexed area shall be automatically withdrawn from the Urban Road Maintenance District (URMD).

   D. Upon annexation to the CITY, an annexed area that is part of the Washington County Service District For Street Lighting No. 1 shall be automatically withdrawn from the District. The CITY shall assume responsibility for street lighting on the effective date of annexation of public streets and COUNTY streets and roads that will be transferred to the CITY. The COUNTY shall inform PGE when there is a change in road jurisdiction or when annexation occurs and the annexed area is no longer a part of the street lighting district.

2. Road Transfers

   Transfer of jurisdiction may be initiated by a request from the CITY or the COUNTY.

   A. Road transfers shall include the entire right-of-way (e.g., a boundary cannot be set down the middle of a road) and proceed in a logical manner that prevents the creation of segments of COUNTY roads within the CITY'S boundaries.

B. Within thirty days of annexation, the CITY will initiate the process to transfer jurisdiction of COUNTY and public streets and roads within the annexed area, including local streets, neighborhood routes, collectors and other roads that are not of county-wide significance. The transfer of roads should take no more than one year from the effective date of annexation.

C. The COUNTY:

(1) To facilitate the road transfer process, the COUNTY will prepare the exhibits that document the location and condition of streets to be transferred upon receipt of a transfer request from the CITY.

(2) Prior to final transfer, the COUNTY:

(a) Shall complete any maintenance or improvement projects that have been planned for the current fiscal year or transfer funds for same to the CITY.

(b) Shall provide the CITY with any information it may have about any neighborhood or other concerns about streets or other traffic issues within the annexed area. This may be done by providing copies of COUNTY project files or other documents or through joint meetings of CITY and COUNTY staff members.

(c) Shall make needed roadway improvements so that all individual roads or streets within the area to be annexed have a pavement condition index (PCI) of more than 40 and so that the average PCI of streets and roads in the annexed area is 75 or higher. As an alternative to COUNTY-made improvements, the COUNTY may pay the CITY'S costs to make the necessary improvements.

(d) Shall inform the CITY of existing maintenance agreements, Local Improvement Districts established for road maintenance purposes, and of plans for maintenance of transferred roads. The COUNTY shall withdraw the affected territory from any road maintenance LIDs formed by the COUNTY.

D. The CITY:

(1) Agrees to accept all COUNTY roads and streets as defined by ORS 368.001(1) and all public roads within the annexed area that are not of county-wide significance or are not identified in the COUNTY'S Transportation Plan as part of the county-wide road system provided the average PCI of all COUNTY and public roads and streets that the CITY is to accept in the annexed area is 75 or higher as defined by the COUNTY'S pavement management system. If any individual COUNTY or public street or road that the CITY is to accept within the area has an average PCI of 40 or less at the time of annexation, the CITY shall assume jurisdiction of the road or street only after the COUNTY has complied with Section 2.C.(2) of this exhibit.

(2) Shall, in the event the transfer of roads does not occur soon after annexation, inform the newly annexed residents of this fact and describe when and under what

conditions the transfer will occur and how maintenance will be provided until the transfer is complete.

E. The CITY shall be responsible for the operation, maintenance and construction of roads and streets transferred to the CITY as well as public streets annexed into the CITY. CITY road standards shall be applicable to transferred and annexed streets. The CITY shall also be responsible for the issuance of access permits and other permits to work within the right-of-way of those streets.

3. Road Design Standards and Review Procedures and Storm Drainage

The CITY and COUNTY shall agree on:

A. The CITY and COUNTY urban road standards and Clean Water Service standards that will be applicable to the construction of new streets and roads and for improvements to existing streets and roads that eventually are to be transferred to the CITY, and streets and roads to be transferred from the CITY to the COUNTY;

B. The development review process and development review standards for COUNTY and public streets and roads within the TUSA, including COUNTY streets and roads and public streets that will become CITY streets, and streets and roads that are or will become part of the COUNTY-wide road system; and

C. Maintenance responsibility for the storm drainage on COUNTY streets and roads within the TUSA in cooperation with Clean Water Services.

4. Review of Development Applications and Plan Amendments

A. The COUNTY and CITY, in conjunction with other Washington County cities and the Oregon Department of Transportation (ODOT), shall agree on a process(es) and review criteria (e.g., types and levels of analysis) to analyze and condition development applications and plan amendments for impacts to COUNTY and state roads.

B. The review process(es), review criteria, and criteria to condition development and plan amendment applications shall be consistent with the *Oregon Highway Plan*, the *Regional Transportation System Plan*, COUNTY and CITY Transportation Plans and Title 6 of METRO'S *Urban Growth Management Functional Plan*.

5. Maintenance Cooperation

A. The COUNTY and CITY, in conjunction with ODOT, shall consider developing an Urban Road Maintenance Agreement within the TUSA area for the maintenance of COUNTY, CITY, and state facilities, such as separately owned sections of arterial streets and to supplement the 1984 League of Oregon Cities Policy regarding traffic lights.

A. The COUNTY and CITY, in conjunction with other Washington County cities, shall develop a set of minimum right-of-way maintenance standards and levels of activity to be used in performance of services provided under the exchange of services agreement described above in 5. a.

C. The COUNTY may contract with the CITY for the maintenance of COUNTY streets and roads within the TUSA utilizing an agreed upon billing system.

D. The COUNTY, CITY and ODOT, in conjunction with other Washington County cities, will study opportunities for co-locating maintenance facilities.

6. Implementation

Within one year of the effective date of this AGREEMENT, the CITY and COUNTY agree to develop a schedule that describes when the provisions of this exhibit shall be implemented.

EXHIBIT F

PROVISIONS OF AGREEMENT FOR SANITARY SEWER AND STORM WATER MANAGEMENT

CLEAN WATER SERVICES, (CWS), CITY and COUNTY agree:

1. As a county service district organized under ORS 451, CWS has the legal authority for the sanitary sewage and storm water (surface water) management within the CITY and the urban unincorporated area. CWS develops standards and work programs, is the permit holder, and operates the sanitary sewage treatment plants.

2. The CITY performs a portion of the local sanitary sewer and storm water management programs as defined in the operating agreement between the CITY and CWS. This agreement shall be modified on an as-needed basis by entities to the agreement.

3. At the time of this AGREEMENT, the following are specific issues that the parties have addressed as part of this process and agree to resolve through changes to current intergovernmental agreements.

   A. Rehabilitation of Sewer Lines with Basins Identified with High Levels of Infiltration and Inflow (I & I).

   B. For lines that are cost-effective to do rehabilitation, CWS and the CITY will consider cost-sharing regardless of line size under a formula and using fund sources to be agreed on between CITY and CWS. The cost-share is to be determined through specific project intergovernmental agreements. Following the evaluation of program funding methods, CWS, in cooperation with the CITY, will determine the long-term funding for I & I and other rehabilitation projects.

   C. CWS, with assistance from the CITY and other Washington County cities, shall undertake periodic rate studies of monthly service charges to determine whether they are adequate to cover costs, including costs of maintenance and rehabilitation of sewer lines. The rate study shall consider sewer line deterioration and related maintenance and repair issues.

4. Master and Watershed Planning:

   A. Primary responsibility for master and watershed planning will remain with CWS, but the CITY will be permitted to conduct such planning as long as these plans meet CWS standards. CWS and the CITY shall use uniform standards, such as computer modeling, to conduct these studies. CWS and the CITY shall determine their respective cost-sharing responsibility for conducting these studies.

B. CWS and the CITY, in conjunction with other Washington County cities using the City/District Committee established by CWS, shall develop uniform procedures for the coordination and participation between CWS, the CITY and other cities when doing master and watershed planning.

5. Sanitary Sewer Systems Development Charges

CWS and the CITY, in conjunction with other Washington County cities, shall use the results of the CWS Conveyance System Management Study, or updates, for options for collection and expenditure of SDC funds to address current disparities between where funds are collected and where needs are for projects based on an agreed upon CITY/CWS master plan.

6. Storm Water Management System Development Charges

A. CWS and the CITY shall use the results of the CWS Surface Water Management Plan Update Project to address all aspects of storm water management and to provide more direction to CWS and the CITY.

B. Watershed plans being prepared by CWS for storm water management shall address the major collection system as well as the open-channel system to identify projects for funding.

7. Maintenance

CWS, in cooperation with the CITY and other Washington County cities, shall use the results of the CWS Conveyance System Management Study for guidance to resolve issues related to roles of the DISTRICT and the cities in order to provide more cost effective maintenance of the collection systems.

EXHIBIT G

PROVISIONS OF AGREEMENT FOR WATER SERVICE

TUALATIN VALLEY WATER DISTRICT (TVWD), TIGARD WATER DISTRICT (TWD), CITY and COUNTY agree:

1. Supply:

   A. Supply generally will not impact service boundaries, given that a limited number of sources provide all the water in the study area and the number of interconnections between providers are increasing and are encouraged to continue in the future.

   B. Future supply and conservation issues may be addressed through the Regional Water Consortium to the extent reasonable and practicable for water providers in Washington County. Service providers in the TUSA shall continue to participate in the Consortium and use it as the forum for raising, discussing and addressing supply issues.

   C. The Consortium may also serve as a forum to discuss and resolve water political issues to the extent reasonable and practicable for water providers in Washington County. The Consortium is an appropriate forum to bring elected officials together and for promoting more efficient working relationships on water supply and conservation issues.

   D. Intergovernmental agreements shall address ownership of interconnections between CITY and Districts' sources, whether for the purpose of wholesale provision of water from one entity to the other or for emergency use, in the case of a boundary change that involves the site of the interconnection.

2. Maintenance/Distribution:

   A. TVWD, TWD and the CITY do not anticipate any events in the foreseeable future that would necessitate maintenance, rehabilitation or replacement beyond the financial reach of any of the water providers in the TUSA. Each provider will continue to be responsible for providing the financial revenue stream through rates and charges and to accrue adequate reserves to meet foreseeable major maintenance needs.

   B. TVWD, TWD, CITY, and COUNTY agree to maintain and participate in the Cooperative Public Agencies of Washington County in order to efficiently share and exchange equipment and services.

   C. To the extent reasonable and practicable, TVWD, TWD and the CITY shall coordinate mandated (under Oregon law) underground utility locating services to efficiently provide service within the urban service areas.

   D. TVWD, TWD and CITY agree to provide to one another copies of as-builts of existing and new facilities and other types of water system maps for the purposes of facilitating

planning, engineering and design of other utilities or structures that may connect, intersect or be built in proximity to CITY facilities. The CITY agrees to incorporate such mapping into its GIS mapping system of utilities and other facilities. TVWD, TWD and CITY agree to develop and maintain a common, on-going, up to date GIS mapping system showing facilities of each water provider within the TUSA.

3. Customer Service/Water Rates:

   A. Price of supply and bonded indebtedness will most likely have the greatest impact on rates.

   B. TVWD, TWD, and the CITY believe that rates are equitable within the TUSA.

   C. Given adequate water pressure, level and quality of service should not vary significantly among different water providers in the TUSA and does not appear to be an issue for most customers.

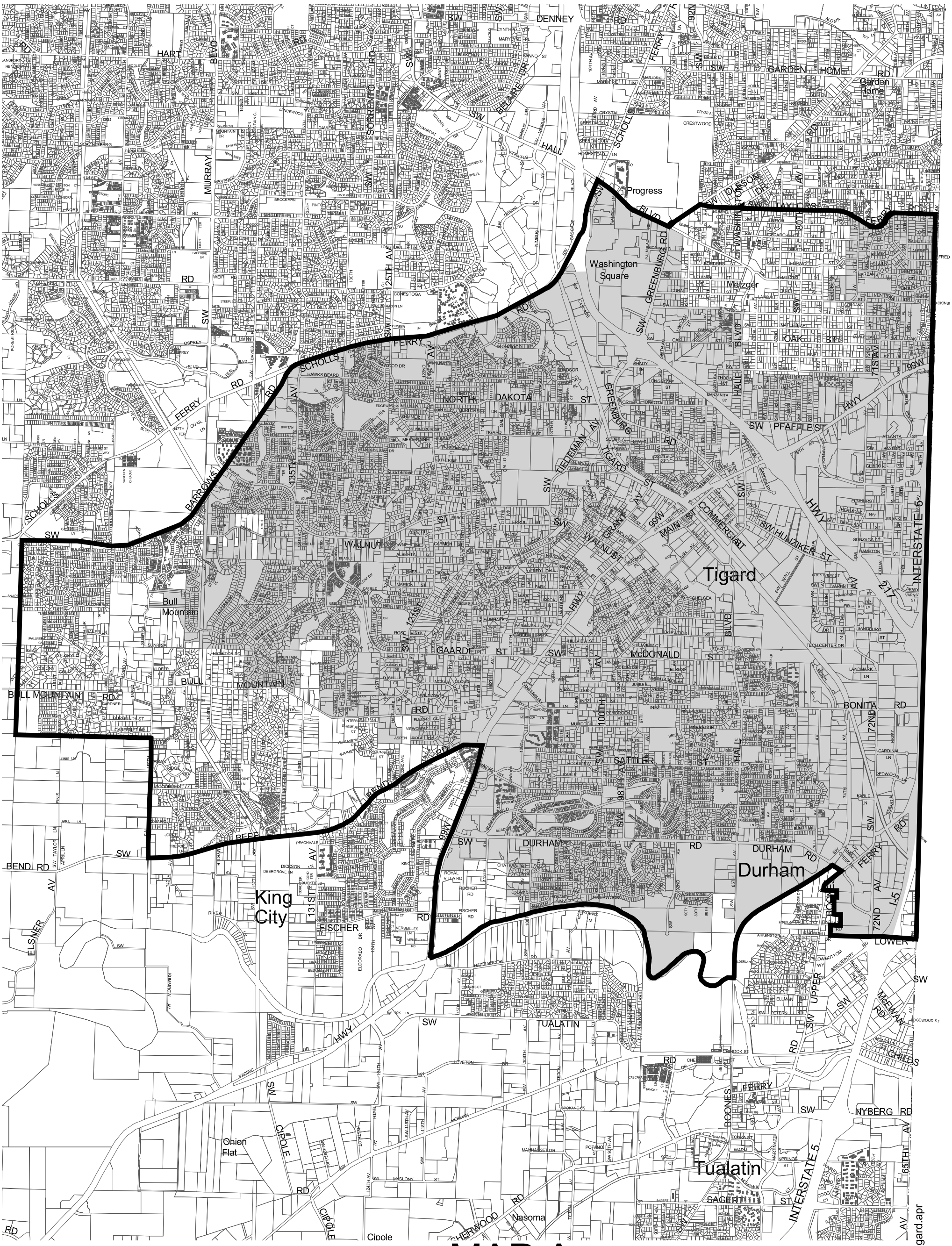
4. Withdrawal/Annexation/Merger:

   A. Notwithstanding Section I of this AGREEMENT - Roles and Responsibilities, or existing agreements between the providers, future annexations may lead to changes in service provision arrangements. Modifications to any service area boundary shall comply with METRO Code Chapter 3.09 and provisions identified under Section IV. If necessary, the Metro Boundary Appeals process shall be employed to resolve conflicts between parties as they arise. TVWD, TWD, and the CITY shall continue to work together to adjust boundaries as appropriate to improve the cost-effectiveness and efficiency of providing service.

   B. In the event that the entire service area of any DISTRICT is annexed in the future, that district shall be dissolved. No attempt shall be made to maintain the district by delaying annexation of a token portion of the district (e.g., the district office).

   C. The area of TVWD known as the Metzger service area shall remain in TVWD, except those portions agreed to by both TVWD and CITY that may be withdrawn from TVWD upon annexation to the CITY. In exchange, TVWD will support the CITY joining as a partner of the Joint Water Commission.

   D. Providers that propose a merger, major annexation or dissolution shall give all providers in the study area an opportunity to influence the decision as well as plan for the consequences. None of the parties waives its right to contest a major or minor boundary change by any of the other parties on the issue of the appropriate service provider for the area encompassed by the boundary change except when the party has expressly waived that right as to a described service area in an agreement executed subsequent to this agreement.


Tigard
Tualatin
Durham
King City
Progress
Washington Square
Metzger
Garden Home
Bull Mountain
Onion Flat
Cipole
Nasoma
DENNEY
HART
MURRAY
SCHOLLS FERRY
BARROWS
BULL MOUNTAIN
BEAVERTON HILLSDALE
BEAVERTON TIGARD
HALL
GREENBURG
HWY 99W
INTERSTATE 5
HWY 217
TIGARD
TUALATIN
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MCEWAN
LOWER BOONES
UPPER BOONES
CHILDS
NYBERG
BONITA
DURHAM
BEND
FISCHER
WALNUT
MAIN
MCDONALD
GAARDE
SATTLER
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NORTH DAKOTA
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Evaluation criteria (100 pts)	North	West	South	East	N&W	S&E	N&S	S&W	All
Tigard Service Provision Impact (30 pts)									
Adjacent to City limits	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
If area is annexed alone, can it be fully served without significantly decreasing current City service levels immediately upon annexation? *Water, Sanitary sewer and storm sewer are not evaluated since they already serve this area. Road maintenance is not included because major projects have to be programmed into the CIP and will not be needed immediately upon annexation. Parks maintenance is not included because there are no developed parks properties to maintain.	Draft								
▪ Police	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
▪ Street maintenance (PW)	Yes	Yes	Yes	Yes	No	No	No	No	No
▪ Street light maint. (% of gas tax revenues that cover gas tax needs)	99%	18%	69%	60%	45%	67%	80%	40%	54%
Would service provision of this area require crossing an area that is unincorporated?	No	Yes	Part.	No	Part.	No	Part.	Part.	No
Relationship to UGB expansion area (20 pts)									
Provides link to UGB area	Yes - 1	No	Yes - 1	No	Yes-2	Yes-1	Yes-2	Yes-2	Yes-2
Financial impacts (45 pts)									
Total Tax Revenues (for on-going services) vs. Total on-going costs - 2015	292,256	64,670	380,711	386,111	356,926	766,822	672,967	445,381	1,123,748
% of capital needs covered by revenues (includes all capital funds) – 2005 annexation	7.8%	10.6%	8.6%	9.9%	9.6%	9.4%	8.3%	9.7%	9.5%
Additional growth potential (difference between existing(baseline) dwelling units and projected build-out dwelling units	237	173	251	549	410	800	488	424	1210
Additional factors									
Publicly owned land with some park potential	Yes	No	No	Yes	Yes	Yes	Yes	No	Yes
Total points	55	25	55	58	65	73	77	65	88

Draft

PUBLIC FACILITIES AND SERVICES ASSESSMENT REPORT FOR THE BULL MOUNTAIN AREA

CITY OF TIGARD

Community Development
Shaping A Better Community

Community Development Department
Long-Range Planning
Draft – updated July 1, 2003

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City of Tigard
Public Facilities and Services Assessment Report for the Bull Mountain Area

Draft

PRODUCED BY:
THE CITY OF TIGARD COMMUNITY DEVELOPMENT DEPARTMENT IN COLLABORATION WITH THE FINANCE, ENGINEERING, POLICE AND PUBLIC WORKS DEPARTMENTS
DIRECTOR, JAMES N.P. HENDRYX

JULY, 2003

CITY OF TIGARD
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TIGARD, OR 97223
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Section I. – Executive Summary

With the adoption of the City's Comprehensive Plan in the early 1980s, the Bull Mountain area has been identified as within Tigard's urban services area. Over the years, portions of Bull Mountain have annexed into the City. However, major portions (approximately 1,430 acres) remain outside the City limits. This area is developing rapidly at urban densities. Given the existing development trends, portions of the Bull Mountain area are likely to reach build out in the next few years.

Under the Oregon land use system, all cities and counties, through a cooperative process are required to establish Urban Growth Boundaries separating urbanizable land from rural land. Establishment and development within the Urban Growth Boundary (UGB) area is based on several factors, including orderly and economic provision of public facilities and services to support urban levels of development. However, the planning and development pattern in unincorporated Bull Mountain has not taken into account the capital needs, including the open space and recreational needs of its residents. Should the area fully build out before annexation, Tigard will not have all the financial/growth management tools that exist today to address the needs of the area.

Ongoing services

On-going services such as police service, street maintenance and other services are not one-time investments. On-going service needs are those needed to maintain newly annexed areas at the same level of service as provided to the City of Tigard. Revenues for on-going services are based on population and other factors, not directly tied to new development. Several funds are not projected to cover the on-going service costs, however, the Gas Tax fund is the only one that can not be increased to ensure that costs are covered. Policy choices are proposed to help minimize the Gas Tax fund deficiencies. The projections indicate that, with all revenue funds combined, the Bull Mountain area can be provided City of Tigard services without a reduction in services.

Capital needs

Capital needs include park acquisition, major road improvements, storm and sanitary sewer facilities. Revenue for capital needs comes from new development. The Bull Mountain Area has estimated capital improvement needs totaling approximately $36 million. While this amount appears significant, it is roughly proportional to the rest of Tigard's capital needs.

Because revenue for capital needs comes from new developments, annexation should occur as soon as possible in order for the City to maximize the available funds to meet the projected needs. By delaying annexation until 2010, 25.6% of the capital funds will not be available to Tigard. Approximately, 45.6% will not be available if annexation is delayed until 2015.

Service provision

All service providers except Public Works –Streets Division and Police, could temporarily absorb portions, or the entire area, using existing crews, until additional staff and equipment is purchased. The Police Department could absorb any portion or the entire area with a reduction only in response time to priority 3 (lowest priority, no one in danger)

calls. The Streets Division could not absorb more than one sub-area without additional staff being hired up front.

Relation to the UGB expansion areas

The Urban Growth Boundary (UGB) has recently been expanded. Two areas are adjacent to Bull Mountain. Both are suitable for urban development and eventual inclusion within Tigard's urban services area. Tigard's involvement in the development of these areas is critical to assure that urban levels of public facilities and services are available for future residents. Integration with Bull Mountain will also be necessary so that they can be planned to complement and enhance the Bull Mountain community and each other. Consideration must be given to providing logical connections to the UGB expansion areas and the rest of the City, ensuring that adequate service delivery can be provided.

Conclusion

Unincorporated Bull Mountain currently receives its public facilities and services from Washington County and special service districts. The County is responsible for law enforcement, road maintenance, and sanitary and storm sewer services. Law enforcement and road maintenance services are provided at enhanced urban levels as compared to rural areas of Washington County. The County has differing service and facilities standards than Tigard. The City has limited ability to manage growth outside its City limits to ensure that efficient and effective public facilities and services are provided.

The timing of annexation is a major factor in addressing this issue. Development occurring outside Tigard's City limits, while subject to specific regulations, does not account for the City's ability to ultimately provide urban levels of public facilities and services. The Bull Mountain Assessment Report indicates:

- As with the rest of the City, the Gas Tax Fund deficit issue must be addressed for Bull Mountain. However, there are policy choices that can minimize impacts.

- As with the rest of the City, Bull Mountain has capital improvement needs. Delaying annexation impacts the City's ability to address those needs.

- Annexation of the entire Bull Mountain area at one time impacts service delivery due to increased staffing and equipment needs. However, options are available to eliminate or reduce impacts.

- The two UGB expansions adjacent to Bull Mountain offer Tigard the ability to plan for the delivery of urban levels of service and capital facilities before these areas develop.

- An annexation strategy is needed for Bull Mountain to address the long term delivery of services and capital facilities.

Recommendations

City Council needs to consider how and when it will be the optimal time to provide City services to Bull Mountain and eventually the two UGB expansion areas adjacent to Bull Mountain. Delay in addressing this issue reduces the City's ability to adequately provide for those needs. There is a series of policy choices Council can take. Council can decide to maintain the status quo or actively pursue annexation of portions or the entire area. Listed below are five potential policy choices, followed by sub-tasks to implement each policy choice.

1. Support property owner annexations and require annexation prior to development. (status quo)
    - Formalize existing policy that all undeveloped property should be annexed prior to developing. This will require amendments to the Urban Planning Area Agreement between Tigard and Washington County.
    - Utilize the double majority annexation method wherever possible. This method of annexation allows inclusion of additional properties beyond those requesting annexation.

2. Actively seek support of annexations in targeted areas
    - Formalize existing policy that all undeveloped property should be annexed prior to developing. This will require amendments to the Urban Planning Area Agreement between Tigard and Washington County.
    - Utilize the double majority annexation method wherever possible.
    - Focus on areas that have the greatest opportunities for Tigard to address the public service needs.

3. Actively seek annexations via island, cherry stem, and other annexation methods.
    - Formalize existing policy that all undeveloped property should be annexed prior to developing. This will require amendments to the Urban Planning Area Agreement between Tigard and Washington County.
    - Utilize the double majority annexation method wherever possible.
    - Focus on areas that have the greatest opportunities for Tigard to address the public service needs.

4. Initiate annexation and take to vote of Bull Mountain area only.
    - Formalize existing policy that all undeveloped property should be annexed prior to developing. This will require amendments to the Urban Planning Area Agreement between Tigard and Washington County.
    - Consider annexation of the entire area <u>or</u> focus on areas that have the greatest opportunities for Tigard to address the public service needs.
    - Extensive public involvement is necessary to proceed with either the Bull Mountain or Annexation plan vote.
        - Direct development of public involvement plan.
        - Actively involve Washington County in the development and implementation of any public involvement plan.

5. Annexation plan – vote of Tigard and the affected Bull Mountain area.
    - Formalize existing policy that all undeveloped property should be annexed prior to developing. This will require amendments to the Urban Planning Area Agreement between Tigard and Washington County.
    - Consider the entire area or focus on areas that have the greatest opportunities for Tigard to address the public service needs.
    - Extensive public involvement is necessary to proceed with either the Bull Mountain or Annexation plan vote.
        - Direct development of public involvement plan.
        - Actively involve Washington County in the development and implementation of any public involvement plan.

If Council chooses to seek annexation of the entire Bull Mountain area, there will be short term impacts on service delivery. To address this issue, the following policy choices could be considered:

- Delay the effective date of annexation until staffing and equipment can be obtained.
    - Delaying the effective date of annexation by up to a year would allow hiring and training of police staff and purchase of new equipment.
    - This would require authorizing funding in advance of the annexation becoming effective.

- Negotiate agreements with the County to provide short-term assistance until Tigard service providers are fully staffed.

- Accept short-term, citywide reduction in service levels until staff and equipment are up to standard levels.

Section II. - Introduction

Draft

A. Background

With the adoption of the City's Comprehensive Plan in the early 1980s, the Bull Mountain area has been identified as within the Urban Growth Boundary of Tigard. Over the years, portions of Bull Mountain have annexed into the City. However, major portions (approximately 1,430 acres) remain outside the City limits. This area is developing rapidly at urban densities. Specific areas are nearing build out while other areas can accommodate considerable growth. The planning and development pattern in Bull Mountain has not taken into account the capital needs, including the open space and recreational needs of its residents. Given the existing development trends, portions of the Bull Mountain area are likely to reach build out in the next few years which would further exacerbate the open space/recreational deficiency. A detailed chronology of coordination efforts is provided in Appendix A.

Unincorporated Bull Mountain currently receives its public facilities and services from Washington County and special service districts. The County is responsible for law enforcement, road maintenance, and sanitary and storm sewer services. Tigard, through an intergovernmental agreement with the County, provides development related planning, building, and engineering services to the area. Law enforcement and road maintenance services are provided at enhanced urban levels as compared to rural areas of Washington County.

In December 2002, the Metro Council finalized the two-year process of reviewing the region's capacity for housing and jobs by expanding the urban growth boundary (UGB). As part of this decision, Tigard and Washington County will need to incorporate an additional 480 acres adjacent to the unincorporated Bull Mountain area as part of the overall urban services provision/annexation strategy. When combined with the projected Bull Mountain area population, this may ultimately result in approximately 15,000 new residents. Since the current Tigard population is approximately 44,000 (2002), the unincorporated portion of the Bull Mountain area will constitute approximately 21% of the overall number of residents (59,000) living in this portion of Tigard's Urban Growth Boundary area at its estimated build out.

In 2001, the Tigard Council established a goal to develop an annexation policy/strategy for non-island areas, such as Bull Mountain. In 2001, Tigard developed a Bull Mountain annexation study to assess the feasibility of annexing the Bull Mountain area. The key conclusions and policy issues identified in the *Bull Mountain Annexation Study* centered on the capital needs and lack of funds to meet all the needs in the Bull Mountain area. After the *Bull Mountain Annexation Study* was published, a public opinion survey was completed to assess Tigard citizen and Bull Mountain resident opinions on the potential of annexing the Bull Mountain area. In fall 2002, Council considered a resolution to initiate an annexation plan for the Bull Mountain area; however, the resolution did not pass.

While Council decided not to go further with an annexation strategy last year, its goals continue to involve the Bull Mountain area. Therefore, in order to develop a long-term

strategy for providing services to the Bull Mountain area, a Public Facilities and Services Assessment Report has been developed.

B. Report Scope and Objectives

The analysis contained in this report addresses the relationship between the efficiency of service provision and annexation strategies and its impact on the efficient use of urbanizable land. The objectives of the report are:

- To provide a comprehensive analysis of public services and facilities needs for Bull Mountain, with the emphasis on the relationship between the timing of annexation and funding mechanisms for both on-going and one-time capital improvement projects.

One of the primary objectives of the Bull Mountain Public Facilities and Services Assessment Report is to evaluate the potential timing and sequence of annexation and its impacts upon the City's ability to provide efficient and effective public facilities and services. The City has limited ability to manage growth outside its City limits to ensure that efficient and effective public facilities and services are provided. The timing of annexation is a major factor in addressing this issue. Development occurring outside Tigard's City limits, while subject to specific regulations, does not account for the City's ability to ultimately provide urban levels of public facilities and services.

- To identify policy choices related to the provision of public services and needs upon annexation.

The Assessment Report provides the framework for further policy discussion on how and when the area is annexed and receives City services.

Section III - Methodology

Draft

A. Area of Evaluation

The area evaluated for this assessment report, commonly referred to as Bull Mountain, is generally comprised of all the unincorporated area north of Beef Bend Road, east of the Urban Growth Boundary, south of Barrows Road and west of 99W. According to the 2000 census, there are 7,300 people in the study area. The area consists of a mix of larger undeveloped lots, large developed lots, and smaller lots built to the minimum densities (generally R-7). The study area was defined in the *2001 Bull Mountain Annexation Study* and consists of approximately 1,430 acres. While some annexations have occurred, they are not reflected in this study. However, the development of these areas was already approved at the time of the *2001 Bull Mountain Annexation Study* and was factored in to the growth projections.

B. Range of Alternatives

Due to the size of the area, growth potential and nature of existing development, the study evaluated nine alternatives: four sub-areas, four combinations of sub-areas and the entire area as a whole. The entire area was divided into the same four sub-areas utilized in the *2001 Bull Mountain Annexation Study* (see Figure 1, next page). Because this report utilized the previous work conducted, the projected population and housing units for each sub-area over time is known and was used in the evaluation. The following is a brief summary of what is known about each sub-area (a more detailed description is located in Appendix B):

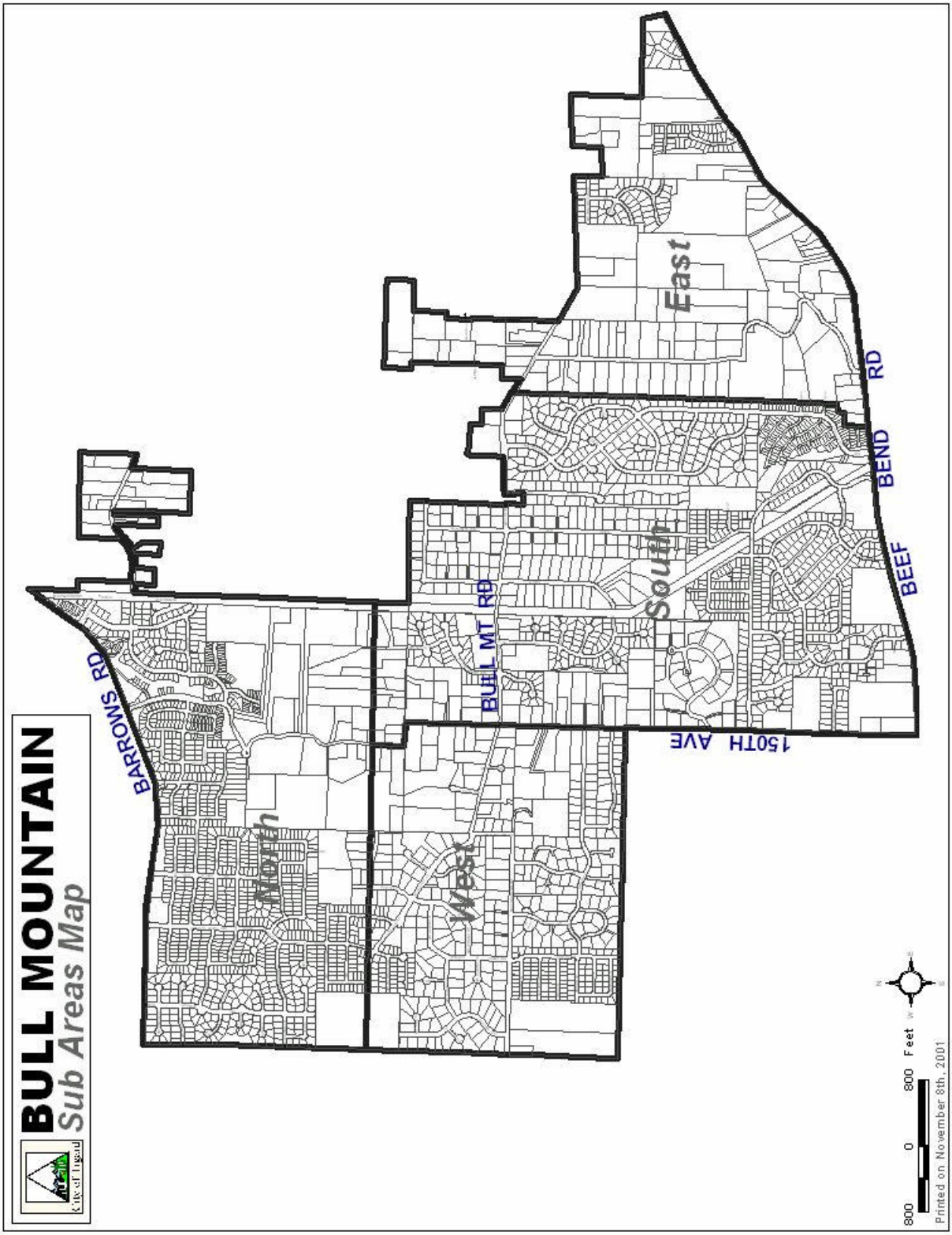
North - This area consists of approximately 383 acres and a population of 3,001. It is largely built out with only about 10% of the area identified as vacant or redevelopable. Based on the household growth rate of 2.2% identified by Metro, the *2001 Bull Mountain Annexation Study* estimated that this area will be built out in 4.5 years.

West - This area consists of approximately 259 acres with 944 people. The majority of the area has been developed with large lot subdivisions, which are not expected to be divided further. However, 15.3% of the land in this area is identified as vacant or redevelopable. Based on the 2.2% household growth rate identified by Metro, the *2001 Bull Mountain Annexation Study* estimated that this area will be built out in 6.9 years.

South - This area consists of approximately 507 acres of land and 3,196 people. Many of the subdivisions were developed with large lots that are not expected to be divided further; as a result, this area has about 10.6% vacant or redevelopable land. Based on the 2.2% household growth rate identified by Metro, the *2001 Bull Mountain Annexation Study* estimated that this area will be built out in 4.8 years.

East - This area consists of approximately 282 acres with 544 people. This area has most of the area's growth potential, with almost 40 percent of the land identified as vacant or redevelopable. Based on the 2.2% household growth rate identified by Metro, the *2001 Bull Mountain Annexation Study* estimated that this area will be built out in 18 years. However, recent land purchases in this area and initial discussions with developers indicate that this area could develop much sooner than projected.

Figure 1



** Map based on 2001 City limits

The information provided for each sub-area from the *2001 Bull Mountain Annexation Study* was utilized to make financial and service need projections to meet the objectives of this assessment report. In addition to the four sub-areas evaluated in the *2001 Bull Mountain Annexation Study*, this report also looked at combinations of 2 areas in order to evaluate impacts to the City to serve larger areas and also to identify if strategic combinations of areas created a more optimal provision of services than single areas alone. Because the possible combinations were countless, combinations were only considered if the areas were contiguous to one another. Four combinations of areas were contiguous:

- South and East
- South and West
- North and South
- North and West

The report also looked at the entire area as a whole to determine the issues that may arise if the area were to annex at the same time. The end result is 9 alternatives.

C. Overview of Evaluation Criteria

To meet the objective of evaluating the efficient and effective provision of services to the Bull Mountain area over time, three criteria were developed:

1. **Fiscal**
   a. On-going provision of services - how much does it cost to provide on-going services over the long term (2015) versus the revenue that will be collected; and
   b. One-time capital facility needs - how much revenue can be expected to meet the capital needs. This analysis looks at the factor time (and continued development without annexation) has on the City's ability to collect fees to address the anticipated capital needs. Capital need estimates were based on existing Public Facilities Plans and Master Plans.

2. **Tigard Service Provision Impacts**
   a. Service provision impacts - What would the impact be on existing City services and their ability to meet the historically accepted service levels immediately upon annexation?
      - This factor is temporary in nature because, as funds are collected, additional staff and equipment will be obtained to bring each department up to the desired service levels.

   b. Proximity to City limits/require crossing unincorporated areas to serve - It is more efficient provide municipal services to contiguous area than non-contiguous areas. This avoids out of direction travel and simplifies service provision boundaries. This analysis looks at whether an alternative is adjacent to the City limits and whether service providers would be required to cross unincorporated areas to serve all or a portion of each alternative being evaluated.

3. **Relationship to the UGB expansion area**
   a. Does the area or combination of areas provide a link to one or both of the UGB expansion areas? By providing a link to the UGB expansion areas, the provision of services to both the Bull Mountain area and the UGB expansion area is more efficient and effective.

The remainder of this report provides more detailed analysis of the factors discussed in this methodology section.

D. Analytical Approach

Each section of the report addresses the two main objectives of the report:

1. **Sequence and Timing**

In order to evaluate the effectiveness of providing public facilities and services to each alternative (sub-areas), points were assigned to the criteria (i.e., fiscal, service impacts, etc). This provided a method to analyze the effectiveness of providing facilities and services. Ranking resulted from this analysis indicating the most optimal sequence to serve the areas. The "fiscal impacts" category was weighted most heavily with 45 possible points. "Tigard service provision impact" was allocated 30 possible points and "relationship to UGB expansion area" was allocated 20 possible points. An additional category was also included to capture additional considerations, such as publicly owned land with park potential, that didn't fit into the three main categories. The "Additional Factors" category was allocated 5 points.

2. **Policy choices identified**

The analysis includes identification of key policy decisions that Council will need to consider. Policy decisions are identified when there is a "gap" in funding of public facilities such as roads, or in providing on-going services, such as street maintenance or police services.

E. Assumptions

In the development of this document, projections were made that were based on the following assumptions

- Assumptions in the *2001 Bull Mountain Annexation study* for population and development were used to estimate the needs for on-going services and capital.
- 2015 population estimates from the *2001 Bull Mountain Annexation Study* were used for on-going services
- All cost estimates are in 2002 dollars
- It is assumed that the entire area would, at some point, annex
- For analysis only, it was assumed that the revenue produced in the Bull Mountain area would go towards costs in the area and money for costs in the area would come only from the revenue generated from the area as opposed to Citywide funds.

Growth has occurred since the *2001 Bull Mountain Annexation Study* was complete. In an effort to continue building upon the original annexation study area projects, the boundaries, population numbers and growth projections were not updated. However, it is believed that the projections and information provided within this report represent an accurate picture of the issues.

Section IV – Analysis of Alternatives

A. Fiscal Analysis

1. General Overview/Approach

In order to evaluate how efficient service-provision will be provided over time, this report looked at the financial implications of annexation. The primary question asked is: Will the needs for public facilities and services in the Bull Mountain area create a financial burden on the City or will the revenues generated in the areas off-set the financial needs?

There are two major funding considerations for the City to determine the financial implications of serving an area:

- Projected impact on on-going provision of services and
- Projected one-time capital investment needs (future/long term)

Below is a brief summary of the two major funding considerations:

- **Projected impact on on-going provision of services**

On-going services are services such as police service, street maintenance and other services that are not one-time investments. The on-going service provision needs are those needed to maintain newly annexed areas at the same level of service as historically provided to the City of Tigard. Are the revenues projected to cover the costs or will the on-going needs exceed that of available funds? Revenues for on-going services are based on population and other factors, not directly to new development. If growth occurs prior to annexation, revenues will not be lost forever. For this reason, the long term impact of annexation was analyzed for on-going services to insure that annexation did not result in a burden on City services as the areas reach build out.

- **Projected one-time capital facilities needs (future/long term)**

Capital facility needs include major one-time investments such as major road upgrades or park facilities. This report identified the potential capital needs for this area utilizing existing Facilities Plan, Master Plans and/or known or anticipated capital needs. The capital needs are mostly medium to long term needs (6 plus years). Revenues for capital improvements come from the one-time costs associated with new development such as park SDCs, traffic impact fees and sewer connection fees. The *2001 Bull Mountain Annexation Study* projected that revenues do not cover the total anticipated need. The Assessment Report analysis evaluated the factor of how time impacts the projected revenues. This re-evaluates the capital need assumptions by looking only at capital projects that are identified in existing Public Facility Plans or Master Plans. The revenue potential decreases over time if property develops prior to annexation. For this reason, the one-time capital needs analysis factors in the revenue lost over time if annexations are delayed. For analysis purposes only, potential annexations in 2005, 2010 and 2015 were evaluated.

2. Analysis of On-going provision of services

a. Scope of Analysis

This section is intended to evaluate if the projected revenues from each sub-area cover the projected costs for providing on-going services. Do individual sub-areas or the entire area generate sufficient revenue to off-set the cost of providing on-going services? On-going services are any service that requires yearly funding to maintain, such as police service, street maintenance and water. For the fiscal analysis, it was assumed that Tigard will provide services at historic levels. The following table (Table 1) provides a brief summary of the assumptions used by each department liaison who participated in this assessment:

Table 1

Sanitary Sewer	Looked at existing and projected feet of sewer line and estimated needed staff and equipment based on the standard FTE per x feet of line. Also included pro-rated replacement costs for equipment.
Water	Currently providing service for this area so numbers are based on known costs.
Road Quality	Looked at age of existing roads in the area and calculated needs based on projected pavement condition indexes on a sub-area basis.
Street Maint.	Looked at existing lane miles and projected lane miles based on projected housing units in each area. Applied these numbers to the existing cost per lane mile to conduct street maintenance activities (sweeping, checking signs, dust abatement, crack sealing, etc.) Also included pro-rated replacement costs for equipment.
Street Lights	Looked at how much Tigard currently pays per month for lights and estimated that the entire Bull Mountain area represents about 1/5 of the entire City. Each area allocated a certain percent of the estimated area costs.
Parks	Looked at parks planned for in the 1999 Parks System Master Plan. Cost estimates were from the Master Plan with an inflation factor applied. Also included pro-rated replacement costs for equipment.
Police	Assumed 1.5 police officers per 1,000 residents. Also included pro-rated replacement costs for 1 fully equipped vehicle for every 3 officers.
Community Dev.	Assumed one additional long range planner was needed for the entire area. Each sub-area was allocated .25 new staff.
Storm Sewer	Looked at existing and projected feet of sewer line and estimated needed staff and equipment based on the standard FTE per x feet of line. Also included pro-rated replacement costs for equipment.

For on-going service cost projections and revenue projections, the 2015 population and dwelling unit estimates were used to determine what the long-term financial impacts would be for the City. In the East and West sub-areas, full build out is not projected to be reached by 2015, however, it provides a better picture of the on-going service needs each area will require and the ability of the City to fund those needs. The tables in Appendix C show the 2015 projected service costs for each area and the 2015 revenues for each area. Table 2, below shows the difference between the costs of providing on-going services and revenues for each sub-area.

Table 2

Estimated 2015 Revenues versus Costs for on-going services

Sub-areas	**North**	**East**	**South**	**West**
Sanitary Sewer	$41,600	$8,600	$49,700	$13,600
Water	($70,900)	($77,200)	($69,600)	($41,900)
Gas Tax: • Road Quality Maintenance • Street Maintenance • Street Lights	($1,200)	($19,600)	($70,500)	($236,400)
General Fund: • Parks and Open Spaces • Police • Community Development	$324,500	$474,500	$471,200	$330,700
Storm Sewer	($1,700)	($300)	($100)	($1,200)

Table 2 shows that, in all areas, several funds do not have enough revenues to cover the cost of providing service at current Tigard standards, however, the net result in each area is that the **total** revenues exceed the **total** on-going service provision costs. The Storm Sewer and Water funds are intended to be self-sufficient. Fees can and should be raised as needed to ensure that there are adequate funds to pay for on-going services. Currently the storm sewer and water funds have sufficient fund balances to meet anticipated needs. Should fund balances decrease significantly, citywide, fees could be increased to address the needs.

Gas Tax rates are set by the state legislature. Throughout the City, Gas Tax Fund revenues have not been keeping pace with service provision costs. This is the case in the Bull Mountain area as well. The Gas Tax funds pay for road maintenance (widening, re-pavement, etc.), street maintenance (sweeping, pot hole repairs, etc.) and street lights. As Council looks at potential solutions to the Gas Tax deficit issues, citywide, one option they may consider is using General Fund revenues to subsidize the Gas Tax Fund deficiencies. The proposed street maintenance fee, if approved, would also help off-set the Gas Tax Fund deficits. If a citywide solution to the Gas Tax Fund needs is not found, the list of projects will continue to grow longer and longer.

In 2015 the total General Fund balance for all areas combined is 1.74 million. Based on the 2015 projections, it could be concluded that there would also be sufficient revenues to provide for the on-going services if the area were to be annexed prior to 2015. If the entire area were annexed earlier than 2015, it may be possible to use the additional revenues to off-set or finance the anticipated capital needs.

b. Conclusions for on-going provision of services

i. Time and sequence

- For on-going services, the long term projections indicate that overall, the revenues exceed the costs of providing on-going services for all areas evaluated.

- There would also be sufficient revenue to provide on-going services if the entire area (or portions) were to annex prior to 2015. It may be possible to use the additional revenues anticipated to off-set some of the anticipated capital needs.

- Water and storm funds do not cover the costs of providing on-going services based on current rate projections. If needed, fees can and should be raised so that, citywide, the funds are self-sufficient.

- The Gas Tax Fund is projected to have a deficit in all areas and will not be able to provide all Gas Tax Funded services.

- The total 2015 General Fund revenue for all areas combined is 1.74 million.

ii. *Council Policy choices for on-going services*

The analysis shows that, with all funds combined, the projected 2015 Bull Mountain populations can be provided City of Tigard services at existing service levels. While some funds do see deficiencies over time, most are fee driven and the fees will be adjusted to accommodate the projected on-going service needs.

A policy choice is needed related to the projected deficiencies in the Gas Tax fund. The choices identified include:

- The General Fund surplus could be used to subsidize the Gas Tax needs; and/or
- The Street Maintenance fee could be instituted which will provide needed funding which would help off-set the Gas Tax Fund deficit; and/or
- The standards could be further reduced for the Gas Tax Fund services citywide. However, over the long-term, maintenance cost savings will not be realized due to the higher cost to replace versus maintain.

3. Projected one-time capital facility needs (future/long term needs)

a. Scope of Analysis

This section looks at the anticipated capital needs of the Bull Mountain area and the impact time has on the ability to collect funds to address those needs.

Capital needs include park land acquisition, major road improvements, and new storm sewer facilities to address capacity. While Facility Plans cover the entire urban services area and are used to calculate System Development Charges (SDCs), the City's Capital Improvement Plan does not include unincorporated areas. Capital projects for Bull Mountain are not included in Tigard's Capital Improvement Plan (CIP) because the area is not in the City limits. To determine what the funding needs are for this area, the Assessment Report looked at existing plans to determine needed improvements, potential timing and estimated costs.

Table 3

Estimated capital needs by sub-area (short to long term)	
North	5.2 Million
East	13.3 Million
South	8.3 Million
West	8.9 Million
Total	35.7

Typically, through the Capital Improvement Program process, priorities are made and funding is granted to the projects with the greatest need. The same process would be used in the Bull Mountain area. Bull Mountain estimated capital improvement needs total almost $36 million. The east section requires the most improvements (it also has the greatest percentage of estimated revenue to cover the anticipated costs). Water-related projects are not included in this total, since the Tigard Water Division already administers this area and will continue to, regardless of annexation. Table 3, to the right, shows the total estimated capital needs for each sub-area. While the $36 million estimated need may seem high, it needs to be kept in perspective. Most jurisdictions (including the City of Tigard) have needs that exceed their revenues. Through the Capital Improvement Program (CIP) process, priorities are made and funding is granted to the projects with the greatest need. The same process would be used in the Bull Mountain area.

The majority of funding for Capital facilities is tied to growth. Once growth subsides, growth-based capital funding mechanisms cease functioning to collect funds. Alternative funding sources are required, such as utilizing the general fund or applying for grants. Bull Mountain can absorb only a finite amount of growth. It is necessary to evaluate the capital needs and the impact the timing of annexation has on the ability to efficiently and effectively provide for those needs.

System Development Charges (SDCs) are collected at the time of development for parks, roads, water, and sanitary and storm sewer. These SDCs are one-time capital revenues tied to growth. If growth occurs, prior to annexation, some of the one-time capital revenues will not be available to Tigard to provide for the needs in this area. While Washington County and other service providers may collect funds, there is no guarantee that the funds collected will be used in the Bull Mountain area (with the exception of Traffic Impact Fee (TIF) funds). There are two reasons: 1) the County and/or service district has a large number of projects from which to prioritize distribution of funds, and 2) many of the potential projects will not be needed until the area will be Tigard's responsibility.

Table 4, below, provides a summary of the capital funds and the type of improvement that could be funded:

Table 4

Sanitary Sewer	SDCs pay for major new line and line replacement to increase the system capacity.
Water	SDCs pay for new line and major line replacement to pay for new capacity, revenues pay to replace existing infrastructure.
Traffic Impact Fee (TIF)	Pays for TIF eligible arterial and collector road improvements to bring them up to standard. Also pays for traffic flow and safety improvements such as traffic signals, intersection improvements, etc.
Park SDC	Pays for acquisition and development pf park land.
Storm Sewer	SDCs are used for capacity improvements to the drainage system such as culverts for streets crossing streams and replacing bridges to increase floodwater capacity.
Gas Tax	If funds are available, they could be used to bring any road up to standard, pays for street lights, etc. Gas Tax Funds are very limited.

Table 5 illustrates how each fund source decreases over time. In addition, the majority of capital improvements needed in each area are projected to be needed in the medium to long term (6 plus years). At issue is whether the City will have the capital funds necessary to address the area's long term capital needs. As the area continues to develop outside Tigard's City limits, the City loses the ability to provide for capital needs.

It is important to note that parks are urban amenities provided by Tigard. The County does not have a method for addressing needed park facilities for the Bull Mountain area. Table 5 also illustrates the potential park SDCs that would be collected if the area develops in the Tigard City limits.

Table 5

North	**2005**	**2010**	**2015**
Sanitary sewer	190,200	0	0
Water	161,200	0	0
TIF	178,500	0	0
Park SDCs	129,600	0	0
WACO street CIP cost sharing	(12,500)	(12,500)	(12,500)
Storm Sewer	39,500	0	0
East	**2005**	**2010**	**2015**
Sanitary sewer	505,600	440,600	365,900
Water	428,600	373,500	310,200
TIF	474,600	413,600	343,500
Park SDCs	344,400	300,100	249,300
WACO street CIP cost sharing	(12,500)	(12,500)	(12,500)
Storm Sewer	105,000	91,500	76,000
South	**2005**	**2010**	**2015**
Sanitary sewer	260,000	0	0
Water	220,400	0	0
TIF	244,100	0	0
Park SDCs	177,100	0	0
WACO street CIP cost sharing	(12,500)	(12,500)	(12,500)
Storm Sewer	54,000	0	0
West	**2005**	**2010**	**2015**
Sanitary sewer	363,500	262,400	151,700
Water	308,200	222,500	128,600
TIF	341,300	246,300	142,400
Park SDCs	247,600	178,800	103,300
WACO street CIP cost sharing	(12,500)	(12,500)	(12,500)
Storm Sewer	75,500	54,500	31,500

b. Conclusions for one-time capital needs

i. *Time and Sequence*

- The Bull Mountain Area has estimated capital improvement needs totaling approximately $36 million.

- Some areas have greater capital needs than others, such as East which has 13.3 million in identified capital needs as compared to the North, which has only 5.2 million in capital needs.

- In order for the City to maximize the available funds in the Bull Mountain area for capital needs, annexation of all areas should occur by 2005 to maximize potential financial contributions. With each incremental annexation delay, contributions are lessened or eliminated entirely. After 2010, the North and South are projected to provide no capital revenues.

- Assuming annexation does not occur and current growth rates continue; by 2010, 25.6% of the capital funds projected for 2005 will not be available to Tigard. 45.6% will not be available if annexation occurs in 2015.

ii. *Council Policy choices for one-time capital needs*

- As with existing capital needs in the City of Tigard, the potential funding does not cover all of the capital needs in this area. There are several options available for Council to consider which would help off-set the funding needs. These are:
  - Modify existing plans to anticipated funding levels
  - Raise fees (Increase fees like SDC's and/or apply for grant funds to help off-set park funding deficiencies)
  - Use other funding source to off-set capital needs (General Fund)
- Immediate policy action is needed to help ensure as much growth based revenue is collected as possible.

B. Analysis of Service Provision Impacts

1. Scope of Analysis

Regardless of whether annexation is efficient from a fiscal standpoint, the Bull Mountain area must be able to be served by City services without a noticeable reduction in existing service levels, even in the short term, to Tigard residents. This report has identified in the fiscal analysis section that, over the long-term, existing service levels can be provided to the Bull Mountain area.

The objective of this section is to analyze Tigard's initial ability to provide service to the unincorporated Bull Mountain area immediately upon annexation with no upfront hiring and equipment purchases. This was done to understand the impacts of a phased/sequential annexation versus annexation of the total area. Three factors were looked at:

- Short term service provision impacts,
- Proximity to the City limits, and
- Need to cross unincorporated areas to provide service.

a. Short Term Service Provision impacts

The City of Tigard service providers are Water, Sanitary and Storm Sewer, Street Maintenance, Parks, and Police. They were asked which of the nine possible annexation scenarios could be absorbed with the existing staff and equipment until additional hiring and equipment purchases could occur. A summary of their reports is provided in Appendix D. Based on the information provided, the following is a summary of the impacts immediately upon annexation:

- All service providers except Public Works –Streets Division and Police, could temporarily absorb any or all areas annexed using existing crews, until additional staff could be hired and additional equipment purchased.
- The Police Department could absorb any or all areas with a reduction only in response time to priority 3 (lowest priorty, no one in danger) calls.
- The Streets Division could absorb any one area (north, south, east or west) but could not absorb more than one area without additional staff being hired up front. As an alternative, major reduction in services citywide would be necessary until additional staff could be hired and equipment purchased.
- Additional funding would be necessary to provide for all the Gas Tax Fund services (street maintenance, road maintenance, and street lights). Some sub-areas have less Gas Tax fund deficits than others. North has the least deficit in Gas Tax Funds ($1,200 deficit), and West has the largest deficit ($236,400).

b. Proximity to City Limits

Providing service to an area that is not adjacent to the City limits, creates confusion and can result in longer response times for emergency service. If an area is not adjacent to the City limits, under current Comprehensive Plan standards, the area can not be annexed into the City. Cherry stem annexations (annexing the right of way to get to a non-contiguous parcel) may be an option, however, it would likely result in a boundary

that is not uniform and could cause confusion regarding who the service provider is and could cause service delays in an emergency situation.

- All areas and combinations of areas, except West, are adjacent to the City limits.

c. Require crossing unincorporated areas to serve

In order to provide service to an area that requires crossing unincorporated areas, efficiency is lost and the potential for confusion to the service provider and potential of reduction in response times in emergency service increases. Therefore, it is preferable to avoid primarily traveling through an unincorporated area to serve parcels in the City of Tigard. The following is a summary of how each sub-area or combination of sub-areas relates to the city limits:

- North, East, South & East and the alternative "ALL areas" do not require crossing through unincorporated areas to serve.
- South, North & West, North & South and South & West require crossing unincorporated areas to serve some portions.
- West requires crossing unincorporated areas to serve.

2. Conclusions for Service Provision Impacts

a. Time and sequence

- Because of the limited impact on services and the proximity to the City limits, the North area (based on the technical ranking scores discussed further in this assessment report) provides the least impact on service provision immediately upon annexation.
- The West area appears to provide the greatest impact on service provision because it is not adjacent to City limits, would require crossing unincorporated areas to service, and has limited gas tax funds projected to serve the gas tax needs.
- The following is a list of all scenarios evaluated in order from least impact to greatest impact on service delivery:
  - North
  - East
  - South
  - All areas/South & East
  - North & South
  - North & West/South & West, and
  - West

b. Council Policy Choice

Because of the potential service provision impacts if the entire area or a combination of 2 areas were annexed at one time, Council must make a policy choice if one of those options were desired. There are several options to address the efficiency of service issues:

- Delayed effective date for portions of the area.
- Authorize funds up front to hire staff and purchase equipment prior to the effective date.
- Negotiate agreements with the County to provide short-term assistance until Tigard service providers are fully staffed.
- Accept citywide reduction in service levels for a period of time.

C. Relationship to the Urban Growth Boundary Expansion

1. Scope of Analysis

Metro is charged with establishing the Urban Growth Boundary (UGB) to accommodate the projected housing and employment needs in the region. After much research, public involvement and analysis, the Metro Council adopted an expansion to the UGB that included several specific areas throughout the region.

Two areas adjacent to the Bull Mountain area (63 and 64) have been determined to be suitable for urban development and inclusion within Tigard's urban services area. Both areas are approximately 480 acres in size. Figure 2 identifies the UGB expansion areas. Metro estimates 1,735 residential units can be accommodated in these areas which will require urban levels of facilities and services. Development of these areas will impact Tigard and the Bull Mountain area. The development in the Bull Mountain area, in turn, impacts how and when the UGB expansion areas can develop. Therefore, consideration of expansions of the Urban Growth Boundary is needed.

The two areas are rural in nature and do not have extensive road or public infrastructure. The size of individual parcels, overall configuration, and location of the two areas complicates existing and planned transportation needs. Neither area is likely to develop as "balanced" and distinct communities. Integration with the existing Bull Mountain areas will be necessary so that they can be planned to complement and enhance the Bull Mountain community and each other.

The evaluation looks at whether a sub-area or combination of sub-areas provides a link between the City and one or both of the UGB expansion areas. For example: The West sub-area is adjacent to both UGB expansion areas but is not adjacent to the City limits. When combined with the South, however, it is adjacent to both UGB expansion areas and, together, there is a link to the City limits.

2. Conclusions for relationship to the UGB

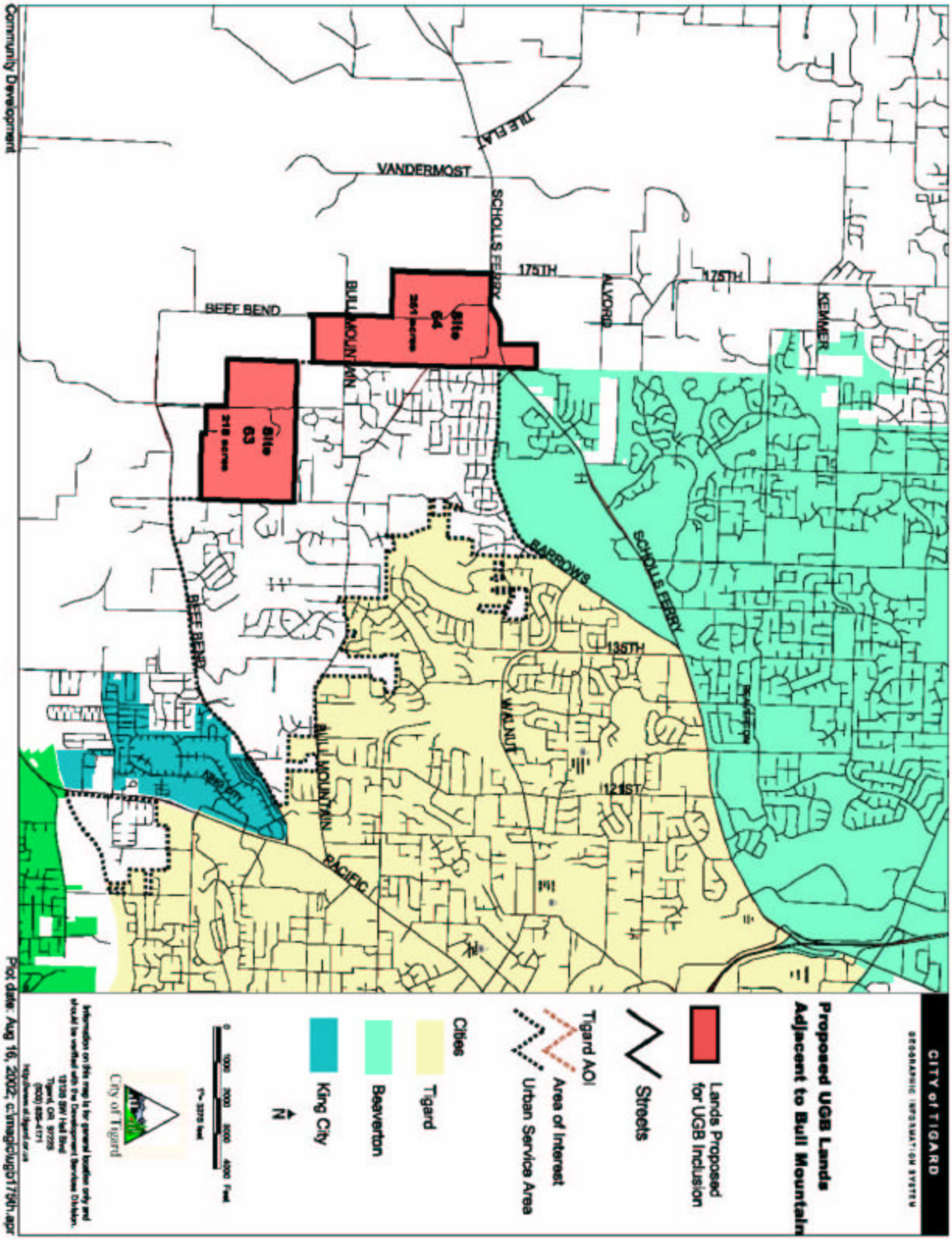
a. Time and sequence

- A combination of areas including the North and West, North and South, South and West, or All sub-areas provides connections to both UGB expansion areas.
- No single area alone provides adequate connections to both UGB expansion areas.
- The north sub-area provides connection to the northern most UGB expansion area.
- The south sub-area provides a connection to the southern most UGB expansion area.

b. Policy choices

- Should the UGB expansion areas develop as two distinct, separate communities?
- Should the UGB expansion areas be integrated with Bull Mountain?
- How does the City provide efficient and effective services to these areas?

Figure 2


CITY of TIGARD
GEOGRAPHIC INFORMATION SYSTEM
Proposed UGB Lands
Adjacent to Bull Mountain
Lands Proposed for UGB Inclusion
Streets
Tigard AOI
Area of Interest
Urban Service Area
Cities
Tigard
Beaverton
King City
N
0 1000 2000 4000 6000 Feet
1" = 3279 feet
City of Tigard
Information on this map is for general location only and should be verified with the Development Services Division.
13125 SW Hall Blvd
Tigard, OR 97223
(503) 639-4171
http://www.ci.tigard.or.us
Site 64
Site 63
VANDERMOST
THE FLAT
SCHOLLS FERRY
175TH
ALVORD
KEMMER
BEEF BEND
BULL MOUNTAIN
BARROWS
135TH
WALNUT
121ST
PACIFIC
Community Development
Plot date: Aug 16, 2002; c:\mapi\ugb175th.apr

Section V – Summary of Conclusions

A. Timing and Sequence

Regardless of how and when annexation occurs, there will be gaps in certain funds compared to the on-going service and capital needs. The longer the time before annexation, the less capital revenues are available to Tigard. Based on the analysis in this report, the following was concluded:

1. Summary of analysis

The previous sections discussed the evaluation factors in detail and the information from those sections was used in the analysis to apply point values to each alternative as it relates to the evaluation factors. A copy of the detailed evaluation chart is provided in Appendix E. A summary of the results is provided below:

The following is a summary of how each **individual sub-area** ranked:

Table 6

	Financial Impacts (45 possible pts)	**Tigard Service Provision Impacts** (30 possible pts)	**Relationship to the UGB** (20 possible pts)	**Additional Factors** (5 possible pts)	**All criteria considered** (100 possible pts)
Ranking	(25 pts) East	(30 pts) North	(tied 10 pts each) North and South	(tied 5 pts each) North and East	(60 pts) South
	(20 pts) South	(28 pts) East			(58 pts) East
	(15 pts) West	(25 pts) South	(tied 0 pts each) West and East	(tied 0 pts each) West and South	(55 pts) North
	(10 pts) North	(10 pts) West			(25 pts) West

The following is a summary of how each **combination of areas** ranked

Table 7

	Financial Impacts (45 possible pts)	**Tigard Service Provision Impacts** (30 possible pts)	**Relationship to the UGB** (20 possible pts)	**Additional Factors** (5 possible pts)	**All criteria considered** (100 possible pts)
Ranking	(35 pts) South & East	(23 pts) South & East	(tied 20 pts each) North & West, South & West, and North & South	(tied 5 pts each) North & West, South & East and North & South	(77 pts) North& South
	(30 pts) North & South	(32 pts) North & South			(73 pts) South and East
	(25 pts) South & West	(tied 20 pts each) North & West and South & West			(tied 65 pts each) North & West and South & West
	(20 pts) North & West		(10 pts) South & East	(0 pts) South & West	

The following is a summary of how the alternative **"All areas" combined** ranked **Table 8**

Financial Impacts (45 possible pts)	**Tigard Service Provision Impacts** (30 possible pts)	**Relationship to the UGB** (20 possible pts)	**Additional Factors** (5 possible pts)	**All criteria considered** (100 possible pts)
40	23	20	5	88

2. **Summary of Conclusions for Timing and Sequence**
    - The South area ranked highest of the single sub-areas with 60 points primarily because it provides revenues with minimal costs and creates a link to the UGB expansion areas.

    - The West area ranked the lowest of all scenarios with 25 points primarily because, if annexed alone, it would create impacts to the provision of services and would not provide a link to the UGB expansion areas.

    - North and South is the combination of two areas that received the highest ranking with 77 points. Together they provide revenue with minimal costs, have park land potential, create few service provision impacts, and provide a link with both UGB expansion areas.

    - The alternative "All areas" combined received the highest points (88 points) and was ranked the highest in each category except "Tigard Service Provision Impacts".

B. Policy Choices

1. **Council policy choices for on-going services**
   Prior to annexation, the Gas Tax Fund deficit issue must be addressed. Potential policy choices identified for Council include:
   - The General Fund surplus could be used to subsidize the gas tax needs; and/or
   - The Street Maintenance fee could be instituted which will provide much of the needed funding and would help off-set the Gas Tax Fund deficit; or
   - The standards could be reduced for the Gas Tax Fund services citywide. However, over the long-term, maintenance cost savings will not be realized due to the higher cost to replace versus maintain.

2. **Council policy choices for capital improvements**
   - The potential funding does not cover all of the capital needs in this area. There are several options available to Council to consider which would help off-set the funding needs:
     - Modify existing plans to anticipated funding levels;
     - Raise fees (Increase fees like SDCs and/or apply for grant funds to help off-set park funding deficiencies); or
     - Use other funding source to off-set capital needs.
   - Immediate policy action is needed to help ensure as much growth based revenue is collected as possible

3. **Council policy choice for service provision impact upon annexation**
   Annexation of the entire Bull Mountain area at one time impacts service delivery due to increased staffing and equipment needs. To address this issue, several options exist:
   - Delay the annexation effective date for portions of the Bull Mountain area;
   - Authorize funds up front to hire staff and purchase equipment prior to the effective date;
   - Negotiate agreements with the County to provide short-term assistance until Tigard service providers are fully staffed; or
   - Accept short-term, citywide reduction in service levels until staff and equipment are up to standard levels.

4. **Council Policy choice for UGB**
   Council must determine how the UGB will be integrated into the community and what approach should be taken:
   - Continue existing trend of County controlling development in unincorporated areas;
   - Use annexation and coordination as a growth management tool;
   - How do we ensure that we can provide efficient and effective services to the UGB expansion areas?

Appendix – Additional information

A. Chronology of Coordination in Unincorporated Areas

B. Study Area Profile (from 2001 Bull Mountain Annexation Study)

C. On-Going Service Costs and Revenues

D. Tigard Service Provision Impacts Summaries by Department

E. Evaluation Criteria Tables

F. Change in Service Levels between County and City

Chronology of coordination in unincorporated areas

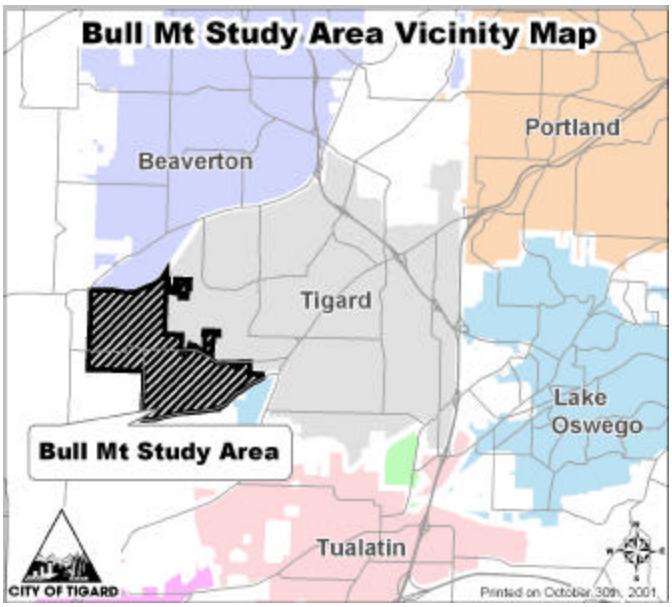
Draft

1973	**Statewide Planning Goals** and Guidelines established, setting the foundation for land use planning in Oregon.
1983	**Comprehensive Plan adopted** with specific policies regarding annexation. Sets framework for all future annexation efforts.
1988	**Urban Planning Area Agreement** signed between Tigard and Washington County to ensure coordinated and consistent comprehensive plans. The UPAA defined a site specific urban planning area, a process for coordinating planning, and policies regarding comprehensive planning and development.
1993	**Senate Bill 122 passed by the State Legislature**, requires the coordination and provision of urban services for lands within the Urban Growth Boundary.
1997	**Tigard and Washington County entered into an Intergovernmental Agreement** that transferred land development, engineering review and building permit activity to the City.
March 2001	**The Tigard City Council establishes a goal** to establish an annexation policy for non-island areas, such as Bull Mountain and began to study the feasibility of annexing the Bull Mountain area.
July 2001	**The City and County meet with Bull Mountain residents** to identify questions which influence the scope of *The Bull Mountain Annexation Study*.
Nov., 2001	**City finalizes *Bull Mountain Annexation Study***.
Jan., 2002	**Study conclusions presented** to a group of Bull Mountain residents. A survey is suggested as a means to get input from a representative sample of the area.
July 2002	**Public opinion poll conducted** of Bull Mountain and Tigard residents by phone.
August 2002	**Tigard Council examines the survey results** and considers three annexation policy alternatives. Council considers a resolution to initiate an Annexation Plan, however the motion does not pass.
Oct 2002 – May 2003	**Public facilities and Services Assessment Report developed** for Council to assist in making annexation policy decisions that come up.
Nov, 2002	**Council approves signing the SB 122 required Urban Service Agreements** which spell out what urban services Tigard will be the ultimate provider of.

Study Areas Profile from 2001 Bull Mountain Annexation Study

The area identified in the Bull Mountain Study consists of approximately 1,430 acres of land located west of the City of Tigard (see map below) in Washington County, within the Urban Growth Boundary (UGB). The Study Area abuts Beaverton and Tigard on the north and east, respectively, King City to the southeast, and unincorporated County land outside the Urban Growth Boundary to the south and west.

Figure 1



The land in the Study Area is sloped—steeply in some areas—allowing for views at higher elevations. Traditionally a farming area, the last decade brought additional home developments to the area. Today, both farms and subdivisions co-exist here. Although the identified area is now outside the City limits, the City of Tigard provides many urban services to residents. In 1997, the City of Tigard and Washington County entered into an Urban Services Agreement, which transferred responsibility for land use decisions, building and development-related engineering to the City of Tigard. The County adopted the City of Tigard Community Development Code for the Bull Mountain area, which applies standards to any new development in the area.[1]

At the time the Bull mountain Annexation study was completed (November 2001), approximately 7,300 people lived in the Study Area, according to 2000 Census data. There is no commercial or industrial zoned land in the Study Area. Most of the property is zoned R-7, a medium density residential zone requiring lots of a minimum of 5,000 square feet. The area consists of a combination of (1) a mix of larger undeveloped lots, (2) larger lots developed through the County under different standards, and (3) smaller lots that are built to the minimum density allowed under the current zoning regulations.

The sub-area descriptions below represent the sub-area development assumptions utilized for this plan.

North

This sub area is located south of Barrows Road, north of Baker Lane and Roshak Road, east of the urban growth boundary and west of the Bonneville Power Administration (BPA) easement line. The North area consists of approximately 383 acres and a population of 3,001. This area has a combination of R-7, R-12 and R-25 zoning; however, all of the higher-density (R-25) residential lots were developed as single-family home subdivisions. While there are several larger

lots, there are very few redevelopable or vacant lots in this area due to steep slopes. This area is largely built out with only about 10% of the area identified as vacant or redevelopable. Based on the household growth rate of 2.2% identified by Metro, it is estimated that this area will be built out in 4.5 years.

West

The western sub area is bordered on the south and west by the Urban Growth Boundary. It is bordered on the east by SW 150th and to the north by Roshak Road and Baker Lane. The western area consists of approximately 259 acres with 944 people. The majority of the area has been developed with large lot subdivisions, which are not expected to be divided further. However, 15.3% of the land in this area is identified as vacant or redevelopable. The zoning in this area is R-7 (medium density residential). Based on the 2.2% household growth rate identified by Metro, it is estimated that this area will be built out in 6.9 years.

South

This sub area is generally located west of SW Peachtree, east of SW 150th, north of Beef Bend Road and south of High Tor Drive. The southern area consists of approximately 507 acres of land and 3,196 people. The zoning is primarily R-7 (medium density residential) with a small portion of R-25 (medium-high density residential) to the south between Foxglove #2 subdivision and Beef Bend Heights. Many of the subdivisions were developed with large lots that are not expected to be divided further; as a result, this area has larger lots with only limited infill potential. This area has about 10.6% vacant or redevelopable land. Based on the 2.2% household growth rate identified by Metro, it is estimated that this area will be built out in 4.8 years.

East

This area is generally located east of the Mountain Gate subdivision, south of Bull Mountain Road and north of Beef Bend Road. The eastern area consists of approximately 282 acres with 544 people. This area has most of the Study Area's growth potential, with almost 40 percent of the land identified as vacant or redevelopable. The zoning is R-7, which calls for a minimum lot size of 5,000 square feet. Based on the 2.2% household growth rate identified by Metro, it is estimated that this area will be built out in 18 years. However, recent land purchases in this area and initial discussions with developers indicate that this area will develop much sooner than projected.

On-Going Service Costs and Revenues

Estimated 2015 cost (in 2002 dollars) to provide services at City standards by sub area

Table 1	North	East	South	West
Sanitary sewer	$47,200	$13,600	$51,900	$20,000
Water	$343,500	$145,500	$381,700	$145,200
Road quality maintenance	$76,800	$15,600	$143,000	$240,000
Street Maintenance	$47,900	$20,400	$66,900	$34,700
Street lights	$20,200	$13,400	$20,200	$13,400
Parks and Open spaces	$6,100	$57,600	$18,100	$18,100
Police	$479,400	$166,100	$557,700	$244,400
Community Development	$20,000	$20,000	$20,000	$20,000
Storm Sewer	$44,400	$11,000	$49,000	$17,400

The numbers in the above chart have been refined and updated from the estimates provided for in the B*ull Mountain Annexation Study (November 2001)*. While the *2001 Bull Mountain Annexation Study* provided broad brush estimates, the estimates provided here are based on detailed analysis of the population projections, and include staff, equipment and equipment replacement costs. In addition, the estimates from the *Bull Mountain Annexation Study (November 2001)* were based on 2000 population and did not project the financial implications time, and increased populations, had on the cost to provide services.

Estimated 2015 Revenues to support on-going services

Table 2	North	East	South	West
Sanitary sewer	$88,800	$22,200	$101,600	$33,600
Water	$272,600	$68,300	$312,100	$103,300
Gas Tax: • Road quality maintenance • Street Maintenance • Street lights	$143,700	$29,800	$159,600	$51,700
General Fund: • Parks and Open spaces • Police • Community Development	$830,000	$718,200	$1,067,000	$613,200
Storm Sewer	$42,700	$10,700	$48,900	$16,200

Tigard Service Provision Impacts Summaries by Department

Police

Urban Services currently provided by Tigard: Currently Tigard responds to 911 priority 1 and 2 calls if they have an officer closer than a Washington County patrol officer. In many cases, this means Tigard is the first responder, secures the scene and waits for a Washington County Officer to take over the scene. This agreement occurs between all law enforcement offices in the State. Tigard does not currently have data on the number of calls they respond to in the Bull Mountain area, because when any officer arrives on the scene, the 911 system does not distinguish what jurisdiction responded, only that an officer responded. Beginning in May, 2003 Tigard began tracking these calls, so that we will be able to compile data on the number and types of calls we respond to in this area. The bottom line is that this area is receiving some Tigard police services without paying City taxes.

Impact of providing services immediately upon annexation: The Police department has estimated that if any or all areas were annexed, the existing staff could absorb that area without a significant reduction in service levels until additional employees can be hired and fully trained to bring the department up to the standard of 1.5 officers per 1000 residents. The response time for priority 1 and 2 calls would not be noticeably reduced, however, until the department could be fully staffed, there would be a slight reduction in response times to priority 3 calls. Priority 3 calls are calls where no one is in danger (car broken into, loud noise, etc) but an officer is needed to take a report. The more people annexed at one time, the higher the demand on police services and the greater the chance that there would be a reduction in response time to these lower priority calls.

Parks

Urban Services currently provided by Tigard: None

Impact of providing services immediately upon annexation: Tigard owns Cache Creek, however it is intended to be a nature park/preserve and is not developed. Because there are no developed parks in the Bull Mountain area, immediately upon annexation, there will be no requirement to provide park maintenance services. As parks are purchased and developed, equipment and staff will be acquired to insure that maintenance is provided in accordance with Tigard City standards.

Water

Urban Services currently provided by Tigard: See Below

Impact of providing services immediately upon annexation: The City of Tigard provides water service to the Bull Mountain area already through an intergovernmental agreement with the Tigard Water District. The only change that will occur if the Bull Mountain area is annexed is that it will technically be withdrawn from the Tigard Water District and included in the City of Tigard Water Division. Because the area is already being served, there is no issue with when

and how the Bull Mountain area annexes that would affect the efficiency or effectiveness of service.

Sanitary and Storm Sewer

Urban Services currently provided by Tigard: Tigard does not currently provide storm or sanitary sewer services to the Bull Mountain area. However, Tigard recently entered into an intergovernmental agreement with Clean Water Services that stipulates Tigard will begin providing maintenance services to this area effective July 1, 2004.

Impact of providing services immediately upon annexation: While these services are based in different funds, they utilize similar equipment and staff. The Public Works department has indicated that all areas alone or in combination with one other area could be maintained immediately upon annexation, by stretching the current work crew, until additional equipment and staff could be acquired.

Street Maintenance

Urban Services currently provided by Tigard: None

Impact of providing services immediately upon annexation: Street maintenance includes: sweeping 12 times per year, checking all signs annually, yearly dust abatement for gravel roads, 5 year cycle to replace street markings, 4 year cycle for crack sealing and road shoulders, and other maintenance as needed. Because of the equipment and staff needed to perform these tasks, the Public Works Department has stated that any one sub-area annexed alone could be temporarily absorbed by the existing staff and equipment. While services would be reduced, it would not be to the extent that roads would be neglected. However, if more than one area were annexed, service levels would be significantly reduced citywide until additional staff and equipment could be obtained to meet the added demand.

Road Maintenance

Urban Services currently provided by Tigard: None

Impact of providing services immediately upon annexation: Road maintenance includes things like overlay or slurry seal on roads with poor pavement condition, pavement widening, etc. Many roads in the Bull Mountain area are new and will not require road maintenance for many years. Per the Urban Services Agreement signed in 2002, prior to transferring roads to Tigard, the County shall make needed roadway improvements so that all individual roads have a pavement condition index (PCI) of 40 or greater and the average PCI of streets and roads in the area is 75 or higher. Finally, costs to do road maintenance are programmed based on available funding and construction is contracted out. For these reasons, annexation of the entire area (or combinations) will not result in a reduction of services for Tigard residents and service will continue to be effectively provided.

Street Light Maintenance

Urban Services currently provided by Tigard: None

Impact of providing services immediately upon annexation: Street light maintenance involves paying electricity, lamp replacement and pole maintenance for existing street lights. Service in the study areas is currently assessed to the property owner. Upon annexation, maintenance is provided by the City and the property owner assessment would go away. Engineering staff has estimated that it will cost approximately $5,600 per month for the entire Bull Mountain area. Street lights are funded through gas tax. Because street light costs are paid to PGE, there is no ability to reduce service levels (short of turning off lights) however, the need to fund this service will reduce Gas Tax Funds that could be used for other Gas Tax Funded services.

Evaluation criteria (100 pts)	North	West	South	East	N&W	S&E	N&S	S&W	All
Tigard Service Provision Impact (30 pts)									
Adjacent to City limits	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
If area is annexed alone, can it be fully served without significantly decreasing current City service levels immediately upon annexation? *Water, Sanitary sewer and storm sewer are not evaluated since they already serve this area. Road maintenance is not included because major projects have to be programmed into the CIP and will not be needed immediately upon annexation. Parks maintenance is not included because there are no developed parks properties to maintain.	Draft								
▪ Police	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
▪ Street maintenance (PW)	Yes	Yes	Yes	Yes	No	No	No	No	No
▪ Street light maint. (% of gas tax revenues that cover gas tax needs)	99%	18%	69%	60%	45%	67%	80%	40%	54%
Would service provision of this area require crossing an area that is unincorporated?	No	Yes	Part.	No	Part.	No	Part.	Part.	No
Relationship to UGB expansion area (20 pts)									
Provides link to UGB area	Yes - 1	No	Yes - 1	No	Yes-2	Yes-1	Yes-2	Yes-2	Yes-2
Financial impacts (45 pts)									
Total Tax Revenues (for on-going services) vs. Total on-going costs - 2015	292,256	64,670	380,711	386,111	356,926	766,822	672,967	445,381	1,123,748
% of capital needs covered by revenues (includes all capital funds) – 2005 annexation	7.8%	10.6%	8.6%	9.9%	9.6%	9.4%	8.3%	9.7%	9.5%
Additional growth potential (difference between existing(baseline) dwelling units and projected build-out dwelling units	237	173	251	549	410	800	488	424	1210
Additional factors									
Publicly owned land with some park potential	Yes	No	No	Yes	Yes	Yes	Yes	No	Yes
Total points	55	25	55	58	65	73	77	65	88

Point allocation sheet

Evaluation criteria (100 pts)	North	West	South	East	N&W	S&E	N&S	S&W	All
Tigard Service Provision Impacts (30 pts)									
• Adjacent to City limits – 10 pts total Yes=10 pts No = 0 pts	10	0	10	10	10	10	10	10	10
• If area is annexed alone, can it be fully served without significantly decreasing current City service levels immediately upon annexation? ? *Water, Sanitary sewer and storm sewer are not evaluated since they already serve this area. Road maintenance is not included because major projects have to be programmed into the CIP and will not be needed immediately upon annexation. Parks maintenance is not included because there are no developed parks properties to maintain.	Draft								
Police – 5 pts	5	5	5	5	5	5	5	5	5
Street maintenance – 5 pts	5	5	5	5	0	0	0	0	0
Street light maint. – ** because this depends on when funds are collected and what else the gas tax needs to be spent on , points will be distributed based on the % of gas tax revenues to pay gas tax needs (AKA – will there be money to pay the light bills). 0-25% = 0 pts 25-75% = 2 pt 75%+ = 4 pts	4	0	2	2	2	2	4	2	2
• Would service provision of this area require crossing an area that is unincorporated? 6 pts total Yes= 0 pts Part. = 3 pts No= 6 pts	6	0	3	6	3	6	3	3	6
Subtotal	30	10	25	28	20	23	22	20	23
Relationship to UGB expansion area (20 pts)									
• Provides link to UGB area – 20 pts Yes-2 = 20 pts Yes 1 = 10 pts No = 0 pts	10	0	10	0	20	10	20	20	20
Subtotal	10	0	10	0	20	10	20	20	20

Evaluation criteria (100 pts)	North	West	South	East	N&W	S&E	N&S	S&W	All
Financial impacts (45 pts)									
• Total Tax Revenues (for on-going services) vs. Total on-going costs - 2015 – 25 pts total >800,000 = 25 pts 600,000-800,000 = 20 pts 400,000-600,000 = 15 pts 200,000-400,000 – 10 pts <200,000 = 5 pts	10	5	10	10	10	20	20	15	25
• % of capital needs covered by revenues (includes all capital funds) – 2005 annexation – 10 pts < 8% = 0 pts 8.1%-10% = 5 pts >10.1% = 10 pts	0	10	5	5	5	5	5	5	5
Additional growth potential (difference between existing(baseline) dwelling units and projected build-out dwelling units– 10 pts < 250 d.u. = 0 pts 250-500 d.u = 5 pts > 500 d.u = 10 pts *** based on 2.5% growth projections – if areas build out sooner than projected, the actual lost revenue will be different	0	0	5	10	5	10	5	5	10
Subtotal	10	15	20	25	20	35	30	25	40
Additional factors (5 pts)									
Publicly owned land with some park potential Yes = 5 pts No = 0 pts	5	0	0	5	5	5	5	0	5
Total points	55	25	60	58	65	73	77	65	88

Draft

Change in Service Levels Between County and City

I. Service	*II. Provider Today*	*III. Under Annexation*	*IV. Change in Service upon annexation?*
Police	Washington County provides 1.0 officers/1000 people (.5 standard; .5 from Enhanced Patrol)	The City of Tigard would provide 1.5 officers/1000 people	Yes There would be an increase of approximately .5 officers/1000 people
Fire/Rescue	Tualatin Valley Fire & Rescue provides services.	Tualatin Valley Fire & Rescue continues to provide services.	No
Parks	Washington County does not provide parks services.	The Tigard Park Master Plan calls for 2 neighborhood parks and 1 community park in the Bull Mountain area. The plan also calls for a small playground to be built adjacent to the Cache Nature Park.	Yes The City provides park services.
General Road Maintenance	Washington County through the Urban Road Maintenance District. General street maintenance by the County is primarily on a complaint-driven basis. Typical maintenance activities include: • pothole patching • grading graveled roads • cleaning drainage facilities • street sweeping • mowing roadside grass and brush (only the shoulder strip) • maintaining traffic signals • replacing damaged signs	The City's road maintenance performs maintenance on regular schedules as well as on a complaint-driven basis. Typical maintenance activities include: • pothole patching • grading graveled roads • cleaning drainage facilities • street sweeping • mowing roadside grass and brush (shoulder strip + ditch line) • maintaining traffic signals • replacing damaged signs • installing and replacing street markings • crack sealing • vegetation removal for vision clearance • street light tree trimming for light clearance • dust abatement on graveled roads	Yes The City provides additional road maintenance services.
Sanitary Sewer	Clean Water Services (CWS)	The City of Tigard will meet the same level of service as CWS. All service levels for CWS and surrounding jurisdictions must be uniform by July 2003.	No
Storm Sewer	Clean Water Services (CWS)	The City of Tigard will meet the same level of service as CWS. All service levels for CWS and	No

		surrounding jurisdictions must be uniform by July 2003.	
Water	Intergovernmental Water Board contracts with the Tigard Water District to provide water.	Service remains the same. Tigard Water District will continue to provide water but will bill directly.	No
Street Light Maintenance	Washington County administers Service Districts for Lighting for PGE. Residents pay an annual operations and maintenance assessment.	The City of Tigard will assume all street light operations and maintenance for existing lights. Residents do not pay a separate assessment.	Service remains the same but property owners are not assessed for the operation of the lights.
Community Development and Building Services	The City of Tigard provides building services—including land use decisions, building and engineering—under an intergovernmental agreement with Washington County. All land use decisions are reviewed under the City standards and through the City's hearing process with the exception of legislative actions (zone changes, Comprehensive Plan amendments, etc.)	The City of Tigard will continue to provide building services to this area. All land use decisions will continue to be reviewed under the City standards and through the City's hearing process. The City would be the review authority for legislative actions as well (zone changes, comprehensive plan amendments, etc).	Only change in service is that the City reviews legislative matters.
Library	Washington County Cooperative Library Services (WCCLS) Consortium, which provides funding through the county tax to area libraries, including Tigard.	The City of Tigard, which receives approximately 62% of its funding through the WCCLS. Bull Mountain residents would have influence on the library's services, and could advocate for the services they want.	No
Schools	Both the Beaverton School District and the Tigard School District provide service based on district boundaries.	Annexation does not change school district boundaries.	No
Garbage Collection	Residents are charged rates established by Washington County for service provided by Pride. Residents pay the fee depending on the size of container they use.	The City franchises City garbage collection, and the Bull Mountain area would become part of the franchised area. The service provider remains the same but residents would be charged the rates established by City Council based on the size of the container they use.	Service remains the same, but rates will differ.

THE BULL MOUNTAIN ANNEXATION STUDY

CITY OF TIGARD
Community Development
Shaping A Better Community

COMMUNITY DEVELOPMENT DEPARTMENT
LONG-RANGE PLANNING
NOVEMBER 2001

THE BULL MOUNTAIN ANNEXATION STUDY

PRODUCED BY:
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THE BULL MOUNTAIN ANNEXATION STUDY

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EXECUTIVE SUMMARY

Since adoption of the City of Tigard's Comprehensive Plan in the mid-1980s, the Bull Mountain area has been identified as eventually being within the City limits of Tigard. In 1993, the State Legislature passed Senate Bill 122, which required the coordination and provision of urban services for lands within the Urban Growth Boundary. In 1997, Tigard and Washington County entered into an urban services agreement that transferred land development and building permit activity to the City.

The Tigard City Council established a goal for 2001 to establish an annexation policy for non-island areas, such as Bull Mountain, and directed staff to study the feasibility of annexing the Bull Mountain area. "The Bull Mountain Annexation Study" is an outcome of Council's direction.

"The Bull Mountain Annexation Study" provides a context for policy issues related to annexation of Bull Mountain.

Since the demand for services and generated revenue is dependent on the number of people living in the area, the study examines the costs and revenues of annexation based on growth scenarios. Three growth scenarios were developed for the purpose of this study: current conditions (Scenario 1), buildout (Scenario 2) and moderate development (Scenario 3).

A comparative analysis of the three scenarios constitutes the quintessential portion of this study. Scenario 1 assumes that no future growth occurs in the area and is used as a starting point for a comparative analysis. Scenario 2 assumes that all buildable land will be developed and built out at the maximum densities under current land use regulations. Scenario 3 assumes that development will occur at lower density (50% of the "buildout" growth). While Scenario 1 and Scenario 2 reflect two extreme conditions for comparison purposes, Scenario 3 provides a conservative estimate of what could occur in the study area.

A capital improvement funding strategy for roads and parks is the key policy issues in all three scenarios. The estimated need to provide an adequate level of service for parks and roads is the most critical aspect in evaluating the Bull Mountain annexation issues. Furthermore, the projected park and transportation improvement costs exceed the projected revenues in the three scenarios.

This report does not contain a fully developed strategy addressing the funding issues. However, it does identify the discussion parameters to provide a context for the decision making process. A possible strategy would consist of a variety of alternatives, as identified in Section 6 of the report:

- Use a portion of the General Fund to address capital improvements.
- Assistance from Washington County to address some or all of the capital improvement needs.
- Form Local Improvement Districts to address specific capital improvement needs, such as parks and roads.
- Delay improvement of streets until funding sources are available.

- Obtain grant fundings to address portions of capital improvements.

- Identify the effective sequence of annexing specific sub-areas of Bull Mountain.

The study identifies several alternatives and policy choices for Council's review and discussion over the next few months. Public outreach must follow. Ultimately, annexation of the Bull Mountain study area is a policy issue that deserves considerable discussion by the City and those people most affected.

INTRODUCTION

One of the Tigard City Council Goals is to provide urban services to all citizens within Tigard's urban growth boundary and that recipients of services pay their share. In March 2001, the Tigard City Council directed staff to conduct a study of the Bull Mountain area (see map on page 2) to help Council evaluate policy recommendations related to annexation of the Bull Mountain area. The purpose of this study is to determine if the City of Tigard should pursue annexation based on an analysis of annexation's costs and benefits to both the City and current Bull Mountain residents.

In order to be assured this study addressed the concerns of Bull Mountain residents, the City and Washington County held a Focus Group meeting in July 2001. The Focus Group meeting gave residents an opportunity to ask questions related to the Bull Mountain area. The meeting was attended by over 100 people and provided a direct input to the scope of the study. As an outcome of this effort, two documents were initiated. The first is "The Bull Mountain Annexation Study," and the second is the "Bull Mountain Annexation Question and Answer Packet."

The study report is divided into six main sections.

Section 1 provides background and a current profile of the study area in terms of population, development and zoning.

Section 2 provides information on the levels of urban services provided to study area residents.

Sections 3 & 4 examine the costs and revenues of annexation based on three growth scenarios: current conditions, buildout, and moderate development.

Section 5 provides information on how annexation will affect taxation rates for residents, and how it will affect expenditures and revenues for the City.

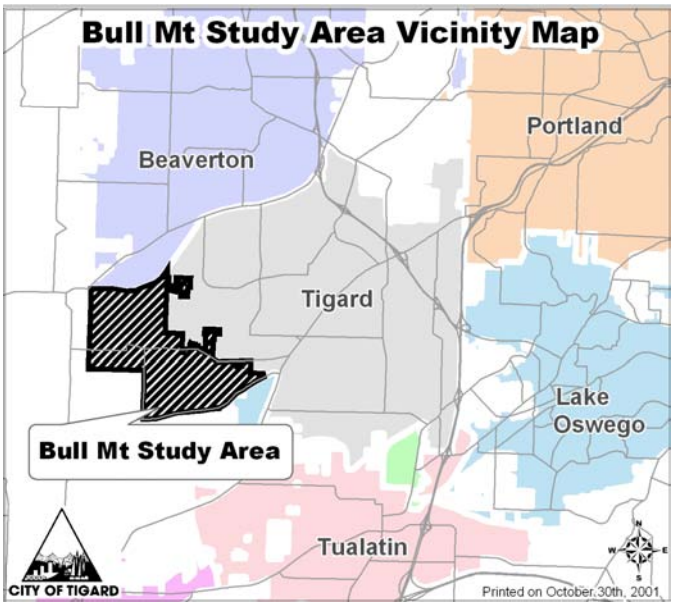
Section 6 summarizes the findings and raises key policy issues for Council to consider.

Appendices A through F provide detailed background information, which was used in preparing the report and the "Bull Mountain Annexation Question and Answer Packet."

1. STUDY AREA PROFILE

The Bull Mountain Study Area consists of approximately 1,440 acres of land located west of the City of Tigard (see map below) in Washington County, within the Urban Growth Boundary (UGB). The Study Area abuts Beaverton and Tigard on the north and east, respectively, King City to the southeast, and unincorporated County land outside the Urban Growth Boundary to the south and west.

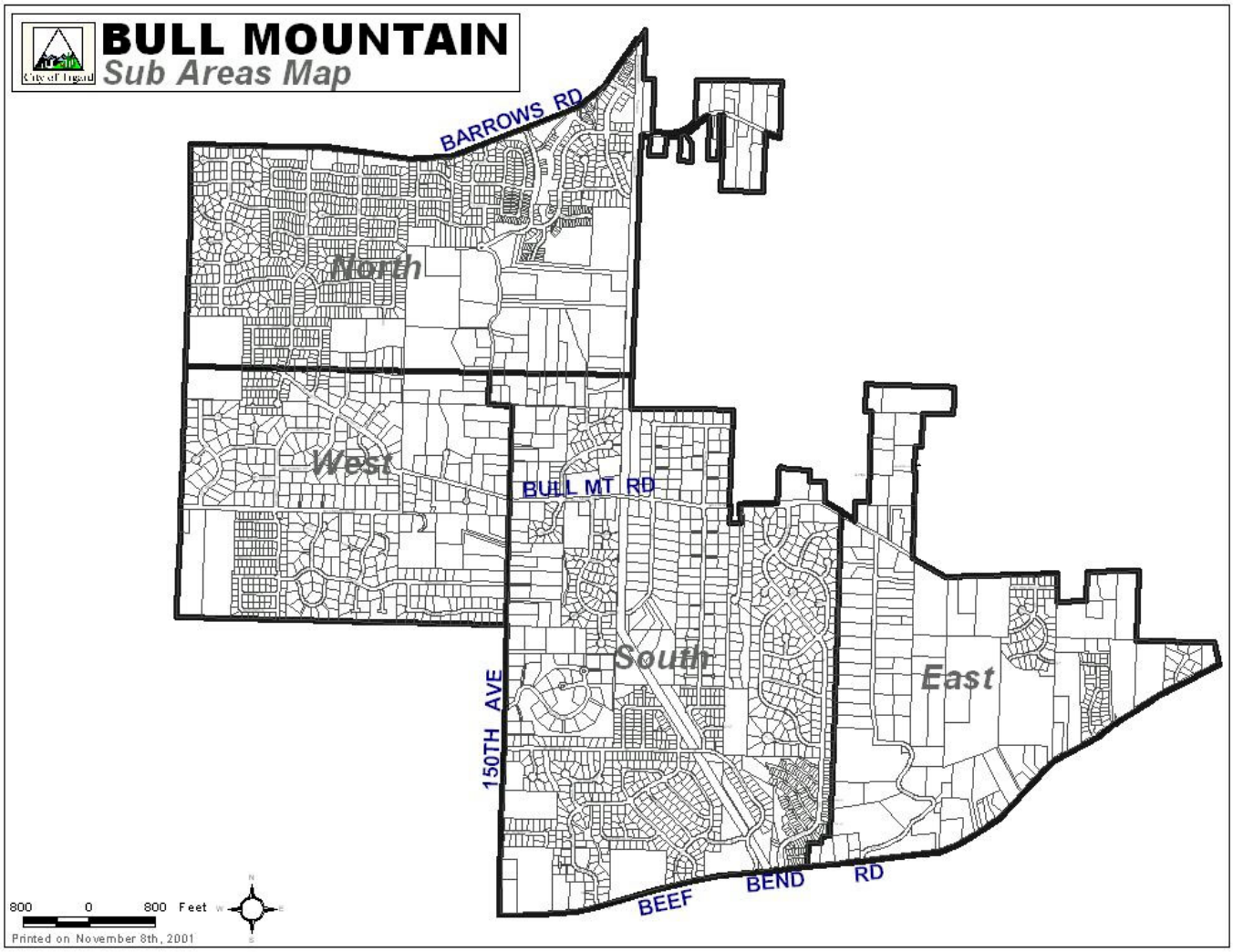
The land in the Study Area is sloped—steeply in some areas—allowing for views at higher elevations. Traditionally a farming area, the last decade brought additional home developments to the area. Today, both farms and subdivisions co-exist here. Although the identified area is now outside the City limits, the City of Tigard provides many urban services to residents. In 1997, the City of Tigard and Washington County entered into an Urban Services Agreement, which transferred responsibility for land use decisions, building and development-related engineering to the City of Tigard. The County adopted the City of Tigard Community Development Code for the Bull Mountain area, which applies standards to any new development in the area.[1]



Currently, approximately 7,300 people live in the Study Area, according to 2000 Census data. There is no commercial or industrial zoned land in the Study Area. Most of the property is zoned R-7, a medium density residential zone requiring lots of a minimum of 5,000 square feet. The area consists of a combination of (1) a mix of larger undeveloped lots, (2) larger lots developed through the County under different standards, and (3) smaller lots that are built to the minimum density allowed under the current zoning regulations.

Given the existing development pattern and topography, this study divides the Bull Mountain area into 4 subareas: North, South, East and West (see map, next page).

[1] Section 2 of this report further discusses current and anticipated service provisions for the Study Area.


BULL MOUNTAIN
Sub Areas Map
BARROWS RD
North
West
BULL MT RD
South
East
150TH AVE
BEEF BEND RD
800 0 800 Feet
Printed on November 8th, 2001

North

This subarea is located south of Barrows Road, north of Baker Lane and Roshak Road, east of the urban growth boundary and west of the Bonneville Power Administration (BPA) easement line. The North area consists of approximately 383 acres and a population of 2,813. This area has a combination of R-7, R-12 and R-25 zoning; however, all of the higher-density (R-25) residential lots were developed as single-family home subdivisions. While there are several larger lots, there are very few redevelopable or vacant lots in this area due to steep slopes. This area is largely built out with only about 10% of the area identified as vacant or redevelopable. Based on the household growth rate of 2.2% identified by Metro, it is estimated that this area will be built out in 4.5 years.

West

The western subarea is bordered on the south and west by the Urban Growth Boundary. It is bordered on the east by SW 150th and to the north by Roshak Road and Baker Lane. The western area consists of approximately 259 acres with 944 people. The majority of the area has been developed with large lot subdivisions, which are not expected to be divided further. However, 15.3% of the land in this area is identified as vacant or redevelopable. The zoning in this area is R-7 (medium density residential). Based on the 2.2% household growth rate identified by Metro, it is estimated that this area will be built out in 6.9 years.

South

This subarea is generally located west of SW Peachtree, east of SW 150th, north of Beef Bend Road and south of High Tor Drive. The southern area consists of approximately 507 acres of land and 3,077 people. The zoning is primarily R-7 (medium density residential) with a small portion of R-25 (medium-high density residential) to the south between Foxglove #2 subdivision and Beef Bend Heights. Many of the subdivisions were developed with large lots that are not expected to be divided further; as a result, this area has larger lots with only limited infill potential. This area has about 10.6% vacant or redevelopable land. Based on the 2.2% household growth rate identified by Metro, it is estimated that this area will be built out in 4.8 years.

East

This area is generally located east of the Mountain Gate subdivision, south of Bull Mountain Road and north of Beef Bend Road. The eastern area consists of approximately 282 acres with 434 people. This area has most of the Study Area's growth potential, with almost 40 percent of the land identified as vacant or redevelopable. The zoning is R-7, which calls for a minimum lot size of 5,000 square feet. Based on the 2.2% household growth rate identified by Metro, it is estimated that this area will be built out in 18 years.

Table 1, Bull Mountain Study Area Profile

Bull Mountain Study Area Profile
Study Area is 1,440 ac, or 2.25 sq miles, or 62,726,400 square feet*
Total Assessed Acres is 1130 ac or 1.77 sq miles

	North	West	South	East	Total***
Total Acreage	383.8	259	507.4	282.3	1432.5
Total Population (2000 Census)	2813	944	3077	434	7268
Median Average Household Size	2.85	3.00	3.06	1.88	2.92
Number of Housing Units	948	331	1106	160	2545
Total Assessed Value (Bldg and land)*	198,668,803.00	102,772,030.00	261,492,712.00	61,350,130.00	624,283,675.00
Median Assessed Value (bldg and land)	174,440.00	215,960.00	239,550.00	283,760.00	227,755.00
% Remaining for Development	10.0%	15.3%	10.6%	39.9%	n.a
Projected Rate of Population Growth[1]	2.0%	2.0%	2.0%	2.0%	2.0%
Projected Timeline to Reach Buildout[2]	4.5 years	6.9 years	4.8 years	18 years	

* Data from Magic, Sept. 2001, which reflects Wash. Cty. Tax Assessor's records.
**** Note: Subarea totals do not add up to the overall total due to scale; these are only approximations*
***** This total is less than the 2143 from the overall calcuation; this reflects rounding down*

Also, please note that GIS sq ft was used, which is not as accurate as surveyor's measurements.
All square footage is approximated.
1 From Metro's Data Resource Center. 2 Also from Metro. Based on household growth rate for the City of Tigard at 2.2 percent.

The above table provides a general overview of the Bull Mountain area by four subareas.

The following is a summary of the major assumptions and sources, which were utilized in preparing Table 1:

- population, housing unit and household data were obtained from Census 2000 information;
- land data and assessed value information were obtained from the City's MAGIC GIS system, which uses Washington County Tax Assessor data;
- the growth projections utilize Metro's 2.2 percent growth rate for households or housing units, and 2.0 percent for population.; this rate could vary based on the economy and other factors;[2]
- "Redevelopable land" refers to partially developed lots; these large lots are not built to minimum density, and could potentially be subdivided for "infill."

[2] The City has approved approximately eight subdivisions in this area with approximately 432 lots total. All lots and infrastructure in these subdivisions were built to City standards. It is not anticipated that growth will continue at this rate, however. Therefore, for this study, the Metro assumptions of 2% were used to develop future population forecasts, and 2.2% for future housing units.

2. URBAN SERVICES IN THE STUDY AREA

As stated earlier, although the Study Area lies in unincorporated Washington County, the City of Tigard already provides some urban services to residents. In 1997, the City of Tigard and Washington County entered into an Urban Services Agreement, which transferred responsibility for land use decisions, building and development-related engineering to the City of Tigard. The remainder of the Study Area's services are provided by either Washington County or regional service agencies, such as Clean Water Services, etc. Table 2, next page, identifies each service for the Study Area, the current provider, and compares the current level of services to the projected level of services under annexation.

Table 2: Service Provision in the Bull Mountain Study Area

Service	*Provider Today*	*Under Annexation*	*Change in Service upon annexation?*
Police	Washington County provides 1.0 officers/1000 people (.5 standard; .5 from Enhanced Patrol)	The City of Tigard would provide 1.5 officers/1000 people	Yes There would be an increase of approximately .5 officers/1000 people
Fire/Rescue	Tualatin Valley Fire & Rescue provides services.	Tualatin Valley Fire & Rescue continues to provide services.	No
Parks	Washington County does not provide parks services.	Tigard's Parks standard is 7.65 acres for every 1,000 residents. This includes Greenways, trails, open space and improved parks. Until parks could be provided in Bull Mountain, the City ratio would be approximately 6.74/1000.	Yes The City provides park services.
General Road Maintenance	Washington County through the Urban Road Maintenance District. General street maintenance by the County is primarily on a complaint-driven basis. Typical maintenance activities include: • pothole patching • grading graveled roads • cleaning drainage facilities • street sweeping • mowing roadside grass and brush (only the shoulder strip) • maintaining traffic signals • replacing damaged signs	The City's road maintenance performs maintenance on regular schedules as well as on a complaint-driven basis. Typical maintenance activities include: • pothole patching • grading graveled roads • cleaning drainage facilities • street sweeping • mowing roadside grass and brush (shoulder strip + ditch line) • maintaining traffic signals • replacing damaged signs • installing and replacing street markings • crack sealing • vegetation removal for vision clearance • street light tree trimming for light clearance • dust abatement on graveled roads	Yes The City provides additional road maintenance services.
Sanitary Sewer	Clean Water Services (CWS)	The City of Tigard will meet the same level of service as CWS. All service levels for CWS and surrounding jurisdictions must be uniform by July 2003.	No

Storm Sewer	Clean Water Services (CWS)	The City of Tigard will meet the same level of service as CWS. All service levels for CWS and surrounding jurisdictions must be uniform by July 2003.	No
Water	Intergovernmental Water Board contracts with the Tigard Water District to provide water.	Service remains the same. Tigard Water District will continue to provide water but will bill directly.	No
Street Light Maintenance	Washington County administers Service Districts for Lighting for PGE. Residents pay an annual operations and maintenance assessment.	The City of Tigard will assume all street light operations and maintenance for existing lights. Residents do not pay a separate assessment.	Service remains the same but property owners are not assessed for the operation of the lights.
Community Development and Building Services	The City of Tigard provides building services—including land use decisions, building and engineering—under an intergovernmental agreement with Washington County. All land use decisions are reviewed under the City standards and through the City's hearing process with the exception of legislative actions (zone changes, Comprehensive Plan amendments, etc.)	The City of Tigard will continue to provide building services to this area. All land use decisions will continue to be reviewed under the City standards and through the City's hearing process. The City would be the review authority for legislative actions as well (zone changes, comprehensive plan amendments, etc).	Only change in service is that the City reviews legislative matters.
Library	Washington County Cooperative Library Services (WCCLS) Consortium, which provides funding through the county tax to area libraries, including Tigard.	The City of Tigard, which receives approximately 62% of its funding through the WCCLS. Bull Mountain residents would have influence on the library's services, and could advocate for the services they want.	No
Schools	Both the Beaverton School District and the Tigard School District provide service based on district boundaries.	Annexation does not change school district boundaries.	No
Garbage Collection	Residents are charged rates established by Washington County for service provided by Pride. Residents pay the fee depending on the size of container they use.	The City franchises City garbage collection, and the Bull Mountain area would become part of the franchised area. The service provider remains the same but residents would be charged the rates established by City Council based on the size of the container they use.	Service remains the same, but rates will differ. See Appendix G for rates.

3. Costs and Revenue of Annexation Under Current Conditions - Scenario 1

Introduction
The previous section showed how annexation would affect services in the Bull Mountain area; however, there are additional considerations affecting the City's decision to annex. The City must also project the study area's demand for services and the cost and revenue of providing those services.

The following section looks closely at the City's projected revenues and costs to serve the study area if it were annexed in the near future. For estimation purposes, this scenario (Scenario 1) assumes that all currently approved subdivision lots will be built with no future growth occurring. While it is highly unlikely that no further land development will occur, this scenario creates a starting point for evaluation.

Service Demand
The demand for services in the Study Area is dependent on the number of people living in the Study Area, and the number of housing units. The area has approximately 7,300 residents living in 2,545 housing units, according to Census 2000 data. As of this date, an additional 164 building lots have been approved. Assuming that all approved lots are built, it is expected that over 2,700 housing units and 7,680 people will live in the Study Area, under current conditions.

The major objective of the report is to examine costs and revenues associated with the City services for the entire area. This provides a solid understanding of the key parameters affecting the area which will ultimately help in the decision making process.

It should be emphasized that the amount of services required for the study area will also vary by subareas due to differences in population and development densities. Appendix A provides details on all four subareas. This information could be used in examining specific strategies for different subareas.

Based on the projected population and number of housing units, Table 3, next page, contains the City's expected revenues, operating costs, and capital improvement costs associated with each City fund for the entire Study Area.

Table 3 Projected Revenues and Costs by Funds for Bull Mountain Area (Scenario 1)

Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
General	$2,161,822	1,298,469	$863,353
State Gas Tax	$319,081	391,932	($72,851)
Sanitary Sewer	$202,904	$85,597	$117,307
Storm Sewer	$97,524	78,188	$19,336
Water	$1,767,550	691,659	$1,075,891

One-time Capital Costs

Fund	Fund Balance/ Capital Revenues	Capital Improvements	Balance
General	$863,353	0	$863,353
State Gas Tax	($72,851)	0	($72,851)
Sanitary Sewer	$394,830	0	$394,830
Storm Sewer	$82,000	0	$82,000
Water	$1,075,891	$322,854	$753,037
Traffic Impact Fee	$370,640	0	$370,640
Parks SDC	$268,960	$13,105,000	($12,836,040)
Water SDC	$334,724	0	$334,724

Based on the above table, the following is a summary of issues that need to be addressed in considering annexation of the Bull Mountain area:

- with the exception of the State Gas Tax Fund, the operating costs are significantly less than the respective revenues for all funds;
- annexing the study area in the near future would create a significant need for land and park improvements to meet the City's current level of services for parks; the projected park improvement (CIP) costs (Appendix B), exceed the projected revenue (park SDCs) approximately 49 times;
- water system improvements are needed regardless of annexation. Sufficient revenue is projected to address capital needs;

- Scenario 1 does not assume one-time capital costs for most funds except for Water and Parks because the limited growth will not pay for improvements.

Summary: The estimated need to provide an adequate level of service for parks is the most critical aspect in evaluating the Bull Mountain area annexation in the near future. Capital costs for transportation are not assured with this assumption. However, transportation improvements ultimately will be needed. Scenarios 2 and 3 identify potential capital needs; however, a certain level of transportation improvements will also be needed with Scenario 1. Scenario 1 does not reflect capital improvements for transportation.

4. The Costs and Revenues of Annexation in the Long Term – Scenarios 2 and 3

Introduction
The previous section (Section 3) showed the Study Area's estimated demand for services based on current population and housing units. However, for purposes of calculation, Scenario 1 assumes no further growth. Bull Mountain will continue to grow in the long term and, therefore, this must be considered.

This section examines two additional scenarios, Scenario 2 and Scenario 3. Both of these scenarios assume future growth in the Study Area will consist of 5,000-sq.ft. lots with single-family housing units. This assumption is based on the current R-7 medium density residential zoning, which requires a minimum lot size of 5,000 square feet.

Both growth scenarios are based on the following assumptions:

- Future growth projections are based on the amount of "net buildable land" in the Study Area. "Net buildable land" refers to available land that can accommodate housing units. This excludes land that is publicly owned, owned or under option by the Trust for Public Lands, reserved for right-of-way, wetlands, with a slope exceeding 25 percent, or already developed to its minimum development potential. This also excludes all lots in existing and approved subdivisions.

- Buildable land consists of two categories: vacant and partially developed. Vacant lands are those without housing units. Partially developed lots are oversized lots that are not built to the minimum density, and have the potential to be divided.

- Both scenarios are based on aerial photographs and tax assessor data in determining the net buildable land in the Study Area.

Scenario 2: "Buildout"

This scenario assumes that all buildable lands will be developed and "built-out" by the year 2019. Based on current average household sizes, it is projected that the Study Area would have 12,905 residents and 4,824 housing units.

Based on the number of additional homes and residents projected in this scenario, service demand would increase. Table 4 details those changes by examining each of the City's expected revenues, operating costs, and capital improvement costs associated with each City fund at the buildout.

Table 4 Projected Costs and Revenues by Fund for Bull Mountain Area at Buildout (Scenario 2)

Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
General	$3,806,006	$2,260,681	$1,545,325
State Gas Tax	$535,816	$628,011	($92,195)
Sanitary Sewer	$361,318	$143,739	$217,579
Storm Sewer	$173,664	$131,300	$42,364
Water	$2,968,150	$1,161,450	$1,806,700

One-time Capital Costs

Fund	Fund Balance/ Capital Revenues	Capital Improvements	Balance
General	$1,545,325	$267,200	$1,278,125
State Gas Tax	($92,195)	$252,500	($344,695)
Sanitary Sewer	$5,486,693	$1,510,100	$3,976,593
Storm Sewer	$1,139,500	0	$1,139,500
Water	$1,806,700	$542,094	$1,264,606
Traffic Impact Fee	$5,150,540	$12,718,600	($7,568,060)
Parks SDC	$3,737,560	$22,033,000	($18,295,440)
Water SDC	$4,651,439	$816,400	$3,835,039

Based on the above table, the following is a summary of issues that need to be addressed in considering annexation of the Bull Mountain area:

- with the exception of the State Gas Tax Fund, the operating costs are significantly less than the respective revenues for all funds;
- as compared to Scenario 1, the needed operating costs will more than double to serve the entire Bull Mountain area at buildout, which is proportional to the population and development increase;
- the significant need for road improvements and parks (Appendix B) would be the major consideration in the development and annexation of the Bull Mountain area;

- the projected park and transportation improvement (CIP) costs (Appendix B) exceed the projected revenue;
- there are one-time capital costs associated with all funds except for Sanitary Sewer.

Summary: The estimated need to provide an adequate level of service for parks and roads is the most critical aspect in evaluating the Bull Mountain area annexation at buildout. Revenues for these improvements do not fully address capital costs.

Scenario 3: Moderate Growth

Introduction

This scenario assumes that development will occur at a lower density, or 50% of the new growth in Scenario 2. Scenario 3 allows for current land-use patterns on Bull Mountain, which includes the following: some existing lots are larger than 5,000 sq ft.; some homes occupy more than one tax lot; some owners do not want to further develop their property. The Study Area would have 10,235 residents and 3,755 housing units approximately by the year 2010.

Based on the number of additional homes and residents projected in this scenario, service demand would increase. Table 5 details those changes by examining each of the City's expected revenues, operating costs, and capital improvement costs associated with each City fund.

Table 5 Projected Costs and Revenues by Fund for Bull Mountain Area, Moderate Growth (Scenario 3)

Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
General	$2,974,309	$1,843,752	$1,130,557
State Gas Tax	$424,978	$509,303	($84,325)
Sanitary Sewer	$281,324	$114,005	$167,319
Storm Sewer	$135,216	$104,134	$31,082
Water	$2,354,165	$921,240	$1,432,925

One-time Capital Costs

Fund	Fund Balance/ Capital Revenues	Capital Improvements	Balance
General	$1,130,557	$267,200	$863,357
State Gas Tax	($84,325)	$252,500	($336,825)
Sanitary Sewer	$2,917,890	$1,510,100	$1,407,790
Storm Sewer	$606,000	0	$606,000
Water	$1,432,925	$429,996	$1,002,929
Traffic Impact Fee	$2,739,120	$12,718,600	($9,979,480)
Parks SDC	$1,987,680	$17,482,500	($15,494,820)
Water SDC	$2,473,692	$816,400	$1,657,292

Based on Table 5, the following is a summary of issues that need to be addressed in considering annexation of the Bull Mountain area:

- with the exception of the State Gas Tax Fund, the operating costs are significantly less than the respective revenues for all funds;
- the significant need for road improvements and parks (Appendix B) would be the major consideration in the annexation of the Bull Mountain area;
- the projected park and transportation improvement (CIP) costs (Appendix B) exceed the projected revenue;
- there are one-time capital costs associated with all funds except for Sanitary Sewer.

Summary: The estimated need to provide an adequate level of service for parks and roads is the most critical aspect in evaluating the Bull Mountain area annexation in the Moderate Growth Scenario. Capital costs exceed projected revenues.

5. ANNEXATION AND TAXATION

In all scenarios, this report focuses on service provision and its costs. This section provides a comparison of the tax rates for the study area.

The following is a brief summary of the Bull Mountain area taxation (see Appendix D for details).

- Property owners in the Bull Mountain area are grouped into two tax districts: 51.78 and 23.78. The City of Tigard tax district is 23.74.

- Bull Mountain property owners (tax districts 51.78 and 23.78) now pay the following taxes for general government services and would continue to pay them under annexation: Washington County, Tualatin Valley Fire & Rescue, Port of Portland and Metro.

- Bull Mountain property owners (tax districts 51.78 and 23.78) now pay the following taxes to support General Obligation bonds, and would continue to pay them under annexation: Washington County, Portland Community College, Tualatin Valley Fire & Rescue, Port of Portland, Metro and Tri-Met.

- Bull Mountain property owners (tax districts 51.78 and 23.78) would cease paying the following taxes for general government services, as these services would be assumed by the City of Tigard: Washington County Enhanced Patrol, Washington County Road Maintenance, and Washington County Street Light Assessment.

- A home with an assessed value of $227,755 would pay an additional $256.50 per year if annexed. Those taxes support the full government and operations of the City of Tigard, and the additional services provided to City versus County residents, as detailed in Table 2, in Section 2. It also includes one existing general obligation bond for the City of Tigard. For a detailed breakdown of taxes, please see Appendix D.

The Federal government offers the Entitlement Communities Program to those cities with a population of at least 50,000. The program makes cities eligible for HUD grants, which can be used for neighborhood revitalization, affordable housing, and to improve community facilities and services to primarily benefit low- and moderate-income persons. Under all scenarios, the City's combined population is projected to be over 50,000. The City would become eligible for the Entitlement Communities program after it reaches 50,000 population, which is dependent upon the area's growth rate.

6. Conclusions and Key Policy Issue

Summary of Conclusions

- With the exception of the East Subarea, the majority of the Bull Mountain area is almost built out.
- Assuming buildout of approximately 12,905 residents and 4,824 housing units for the entire Study Area, each subarea could reach buildout at different times.
- Annexation under scenarios 2 and 3 would make the City an Entitlement Community in the future. Additional funding may become available to Tigard.
- Revenue projections are mostly dependent upon growth. The rate and amount of growth determines revenue forecasts.
- The Study Area has extensive capital needs, mostly road and park improvements.
- Capital costs for road improvements and park improvements exceed revenue projections.

Key Policy Issue

Based on the above conclusions, the key policy issue is a capital improvement funding strategy.

Possible strategies:

- Use a portion of the General Fund to address capital improvements.
- Assistance from Washington County to address some or all of the capital improvement needs.
- Form Local Improvement Districts to address specific capital improvement needs, such as parks and roads.
- Delay improvement of streets until funding sources are available.
- Obtain grant funding to address portions of capital improvements.
- Identify the effective sequence of annexing specific subareas of Bull Mountain.

Appendix E identifies the various methods of annexation available to the City of Tigard.

West Sub-Area
Scenario 1

Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
General	$319,504	137,066	$182,439
State Gas Tax	$39,195	52,524	($13,329)
Sanitary Sewer	$24,792	10,514	$14,278
Storm Sewer	$11,916	9,604	$2,312
Water	$217,120	84,960	$132,160

One-time Capital Costs

Fund	Fund Balance/Capital Revenues	Capital Improvements	Balance
General Fund	$182,439	$0	$182,439
State Gas Tax	($13,329)	$0	($13,329)
Sanitary Sewer	$0	$0	$0
Storm Sewer	$0	$0	$0
Water	$132,160	$39,669	$92,491
Traffic Impact Fee	$0	$0	$0
Parks SDC	$0	$1,675,000	($1,675,000)
Water SDC	$0	$0	$0

West Sub-Area
Scenario 2

Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
General	$574,613	$364,571	$210,042
State Gas Tax	$82,293	$98,183	($15,890)
Sanitary Sewer	$50,707	$22,076	$28,631
Storm Sewer	$24,372	$20,165	$4,207
Water	$455,860	$178,380	$277,480

One-time Capital Costs

Fund	Fund Balance/Capital Revenues	Capital Improvements	Balance
General Fund	$210,042	$0	$210,042
State Gas Tax	($15,890)	$57,800	($73,690)
Sanitary Sewer	$832,995	$235,000	$597,995
Storm Sewer	$173,000	$0	$173,000
Water	$277,480	$83,265	$194,215
Traffic Impact Fee	$781,960	$1,928,000	($1,146,040)
Parks SDC	$567,440	$3,375,000	($2,807,560)
Water SDC	$706,186	$195,700	$510,486

West Sub-Area
Scenario 3

Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
General	$447,059	$261,864	$185,194
State Gas Tax	$60,744	$76,404	($15,660)
Sanitary Sewer	$37,750	$16,295	$21,455
Storm Sewer	$18,144	$14,885	$3,259
Water	$336,490	$131,670	$204,820

One-time Capital Costs

Fund	Fund Balance/Capital Revenues	Capital Improvements	Balance
General Fund	$185,194	$0	$185,194
State Gas Tax	($15,660)	$57,800	($73,460)
Sanitary Sewer	$416,498	$235,000	$181,498
Storm Sewer	$86,500	$0	$86,500
Water	$204,820	$61,467	$143,353
Traffic Impact Fee	$390,980	$1,928,000	($1,537,020)
Parks SDC	$283,720	$2,497,500	($2,213,780)
Water SDC	$353,093	$195,700	$157,393

South Sub-Area
Scenario 1

Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
General	$887,928	$541,657	$346,271
State Gas Tax	$132,698	$164,764	($32,066)
Sanitary Sewer	$85,761	$35,598	$50,163
Storm Sewer	$41,220	$32,517	$8,703
Water	$735,080	$287,640	$447,440

One-time Capital Costs

Fund	Fund Balance/Capital Revenues	Capital Improvements	Balance
General Fund	$346,271	$0	$346,271
State Gas Tax	($32,066)	$0	($32,066)
Sanitary Sewer	$93,893	$0	$93,893
Storm Sewer	$19,500	$0	$19,500
Water	$447,440	$134,253	$313,187
Traffic Impact Fee	$88,140	$0	$88,140
Parks SDC	$63,960	$5,400,000	($5,336,040)
Water SDC	$79,599	$0	$79,599

South Sub-Area
Scenario 2

Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
General	$1,244,099	$778,549	$465,549
State Gas Tax	$189,207	$256,469	($67,262)
Sanitary Sewer	$119,091	$50,757	$68,334
Storm Sewer	$57,240	$46,365	$10,875
Water	$1,048,110	$410,130	$637,980

One-time Capital Costs

Fund	Fund Balance/Capital Revenues	Capital Improvements	Balance
General Fund	$465,549	$267,200	$198,349
State Gas Tax	($67,262)	$42,900	($110,162)
Sanitary Sewer	$1,165,230	$124,300	$1,040,930
Storm Sewer	$242,000	$0	$242,000
Water	$637,980	$191,415	$446,565
Traffic Impact Fee	$1,093,840	$5,444,000	($4,350,160)
Parks SDC	$793,760	$7,768,000	($6,974,240)
Water SDC	$987,844	$365,600	$622,244

South Sub-Area
Scenario 3

Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
General	$1,057,617	$673,712	$383,905
State Gas Tax	$159,624	$207,997	($48,373)
Sanitary Sewer	$101,639	$42,821	$58,818
Storm Sewer	$48,852	$39,110	$9,742
Water	$884,235	$346,050	$538,185

One-time Capital Costs

Fund	Fund Balance/Capital Revenues	Capital Improvements	Balance
General Fund	$383,905	$267,200	$116,705
State Gas Tax	($48,373)	$42,900	($91,273)
Sanitary Sewer	$604,283	$124,300	$479,983
Storm Sewer	$125,500	$0	$125,500
Water	$538,185	$161,511	$376,674
Traffic Impact Fee	$567,260	$5,444,000	($4,876,740)
Parks SDC	$411,640	$6,570,000	($6,158,360)
Water SDC	$512,291	$365,600	$146,691

North Sub-Area
Scenario 1

Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
General	$722,853	$516,800	$206,053
State Gas Tax	$124,602	$144,651	($20,049)
Sanitary Sewer	$75,949	$33,426	$42,523
Storm Sewer	$36,504	$30,533	$5,971
Water	$690,230	$270,099	$420,131

One-time Capital Costs

Fund	Fund Balance/Capital Revenues	Capital Improvements	Balance
General Fund	$206,053	$0	$206,053
State Gas Tax	($20,049)	$0	($20,049)
Sanitary Sewer	$158,895	$0	$158,895
Storm Sewer	$33,000	$0	$33,000
Water	$420,131	$126,063	$294,068
Traffic Impact Fee	$149,160	$0	$149,160
Parks SDC	$108,240	$5,175,000	($5,066,760)
Water SDC	$134,706	$0	$134,706

North Sub-Area
Scenario 2

Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
General	$936,587	$699,038	$237,550
State Gas Tax	$165,167	$188,222	($23,055)
Sanitary Sewer	$101,639	$44,308	$57,331
Storm Sewer	$48,852	$40,474	$8,378
Water	$914,940	$358,020	$556,920

One-time Capital Costs

Fund	Fund Balance/Capital Revenues	Capital Improvements	Balance
General Fund	$237,550	$0	$237,550
State Gas Tax	($23,055)	$42,900	($65,955)
Sanitary Sewer	$984,668	$575,400	$409,268
Storm Sewer	$204,500	$0	$204,500
Water	$556,920	$167,097	$389,823
Traffic Impact Fee	$924,340	$2,846,600	($1,922,260)
Parks SDC	$670,760	$6,795,000	($6,124,240)
Water SDC	$834,769	$189,200	$645,569

North Sub-Area
Scenario 3

Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
General	$828,156	$621,312	$206,844
State Gas Tax	$143,742	$165,637	($21,895)
Sanitary Sewer	$88,794	$38,561	$50,233
Storm Sewer	$42,678	$35,224	$7,454
Water	$796,260	$311,580	$484,680

One-time Capital Costs

Fund	Fund Balance/Capital Revenues	Capital Improvements	Balance
General Fund	$206,844	$0	$206,844
State Gas Tax	($21,895)	$42,900	($64,795)
Sanitary Sewer	$572,985	$575,400	($2,415)
Storm Sewer	$119,000	$0	$119,000
Water	$484,680	$145,425	$339,255
Traffic Impact Fee	$537,880	$2,846,600	($2,308,720)
Parks SDC	$390,320	$5,917,500	($5,527,180)
Water SDC	$485,758	$189,200	$296,558

East Sub-Area
Scenario 1

Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
General	$231,537	$102,946	$128,591
State Gas Tax	$22,587	$29,993	($7,406)
Sanitary Sewer	$16,403	$6,059	$10,344
Storm Sewer	$7,884	$5,534	$2,350
Water	$125,120	$48,960	$76,160

One-time Capital Costs

Fund	Fund Balance/Capital Revenues	Capital Improvements	Balance
General Fund	$128,591	$0	$128,591
State Gas Tax	($7,406)	$0	($7,406)
Sanitary Sewer	$142,043	$0	$142,043
Storm Sewer	$29,500	$0	$29,500
Water	$76,160	$22,869	$53,291
Traffic Impact Fee	$133,340	$0	$133,340
Parks SDC	$96,760	$855,000	($758,240)
Water SDC	$120,419	$0	$120,419

East Sub-Area
Scenario 2

Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
General	$1,050,707	$418,523	$632,183
State Gas Tax	$99,150	$85,137	$14,013
Sanitary Sewer	$89,880	$26,598	$63,282
Storm Sewer	$43,200	$24,296	$18,904
Water	$549,240	$214,920	$334,320

One-time Capital Costs

Fund	Fund Balance/Capital Revenues	Capital Improvements	Balance
General Fund	$632,183	$0	$632,183
State Gas Tax	$14,013	$108,900	($94,887)
Sanitary Sewer	$2,503,800	$575,400	$1,928,400
Storm Sewer	$520,000	$0	$520,000
Water	$334,320	$100,317	$234,003
Traffic Impact Fee	$2,350,400	$2,500,000	($149,600)
Parks SDC	$1,705,600	$4,095,000	($2,389,400)
Water SDC	$2,122,640	$65,900	$2,056,740

East Sub-Area
Scenario 3

Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
General	$641,478	$286,864	$354,614
State Gas Tax	$60,868	$59,265	$1,603
Sanitary Sewer	$53,142	$16,328	$36,814
Storm Sewer	$25,542	$14,915	$10,627
Water	$337,180	$131,940	$205,240

One-time Capital Costs

Fund	Fund Balance/Capital Revenues	Capital Improvements	Balance
General Fund	$354,614	$0	$354,614
State Gas Tax	$1,603	$108,900	($107,297)
Sanitary Sewer	$1,324,125	$575,400	$748,725
Storm Sewer	$275,000	$0	$275,000
Water	$205,240	$61,593	$143,647
Traffic Impact Fee	$1,243,000	$2,500,000	($1,257,000)
Parks SDC	$902,000	$2,497,500	($1,595,500)
Water SDC	$1,122,550	$65,900	$1,056,650

Assumptions

Streetlight Operating Costs

$7 per light per month for streetlights in local streets
$10 per light per month for streetlights in major collectors

Road Maintenance Assumptions

Frequency of Maintenance

Scenario 1

North	Cycle every 5 years
West	6
South	6
East	6

Scenario 2

North	Cycle every 4 years
West	4
South	4
East	4

Scenario 3

North	Cycle every 4.5 years
West	5
South	5
East	5

Source of information: City of Tigard Engineering Department

CIP Assumptions:

Assumptions are that Bull Mountain Road, Beef Bend Road, 150th Avenue, Menlor Street and Sunrise Lane will have to be reconstructed and widened to collector standards. These improvements will be sometime in the next 20 years and are included in Scenarios 2 and 3, but not Scenario 1.

By Area:

North

Menlor Street – From existing pavement across ravine to Scholls Meadow #2 (2,500')
Sunrise Lane – North to existing paved area (1000')
150th Avenue – Bull Mountain Road to Sunrise Lane (1,150')

West

Bull Mountain Road –Beef Bend Road to 150th Avenue (3,450 ')

South

Beef Bend Road – 131st Avenue to 150th Avenue (5,085')
Bull Mountain Road – 150th Avenue to 133rd Avenue (4,122')
150 Avenue – Bull Mountain Road to Beef Bend Road (5,950')

Source of information: City of Tigard Engineering Department

Total All Areas
General Fund

Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
Scenario 1	$2,161,822	$1,298,469	$863,353
Scenario 2	$3,806,006	$2,260,681	$1,545,325
Scenario 3	$2,974,309	$1,843,752	$1,130,557

One-time Capital Costs

Fund	Fund Balance/ Capital Revenues	Capital Improvements	Balance
Scenario 1	$863,353	$0	$863,353
Scenario 2	$1,545,325	$267,200	$1,278,125
Scenario 3	$1,130,557	$267,200	$863,357

Total All Areas
State Gas Tax Fund

Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
Scenario 1	$319,081	$391,932	($72,851)
Scenario 2	$535,816	$628,011	($92,195)
Scenario 3	$424,978	$509,303	($84,325)

One-time Capital Costs

Fund	Fund Balance/ Capital Revenues	Capital Improvements	Balance
Scenario 1	($72,851)	$0	($72,851)
Scenario 2	($92,195)	$252,500	($344,695)
Scenario 3	($84,325)	$252,500	($336,825)

Total All Areas
Sanitary Sewer Fund

Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
Scenario 1	$202,904	$85,597	$117,307
Scenario 2	$361,318	$143,739	$217,579
Scenario 3	$281,324	$114,005	$167,319

One-time Capital Costs

Fund	Fund Balance/ Capital Revenues	Capital Improvements	Balance
Scenario 1	$394,830	$0	$394,830
Scenario 2	$5,486,693	$1,510,100	$3,976,593
Scenario 3	$2,917,890	$1,510,100	$1,407,790

Total All Areas
Storm Sewer Fund

Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
Scenario 1	$97,524	$78,188	$19,336
Scenario 2	$173,664	$131,300	$42,364
Scenario 3	$135,216	$104,134	$31,082

One-time Capital Costs

Fund	Fund Balance/ Capital Revenues	Capital Improvements	Balance
Scenario 1	$82,000	$0	$82,000
Scenario 2	$1,139,500	$0	$1,139,500
Scenario 3	$606,000	$0	$606,000

Total All Areas
Water Fund

Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
Scenario 1	$1,767,550	$691,659	$1,075,891
Scenario 2	$2,968,150	$1,161,450	$1,806,700
Scenario 3	$2,354,165	$921,240	$1,432,925

One-time Capital Costs

Fund	Fund Balance/ Capital Revenues	Capital Improvements	Balance
Scenario 1	$1,075,891	$322,854	$753,037
Scenario 2	$1,806,700	$542,094	$1,264,606
Scenario 3	$1,432,925	$429,996	$1,002,929

Total All Areas
Traffic Impact Fee Fund

One-time Capital Costs

Fund	Fund Balance/ Capital Revenues	Capital Improvements	Balance
Scenario 1	$370,640	$0	$370,640
Scenario 2	$5,150,540	$12,718,600	($7,568,060)
Scenario 3	$2,739,120	$12,718,600	($9,979,480)

Total All Areas
Parks SDC Fund

One-time Capital Costs

Fund	Fund Balance/ Capital Revenues	Capital Improvements	Balance
Scenario 1	$268,960	$13,105,000	($12,836,040)
Scenario 2	$3,737,560	$22,033,000	($18,295,440)
Scenario 3	$1,987,680	$17,482,500	($15,494,820)

Total All Areas
Water SDC Fund

One-time Capital Costs

Fund	Fund Balance/ Capital Revenues	Capital Improvements	Balance
Scenario 1	$334,724	$0	$334,724
Scenario 2	$4,651,439	$816,400	$3,835,039
Scenario 3	$2,473,692	$816,400	$1,657,292

APPENDIX D:

ANNEXATION AND TAXATION:
ESTIMATED PROPERTY TAX TABLE

AVAILABLE AS A SEPARATE ATTACHMENT
ON THE CITY'S WEBSITE

METHODS OF ANNEXATION PROVIDED BY ORS CHAPTER 222

Method:	**Prior consent required?**	**Election requirement within City?**	**Election requirement within territory to be annexed?**
City Initiated - By the legislative body of the City, on its own motion [ORS 222.111(2)] *(requires public hearing and Ordinance which will set election and effective date upon passage)*	NO	NO (*City charter does not require, but Council can send to election if desired*) Subject to referendum	YES
Owner Initiated - By petition to the legislative body of the city by owners of real property in the territory to be annexed. [ORS 222.111(2)] *(requires public hearing and Ordinance which will declare the territory annexed upon condition that a majority of votes cast in the territory being annexed favor annexation or as described in a, b or c below)*	YES	NO (*City charter does not require, but Council can send to election if desired*) Subject to referendum	YES *(if prior consent of electors and land owners is not provided, as described in subsection a, b or c below, prior to action)*
a. 100% Owner and Majority of Electors - by written consent to annexation by all the owners of land and not less than 50% of the electors, if any, in the territory [ORS 222.125]	YES	NO Subject to referendum	NO
b. Triple Majority - by written consent to annex of more than half of the owners of land in the territory who also own more than half of the land in the territory and of real property therein representing more than half of the assessed value of all real property in the territory [ORS 222.170] (Triple majority discouraged because it may not be constitutional)	YES	NO Subject to referendum	NO
c. Double Majority - by written consent of a majority of the electors in the territory along with the written consent of property owners of more than half the land area in the territory. [ORS 222.170(2)]	YES	NO Subject to referendum	NO
Island annexation - When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore or a stream, bay, lake or other body of water, except when the territory not within a city is surrounded entirely by water. [ORS 222.750]	NO	NO (*City charter does not require, but Council can send to election if desired*) Subject to referendum	NO

APPENDIX F:

BULL MOUNTAIN ANNEXATION QUESTION AND ANSWER PACKET
ANSWERS TO THE JULY 2001 FOCUS GROUP QUESTIONS

AVAILABLE AS A SEPARATE ATTACHMENT
ON THE CITY'S WEBSITE

Residential Garbage Collection Rates for the Bull Mountain Study Area

Cart Size	Washington County Monthly Urban Rates[1]	City of Tigard Monthly Rates[2]
Mini Cart (20 gallon)[3]	$17.91	$16.10
32 gallon	$19.30	$18.75
60 gallon	$28.01	$29.25
90 gallon	$33.12	$35.50

1. County rates as of June 1, 2001. Urban refers to collection within the metropolitan service district boundary.
2. City rates as of January 1, 2002
3. All rates include yard debris collection.
4. To be consistent with City requirements, curb rates (0-5' from curb) are used for both County and City.

Appendix D

July 1, 2001 - June 30 2002
Estimated Property Tax for a House
With an Assessed Value[1] of
$227,755

Taxing District	City of Tigard Tax Area 23.74		Unincorporated Washington County Tax Area 23.78		Increase or (Decrease) With Annexation		Unincorporated Washington County Tax Area 51.78		Increase or (Decrease) With Annexation	
	Rate	Amount	Rate	Amount	Rate	Amount	Rate	Amount	Rate	Amount
Schools										
Ed. Service Dist. - NW Regional	0.1538	$35.03	0.1538	$35.03	0.0000	$0.00	0.1538	$35.03	0.0000	$0.00
Portland Community College	0.2828	$64.41	0.2828	$64.41	0.0000	$0.00	0.2828	$64.41	0.0000	$0.00
Tigard School District - 23J[2]	5.9892	$1,364.07	5.9892	$1,364.07	0.0000	$0.00	0.0000	$0.00	0.0000	$0.00
Beaverton School District - 48[2]	0.0000	$0.00	0.0000	$0.00	0.0000	$0.00	4.6930	$1,068.85	0.0000	$0.00
Total Education Taxes[4]	6.4258	$1,463.51	6.4258	$1,463.51	0.0000	$0.00	5.1296	$1,168.29	0.0000	$0.00
General Government										
Washington County[3]	2.6957	$613.96	2.6957	$613.96	0.0000	$0.00	2.6957	$613.96	0.0000	$0.00
Tualatin Valley Fire & Rescue[3]	1.7752	$404.31	1.7752	$404.31	0.0000	$0.00	1.7752	$404.31	0.0000	$0.00
Port of Portland[3]	0.0701	$15.97	0.0701	$15.97	0.0000	$0.00	0.0701	$15.97	0.0000	$0.00
City of Tigard[3]	2.5131	$572.37	0.0000	$0.00	2.5131	$572.37	0.0000	$0.00	2.5131	$572.37
Metro[3]	0.0966	$22.00	0.0966	$22.00	0.0000	$0.00	0.0966	$22.00	0.0000	$0.00
Washington County Enhanced Patrol	0.0000	$0.00	1.0534	$239.92	(1.0534)	($239.92)	1.0534	$239.92	(1.0534)	($239.92)
Washington County Road Maintenance	0.0000	$0.00	0.2456	$55.94	(0.2456)	($55.94)	0.2456	$55.94	(0.2456)	($55.94)
Wash. County Street Ligh t Assessment[5]		$0.00		$35.00		($35.00)		$35.00		($35.00)
Total General Government	7.1507	$1,628.61	5.9366	$1,387.09	1.2141	$241.52	5.9366	$1,387.09	1.2141	$241.52
General Obligation Bonds										
Washington County	0.2659	$60.56	0.2659	$60.56	0.0000	$0.00	0.2659	$60.56	0.0000	$0.00
Portland Community College	0.2683	$61.11	0.2683	$61.11	0.0000	$0.00	0.2683	$61.11	0.0000	$0.00
Tigard School District - 23J	1.0476	$238.60	1.0476	$238.60	0.0000	$0.00	0.0000	$0.00	0.0000	$0.00
Beaverton School District - 48	0.0000	$0.00	0.0000	$0.00	0.0000	$0.00	1.6736	$381.17	0.0000	$0.00
Tualatin Valley Fire & Rescue	0.0531	$12.09	0.0531	$12.09	0.0000	$0.00	0.0531	$12.09	0.0000	$0.00
Port of Portland	0.0006	$0.14	0.0006	$0.14	0.0000	$0.00	0.0006	$0.14	0.0000	$0.00
City of Tigard	0.0658	$14.99	0.0000	$0.00	0.0658	$14.99	0.0000	$0.00	0.0658	$14.99
Metro	0.2273	$51.77	0.2273	$51.77	0.0000	$0.00	0.2273	$51.77	0.0000	$0.00
Tri-Met	0.1372	$31.25	0.1372	$31.25	0.0000	$0.00	0.1372	$31.25	0.0000	$0.00
Total General Obligation Bonds	2.0658	$470.50	2.0000	$455.51	0.0658	$14.99	2.6260	$598.08	0.0658	$14.99
Grand Total	15.6423	$3,562.61	14.3624	$3,306.11	1.2799	$256.50	13.6922	$3,153.47	1.2799	$256.50

Notes

1 Assessed Value no longer equals Market Value
2 Annexation to a city does not change the school district that serves the area
3 Permanent rate set by Measure 50
4 Education Taxes are limited by Measure 5 to no more than $5 per $1,000 of Real Market Value, but Measure 50 established permanent rates per $1,000 of Assessed Value. The data presented is from the Washington County Assessors Office which is responsible for monitoring tax rates.
5 Those areas that are served by Street Lighting Districts pay for the cost of operating and maintaining the street lights. Washington County reports that the average annual assessment per household is $35. Actual assessments will vary by district.

Appendix F

BULL MOUNTAIN ANNEXATION QUESTION AND ANSWER PACKET

ANSWERS TO THE JULY 2001 FOCUS GROUP QUESTIONS

CITY OF TIGARD

NOVEMBER 27, 2001

BULL MOUNTAIN STUDY AREA:
DRAFT ANSWERS TO THE FOCUS GROUP QUESTIONS

A. WASHINGTON COUNTY

1. **What is the County's long-term outlook on services to this area if Tigard does not annex Bull Mountain?** *(Answer provided by Washington County and the City of Tigard)*

   Washington County has no plans to change existing levels of County service to the area. If the annexation does not occur, service delivery would continue as it is. The County would continue to provide a basic level of service as it does countywide. Municipal-type services would be provided on a fee-for-service basis (building permits, street lighting, etc.) or through special service districts (Urban Road Maintenance District, Enhanced Sheriff's Patrol District, a possible future Park and Recreation District if voters set one up, etc.). The City of Tigard is continuing to provide some services such as planning, engineering, and building services in accordance with an intergovernmental agreement between Washington County and the City. This agreement is in effect for 5 years from the date it was executed (May, 1997) and may be renewed for an additional 5 years by mutual agreement. In addition, the agreement may be terminated by mutual agreement or by either party between the months of March 1 and July 1 of any year with 90 days written notice.

2. **What are the County's current responsibilities to Bull Mountain residents? What is the vision of the County (i.e., what the County sees as its main roles in the future, as it applies to its entire area of governance)?** *(Answer provided by Washington County and the City of Tigard)*

   Washington County has indicated that it sees itself both as a provider and as a convener (one who convenes or brings together partners in a given situation) of services. The County covers 727 square miles, 85% of which is rural. The population is over 450,000 residents; 90% of them live within the Urban Growth Boundary (half in their 12 cities, half in the urban unincorporated areas). Services the County provides to everyone include public safety (the Sheriff's Department, the jail, parole and probation, Community Corrections, the court system, district attorneys, victims' services, etc.), the county-wide road system (including maintenance and new capital construction), Juvenile Services, Housing Services, Health and Human Services (health clinics, child and family welfare, public health, restaurant inspections, solid waste and recycling), Assessment and Taxation, marriage licenses, passports, animal shelter and adoption services, funding support for the county's 12 libraries (city-supported and otherwise. For example, Tigard receives 62% of its overall operating funds for the Tigard Library which serves a population of 53,519), Aging and Veterans Services, Consolidated Emergency Management and support for Citizen Participation Organizations. Washington County does all this with the second leanest per capita staff of any County in the State of Oregon.

   According to Washington County, it cannot meet many more needs with current resources. Thus, the County strives for *efficiencies* in government, and also engage in broad

partnerships with the private and non-profit sectors. Currently, Washington County is engaged in a broad outreach effort called Vision West, which is bringing together the best minds in the County in areas ranging from education to health care, transportation, safety and the environment. Their on-going charge is to make sure public and private agencies converse and collaborate to improve the communities' future.

The specific services the County provides include:

- Roads - as part of the Urban Road Maintenance District (URMD), Bull Mountain property owners pay for and receive both County and URMD levels of maintenance to County and public roads in the area. County policy allocates available road maintenance funding with priority given to the major system (arterials and major collectors) throughout the County. Neighborhood roads (minor collectors and local streets) are the *lowest* priority, and as a result, have deteriorated relative to the major system over the years. The URMD is a special district that does provide road-related maintenance and repair on these minor collector, local and public roads in the urban unincorporated areas of Washington County. It provides a paved surface to fair or better conditions. The URMD also provides $100,000 per year for the Neighborhood Streets Program.

- Law enforcement - Bull Mountain is part of the Enhanced Sheriff's Patrol District; thus its property owners pay for and receive both County and ESPD levels of law enforcement service. The County service level is .5 officers per 1000 and the ESPD provides an additional .5 officers per 1000 residents for a total of 1 per 1,000 residents.

- Building services and Planning - the County currently has an intergovernmental agreement with the City of Tigard, under which the City provides land development and building services to residents of Bull Mountain directly, saving them the trip to Hillsboro. The County adopted the City's Development Code for this area. This agreement is in effect for 5 years from the date it was executed (May, 1997) and may be renewed for an additional 5 years by mutual agreement. In addition, the agreement may be terminated by mutual agreement or by either party between the months of March 1 and July 1 of any year with 90 days written notice.

- Street lighting - not required, but usually built in by developers with payment organized under a Service District for Lighting. This annual fee is included on a property owner's property tax assessment. Assessment varies from $32 to $37 per year, on average. The assessment amount is determined by three factors: 1) the number of property owners in each district, 2) the number of lights in the district, and 3) the type of lights. The assessment covers the operation of the lights, and is provided by the County through a contract with PGE. PGE owns the lights and will continue to own them upon annexation.

- Library services - supported through the Washington County Cooperative Library Services (WCCLS) consortium. This is funded partially by County tax. The City of Tigard receives 62% of its overall operating funds for the Tigard Library from the WCCLS. Funding levels are determined by circulation, open hours, collection expenditures, etc.

- Park services – none.

- Fire protection - Bull Mountain residents receive fire protection directly from Tualatin Valley Fire and Rescue, to whom they pay a separate tax or assessment as part of their property taxes.

- Community organizations - the County provides basic support for the Citizen Participation Organizations. CPO 4B has represented Bull Mountain over the years; however, it is presently inactive.

- Code Compliance – compliance with standards found in the City of Tigard Development Code are enforced by the City of Tigard Code Compliance Officer as part of the intergovernmental agreement between the City of Tigard and Washington County. The County continues to regulate standards that are not covered in the City's Development Code including: solid waste, animal control, noxious vegetation, junk/cars and noise.

(To see the difference between the County level of service and the level of service the City will provide if annexed, see table 3 in this document.)

3. **Why did the County decide to be a County and not an urban/rural County that provides City services? How was the *County 2000* vision created?** *(Answer provided by Washington County and City of Tigard)*

   With approximately 200,000 County residents now living in urban unincorporated neighborhoods (outside cities), the demand on the County for neighborhood services has been steadily increasing. Planning for growth at the neighborhood level, traffic management, enhanced police patrol, local street maintenance and zoning enforcement are a few examples. These are the types of services that a city normally provides. Related to this is the issue of equity. City property owners pay City taxes to receive these local services, as well as County taxes for countywide programs. For years, County taxes paid by City property owners subsidized a portion of local services the County provided to urban unincorporated neighborhoods.

   The subsidy issue was raised by Cities and this was corrected in 1986 when the Board of County Commissioners adopted *County 2000*, a long-term financial plan. Recognizing its financial limitations and the underlying theme that the County cannot be all things to all citizens, *County 2000* makes a distinction regarding the financing of traditional services that are of countywide benefit versus municipal-type services that benefit specific geographic areas. Updated in 1994, *County 2000* focuses general purpose tax dollars on services that benefit residents countywide, regardless of whether they live inside or outside cities or in the rural area.

   The current *County 2000* plan is the result of a comprehensive public review process during which the County gathered extensive public feedback, suggestions and evaluations. Every Board since 1986, including the current one, has maintained a policy that cities will eventually provide neighborhood services to the entire urban unincorporated area, sometimes

in partnership with special districts like Tualatin Hills Park and Recreation District and Tualatin Valley Fire and Rescue.

The County has maintained a position of "aggressive neutrality" with regard to annexation, with practicality and resident interest driving the timeline. However, lack of annexation may significantly impact the infrastructure of affected communities, potentially resulting in a lesser quality of life. For this reason the County is also working closely with Metro, the cities and special districts in setting Urban Services boundaries, preparing for future annexations (Senate Bill 122). In 1997, the County entered into an intergovernmental agreement with the City of Tigard, turning over certain urban services including land development, building permits and some local road maintenance for the Bull Mountain area to the City. This agreement is in effect for 5 years from the date it was executed (May, 1997) and may be renewed for an additional 5 years by mutual agreement. In addition, the agreement may be terminated by mutual agreement or by either party between the months of March 1 and July 1 of any year with 90 days written notice.

4. **Explain how Senate Bill (SB) 122 relates to the annexation process.** *(Answer provided by Washington County and City of Tigard)*

   In 1993 the state legislature passed Senate Bill 122, which requires the coordination and provision of urban services for lands within the urban growth boundary. It requires the collaboration of counties, cities and special districts to determine which jurisdiction will be responsible for the long-term provision of urban services (such as sanitary sewers, water, fire protection, parks, open space, recreation, streets/roads, and mass transit) to residents of unincorporated areas. The County, the CPOs and SB 122 Citizen Involvement Advisory Committees have been working with the cities of Beaverton, Tigard and Hillsboro for the past few years helping settle urban services boundary lines. The City of Tigard and Washington County have had an Urban Services Agreement in effect since 1997 that transfers land development and building permit responsibility to the City of Tigard. This agreement is in effect for 5 years from the date it was executed (May, 1997) and may be renewed for an additional 5 years by mutual agreement. In addition, the agreement may be terminated by mutual agreement or by either party between the months of March 1 and July 1 of any year with 90 days written notice.

5. **Who should residents talk to at the County about annexation and County service issues?** *(Answer provided by Washington County)*

   If it is a question of policy, the appropriate contact is their County Commissioner Roy Rogers or County Chairman Tom Brian. Staff points of contact are Walt Peck, County Communications Officer, 593-846-2013, or Anne Madden, Sr. Program Educator, Department of Land Use and Transportation, 503-846-4963.

6. **If there is no parks department at the County, how does the County deal with park issues?** *(Answer provided by Washington County)*

   The County parks effort is focused on Hagg Lake and Metzger Park. Hagg Lake is supported entirely by user fees and Metzger Park is supported 2/3 through a Local Improvement

District (LID) and 1/3 through user fees collected from the rental of Metzger Hall. The County owns other properties that are designated as parks but are not developed. The only park land that has been purchased in the Bull Mountain area is a portion of the Cache Creek site, however, there are no plans at this time for the County or City to develop it. Otherwise, all other park services in the County are provided by local park providers such as Tigard, THPRD, and Hillsboro. The remaining unincorporated areas receive no park services if they are not in the THPRD territory. Individuals living outside the THPRD district can pay a non-resident price to use THPRD facilities.

7. **What is the Washington County permanent tax rate?** *(Answer provided by Washington County)*

   The County rate is $2.2484 per $1,000 of assessed valuation. It should be noted, however, that the permanent rate does not include special district assessments such as the URMD or ESPD. For a complete breakdown of assessments paid on property taxes, refer to Table 6 at the back of this document.

8. **How much money is now available for infrastructure under Washington County?** *(Answer provided by Washington County)*

   The County does not have a dedicated amount of resources available for infrastructure improvements. Most large projects (such as the new jail) are funded through voter-approved bond measures. Other projects, such as transportation improvements, are funded through the discretionary distribution of property tax resources.

   For sewer related capital improvement projects, Clean Water Services updates a five-year Capital Improvement Program (CIP) annually during the budget process. From this document, an annual construction program is developed and included in the annual budget. The Sanitary Sewer Construction Fund in the current FY 2002 budget includes more than $52 million. Proposed treatment facility projects account for $24 million; collection capital projects, $23 million; and planning and support projects, nearly $5 million.

   However, the CIP generally supports the major sewer projects; a transportation analogy might be the funding of the State or County road system. As with improvements to the local street system, the local sanitary sewer system is generally funded by the adjacent (or directly benefited) property owners. As a result, most of the local sewer system is funded by development or through local improvement districts (LIDs). The District's Board recently adopted a revised LID ordinance that does provide financial incentives, under certain conditions, for the sanitary sewer projects.

9. **What local service levies (i.e., Washington County Enhanced Patrol) or LIDs do Bull Mountain residents pay for in addition to the current County tax rate?** *(Answer provided by Washington County)*

- The Urban Road Maintenance District (URMD); the URMD tax rate is $.25 per thousand assessed valuation.

  County policy allocates available road maintenance funding with priority given to the major system (arterials and major collectors). Neighborhood roads (minor collectors and local streets) are the *lowest* priority, and as a result had deteriorated relative to the major system over the years. The URMD is a special district that does provide road-related maintenance on these minor collector, local and public roads in the urban unincorporated areas of Washington County. District revenue is from a property tax that residents voted to assess themselves in 1994 and is unique to Washington County (as far as we know). Since formation of the URMD, neighborhood roads have improved. In 1997, Ballot Measure 50 passed, which made the URMD permanent.

- Enhanced Sheriff's Patrol District (ESPD); the ESPD tax rate is $1.0534 per $1,000 assessed valuation

  The ESPD program began in 1988 and provides (approximately) an additional .5 officers per 1,000 residents. This is in addition to the County-wide provision of .5 officers per 1,000 residents.

- Service District for Lighting (SDL)

  Property owners of urban unincorporated areas pay for their street lighting services (if they have street lights) through the SDL. The average charge is somewhere between $32 and $37 per year per property owner. The assessment amount is determined by three factors: 1) the number of property owners in each district, 2) the number of lights in the district, and 3) the type of lights. The assessment covers the operation of the lights, and it is provided by the County through a contract with PGE. (Source: Washington County)

B. SEWER/WATER/STREETS

1. **Will residents be forced to hook up to sewer or City water? If so, how much will it cost per household? If not, how can residents get access to City sewer or water, and how much will it cost to do so?** *(Answer provided by City of Tigard)*

   Once sanitary sewer is available in proximity to a property, the property owner has the option to connect after paying the appropriate fees. There is no fee to be paid until property owners choose to connect to the sewer, and there is no obligation to connect to the sewer if property owners continue to use an existing septic system as it is now being used. Property owners may, however, be required to connect to sewer if there is a sewer reimbursement district and

they do work that requires a building or land use permit. For residential developments, any building permit for a new building or for an addition, modification, repair or alteration exceeding 25% of the value of the building will trigger the need to connect to sewer. They would also be required to connect to sewer if their septic system fails.

If the City chose to provide sewer service to fully developed subdivisions on septic, it would most likely be accomplished through a reimbursement district under the existing City program. The City would not be likely to propose a project unless there was an expectation that one-half of the owners would connect within three years. The City engineering staff estimated the cost of providing sewer service based on an existing subdivision in the Bull Mountain area. Based on this scenario, it is estimated that the cost would be approximately $6,000 per household. Under current policy, property owners must connect to the sewer within three years from the time sewer becomes available to take advantage of any benefits of the Incentive Program. However, if a property owner is able to wait fifteen years after the district formation date to connect, there is no reimbursement fee (except for the connection fee that is currently $2,407.50, which all property owners have to pay regardless of when they connect. This fee may increase over time.). In addition, the property owner is responsible for the cost to bring the sewer line from the main line to the residence.

Existing property owners on wells would not be required to connect to municipal water. For new developments, or in instances where property owners wish to connect to water, the property owner or developer would be required to pay for a water meter (price depends on the size of the meter required/needed) and, if needed, extension of the water main across the frontage of the property. Construction of a new well or to replace an existing well is determined on a case by case basis depending on many factors. For information on well placement or construction, contact the State Water Resources Department at 503-378-3739.

2. **Are any street improvements planned?** *(Answer provided by City of Tigard)*

   The City of Tigard, in cooperation with Washington County has scheduled to make minor improvements to the Bull Mountain/Roshak Road intersection. Bull Mountain Road, Beef Bend Road, 150th Avenue, Menlor Street and Sunrise Lane have been identified as needing improvements (widening, resurfacing, etc.) to be brought up to collector standards in the future (within the next 20 years), however, they have not been incorporated into the City's or County's Capital Improvement Plan.

C. DEVELOPMENT TRENDS

1. **Will development trends on Bull Mountain change if annexed?** *(Answer provided by City of Tigard)*

   The County developed its comprehensive plan for Bull Mountain in 1983. It established development standards which guided development. Tigard and Washington County have an Urban Planning Agreement that has been in effect since 1997, which gives Tigard the authority to review and approve land use applications, building permits and engineering permits. The area has been reviewed under the City's regulations since that time, while maintaining consistency with the County Comprehensive Plan standards for the area. When

the Urban Planning Agreement was developed, findings were made that indicate that "the City has functionally equivalent plan and zoning designations …because of the historic coordination between the County and the City." It is not anticipated, therefore, that there will be any change in the current development patterns as a result of an annexation. Should a property owner seek a change of land use designation to develop property in a way not allowed under the present zoning, the application would be reviewed and decided by the Tigard City Council in accordance with the City's standards.

2. **Will the residents have a say in the vision for the Bull Mountain area? Will they get to decide how Bull Mountain should look?** *(Answer provided by City of Tigard)*

   Yes, residents will have a say in the vision for the Bull Mountain area. Residents will have a say in who their representatives are by participating in the election process. If the Bull Mountain area is annexed into the City of Tigard, residents would have an opportunity to participate in any public process that would change plans for the area. However, the current zoning and development code standards will continue to apply and there are no plans for changes in the near future. If standards or zoning were desired to be changed at some later date, there would be notification to all affected property owners within 500 feet of a subject site and opportunities for public involvement at public hearings prior to any changes taking effect.

3. **Will they be forced to accept a more citified look, such as sidewalks and street lights?** *(Answer provided by City of Tigard)*

   Existing developments would not be forced to "upgrade" to a more urban look. New developments, however, are required to provide infrastructure (streets, sidewalks, lights, street trees, etc.) improvements. In addition, there may be opportunity through the City's capital improvement program (CIP) process to make street improvements in areas needing them which would result in upgrades as well. The City's annual CIP formulation process provides opportunities for citizen input through a wide variety of means including Citizen Involvement Team meetings, internet email, written correspondence, Planning Commission public hearing, and City Council public hearing prior to adoption of the CIP projects for implementation. Major streets such as Bull Mountain Road and Beef Bend Road may be widened at some point in the future to provide additional capacity and to accommodate alternative modes of travel (additional lanes, sidewalk on both sides, and bike lanes). Potential funding sources could be the Washington County Major Streets Transportation Improvement Program, the Countywide Traffic Impact Fee, or a bond issue that requires voter approval.

4. **Will adding Bull Mountain to the City of Tigard create a need for additional multi-family built-density areas on Bull Mountain or within the City of Tigard? (Metro 2040 Growth Plan)** *(Answer provided by City of Tigard)*

   No. Both the City of Tigard and Washington County currently meet their target population goals by requiring development to build at no less than 80% of the maximum zoning allowed in that zone. The existing zoning, adopted by Washington County, in Bull Mountain will

continue to apply and new developments will continue to be required to build to minimum densities.

5. **Will zoning be changed because of annexation?** *(Answer provided by City of Tigard)*

   No. The Urban Planning Agreement between the City and Washington County, and the City's development code, requires the City to apply the equivalent County zoning to land annexed into the City and not make any changes for at least one year. If, however, it is mutually agreed upon by both County and City Planning Directors at the time of annexation that the County designation is outdated, an amendment may be initiated before the 1 year period is over. There are no plans to change the zoning in this area. If zoning were desired to be changed at some later date, there would be notification to all affected property owners and opportunities for public involvement at public hearings prior to any changes taking effect. Notice would be provided to all property owners within 500 feet of a site specific land use proposal. In addition, public notice would be published in the local newspaper (usually in the Tigard Times).

D. PARKS

1. **Will annexation change the mindset of the City towards purchasing green space on Bull Mountain? Will Bull Mountain buy land for parks if annexed?** *(Answer provided by City of Tigard)*

   Tigard has allocated Metro green spaces money to purchase land in the unincorporated area, but has not spent parks System Development Charges (SDC) generated by development in Tigard. The City's primary funding source for park improvements is the park SDC on new development. The park SDC is collected at the time a building permit is issued and is used solely for park acquisition or development. At present, the park SDC imposed on a single family house inside the City is $1,600. Because the City lacks jurisdiction and Washington County doesn't charge a park SDC, a single family house constructed in the Bull Mountain area contributes no fees for parks. Tigard is designated as the area's future park provider, but currently has no funding source to improve parkland conditions outside the unincorporated area in Bull Mountain. Annexation would allow the City to begin collecting the park SDC on new development within the annexed area. From June 1997, when the City first began providing services in the Bull Mountain area, to August 2001, the City issued permits for 776 permits for single family and 56 multi-family housing units inside the Urban Services Area (Bull Mountain). Based upon the current City fee structure, had the City had authority to collect park SDCs during this period, approximately $1.3 million in SDC revenues would have been collected and been available for park acquisition and development. Over the last 8 months (March to October 2001), 200 permits were issued with a potential $328,000 of parks SDC funds going uncollected. The longer the area waits to annex, the more funds are lost and the less vacant land is available to begin to meet the area's park needs. In addition, property values are continuing to rise, making land all the more difficult to obtain.

   The City's primary source of funding for park maintenance is the City General Fund. Property taxes paid by City property owners and businesses provide the revenue for the fund. The unincorporated area does not pay City property taxes.

Bull Mountain annexation would not necessarily provide immediate revenue for parks. As new development occurs over time, park SDCs would be collected which could be used for park acquisition and improvements within the area. Revenues collected from property taxes would be used for the on-going maintenance of park facilities throughout the City. At the time of annexation, the beginning SDC and maintenance fund balances would be zero, unless the City Council chooses to provide start up funding from City resources (the General Fund).

2. **What are the chances of Bull Mountain getting a park if it isn't annexed?** *(Answer provided by City of Tigard)*

   County policy is that it does not provide park services within the area it governs and it does not charge a parks SDC. To date, the City Council has chosen not to invest limited City park dollars in providing park services in the unincorporated area. The City has applied some of its Metro greenspaces dollars to the Cache Creek property in the Bull Mountain area, as has Washington County. There are approximately 12 acres, but no development of the site using general fund dollars has been planned. Without additional funds, the City would not purchase additional park lands in the unincorporated area.

3. **Will the study select locations for parks on Bull Mountain? What is the likelihood of a park located on the spine of Bull Mountain?** *(Answer provided by City of Tigard)*

   No, the scope of the study does not include selecting parks. However, in 1999, Tigard adopted a park system master plan that covered both the incorporated and Urban Services Areas. The plan identified future park needs and priority improvements. In the Bull Mountain Area, it identified the need for three neighborhood parks and one community park. An exception is that the City and County jointly acquired a 12-acre site on Bull Mountain for a nature park. The park is not open to the public at this time because the City does not have funds for park improvements and maintenance outside the City.

   In general, buildable residentially zoned property is very expensive, particularly property with a view amenity, such as the spine of Bull Mountain. A portion of the powerline corridor is close to the Bull Mountain summit. The park master plan identifies the potential opportunity for a playfield and a regional pedestrian and bicycle trail within the powerline corridor, however there has been concern about developing within this corridor and no development would be planned until these concerns are addressed and development and maintenance funds secured.

E. LAW ENFORCEMENT

1. **How will Law Enforcement service differ between County and City?** *(Answer provided by City of Tigard)*

   The County currently provides .5 officers/1000 people county-wide and an additional .5 officers/1000 people in the ESPD (Enhanced Sheriff Patrol District); the City of Tigard provides 1.5 officers/1000 people. If the entire Bull Mountain area were annexed at its current population, the City would need 10 additional officers and 3 additional cars to serve

this area at the City's current service level. The City's average response time for Priority 1 calls is 3.5 minutes, for Priority 2 calls the average response time is 3.5 minutes and for Priority 3 calls the average response time is 6.5 minutes. Priority 1 calls are defined as calls involving threat of physical injury to life or property, Priority 2 calls are urgent, but not life and death matters (still dispatched immediately), and Priority 3 calls are routine calls, which must be dispatched within 15 minutes. Tigard Police continues to work under a mutual aid agreement with other jurisdictions which allows for Tigard to provide officers in another jurisdiction with aid when necessary and vice versa, however, this is generally for large scale need situations.

2. **How will the City provide service to the area, since annexing adds a lot more land and people to the police service district?** *(Answer provided by City of Tigard)*

   The City's police department will respond to calls originating in the Bull Mountain area. The level of service will be provided at the City's standard ratio; see #1. If the entire Bull Mountain area is annexed, the City will most likely create a new patrol district for the area. The City police department has indicated that they would want to locate a kiosk in the Bull Mountain area, with the annexation. The Chief of Police envisions the kiosk to be a small substation which would be used by patrol to make telephone calls, write reports, meet people, make computer queries, receive and give out information and to create a high visibility of a police presence in the area. It would not be staffed full time and would be used daily on an as needed basis by the officers. In the future, when the level of activity warrants it, they would like to have it staffed part-time.

3. **How will the proposed Washington County Police consolidation affect us: will it eliminate the benefit of annexing to the City in the Law Enforcement area?** *(Answer provided by City of Tigard)*

   It is unknown at this time how such a consolidation would affect law enforcement services in Washington County, if it occurred. There are numerous questions about such a consolidation, which include cost, service levels, local control and local identity, that have not been addressed. At this point, there are more questions than answers. To date, the study of consolidation of police services in Washington County has been promoted by the Washington County Police Officer's Association and a private citizen. Cities and the County have not suggested consolidation.

F. ANNEXATION PROCESS AND OPTIONS

1. What is the process of annexation, and who votes on it? *(Answer provided by City of Tigard)*

The following table identifies the methods of annexation available:

Table 1 - METHODS OF ANNEXATION PROVIDED BY ORS CHAPTER 222

Method:	**Prior consent required?**	**Election requirement within City?**	**Election requirement within territory to be annexed?**
City Initiated - By the legislative body of the City, on its own motion [ORS 222.111(2)] *(requires public hearing and Ordinance which will set election and effective date upon passage)*	NO	NO (*City charter does not require, but Council can send to election if desired*) Subject to referendum	YES
Owner Initiated - By petition to the legislative body of the city by owners of real property in the territory to be annexed. [ORS 222.111(2)] *(requires public hearing and Ordinance which will declare the territory annexed upon condition that a majority of votes cast in the territory being annexed favor annexation or as described in a, b or c below)*	YES	NO (*City charter does not require, but Council can send to election if desired*) Subject to referendum	YES *(if prior consent of electors and land owners is not provided, as described in subsection a, b or c below, prior to action)*
a. 100% Owner and Majority of Electors - by written consent to annexation by all the owners of land and not less than 50% of the electors, if any, in the territory [ORS 222.125]	YES	NO Subject to referendum	NO
b. Triple Majority - by written consent to annex of more than half of the owners of land in the territory who also own more than half of the land in the territory and of real property therein representing more than half of the assessed value of all real property in the territory [ORS 222.170] (Triple majority discouraged because it may not be constitutional)	YES	NO Subject to referendum	NO
c. Double Majority - by written consent of a majority of the electors in the territory along with the written consent of property owners of more than half the land area in the territory. [ORS 222.170(2)]	YES	NO Subject to referendum	NO
Island annexation - When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore or a stream, bay, lake or other body of water, except when the territory not within a city is surrounded entirely by water. [ORS 222.750]	NO	NO (*City charter does not require, but Council can send to election if desired*) Subject to referendum	NO

2. **Can the City annex only part of Bull Mountain?** *(Answer provided by City of Tigard)*

   Yes. A preliminary recommendation will be made by City Council on how best to approach a possible annexation. Among the options are full, partial, or no annexation. Whichever course is chosen will be further refined in an outreach plan if Council directs staff to pursue annexation. In addition, individual parcels meeting the established City standards (they must be adjacent to the City limits, they must be able to be accommodated by necessary services, etc. - see Comprehensive Plan policy 10.1.2), may submit an annexation application at any time.

3. **Can the area become its own city?** *(Answer provided by City of Tigard)*

   ORS 221.020 and 221.031 allow for property owners to petition for incorporation of a city in an unincorporated area and sets forth the process. However, ORS 221.031 (4) states that when the area proposed to be incorporated lies within an urbanized area, the petition must be accompanied by a resolution approving the proposed incorporation by the city or cities whose proximity would otherwise prohibit incorporation. The City Council has not considered this issue.

4. **Is there the possibility of any other city annexing the area?** *(Answer provided by City of Tigard)*

   No. The Bull Mountain area is in the Tigard's Urban Services Area, which means that this area has been identified by Washington County and the City of Tigard as being part of the City of Tigard in the future. The area was identified in an Urban Planning Agreement between the City of Tigard and Washington County which was signed in 1988. Both jurisdictions have adopted this as an Area of Interest in their comprehensive plans. The area south of Beef Bend, however, is in King City or its Urban Services Area.

G. RIGHTS AND LAWS

1. **How will property owner rights, laws, processes of law, and mediation differ between the current County standards and City standards?** *(Answer provided by City of Tigard)*

   In general, land use regulations will be the same as now, since the City of Tigard administers land-use regulations in the area. Municipal code standards will replace County code requirements and enforcement will be ultimately in municipal court. While we can not provide an analysis of all issues in this document, below is a list of some common issues which explains the difference between the City standards and County standards:

Table 2 – Comparison of standards for Washington County and Tigard

Topic	County standards in Bull Mountain area	City standards in Bull Mountain area
Noise	No specific decibel level restrictions. Construction may not occur between 7pm and 7 am Monday-Saturday and not at all on Sundays or holidays. Between 7pm and 10pm no excessive people noises such as yelling, etc. After 10pm enforcement is at the sheriff officer's discretion.	Very Specific – decibel levels may not exceed 50db between the hours of 7am and 10pm or 40db between the hours of 10pm and 7am. Construction activity is prohibited between the hours of 9pm and 7am Monday through Friday, 9pm-8am Saturday, 9pm-9am on Sunday.
Tall grass and weeds	Complaint based- letter issued telling property owner to cut if nuisance exists	Complaint based- letter issued telling property owner to cut if nuisance exists
Livestock	Covered in City of Tigard Title 18 so there is no difference between City and County since the intergovernmental agreement between Washington County and the City of Tigard was signed in May, 1997.	"When an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot." TDC table 18.510.1, foot note 6.
Abandoned/ inoperable Vehicles	On-street is enforced by Sheriff. Private property – can not have more than 5 vehicles stored unless they are in a structure or are driven in a 48 hour period.	On-street is enforced by the Police. Private property – can not have any in-operable vehicles stored (other than in a structure), however there is no limit on the number of vehicles stored as long as they are operable.
Home Occupations	Covered in City of Tigard Title 18 so there is no difference between City and since the intergovernmental agreement between Washington County and the City of Tigard was signed in May, 1997. (Properties in the City are charged a lesser fee at this time because the URB fees represent 100% cost recovery whereas the City fees are partially subsidized by general fund dollars.) The Washington County standards are very similar to the City's except it must be renewed annually, allows a few more customers (up to 10, versus 6 in the City), and does not have a limit on the hours of operation (so businesses such as bed and breakfasts were allowed in the County but no new ones will be allowed under current City standards).	Anyone doing business out of the home must have a home occupation permit: Type I – no employees or customers – cost is $175 in the URB ($30 in the City), good for duration of business Type II – up to 1 employee or volunteer and 6 customers per day. Notice to property owners within 500 feet prior to decision. Cost is $883 in the URB ($545 in the City), good for duration of business. Note: additional regulations apply, see 18.742.
Business Tax	None	Required to be paid yearly for anyone engaging in any business within the City of Tigard. Tax is based on the number of employees and ranges between $55 per year for up to 10 employees to $220 per year for 51 or more employees.
Accessory Structures	Covered in City of Tigard Title 18 so there is no difference between City and County since the intergovernmental agreement between Washington County and the City of Tigard was signed in May, 1997. The Washington County standard, however, is:	Detached accessory structures may not exceed 528 square feet on sites less than 2.5 acres or 1,000 square feet on sites larger than 2.5 acres. May not exceed 15 feet in height, may not be located in the front yard setback. Side or rear yard setbacks are 5 feet.

	Detached accessory structures may not exceed 600 square feet for lots up to 12,000 square feet, 5% of the total lot area for lots between 12,000 and 24,000 square feet and may not exceed 1,200 square feet for lots larger that 24,000 square feet. Special setbacks for structures for livestock or poultry. If greater than 120 square feet, setbacks of the underlying zone apply. If less than 120 square feet, side or rear yard setback is 3 feet.	
Tree Removal	Covered in City of Tigard Title 18 so there is no difference between City and County since the intergovernmental agreement between Washington County and the City of Tigard was signed in May, 1997. In addition, in certain areas in Bull Mountain, based on the Bull Mountain community plan, tree removal for development is limited to 50%.	Commercial forestry is prohibited. Commercial forestry is the removal of 10 or more trees per acre per calendar year, not associated with a development. Removal of less than 10 trees per acre per calendar year is permitted. If trees are removed as part of a development, a mitigation plan must be reviewed and approved.
Storage of RV's	May store 1 RV or boat on private property, however, it may not be occupied.	Can not be located on the street for more than 10 days per calendar year. May be stored on private property as long as it is outside of vision clearance areas. May not be occupied.
Animal Control	Washington County Animal Control regulates licenses, nuisances, removal of dead animals, etc	Washington County Animal Control regulates licenses, nuisances, removal of dead animals, etc

The above table is a **GENERAL** summary only, and it is strongly recommended that all property owners contact the City of Tigard and/or Washington County if there is a specific issue they would like information about. In instances where the City standards are more restrictive than the County standards, uses that were in existence and legally created prior to the Urban Services Agreement would be considered pre-existing non-conforming. A pre-existing legal non-conforming use may remain but may not be enlarged or expanded and may not be discontinued for more than 6 months without losing its non-conforming status.

2. **How will the City's Development Code and Municipal Code affect the daily life of a Bull Mountain resident?** *(Answer provided by City of Tigard)*

   In most cases the answer is that it won't, since land-use issues are now reviewed under Tigard's land-use code standards. There are additional County code issues relative to home occupations, construction hours, and public rights-of-way, that will come into play when annexed, however, citizens will see little difference from what they see now. People are encouraged to evaluate individual differences between the two jurisdictions by reviewing the various standards themselves.

3. **Will existing home businesses (specific example was a bed and breakfast) have to change the way they operate? Will they need to pay more for permits? How will annexation affect home businesses?** *(Answer provided by City of Tigard)*

   The bed-and-breakfast operation will become a nonconforming use in Tigard. A pre-existing legal non-conforming use may remain but may not be enlarged or expanded and may not be discontinued for more than 6 months without losing its non-conforming status. The City will be considering regulations for bed-and-breakfasts in the future. Existing home businesses would be required pay an annual business tax.

   Land-use permits are currently based on County fees, which are more than City fees. The City of Tigard is studying its fees, and they may change. All City home occupation standards now apply within the Urban Services Area with the exception of the existing County regulations that the City adopted, including prohibiting outside storage, distribution of materials or sales outside the home, and parking of a commercial vehicle as part of a home occupation, which are all part of the County code.

4. **Currently, residents of Bull Mountain enjoy life as a rural community. Will annexation affect the current standards involving livestock, farmland, and rural atmosphere?** *(Answer provided by City of Tigard)*

   The Tigard Development Code provisions related to livestock state that when an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or be provided use of a fenced run within 100' of any nearby residence, except a dwelling unit on the same lot. Existing conditions would remain nonconforming unless changed by development.

   Regarding farmland and the area's rural character: Those areas considered for annexation are zoned for urban development at 5,000 sq-ft. lots. That is no different from Washington County. There are, however, many larger undeveloped lots that probably would still consider themselves "rural". These areas are most likely to be found in the eastern sub-area and found throughout portions of the southern sub-area. Please refer to the comparison provided in Table 2 above, that shows how some identified issues differ between the City and County. For specific issues, you will need to contact the City and/or County. There is no requirement for properties to develop, however, if land develops, it is required to be developed to the minimum density. The minimum density is calculated at 80% of the maximum. Washington County recently adopted similar standards.

H. OTHER QUESTIONS

1. **(Some) Bull Mountain residents like the County because the County has pretty much left them alone. Will the City continue this laissez-faire attitude?** *(Answer provided by City of Tigard)*

   It was not clear what exactly was meant by this question since there are rules and regulations in the County that every resident must follow and if they are found to be in violation of a standard, appropriate action would be taken to bring them into compliance. The City of

Tigard does not go out "searching" for violators of land use and development standards, however, if a resident or property owner is found to be in violation of a standard (and is not a pre-existing non-conforming use) the City's code compliance officer would work with them to bring them into compliance. Washington County and the City of Tigard have a variety of standards and regulations. Table 2, above, illustrates some of these differences. Both jurisdictions are complaint driven with regards to enforcement of regulations and standards.

2. **How will the City identify what the residents want before and after annexation?** *(Answer provided by City of Tigard)*

   The City held a Focus Group meeting with Bull Mountain residents in July 2001; the questions in this document reflect residents' queries at that meeting.

   The issue of annexation is subject to Council direction. Based upon the direction Council decides on, public outreach will be determined.

3. **Does annexation affect school boundaries?** *(Answer provided by City of Tigard)*

   No, school district boundaries for elementary, middle and high schools are determined by the school districts. In addition, there are two school districts: the Tigard-Tualatin School District and the Beaverton School District. The City is not a decision maker in the district or school boundary lines, however we do provide data, as requested, on the number of lots approved which helps each district in their school boundary decision making.

4. **What is the difference in service levels between the County and the City?**

   The following table summarizes the level of service provided in the County and what will be provided by the City if the area were annexed.

Table 3: Service Provision in the Bull Mountain Study Area

Service	***Provider Today***	***Under Annexation***	***Change in Service upon annexation?***
Police	Washington County provides 1.0 officers/1000 people (.5 standard; .5 from Enhanced Patrol)	The City of Tigard would provide 1.5 officers/1000 people	Yes There would be an increase of approximately .5 officers/1000 people
Fire/Rescue	Tualatin Valley Fire & Rescue provides services.	Tualatin Valley Fire & Rescue continues to provide services.	No

Parks	Washington County does not provide parks services.	Tigard's Parks standard is 7.65 acres for every 1,000 residents. This includes Greenways, trails, open space and improved parks. Until parks could be provided in Bull Mountain, the City ratio would be approximately 6.74/1000.	Yes The City provides park services.
General Road Maintenance	Washington County through the Urban Road Maintenance District. General street maintenance by the County is primarily on a complaint-driven basis. Typical maintenance activities include: • pothole patching • grading graveled roads • cleaning drainage facilities • street sweeping • mowing roadside grass and brush (only the shoulder strip) • maintaining traffic signals • replacing damaged signs	The City's road maintenance performs maintenance on regular schedules as well as on a complaint-driven basis. Typical maintenance activities include: • pothole patching • grading graveled roads • cleaning drainage facilities • street sweeping • mowing roadside grass and brush (shoulder strip + ditch line) • maintaining traffic signals • replacing damaged signs • installing and replacing street markings • crack sealing • vegetation removal for vision clearance • street light tree trimming for light clearance • dust abatement on graveled roads	Yes The City provides additional road maintenance services.
Sanitary Sewer	Clean Water Services (CWS)	The City of Tigard will meet the same level of service as CWS. All service levels for CWS and surrounding jurisdictions must be uniform by July 2003.	No
Storm Sewer	Clean Water Services (CWS)	The City of Tigard will meet the same level of service as CWS. All service levels for CWS and surrounding jurisdictions must be uniform by July 2003.	No
Water	Intergovernmental Water Board contracts with the Tigard Water District to provide water.	Service remains the same. Tigard Water District will continue to provide water but will bill directly.	No

Street Light Maintenance	Washington County administers Service Districts for Lighting for PGE. Residents pay an annual operations and maintenance assessment.	The City of Tigard will assume all street light operations and maintenance for existing lights. Residents do not pay a separate assessment.	Service remains the same but property owners are not assessed for the operation of the lights.
Community Development and Building Services	The City of Tigard provides building services—including land use decisions, building and engineering—under an intergovernmental agreement with Washington County. All land use decisions are reviewed under the City standards and through the City's hearing process with the exception of legislative actions (zone changes, Comprehensive Plan amendments, etc.)	The City of Tigard will continue to provide building services to this area. All land use decisions will continue to be reviewed under the City standards and through the City's hearing process. The City would be the review authority for legislative actions as well (zone changes, comprehensive plan amendments, etc).	Only change in service is that the City reviews legislative matters.
Library	Washington County Cooperative Library Services (WCCLS) Consortium, which provides funding through the county tax to area libraries, including Tigard.	The City of Tigard, which receives approximately 62% of its funding through the WCCLS. Bull Mountain residents would have influence on the library's services, and could advocate for the services they want.	No
Schools	Both the Beaverton School District and the Tigard School District provide service based on district boundaries.	Annexation does not change school district boundaries.	No
Garbage Collection	Residents are charged rates established by Washington County for service provided by Pride. Residents pay the fee depending on the size of container they use.	The City franchises City garbage collection, and the Bull Mountain area would become part of the franchised area. The service provider remains the same but residents would be charged the rates established by City Council based on the size of the container they use.	Service remains the same, but rates will differ. See Appendix G in main report for rates.

I. COST/BENEFIT ANALYSIS *(Answers provided by City of Tigard)*

1. What is the difference between the Washington County permanent rate vs. City of Tigard permanent rate?

The County rate is $2.2484 per $1,000 of assessed valuation. The City of Tigard's rate is $2.5131. The County permanent rate pays for countywide services such as juvenile justice, jails, courts, social services, etc. The City permanent rate pays for local services such as police, parks, library, and a portion of land use planning and street maintenance services. Following annexation, Bull Mountain property owners, like all City of Tigard property owners, will pay both permanent rates. It should be noted that the permanent rate does not include special district assessments such as the Urban Road Maintenance District or Enhanced Sheriff Patrol District. Upon annexation, Bull Mountain property owners will not pay the special district assessments anymore. For a home assessed at $227,775, this amounts to a difference of $256.50 per year. Refer to Table 6 for a complete breakdown of property tax assessments.

2. How would annexation affect Tigard's "tax base" and tax rate?

Since the passage of Measure 50, there are no longer any tax bases in the State of Oregon. Measure 50 eliminated tax bases in favor of permanent tax rates. Tigard's rate will not change as a result of annexation. Following annexation, the City permanent tax rate will be applied to assessed values in the newly annexed area, producing additional property tax revenue for the City to help pay for City services provided to those areas.

3. What would property taxes be if annexation happens?

Property taxes will be based on Tigard's permanent rate and the total assessed value of your property. The tax rate is permanent. For a home assessed at $227,755, annexation would increase taxes by approximately $256.50 per year. See the attached Table 6 for a complete breakdown of all the assessments paid in the County and the City of Tigard. If the assessed value increases, the property tax paid will increase as well, however, it should be noted that a property's assessed value can only be raised a maximum of 3% per year.

4. Would there be any additional taxes beyond property taxes (such as existing local option taxes in Tigard)?

Currently, the City of Tigard has one General Obligation Bond tax levy for construction of the Civic Center and transportation improvements. For a home assessed at $227,755, it equates to approximately $14.99 a year. The last year of this levy is FY 2002-03. Tigard does not have a Local Option Levy.

Bull Mountain property owners now pay the following taxes for general government services, and would continue to pay them under annexation: Washington County, Tualatin Valley Fire & Rescue, Port of Portland and Metro. Bull Mountain property owners (like Tigard property owners) now pay the following taxes to support General Obligation bonds,

and would continue to pay them under annexation: Washington County, Portland Community College, Tualatin Valley Fire & Rescue, Port of Portland, Metro and Tri-Met.

However, Bull Mountain property owners would cease paying the following taxes for general government services, as these services would be assumed by the City of Tigard: Washington County Enhanced Patrol, Washington County Road Maintenance and Street Lighting districts. For a home assessed at $227,755, the net increase (after subtracting the special district assessments and adding in the City of Tigard permanent tax rate and one general obligation bond) in property taxes would be approximately $256.50 a year.

5. What potential local option taxes are on the horizon? (schools, roads, etc.)

Tigard is considering placing a General Obligation Bond levy on the ballot in 2002 to build a new library. The size of the bond is currently under development, so the tax impact is not yet known. This information will be developed well in advance of the election.

The Tigard-Tualatin School District is also considering a General Obligation Bond levy to be referred to the voters in 2002. Annexation to the City does not affect school district boundaries, however, so annexation will not affect this levy. (Attendance boundaries for elementary, middle and high schools are set by the respective school district. Annexation has no impact on the attendance boundaries.)

The Washington County Cooperative Library Services (WCCLS) is considering going out for a local option levy in 2002 , however, if this levy were approved it would be paid regardless of whether annexation occurred.

Other overlapping jurisdictions may also be considering bond levies or Local Option Levies, but the City has no information on these plans.

It should be noted that any decision on proposed bonds rests solely with the voters in the district to be served.

6. How much additional revenue for Tigard would annexation generate? What would the additional revenue be at build-out?

The table on the next page shows the Projected Revenues and Costs by Funds for Bull Mountain Area upon annexation with the existing population. Numbers in parentheses represent balance shortfalls.

Table 4-A - Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
General	$2,161,822	1,298,469	$863,353
State Gas Tax	$319,081	391,932	($72,851)
Sanitary Sewer	$202,904	$85,597	$117,307
Storm Sewer	$97,524	78,188	$19,336
Water	$1,767,550	691,659	$1,075,891

Table 4-B - One-time Capital Costs

Fund	Fund Balance/ Capital Revenues	Capital Improvements	Balance
Traffic Impact Fee	$370,640	0	$370,640
Parks SDC	$268,960	$13,105,000	($12,836,040)
Water SDC	$334,724	0	$334,724

The next table shows the Projected Revenues and Costs by Funds for Bull Mountain Area at build-out which is 80% of the maximum buildable using vacant and re-developable land**.**

Table 5-A - Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
General	$3,806,006	$2,260,681	$1,545,325
State Gas Tax	$535,816	$628,011	($92,195)
Sanitary Sewer	$361,318	$143,739	$217,579
Storm Sewer	$173,664	$131,300	$42,364
Water	$1,767,550	691,659	$1,075,891

Table 5-B - One-time Capital Costs

Fund	Fund Balance/ Capital Revenues	Capital Improvements	Balance
Traffic Impact Fee	$5,150,540	$12,718,600	($7,568,060)
Parks SDC	$3,737,560	$22,033,000	($18,295,440)
Water SDC	$4,651,439	$816,400	$3,835,039

7. How is the annexation study being paid for?

Funding for this study comes from the City's General Fund.

8. How much money will be available for infrastructure under Tigard versus under Washington County?

The Bull Mountain Study, prepared by the City of Tigard, identifies infrastructure needs for the entire area. Transportation and park improvements exceed revenue projections. At this point funding strategies have not been determined to address the infrastructure needs of the area.

9. If annexation happens, how much of the Bull Mountain revenue stream will stay in the Bull Mountain area? How much will stay in Tigard, and where will it go?

The City does not segregate revenues by geographic area. Revenues are used to provide needed services to all citizens. As part of the annexation study, the City is in the process of identifying those services needed in the Bull Mountain area, and if annexed, the City will provide services.

10. By annexing, would the additional revenue coming to Tigard actually outweigh any additional costs to the City?

The tables (4A, 4B, 5A and 5B) above show that, in some funds the City would have increase in revenue whereas in other funds the City would see a shortfall in order to provide the level of service currently provided to City of Tigard residents.

11. Are there additional benefits (such as grants) that become available to the City of Tigard if they annex Bull Mountain that aren't available now? Are there any negative consequences to the City if they don't annex Bull Mountain?

The Federal Government offers the Entitlement City Program to those cities with a population of at least 50,000. The program makes cities eligible for HUD grants. The 2000 Census shows Tigard's population as 41,223. If Bull Mountain is annexed, 7,268 current residents will be added, for a total of 48,491. If the Bull Mountain area is fully built out to the minimum density, the study projects an additional 5,637 residents. The City would be

eligible for Entitlement City grants in the year it reaches 50,000 population, which depends on the area's rate of growth.

In addition to grants, certain state shared revenues (such as cigarette tax, liquor tax, state revenue sharing, and state gas tax) that are shared with cities based on formulas that include (among other factors) population. The share of these revenues to Tigard will increase with annexations.

The City currently provides some services to the Bull Mountain area under contract to Washington County. These services (such as land use permitting and building inspection) will probably continue to be provided as along as fees charged for these services continue to cover costs. However, Bull Mountain residents also use City of Tigard facilities for which they are not assessed; i.e., the library and parks. Growth in population in an un-annexed area, such as Bull Mountain, requires increasing levels of service from the City without a corresponding increase in funding. This can result in lower levels of service for all citizens, whether they live in un-annexed areas or within the City itself.

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STAFF REPORT TO THE CITY COUNCIL FOR THE CITY OF TIGARD, OREGON

CITY OF TIGARD
Community Development
Shaping A Better Community

SECTION I. APPLICATION SUMMARY

FILE NAME: **BULL MOUNTAIN ANNEXATION PLAN**

CASE NOS.: **Zone Change Annexation (ZCA)**
ZCA2003-00003, ZCA2003-00004,
ZCA2003-00005, ZCA2003-00006

APPLICANT: City of Tigard
13125 SW Hall Blvd.
OR 97223

OWNER: Multiple owners. List is available for review at Tigard, City Hall.

PROPOSAL: The City of Tigard is proposing to annex 1,378 acres of Washington County known as Bull Mountain through the annexation plan process. State law ORS 195.205 allows the City to annex territory within an urban growth boundary (UGB) pursuant to a detailed annexation plan, subject to voter approval. If the Tigard City Council approves *The Bull Mountain Annexation Plan*, it could place the proposal on the March 9th ballot.

The Bull Mountain Annexation Plan proposal states that the City of Tigard can serve the Bull Mountain area without a significant reduction in service to Tigard residents. Due to size, the proposal divides the area into four subareas: East (276.95 acres), South (492.18 acres), North (357.35 acres), and West (251.23). To allow acquisition time for additional staff and equipment and maintain current service standards to City residents, the Plan proposes a three-phase approach: East, 2004; South, 2005; North and West, 2006.

CURRENT ZONING DESIGNATION: The area includes R-4.5 (Low-Density Residential District; minimum lot size 7,500 square feet), R-7 (Medium-Density Residential District; minimum lot size 5,000 square feet), R-12 (Medium-Density Residential District; minimum lot size 3,050 square feet) and R-25 (Medium High-Density Residential District; minimum lot size 1,480 square feet).

EQUIVALENT CITY ZONING DESIGNATION: R-4.5 (Low-Density Residential District; minimum lot size 7,500 square feet), R-7 (Medium-Density Residential District; minimum lot size 5,000 square feet), R-12 (Medium-Density Residential District; minimum lot size 3,050 square feet) and R-25 (Medium High-Density Residential District; minimum lot size 1,480 square feet).

LOCATION: The unincorporated area is within the UGB. It is generally bounded on the north by Barrows Road, on the east by Tigard City limits, on the south by Beef Bend Road, and on the west partially by 150th Avenue and near Roy Rogers Road. For specific boundary, see vicinity map.

APPLICABLE REVIEW CRITERIA: ORS Chapters 195 and 222; Metro Code Chapter 3.09; Community Development Code Chapter 18, sections 18.320 and 18.390.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Council find that *The Bull Mountain Annexation Plan* proposal meets all the approval criteria as identified in ORS Chapters 195 and 222; Metro Code Chapter 3.09; Community Development Code Chapter 18, sections 18.320 and 18.390. Therefore, staff recommends **APPROVAL** of *The Bull Mountain Annexation Plan*.

SECTION III. BACKGROUND INFORMATION

Site Boundaries

The Bull Mountain Annexation Plan area consists of approximately 1,378 acres. Map 1 on p. 3 of *The Bull Mountain Annexation Plan* denotes the specific boundaries. Due to size, the proposal divides the area into four subareas: East (276.95 acres), South (492.18 acres), North (357.35 acres), and West (251.23). These subarea boundaries were based on development patterns, topography, and major roads.

Each subarea is generally located as follows: **East -** Generally located north of Beef Bend Road; east of the Mountain Gate subdivision; south of Bull Mountain Road including unincorporated parcels north of Bull Mountain Road; and west of Aspen Ridge and Helm Heights subdivisions. **South -** Generally located north of Beef Bend Road; east of SW 150th; south of Sunrise Lane extended east to, and including, the High Tor subdivisions, continuing south to Bull Mountain Road (including two parcels north of Bull Mountain Estates); and west of the Mountain Gate subdivision. **North -** Generally bounded by Barrows on the north to Kerron's Crest subdivision, continuing south to the southern boundary of Tuscany subdivision, continuing east and north to Roshack, following Roshack east, then following the boundaries of the Stanhurst and Wonderview subdivisions, continuing east until Sunrise Lane, heading east until a point just south of the Pacific Crest subdivision, continuing north, then along the east boundary of Hillshire Creek Estates, then north to the Bonneville Power Administration (BPA) easement to Barrows. Includes unincorporated Fern Street parcels. **West -** Generally bounded on the north beginning at the intersection of SW 150th Ave. and Sunrise Lane, continuing west along Sunrise Lane, following the boundaries of the Wonderview and Stanhurst subdivisions until Roshack, following Roshack northwest then south along the southerly boundary of the Heights subdivision, continuing west along the southerly boundary of Tuscany subdivision to its southwest corner, then continuing south to a point about 630 ft. west of Meyer's Farm subdivision; continuing east to SW 150th; continuing north along SW 150th to Sunrise Lane.

Site information and proposal description:

State law ORS195.205 allows the City to annex territory within an urban growth boundary pursuant to a detailed annexation plan. *The Bull Mountain Annexation Plan* proposes to annex 1,378 acres, which includes approximately 7,600 residents living in 2,600 homes. The Plan Area is located to the west of Tigard City Limits and within the Urban Growth Boundary. The Plan Area includes development at different densities, but single-family homes predominate.

The Bull Mountain Annexation Plan proposes to annex approximately 1,378 acres of land into the City of Tigard with an assessed value of $605,857,310 (North: $193,411,910; East: $52,016,420; South: $251,261,770; West: $109,167,210). The Plan proposes a three-phased annexation, employing the following sequence: East, 2004; South, 2005; North and West, 2006.

Although there are other methods of annexation, the City chose the annexation plan method because it requires the creation of a long-term annexation strategy. The Tigard Urban Service Agreement (TUSA- Appendix B) names the City of Tigard as the ultimate service provider for the Plan Area, for most services. Without annexation, the City has limited ability to plan for, provide for, and manage growth outside its City limits to ensure that efficient and effective public facilities and services are available when needed. The TUSA contains a provision that the City shall endeavor to annex the Bull Mountain area in the near to mid-term (3 to 5 years). Lastly, if *The Bull Mountain Annexation Plan* is approved by the Council, ORS195.205 allows both the territory to be annexed and the annexing city to vote on the annexation plan proposal.

SECTION IV. APPLICABLE REVIEW CRITERIA AND FINDINGS

ORS Chapters 195 and 222; Metro Code Chapter 3.09; Community Development Code Chapter 18, sections 18.320 and 18.390.

A. STATE LAW PROVISIONS

1. ORS195.205: Annexation by Provider

Staff has determined that the proposal is consistent with state law ORS 195.205 based on the following findings:

195.205 Annexation by provider; prerequisites to vote; public hearing.
(1) A city or district that provides an urban service may annex territory under ORS 195.020, 195.060 to 195.085, 195.145 to 195.235, 197.005, 197.319, 197.320, 197.335 and 223.304 that:

(a) Is situated within an urban growth boundary; and

The proposed annexation territory addressed in *The Bull Mountain Annexation Plan* lies within the Portland Metropolitan Urban Growth Boundary in its entirety.

(b) Is contained within an annexation plan adopted pursuant to ORS 195.020, 195.060 to 195.085, 195.145 to 195.235, 197.005, 197.319, 197.320, 197.335 and 223.304.

The proposed annexation territory is contained in *The Bull Mountain Annexation Plan* (Map 1, p. 3). The Tigard City Council will consider for adoption the land-use application for the proposed *The Bull Mountain Annexation Plan* on December 2, 2003.

(2) A city or district may submit an annexation plan to a vote under subsection (5) of this section only if, prior to the submission of the annexation plan to a vote:

(a) The territory contained in the annexation plan is subject to urban service agreements among all appropriate counties and cities and the providers of urban services within the territory, as required by ORS 195.065 and 195.070, and:

(A) Such urban service agreements were in effect on November 4, 1993; or

(B) They expressly state that they may be relied upon as a prerequisite of the annexation method authorized by ORS 195.020, 195.060 to 195.085, 195.145 to 195.235, 197.005, 197.319, 197.320, 197.335 and 223.304; and

The Tigard Urban Service Agreement (TUSA) was signed in February 2003 (Appendix D of *The Bull Mountain Annexation Plan*). The City of Tigard and Washington County entered into this agreement with the following urban service providers: Clean Water Services, Tigard Water District, TriMet, Tualatin Hills Park and Recreation District, Tualatin Valley Fire and Rescue District, and Tualatin Valley Water District. The territory contained in *The Bull Mountain Annexation Plan* is subject to the TUSA (Map A of TUSA). The TUSA expressly states that the City may "develop an annexation plan or plans in reliance upon [the TUSA] in accordance with ORS 195.205 to .220" (TUSA, Section I.E., p. 3).

(b) The territory contained in the annexation plan is subject to an agreement between the city and county addressing fiscal impacts, if the annexation is by a city and will cause reductions in the county property tax revenues by operation of section 11b, Article XI of the Oregon Constitution.

The Bull Mountain Annexation Plan states that Section 11b, Article XI of the Oregon Constitution (commonly known as Measure 5) limits total non-school property tax rates to no more than $10 per $1,000 of assessed valuation (*The Bull Mountain Annexation Plan,* p. 18*)*. If the tax rates of all non-school taxing jurisdictions exceed $10 per $1,000, the rates of each district are proportionately reduced to bring the total under the $10 limit. This process is called compression.

The Bull Mountain Annexation Plan contains a map on p. 18 that shows the proposed Bull Mountain annexation area makes up the majority of tax code area 23.78 and 51.78. The government tax rate in both code areas for FY 2002-03 was $5.8878 per $1,000. *The Bull Mountain Annexation Plan* calculated that with tax rate adjustments in both codes due to the proposed annexation, the estimated resulting rate will be $7.1318 per $1,000. The Plan concluded that this rate is well below the $10 Measure 5 cap and therefore compression is not likely to occur in the near future (*The Bull Mountain Annexation Plan,* p. 18). The Plan Area would continue to pay County taxes after annexation, as all Tigard areas do.

Therefore, *The Bull Mountain Annexation Plan* proposal demonstrated that the annexation of the proposed territory will not cause reductions in the county property tax revenues (compression). Therefore, no fiscal agreement between the City and the County is required.

(3) Prior to adopting an annexation plan, the governing body of a city or district shall hold a public hearing at which time interested persons may appear and be heard on the question of establishing the annexation plan.

The Tigard City Council will hold a public hearing on December 2, 2003, to consider the proposed *The Bull Mountain Annexation Plan* land-use application for adoption.

(4) The governing body of the city or district shall cause notice of the hearing to be published, once each week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the city or district.

The City of Tigard submitted a notice for the December 2, 2003, public hearing to two newspapers of general circulation in the Tigard and Bull Mountain area. The notice was scheduled to be published on the following dates: November 20 and 27 in the *Tigard Times*, and November 18 and 25 in *The Oregonian*.

(5) If after the public hearing required under subsection (3) of this section, the governing body of the city or district decides to proceed with the annexation plan, it shall cause the annexation plan to be submitted to the electors of the city or district and to the electors of the territory proposed to be annexed under the annexation plan. The proposed annexation plan may be voted upon at a general election or at a special election to be held for that purpose. [1993 c.804 §13]

If the Tigard City Council approves *The Bull Mountain Annexation Plan* at the December 2, 2003, public hearing, it may choose to place the Plan on the March 9, 2004, ballot.

3. ORS 195.220: Annexation plan provisions.

(1) An annexation plan adopted under ORS 195.205 shall include:

(a) The timing and sequence of annexation.

The Bull Mountain Annexation Plan dedicates Section IIC (beginning on p. 10) to examine the timing and sequence of annexation. Based on supporting analysis from the *Public Facilities and Assessment Report (Technical Document B), The Bull Mountain Annexation Plan* concluded that 1) the annexation should be phased to allow time for acquisition of new staff and equipment; and 2) the annexation

should take place by 2005 to maximize Parks systems development charge (SDC) contributions, or have Washington County institute a Parks SDC in the interim of a longer annexation.

Based on these conclusions and a Council recommendation, *The Bull Mountain Annexation Plan* proposes a three-phase annexation (p. 12): 1. East, 2004. This area is the closest in proximity to the City and the least developed, and with the least service needs (according to the *Public Facilities and Assessment Report, Technical Document B)*. By annexing prior to 2005, it maximizes potential financial contributions by new development toward parks capital improvements. 2. South, 2005; Adjacent to East. Annexing second allows additional acquisition time for equipment and staff. 3. West and North, 2006. Allows the City to develop its parkland.

The Bull Mountain Annexation Plan proposal addresses provision ORS195.220.1.a.

(b) Local standards of urban service availability required as a precondition of annexation.
ORS195 defines urban services as sanitary sewers, water, fire protection, parks, open space, recreation, streets, roads and mass transit. The Bull Mountain Annexation Plan considers four additional services: police, storm sewer, building and development services, and street light maintenance. *The Bull Mountain Annexation Plan* addresses all of these urban services in Table 3 (p. 7) and identifies local standards of urban service availability.

The Bull Mountain Annexation Plan concludes in Section II.A. (p. 6) that all services except recreation are available to the Plan Area. All urban services providers are established, per the Tigard Urban Service Agreement (TUSA, Appendix B). *The Bull Mountain Annexation Plan* identifies two steps needed by the County to meet local standards prior to annexation: improve roads to a pavement condition index of 40 or greater, for an average of 75 or higher; institute parks system development charges (SDCs) for new development prior to annexation.

The Bull Mountain Annexation Plan proposal addresses ORS195.220.1.b.

(c) The planned schedule for providing urban services to the annexed territory.

The *Public Facilities and Assessment Report (Technical Document B)* applied City of Tigard service standards to the Bull Mountain subareas to evaluate the City's ability to serve the area upon annexation. It projected start-up costs, needs, and ability to serve the entire Bull Mountain area or individual areas upon annexation. The analysis was based upon current population and housing unit estimates, future service needs at build-out, and service standards. All departments – except for Public Works (Streets Division) and Police – concluded that they could absorb any or all subareas using current resources, and without significantly reducing services to existing residents. The Public Works – Street Division could not absorb more than one subarea at a time without existing resources, and the Police division could serve all areas upon annexation but with a reduction in Priority Three (lowest priority calls, no one in danger) calls.

Based on this analysis, *The Bull Mountain Annexation Plan* concluded that the City of Tigard can serve the Bull Mountain area without a significant reduction in service to Tigard residents (Section IIB, p. 10). To maintain these service standards, the Plan proposes the following (Table 4, p. 10): *The Bull Mountain Annexation Plan* states that those services transferring to Tigard, per the TUSA (Appendix B), would be transferred "upon annexation": building and development services, parks and open spaces (Bull Mountain residents receive resident privileges at City parks), police, sanitary and storm sewer (provided by Tigard effective July 1, 2004), street light maintenance, and water. This is consistent with the TUSA. *The Bull Mountain Annexation Plan* also states that three services would have the following schedules: Road Quality and Maintenance, the transfer of which would be initiated within 30 days of annexation and serving the area within one year, as the TUSA allows; parks and open space capital project planning would be initiated within the first year, and the Comprehensive Plan update would be initiated within the first year.

The Bull Mountain Annexation Plan proposal addresses provision ORS195.220.1.c.

(d) The effects on existing urban services providers.
The Bull Mountain Annexation Plan quantified the effect on Washington County's services (Section IID, p. 14). *The Bull Mountain Annexation Plan* calculated how much the Enhanced Sheriff's Patrol District, Urban Road Maintenance District, gas tax, cable franchise fees would lose in revenues, and concluded that Washington County's services or the services of its special districts would not be significantly impacted by the annexation. *The Bull Mountain Annexation Plan* also quantified the effect on the Tigard Water District (TWD), and concluded that the TWD would lose 83% of current accounts and 48.6% of current annual revenue. However, it does not cause the district to dissolve, as it can continue to serve its remaining customers. *The Bull Mountain Annexation Plan* also concluded that other service providers would not be significantly impacted: There would be no effect on Tualatin Valley Fire and Rescue since it already serves the area; and the City is already scheduled to provide sanitary and storm sewer services on July 1, 2004, regardless of annexation, thus, the annexation is anticipated to have no effect on Clean Water Services.

The Bull Mountain Annexation Plan proposal addresses provision ORS195.220.1.d.

(e) The long-term benefits of the annexation plan.
The Bull Mountain Annexation Plan lists nine benefits of the Plan in Section IIE, pp. 17-18: certainty, efficiency, making a smooth transition, more capital improvement dollars, urban services by an urban provider, quantifying the costs and benefits, equity, parks and unifying the community.

The Bull Mountain Annexation Plan proposal addresses provision ORS195.220.1.e.

(2) An annexation plan shall be consistent with all applicable comprehensive plans. [1993 c.804 §16; 1997 c.541 §341]
Staff has determined that *The Bull Mountain Annexation Plan* is consistent with the relevant policies of the Comprehensive Plan based on the findings contained in Section IV.C. of this report.

1. ORS222: City Boundary Changes; Mergers; Consolidations; Withdrawals.
This chapter typically guides annexation decisions and the approval process. However, the City has selected an annexation method that is allowed by ORS 195. ORS 195.235 states that the method of annexing territory to cities or districts set forth in ORS 195.205 to 195.225 is in addition to and does not affect or prohibit other methods of annexation authorized by law. [1993 c.804 §18]195.235].

While ORS 222 does not apply to the current proposal, it also is not precluded by ORS195.

B. METRO CODE STANDARDS
Metro 3.09 requires additional standards to be addressed in annexation decisions, in addition to the local and state review standards. These are addressed and satisfied as discussed below:
1. Metro Code 3.09.040 (a): *A petition for a boundary change shall be deemed complete if it includes the following information*: (1) The jurisdiction of the approving entity to act on the petition; (2) A narrative, legal and graphical description of the affected territory in the form prescribed by the Metro Chief Operating Officer; (3) For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; (4) A listing of the present providers of urban services to the affected territory; (5) A listing of the proposed providers of urban services to the affected territory following the proposed boundary change; (6) The current tax assessed value of the affected territory; and (7) Any other information required by state or local law.

The City's land-use application for *The Bull Mountain Annexation Plan* includes all of the information required by Metro Code 3.09.040 (a) and has been deemed complete.

2. Metro Code 3.09.050 (b)

(b) Not later than 15 days prior to the date set for a change decision, the approving entity shall make available to the public a report that addresses the criteria in subsections (d) and (g) below, and that includes at a minimum the following:

This report addresses Metro Code 3.09.50 (b) criteria. The report is available 15 days before the hearing (November 17, 2003, for a Dec. 2, 2003, hearing).

(1) The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;

ORS195 defines urban services as sanitary sewers, water, fire protection, parks, open space, recreation, streets, roads and mass transit. *The Bull Mountain Annexation Plan* considers four additional services: police, storm sewer, building and development services, and street light maintenance. *The Bull Mountain Annexation Plan* addresses all of these urban services in Table 3 (p. 7) and identifies local standards of urban service availability.

The Bull Mountain Annexation Plan concludes in Section II.A. (p. 6) that all services except recreation are available to the Plan Area. All urban services providers are established, per the Tigard Urban Service Agreement (TUSA, Appendix B). *The Bull Mountain Annexation Plan* identifies two steps needed by the County to meet local standards prior to annexation: improve roads to a pavement condition index of 40 or greater, for an average of 75 or higher; institute parks system development charges (SDCs) for new development prior to annexation.

The Bull Mountain Annexation Plan proposal addresses Metro Code 3.09.050 (b)1.

(2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;

The Bull Mountain Annexation Plan proposal complies with the Tigard Urban Service Agreement (TUSA- Appendix B). The TUSA names the City of Tigard as the ultimate service provider for the Plan Area, except for services provided by special districts and agencies. *The Bull Mountain Annexation Plan* follows the terms for road transfer, initiating the transfer 30 days following annexation and completing the process within one year. *The Bull Mountain Annexation Plan* also complies with the provision that the City shall endeavor to annex the Bull Mountain area in the near to mid-term (3 to 5 years). All parties to the TUSA were notified of *The Bull Mountain Annexation Plan* proposal 45 days prior to the public hearing date.

The Bull Mountain Annexation Plan proposal addresses Metro Code 3.09.050 (b) 2.

(3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;

The area is within the Urban Growth Boundary; therefore, regional plans and goals currently apply to this area. The annexation Plan Area is currently under the jurisdiction of Washington County, and is subject to the County's Comprehensive Plan policies. There are no specific applicable standards or criteria for boundary changes in the Regional Framework Plan or the Urban Growth Management Functional Plan. The regional policies listed in the Functional Plan recommend and require changes to city and county comprehensive plans and implementing ordinances, but do not apply directly to annexations.

Section IV.C. of this report addresses the City of Tigard Comprehensive Plan. For the basis of its analysis, *The Bull Mountain Annexation Plan* used the *Public Facilities and Assessment Report (Technical Document B)*.

Section 3.09.050 (b) 2, above, addresses urban planning agreements; the Tigard Urban Services Agreement (Appendix B) applies to the proposed annexation Plan Area .

The Bull Mountain Annexation Plan proposal addresses Metro Code 3.09.050 (b) 3.

(4) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party;
The area remains within Washington County; however, implementation of *The Bull Mountain Annexation Plan* proposal would require the Plan Area territory to be withdrawn from the Tigard Water District.

and (5) The proposed effective date of the decision.
The public hearing will take place on December 2, 2003. If the Council adopts findings to approve *The Bull Mountain Annexation Plan*, the effective date of the decision approving the Plan would be determined by the ordinance.

3. Metro Code 3.09.050 (d)
(d) An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:
The City Council may adopt the following facts and conclusions in its final decision:

(1) Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;
The previous sections of this report showed that the proposal is consistent with the Tigard Urban Service Agreement. The proposed annexation area is the same as *The Bull Mountain Annexation Plan* area.

(2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;
The Bull Mountain Annexation Plan proposal complies with the Tigard Urban Service Agreement (TUSA- Appendix B). The TUSA names the City of Tigard as the ultimate service provider for the Plan Area, except for services provided by special districts and agencies. *The Bull Mountain Annexation Plan* follows the terms for road transfer, initiating the transfer 30 days following annexation and completing the process within one year. *The Bull Mountain Annexation Plan* also complies with the provision that the City shall endeavor to annex the Bull Mountain area in the near to mid-term (3 to 5 years). All parties to the agreement were notified of *The Bull Mountain Annexation Plan* proposal 45 days prior to the public hearing date.

(3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;
Section IV.C. of this report shows that *The Bull Mountain Annexation Plan* proposal is consistent with the Tigard Comprehensive Plan and applicable sections of the Community Development Code. For the basis of its analysis, *The Bull Mountain Annexation Plan* used the *Public Facilities and Assessment Report (Technical Document B)*. The report examined public facility plans for the Bull Mountain area to determine future capital improvement needs and their costs.

(4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;

The area is within the Urban Growth Boundary; therefore, regional plans and goals currently apply to this area. The annexation Plan Area is currently under the jurisdiction of Washington County, and is subject to the County's Comprehensive Plan policies. There are no specific applicable standards or criteria for boundary changes in the Regional Framework Plan or the Urban Growth Management Functional Plan. The regional policies listed in the Functional Plan recommend and require changes to city and county comprehensive plans and implementing ordinances, but do not apply directly to annexations.

(5) Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;
The Bull Mountain Annexation Plan proposal provides a phased annexation approach to provide a timely and orderly provision of public facilities and services without significantly reducing service standards to existing residents or causing a disruption in service provision. All providers have the ability to provide services to the area. This is consistent with the TUSA provisions for public facilities and services in the Plan Area .

(6) The territory lies within the Urban Growth Boundary; and
The entire proposed annexation territory area is already within the Portland Metro UGB.

(7) Consistency with other applicable criteria for the boundary change in question under state and local law.
This staff report finds that *The Bull Mountain Annexation Plan* proposal is consistent with ORS 195.205 and 195.220, the Tigard Community Development Code, and the Tigard Comprehensive Plan. The Oregon Dept. of Revenue has verified the boundary dimensions of the proposed annexation area.

C. CITY OF TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18) POLICIES

Staff has determined that the proposal is consistent with the relevant portions of the Community Development Code based on the following findings:

1. Section 18.320.020: Approval Criteria.
A. Approval Process. Annexations shall be processed by means of a Type IV procedure, as governed by Chapter 18.390 using standards of approval contained in Subsection B2 below.
The Bull Mountain Annexation Plan application is being processed as a Type IV procedure.

B. The decision to approve, approve with modification, or deny an application to annex property to the City shall be based on the following criteria:
1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and
Section A.3 of this report concluded that *The Bull Mountain Annexation Plan* proposal shows that all services and facilities are available to the area and have sufficient capacity to provide service to the proposed annexation area.

2. The applicable Comprehensive Plan policies and implementing ordinance provisions have been satisfied.
Section IV.C. demonstrates how all applicable Comprehensive Plan policies have been satisfied by the City.

C. Assignment of comprehensive plan and zoning designations. The comprehensive plan designation and the zoning designation placed on the property shall be the City's zoning district which most closely implements the City's or County's comprehensive plan map designation. The assignment of these designations shall occur automatically and concurrently with the annexation. In the case of land which carries County designations, the City shall convert the County's comprehensive plan map and zoning designations to the City designations which are the most similar. A zone change is required if

the applicant requests a comprehensive plan map and/or zoning map designation other than the existing designations. (See Chapter 18.380). A request for a zone change can be processed concurrently with an annexation application or after the annexation has been approved.

Washington County previously adopted City of Tigard Comprehensive Plan and zoning designations for the area. Therefore no changes are required in the comprehensive plan and zoning designations for the Plan Area, as the current designations reflect City of Tigard designations.

D. Conversion table. Table 320.1 summarizes the conversion of the County's plan and zoning designations to City designations which are most similar.
Washington County has already adopted the City's zoning designations and the City will maintain these designations.

2. Section 18.390.060 Type IV Procedure
Section 18.390.060 includes the decision-making considerations in a Type IV procedure. This report will address each of the five considerations.

G. Decision-making considerations. *The recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:*
1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;

GOAL 1: CITIZEN INVOLVEMENT
To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process.

The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues. Federal, state and regional agencies, and special- purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.

Response:

The City's existing Comprehensive Plan and implementing regulations are in compliance with Goal 1 by providing a comprehensive public process for development and application of all land use regulations. *The Bull Mountain Annexation Plan* does not alter those provisions and the City's regulations therefore remain in compliance with Goal 1.

In regard to *the Bull Mountain Annexation Plan* specifically, the City established opportunities for public involvement. The City established a communications plan prior to finalizing the Plan, submitting the land-use application and mailing of the public notice. To involve the public prior to the formal land-use process, the City established a Bull Mountain hotline and dedicated E-mail address on September 23, 2003, for comments and questions regarding the Plan. Notice of the public hearing was mailed to all CIT facilitators, the Washington County CPO coordinator**,** affected property owners, and surrounding property owners within 500 feet of the Plan Area . Notice of the public hearing was scheduled to be published in two newspapers of general circulation: The *Tigard Times* on November 20 and November 27, 2003; and *The Oregonian* on November 18 and November 25, 2003. The Plan Area has been posted in 13 locations since October 16, 2003.

There also will be a public hearing during the Type IV processing of this application and petition.

GOAL 2: LAND USE PLANNING

PART I -- PLANNING

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

City, county, state and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268. All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents. The plans, supporting documents and implementation ordinances shall be filed in a public office or other place easily accessible to the public. The plans shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governmental units.

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

Response:

The City is currently in compliance with Goal 2 because it has an acknowledged Comprehensive Plan and regulations implementing the Plan. *The Bull Mountain Annexation Plan* is being processed consistently with the planning policies in the Comprehensive Plan.

GOAL 3: AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

Response:

The territory to be annexed does not include designated agricultural land, so this goal does not apply.

GOAL 4: FOREST LANDS

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Response:

The territory to be annexed does not include any designated forest lands, so this goal does not apply.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

To protect natural resources and conserve scenic and historic areas and open spaces.

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contribute to Oregon's livability. The following resources shall be inventoried:

a. Riparian corridors, including water and riparian areas and fish habitat;
b. Wetlands;
c. Wildlife Habitat;
d. Federal Wild and Scenic Rivers;
e. State Scenic Waterways;
f. Groundwater Resources;
g. Approved Oregon Recreation Trails;
h. Natural Areas;
i. Wilderness Areas;
j. Mineral and Aggregate Resources;
k. Energy sources;
l. Cultural areas.

Local governments and state agencies are encouraged to maintain current inventories of the following resources:

a. Historic Resources;
b. Open Space;
c. Scenic Views and Sites.

Following procedures, standards, and definitions contained in commission rules, local governments shall determine significant sites for inventoried resources and develop programs to achieve the goal.

Response:

This Goal does not directly apply to annexations. The City is already in compliance with Goal 5 as to all required inventories. However, the City has been working with Metro, Washington County and other partners to identify regionally significant riparian and wildlife resources both in the City and on Bull Mountain, and to develop a program to enhance and protect those resources. *The Bull Mountain Annexation Plan* includes open space projects such as the Cache Creek Nature Park. (See Annexation Plan Table 4, p. 9.). As part of the City's Comprehensive Plan update process, the City would update the existing Comprehensive Plan and address this goal.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed

the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.

Response:

This Goal does not directly apply to annexations. The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 6. Any development proposed after annexation would have to be approved under the City's implementing regulations.

GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

To protect life and property from natural disasters and hazards.

A. NATURAL HAZARD PLANNING

1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.

2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.

B. RESPONSE TO NEW HAZARD INFORMATION

1. New hazard inventory information provided by federal and state agencies shall be reviewed by the Department in consultation with affected state and local government representatives.

2. After such consultation, the Department shall notify local governments if the new hazard information requires a local response.

3. Local governments shall respond to new inventory information on natural hazards within 36 months after being notified by the Department of Land Conservation and Development, unless extended by the Department.

C. IMPLEMENTATION

Upon receiving notice from the Department, a local government shall:
1. Evaluate the risk to people and property based on the new inventory information and an assessment of:

a. the frequency, severity and location of the hazard;
b. the effects of the hazard on existing and future development;
c. the potential for development in the hazard area to increase the frequency and severity of the hazard; and
d. the types and intensities of land uses to be allowed in the hazard area.

2. Allow an opportunity for citizen review and comment on the new inventory information and the results of the evaluation and incorporate such information into the comprehensive plan, as necessary.

3. Adopt or amend, as necessary, based on the evaluation of risk, plan policies and implementing measures consistent with the following principles:

a. avoiding development in hazard areas where the risk to people and property cannot be mitigated; and
b. prohibiting the siting of essential facilities, major structures, hazardous facilities and special occupancy structures, as defined in the state building code (ORS 455.447(1)

(a)(b)(c) and (e)), in identified hazard areas, where the risk to public safety cannot be mitigated, unless an essential facility is needed within a hazard area in order to provide essential emergency response services in a timely manner.

4. Local governments will be deemed to comply with Goal 7 for coastal and riverine flood hazards by adopting and implementing local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements.

D. COORDINATION

1. In accordance with ORS 197.180 and Goal 2, state agencies shall coordinate their natural hazard plans and programs with local governments and provide local governments with hazard inventory information and technical assistance including development of model ordinances and risk evaluation methodologies.

2. Local governments and state agencies shall follow such procedures, standards and definitions as may be contained in statewide planning goals and commission rules in developing programs to achieve this goal.

Response:

This Goal does not directly apply to annexations. The City's Comprehensive Plan is acknowledged to be in compliance with this Goal. The proposed annexation is consistent with Comprehensive Plan policies. Any development in the annexation Plan Area must follow the City's acknowledged implementing regulations relating to natural hazards. As part of the City's Comprehensive Plan update process, the City would update the existing Comprehensive Plan and address this goal.

GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

RECREATION PLANNING

The requirements for meeting such needs, now and in the future, shall be planned for by governmental agencies having responsibility for recreation areas, facilities and opportunities: (1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements. State and federal agency recreation plans shall be coordinated with local and regional recreational needs and plans.

DESTINATION RESORT SITING

Comprehensive plans may provide for the siting of destination resorts on rural lands subject to the provisions of the Goal and without a Goal 2 exception to Goals 3, 4, 11, or 14.

Response:

This Goal does not directly apply to annexations. The Comprehensive Plan has been acknowledged to be consistent with Goal 8, and the proposed annexation is consistent with the Comprehensive Plan. The proposed *Bull Mountain Annexation Plan* includes Parks and Open

Space planning, which would be initiated within the first year as part of the Comprehensive Plan update. (See Annexation Plan Table 4, page 9.) The City's Comprehensive Plan update would address recreational needs.

The Destination Resort provisions of this Goal are not applicable.

GOAL 9: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state. Such plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability and cost; labor market factors; educational and technical training programs; availability of key public facilities; necessary support facilities; current market forces; location relative to markets; availability of renewable and non-renewable resources; availability of land; and pollution control requirements. Comprehensive plans for urban areas shall:

1. Include an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends;

2. Contain policies concerning the economic development opportunities in the community;

3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies;

4. Limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses. In accordance with ORS 197.180 and Goal 2, state agencies that issue permits affecting land use shall identify in their coordination programs how they will coordinate permit issuance with other state agencies, cities and counties.

Response:

This Goal does not directly apply to annexations. The Comprehensive Plan has been acknowledged to be consistent with Goal 9, and the annexation is consistent with Comprehensive Plan policies. As part of the City's Comprehensive Plan update process, the City would update the existing Comprehensive Plan and address this goal.

GOAL 10: HOUSING

To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

Response:

This Goal does not directly apply to annexations. The Comprehensive Plan has been acknowledged to be consistent with Goal 10, and the proposed annexation is consistent with Comprehensive Plan. The proposed annexation would bring 1,378 acres of residential land and

approximately 2,600 homes into the City. The Plan Area includes a diversity of residential zoning, from R-4.5 to R-25, offering housing at different densities. Washington County previously adopted City of Tigard Comprehensive Plan and zoning designations for the area. Therefore no changes are required in the comprehensive plan and zoning designations for the Plan Area, as the current designations reflect City of Tigard designations.

As part of the City's Comprehensive Plan update process, the City would update the existing Comprehensive Plan and address this goal.

GOAL 11: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan. Counties shall develop and adopt community public facility plans regulating facilities and services for certain unincorporated communities outside urban growth boundaries as specified by Commission rules. Counties Local Governments shall not allow the establishment or extension of new sewer systems outside urban growth boundaries or unincorporated community boundaries, or allow new extensions of sewer lines from within urban growth boundaries or unincorporated community boundaries to serve land outside those boundaries, except where the new or extended system is the only practicable alternative to mitigate a public health hazard and will not adversely affect farm or forest land.

For land that is outside urban growth boundaries and unincorporated community boundaries, county land use regulations shall not rely upon the establishment or extension of a water system to authorize a higher residential density than would be authorized without a water system.

Local governments shall not rely upon the presence, establishment, or extension of a water or sewer system to allow residential development of land outside urban growth boundaries or unincorporated community boundaries at a density higher than authorized without service from such a system.

In accordance with ORS 197.180 and Goal 2, state agencies that provide funding for transportation, water supply, sewage and solid waste facilities shall identify in their coordination programs how they will coordinate that funding with other state agencies and with the public facility plans of cities and counties.

Response:

The Tigard Comprehensive Plan has been acknowledged to be consistent with Goal 11, and the proposed annexation is consistent with the Comprehensive Plan (see Section IV.C.).

ORS195 defines urban services as sanitary sewers, water, fire protection, parks, open space, recreation, streets, roads and mass transit. The Bull Mountain Annexation Plan considers four additional services: police, storm sewer, building and development services, and street light maintenance. *The Bull Mountain Annexation Plan* addresses all of these urban services in Table 3 (p. 7) and identifies local standards of urban service availability.

The Bull Mountain Annexation Plan concludes in Section II.A. (p. 6) that all services except recreation are available to the Plan Area. All urban services providers are established, per the Tigard Urban Service Agreement (TUSA, Appendix B). The TUSA provides a plan for public services and facilities for the Bull Mountain area. *The Bull Mountain Annexation Plan* identifies two steps needed by the County to meet local standards prior to annexation: improve roads to a pavement condition index of 40 or greater, for an average of 75 or higher; institute parks system development charges (SDCs) for new development prior to annexation.

The *Public Facilities and Assessment Report (Technical Document B)* applied City of Tigard service standards to the Bull Mountain subareas to evaluate the City's ability to serve the area upon annexation. It projected start-up costs, needs, and ability to serve the entire Bull Mountain area or individual areas upon annexation. The analysis was based upon current population and housing unit estimates, future service needs at build-out, and service standards. All departments – except for Public Works (Streets Division) and Police – concluded that they could absorb any or all subareas using current resources, and without significantly reducing services to existing residents. The Public Works – Street Division could not absorb more than one subarea at a time without existing resources, and the Police division could serve all areas upon annexation but with a reduction in Priority Three (lowest priority calls, no one in danger) calls.

Based on this analysis, *The Bull Mountain Annexation Plan* concluded that the City of Tigard can serve the Bull Mountain area without a significant reduction in service to Tigard residents (Section IIB, p. 10). To maintain these service standards, the Plan proposes the following (Table 4, p. 10): *The Bull Mountain Annexation Plan* states that those services transferring to Tigard, per the TUSA (Appendix B), would be transferred "upon annexation": building and development services, parks and open spaces (Bull Mountain residents receive resident privileges at City parks), police, sanitary and storm sewer (provided by Tigard effective July 1, 2004), street light maintenance, and water. This is consistent with the TUSA.

The Bull Mountain Annexation Plan also states that three services would have the following schedules: Road Quality and Maintenance, the transfer of which would be initiated within 30 days of annexation and serving the area within one year, as the TUSA allows; parks and open space capital project planning would be initiated within the first year, and the Comprehensive Plan update would be initiated. The City and other service providers who would continue to provide services after annexation have the capacity to provide services in the proposed annexation area, assuring a timely, orderly and efficient arrangement of public facilities and services. Those services would serve as a framework for urban development of Bull Mountain.

GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.

Response:

This Goal does not directly apply to annexations. Under the Annexation Plan, the City would accept responsibility for the Bull Mountain area's streets and roads, with the transfer from County jurisdiction complete within one year of the annexation. (See Annexation Plan, pages 8 and 9.)

The Comprehensive Plan has been acknowledged to be consistent with Goal 12, and the proposed annexation is consistent with the Comprehensive Plan.

GOAL 13: ENERGY CONSERVATION

To conserve energy.

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

Response:

This Goal does not directly apply to annexations. The Comprehensive Plan has been acknowledged to be consistent with Goal 13, and the proposed annexation is consistent with the Comprehensive Plan. Any development in the annexation area must satisfy the City's implementing regulations. As part of the City's Comprehensive Plan update process, which would be initiated after annexation, the City would update the existing Comprehensive Plan and address this goal.

GOAL 14: URBANIZATION

To provide for an orderly and efficient transition from rural to urban land use.

Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. Establishment and change of the boundaries shall be based upon considerations of the following factors:

(1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;

(2) Need for housing, employment opportunities, and livability;

(3) Orderly and economic provision for public facilities and services;

(4) Maximum efficiency of land uses within and on the fringe of the existing urban area;

(5) Environmental, energy, economic and social consequences;

(6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,

(7) Compatibility of the proposed urban uses with nearby agricultural activities.

The results of the above considerations shall be included in the comprehensive plan. In the case of a change of a boundary, a governing body proposing such change in the boundary separating urbanizable lands from rural land, shall follow the procedures and requirements as set forth in the Land Use Planning goal (Goal 2) for goal exceptions. Any urban growth boundary established prior to January 1, 1975, which includes rural lands that have not been built upon shall be reviewed by the governing body, utilizing the same factors applicable to the establishment or change of urban growth boundaries. Establishment and change of the boundaries shall be a cooperative process between a city and the county or counties that surround it. Land within the boundaries separating

urbanizable land from rural land shall be considered available over time for urban uses. Conversion of urbanizable land to urban uses shall be based on consideration of:

(1) Orderly, economic provision for public facilities and services;

(2) Availability of sufficient land for the various uses to insure choices in the market place;

(3) LCDC goals or the acknowledged comprehensive plan; and,

(4) Encouragement of development within urban areas before conversion of urbanizable areas. In unincorporated communities outside urban growth boundaries counties may approve uses, public facilities and services more intensive than allowed on rural lands by Goal 11 and 14, either by exception to those goals, or as provided by Commission rules which ensure such uses do not:

(1) adversely affect agricultural and forest operations, and

(2) interfere with the efficient functioning of urban growth boundaries.

Notwithstanding the other provisions of this goal, the commission may by rule provide that this goal does not prohibit the development and use of one single-family dwelling on a lot or parcel that:

(a) was lawfully created;
(b) lies outside any acknowledged urban growth boundary or unincorporated community boundary;
(c) is within an area for which an exception to Statewide Planning Goal 3 or 4 has been acknowledged; and
(d) is planned and zoned primarily for residential use.

Response:

The Comprehensive Plan has been acknowledged to be consistent with Goal 14, and the annexation is consistent with the Comprehensive Plan (see Section IV.C).

The proposed annexation into the City is an important step in the orderly and efficient transition from rural to urban land use in the Bull Mountain area. State land-use planning goals require the UGB to contain a 20-year supply of land, and, when conditions warrant, lands within the boundary must be available for urban uses. Washington County and Bull Mountain residents developed the 1983 Bull Mountain Community Plan, which assigned urban densities to the area but did not provide for all urban services. However, Goal 14 directs local governments to have a plan in place to allow for an orderly and efficient transition from rural to urban uses. In 1983, the County and City signed the Urban Planning Area Agreement (UPAA). The UPAA established Bull Mountain as part of the City's planning area.

Over the last 20 years, the area has become urbanized with streets, sidewalks, and urban service needs. (See Annexation Plan Introduction, page 1.) The territory to be annexed is entirely inside the UGB. (See Map1, Annexation Plan, page 3.) The City and other service providers who would continue to provide services after annexation have the capacity to provide services in the proposed annexation area, based on the Tigard Urban Services Agreement (TUSA) (See Appendix D to the Annexation Plan.) The TUSA provides a plan for public services and facilities for the Bull Mountain area.

There are approximately 7,600 residents living in 2,600 homes on the mountain's 1,378 unincorporated acres. Development of the remaining land to existing zoning standards would raise the overall population to just under 10,000. This additional growth would require additional facilities and services. Without annexation, the City has limited ability to plan for, provide for, and manage

growth outside its City limits to ensure that efficient and effective public facilities and services are available when needed, as it cannot do comprehensive planning outside its City limits.

State law created the annexation plan process as a growth management tool for jurisdictions: the plan must address criteria related to urban service provision to the Plan Area, and is a pre-requisite for an annexation vote by the annexing city and Plan Area. Using existing service agreements among agencies, cost-benefit analyses, and the 2003 *Public Facilities and Services Assessment Report*, the Plan addresses all criteria set forth by state law ORS195: the provision (how and when) of urban services, annexation's impact on existing providers, the timing and sequence of annexation, and the Plan's long-term benefits. The Plan also follows Tigard Comprehensive Plan policies, which require a review to determine that services can be provided to the annexed area and their provision would not significantly reduce service levels to the City of Tigard. Based on these criteria and previous research, the Plan provides a proposal for transferring services and households to Tigard in an organized and efficient manner. *The Bull Mountain Annexation Plan* would complete the last phase in the Goal 14 urbanization process by providing urban services to areas built at urban densities.

GOAL 15: WILLAMETTE RIVER GREENWAY

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Response:

This Goal is not applicable to this proposed annexation because the area being annexed is not within the Willamette River Greenway area.

GOAL 16: ESTUARINE RESOURCES

To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

Response:

This Goal is not applicable to this proposed annexation because the area to be annexed is not in or near an estuary.

GOAL 17:COASTAL SHORELANDS

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon 's coastal shorelands.

Response:

This Goal is not applicable to this proposed annexation because the area to be annexed is not in or near a coastal shoreland.

GOAL 18: BEACHES AND DUNES

To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

Response:

This Goal is not applicable to this proposed annexation because the area being annexed is not within a coastal beach or dune area.

GOAL 19:OCEAN RESOURCES

To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

Response:

This Goal is not applicable to this proposed annexation because it is not in or near the ocean.

2. Section 18.390.060 Type IV Procedure
G. Decision-making considerations. *2. Any federal or state statutes or regulations found applicable;*
The Bull Mountain Annexation Plan meets state statute ORS 195.205 and .220, as detailed in Section IV.A of this report. No federal statutes apply to annexations.

2. Section 18.390.060 Type IV Procedure
G. Decision-making considerations. *3. Any applicable METRO regulations;*
The Bull Mountain Annexation Plan meets Metro Code Chapter 3.09 provisions, as detailed in Section IV.B of this report.

2. Section 18.390.060 Type IV Procedure
G. Decision-making considerations. *4. Any applicable comprehensive plan policies*;

1. Policy 2.1.1: *The City shall maintain an ongoing citizen involvement program and shall assure that citizens will be provided an opportunity to be involved in all phases of the planning process.*

This policy requires an ongoing citizen involvement program. Notice of the public hearing was mailed to all CIT facilitators, the Washington County CPO coordinator**,** affected property owners, and surrounding property owners within 500 feet of the Plan Area . Notice of the public hearing was scheduled to be published in two newspapers of general circulation: The *Tigard Times* on November 20 and November 27, 2003; and *The Oregonian* on November 18 and November 25, 2003. The Plan Area has been posted in 13 locations since October 16, 2003.

The City established a communications plan prior to finalizing the Plan, submitting the land-use application and mailing of the public notice. To involve the public prior to the formal land-use process, the City established a Bull Mountain hotline and dedicated E-mail address on September 23, 2003, for comments and questions regarding the Plan.

The Bull Mountain Annexation Plan meets policy 2.1.1.

2. Policy 10.1.1: *Prior to the annexation of land to the City of Tigard,*

a) *The City shall review each of the following services as to adequate capacity, or such services to be made available, to serve the parcel if developed to the most intense use allowed* (most*

intense use allowed by the conditions of approval, the zone or the Comprehensive Plan), and will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard. The services are:
1. Water
2. Sewer
3. Drainage
4. Streets
5. Police, and
6. Fire Protection.

This policy requires that there is adequate capacity to serve the annexed parcels if developed to the most intense use allowed, and without significantly reducing the level of services available to the existing City.

The Bull Mountain Annexation Plan proposal addresses all six services above. The City has reviewed these six services, along with additional urban services to be provided to the area (*The Bull Mountain Annexation Plan*, Table 3). Currently, all urban services are available to the Plan Area except for parks and recreation. Upon annexation, *The Bull Mountain Annexation Plan* proposal states that all urban services – including parks and open space – would continue to be available to the Plan Area, per the Tigard Urban Service Agreement (TUSA-2003) with all providers.

The Bull Mountain Annexation Plan proposal also states that the City of Tigard can serve the Bull Mountain area without a significant reduction in service to Tigard residents. It proposes a three-phase approach over three years to allow acquisition time for additional staff and equipment prior to each annexation, in order to maintain current service standards to City residents. The Plan based its conclusions upon City projections of start-up costs and service needs for the total number of estimated homes and population in 2015. It assumed residential designations, which is the current zoning, and its accordant growth to reach the most intense use standard.

All current and future service providers for this area received notice of *The Bull Mountain Annexation Plan* proposal, as well as parties to the Tigard Urban Service Agreement, which includes the City of Tigard Police, Engineering, Public Works and Water Departments, Tigard Water District, Metro Area Communications, NW Natural Gas, AT&T Cable, TriMet, PGE, Verizon, Qwest, Comcast Cable, the Beaverton School District, the Tigard-Tualatin School District, Tualatin Valley Water District, Tualatin Hills Park and Recreation District, Clean Water Services, and Tualatin Valley Fire and Rescue. None of the providers offered objections or indicated that there would be a lack of service capacity for this proposal.

The Bull Mountain Annexation Plan complies with Policy 10.1.1. (a).

3. Policy 10.1.1 (b):

If required by an adopted capital improvements program ordinance, the applicant shall sign and record with Washington County a nonremonstrance agreement regarding the following:

1. *The formation of a local improvement district (L.I.D.) for any of the following services that could be provided through such a district. The extension or improvement of the following: a) Water, b) sewer, c) drainage, and d) streets.*
2. *The formation of a special district for any of the above services or the inclusion of the property into a special service district for any of the above services.*

This criterion does not apply: No capital improvements program requires a nonremonstrance agreement under these circumstances.

4. Policy 10.1.1. (c)

The City shall provide urban services to areas within the Tigard Urban Planning Area or within the Urban Growth Boundary upon annexation.
Under *The Bull Mountain Annexation Plan* proposal, the City would provide urban services to the Plan Area upon annexation. This is consistent with the Tigard Urban Services Agreement (TUSA-2003, Appendix D). All services would be provided upon annexation, and the majority would be provided immediately. The proposal states that the City would initiate transfer of roads and streets within 30 days of annexation, serving each subarea within one year of the effective annexation date. Following annexation, Tigard would initiate capital project planning for Parks and Open Space for the Plan Area. The planning would take place as part of the City's Comprehensive Plan update process, which would be initiated after annexation.

The Bull Mountain Annexation Plan complies with Policy 10.1.1. (c).

5. Policy 10.1.2 Approval of proposed annexations of land by the City shall be based on findings with respect to the following:
a) The annexation eliminates an existing "pocket" or "island" of unincorporated territory.
The City's map shows that the annexation of the north subarea would eliminate three islands of unincorporated territory (Map 1, p. 3). *The Bull Mountain Annexation Plan* complies with Policy 10.1.2. (a).

b) The annexation will not create an irregular boundary that makes it difficult for the police in an emergency situation to determine whether the parcel is within or outside the City
The Bull Mountain Annexation Plan proposes a three-phase annexation, beginning from the East area (the area closest to the City) and continues west. It does not skip over areas or create irregular boundaries. Currently, there are several irregular boundaries with the City limits due to individual annexations. *The Bull Mountain Annexation Plan* would remove those irregular boundaries. In addition, the subarea boundaries are clearly delineated to reduce confusion. *The Bull Mountain Annexation Plan* complies with Policy 10.1.2. (b).

c) The Police Department has commented upon the annexation.
The Police Department contributed its analysis to *The Bull Mountain Annexation Plan*, concluding that it could absorb any or all subareas using current resources, and without significantly reducing services to existing residents. *The Bull Mountain Annexation Plan* complies with Policy 10.1.2. (c).

d) The land is located within the Tigard Urban Planning Area and is contiguous to the city boundary
The Plan Area is located within the Tigard Urban Service Area, per *The Bull Mountain Annexation Plan* and verified by the Tigard Urban Service Agreement (TUSA-Appendix D, Map A). With the three-phase annexation, each subarea is contiguous to the City limits at the time of annexation. *The Bull Mountain Annexation Plan* complies with Policy 10.1.2. (d).

e) The annexation can be accommodated by the services listed in 10.1.1 (A)
The *Bull Mountain Annexation Plan* states that all urban services are available and would be provided to the Plan Area, per the Tigard Urban Service Agreement (TUSA-2003). Water, sewer, drainage, streets, police, and fire protection would all be provided upon annexation, and street maintenance would be initiated 30 days following annexation and completed within one year. The Plan proposes a three-phase approach over three years to allow acquisition time for additional staff and equipment prior to each annexation, in order to maintain current service standards to City residents.
The Bull Mountain Annexation Plan complies with Policy 10.1.2. (e).

The Bull Mountain Annexation Plan proposal complies with Policy 10.1.2.

6. Policy 10.1.3
Upon annexation of land into the City which carries a Washington County Zoning Designation, the City

of Tigard shall assign the City of Tigard zoning district designation which most closely conforms to the County zoning designation.
Washington County previously adopted City of Tigard Comprehensive Plan and zoning designations for the area. Because the proposed annexation territory is in the Urban Services Area, the equivalent zoning has already been attached to the property, therefore, the property does not need to be rezoned upon annexation. Therefore no changes are required in the comprehensive plan and zoning designations for the Plan Area, as the current designations reflect City of Tigard designations.

The Bull Mountain Annexation Plan proposal complies with Policy 10.1.3.

2. Section 18.390.060 Type IV Procedure
G. Decision-making considerations. *5. Any applicable provisions of the City's implementing ordinances.*
There are no specific implementing ordinances that apply to *The Bull Mountain Annexation Plan.*

SECTION V. OTHER STAFF COMMENTS

The City of Tigard Engineering, Building, Police Department, Tualatin Valley Fire and Rescue, Public Works, and the Water Department have all received this proposal and have offered no objections to the annexation proposal.

SECTION VI. AGENCY COMMENTS

Metro Area Communications, NW Natural Gas, AT&T Cable, Tri-Met, PGE, Verizon, Qwest, Comcast Cable, the Beaverton School District, the Tigard Tualatin School District, Tualatin Valley Water District, and the Tualatin Valley Fire and Rescue all received the annexation request and did not object to the proposal. The US Army Corps of Engineers indicated that acres of buildable land should not include areas of wetlands or streams. The capacity estimates did not include those areas. The Tigard-Tualatin School District emphasized that the annexation proposal would not affect school district boundaries. TriMet indicated that annexation does not change the difficulty of providing public transit to this area due to low densities and street patterns.

BASED ON THE FINDINGS INDICATED ABOVE, PLANNING STAFF RECOMMENDS APPROVAL OF ZONE CHANGE ANNEXATION (ZCA) 2003-00003, 2003-00004, 2003-00005, 2003-00006 – BULL MOUNTAIN ANNEXATION PLAN.

PREPARED BY:	Beth St. Amand Assistant Planner	November 21, 2003 DATE
APPROVED BY:	Barbara Shields Long-Range Planning Manager	November 21, 2003 DATE

Bull Mountain Annexation Plan Comment Log

Summary of Public Comments and Responses on Annexation Plan

11/18/2003

No.	Where/Who	Source	Received by:	Date	Summary of Comment (letters in entirety located behind log)	Response	Respons e given?
1	Julie Russell	phone	Jerree Gaynor	9-19-03	Wants to host a coffee talk for approximately 50 home owners in Arlington Heights neighborhood	Jerree informed her that she will be contacted once the coffee talks are scheduled.	Yes
2					Also received a forwarded e-mail originally sent to Roy Rogers. The questions in the e-mail have not been responded to because they were not directed to us and they are based on the 2001 study and not current data. She will be mailed a copy of the annexation plan and a coffee talk will be scheduled with her to address additional questions she may have.		See logged comments 14-23
3	Mike Merrick	e-mail	Council members	9/23/03	Concern that Tigard continues to allow development on Bull Mountain without considering park space.	Tigard reviews development proposals on Bull Mountain as part of an intergovernmental agreement (IGA) with the County, however the area is still under County jurisdiction. County regulations do not provide for park land or open space as a precondition of development. In addition, the County does not provide park services.	Yes 9/30
4	"	"	"	"	Tigard more than willing to help developers "carve up" Bull Mountain with little interest in providing parks	Please see response above	Yes 9/30
5	"	"	"	"	Gooley property, which just want on market (6 acres) may offer potential solutions to traffic solutions needed by proposed developments. Want Planning to postpone approving more development in the area of the Conklin property until the impact and potential of the sale of the Gooley property can be evaluated	By law, once an application has been submitted, the City must review it for completeness within 30 days. From the date an application is deemed complete, the City must provide a decision (including time for all local appeals) within 120 days. The City, therefore, can not postpone approving development applications that have been submitted	Yes 9/30
6	"	"	"	"			
7	"	"	"	"	Want Council to consider a moratorium on	Moratoriums are regulated by law. There are	Yes 9/30

No.	Where/Who	Source	Received by:	Date	Summary of Comment (letters in entirety located behind log)	Response	Respons e given?
					any developments in the Bull mountain area that have potential to be a City park until the annexation issue can be decided.	specific processes that must be followed and specific timelines for the moratorium to be granted. While Tigard has authority through the IGA to review development proposals in the Bull Mountain area, it is still a County regulated area and only the County could activate a moratorium	
8	Lisa Hamilton-Treick	e-mail	Mayor, cc to Council	8/30/03	Shocked to learn of fast paced decision on moving forward before the community could gather a strong voice one way or the other. Feels the decision is too important for such a fast pace.	The issue of annexation of the Bull Mountain area has been identified for over 20 years. The recent actions and discussions by the City Council have been occurring for over 2 years, therefore the decision to move forward has not been fast paced. In addition, there are many avenues for public participation planned including small scale "Coffee Talks" with Council members, presentations to civic groups, presentations on the Tualatin Valley Cable station, open houses, flyers, City Hall lobby displays, and published public notices. Watch the City's web site for detailed information (www.ci.tigard.or.us).	Yes 9/30
9	"	"	"	"	Figures annexation is inevitable but would like to see more benefits like wide walkable sidewalks, underground utilities, landscaping (that is watered), pedestrian friendly street lighting, landscaped medians and safe bike lanes.	The development code requires all new development to underground utilities or pay a fee-in-lieu of undergrounding. Sidewalk widths vary depending on the classification of the road, the widths are specified in the development code. Also required are setback sidewalks with landscape strips and bike lanes. After the Annexation Plan decision is made, the City will begin developing an updated comprehensive plan for the entire community. By participation in this process, you can voice your views on how to make the community more livable.	Yes 9/30
10	"	"	"	"	Questions about what the City would do for	Beef Bend was designed and constructed by	Yes 9/30

No.	Where/Who	Source	Received by:	Date	Summary of Comment (letters in entirety located behind log)	Response	Response given?
					the "poorly designed blight along beef bend."	the County. Once this area and this road are in Tigard jurisdiction, comments for additional improvements are welcome as part of the Capital Improvement Program planning process	
11	"	"	"	"	Feels that pleasant street corridors are as important as parks as a community amenity. Suggests more attention to this detail and perhaps a "welcome to Tigard" monument at each end of 99W to create more community recognition.	If the Annexation Plan is approved and you are included in the community of Tigard, you will have the opportunity to participation in the process to update the comprehensive plan and at that time you can voice your views on how to make the community more livable	Yes 9/30
12	"	"	"	"	Concerned that communication is a big problem. Using Cityscape as a communication vehicle when people on Bull Mountain don't even receive it is wrong.	Additional postal routes will be added to all cityscape issues that have information on the Bull Mountain annexation.	Yes 9/30
13	Lisa Hamilton-Treick	Phone	Julia	9-27-03	Interested in hosting Coffee Talk – Bull Mountain resident, lives at 13565 SW Beef Bend, work phone 579-1203	Called and told her we would add her name to list and call her when we were ready to schedule coffee talks	Yes
14	Julie Russell	e-mail	Julia/others	9/26/03	Upset that previous e-mail had not been responded to yet.	Promptly sent reply e-mail that said we did not realize she expected a response from us since the e-mail was a copy of a letter to the Board of County Commissioners and she had indicated she wanted to host a coffee talk. Informed her that we would respond promptly now that we were aware.	2nd e-mail, not first
15	"	"	"	"	Police services we feel would decline. According to the Washington County Sheriff's office, the Bull Mountain area only generates 500 calls per year. The Tigard Police receive 16,440 calls per year. So basically we would be subsidizing the citizens of Tigard. As to the Tigard police, they do not have 1.5 officers per 1,000 on current staff. Where would the additional money required to hire and train additional officers come from? Sheriff Gordon feels like our police services would definitely be lowered and is against the annexation. I	*Waiting for comment from PD*	

No.	Where/Who	Source	Received by:	Date	Summary of Comment (letters in entirety located behind log)	Response	Response given?
					have a report to back up this information if you would like to receive it.		
16	"	"	"	"	Tigard has a budget deficient of several million dollars, why would be want to be annexed into a City with those kind of problems? We do not want to be just an answer to their budget problems.	Tigard does not currently have a deficit in any fund. The City has projected that several funds have the potential of going into a deficit within the next 5 years, however, the City is constantly reviewing the budget and looking at ways to decrease expenditures and maximize revenues.	Yes
17	"	"	"	"	Tigard does not even have the funds to operate the current existing parks. So currently we are looking at no additional parks, and decreased services to the existing parks.	Although Tigard's Parks Division budget has been decreased in the past two-years, it currently has $844,806 appropriated for operations of its existing parks. Additionally, last year we collected $407,578 in park SDCs from development which can only be used for capital expenditures. Further, the acquisition and development of additional parks relies on the Park Division's ability to operate its existing parks as well as any new parks that may come on line.	Yes
18	"	"	"	"	Tigard says it will only cost about $488 per year per household. This is based on homes with a value of $300,000. Most all of the homes in our neighborhood are worth almost twice that amount. So we are looking at a tax increase of $800 - $1000 per year, per household. The additional services we would be getting are none, if anything a major portion of our services would be lowered.	The estimate on additional costs for Bull Mountain residents is based on the ASSESSED value, not the market value. Please refer to your property tax statement to determine your assessed value. To calculate the additional property taxes: take assessed value divided by 1,000. Multiply by 1.6259. Subtract the street light assessment (also on your tax statement). This number is the net increase in your 02-03 tax bill. In regard to service changes, below is an excerpt from the draft Annexation Plan that will be presented to the City Council and County Board of Commissioners on October 7th. (included table 3 from Annexation Plan)	Yes
19	"	"	"	"	The Thornwood Development is next to our neighborhood and we have had numerous problems with the developer,	A developer is required to follow the conditions of their land use approval. The City can and does enforce the development code and	Yes

No.	Where/Who	Source	Received by:	Date	Summary of Comment (letters in entirety located behind log)	Response	Response given?
					contractor and the City of Tigard. The developer cut down all kinds of trees that were not allowed, he did not even have a completed Tree Protection Plan (I was told by a city employee it was not even complete) filed with the city before cutting them down. The City fined the developer a small amount that was pocket change for the developer. His response was big deal, he got the trees removed that he wanted. Now those 100 year old trees are either gone, or dead, he moved five old pine trees that are now dead and dangerous. The developer took down the barrier on Winterview and we have had construction trucks using our streets driving through the neighborhood and throwing garbage on the lawns in our neighborhood. When we complained to the City, they put up a temporary barricade, and the developer and contractors still drive up onto the lawn and sidewalks in our neighborhood. The City of Tigard has been quite unresponsive to our concerns. I was told by a city employee that a developer can say whatever they want and promise neighbors all kinds of things, and then do whatever they want, once the development is approved. So much for the neighborhood meetings!	conditions of land use approval. The City can not enforce private agreements that we are not a party to. This is the case in any jurisdiction, including Washington County.	
20	"	"	"	"	If the vote were put to Bull Mountain residents it would fail, our fear is that the City will put it to a vote including the entire City of Tigard. If this happens, it will most likely pass. Why wouldn't the citizens of Tigard want all of Bull Mountain helping to pay their bills? I have spoken with residents in Hillshire, Aspen Ridge, Barrington Heights, Bradley Woods ,on	The annexation of the Bull Mountain area will have impacts on the Tigard community. Therefore, the entire community should be included in the decision.	Yes

No.	Where/Who	Source	Received by:	Date	Summary of Comment (letters in entirety located behind log)	Response	Response given?
					133rd, Myers Farm, Pleasant View, Mountain Gate, none of these residents are for the annexation		
21	"	"	"	"	The residents of our neighborhood feel like this is bad timing, and bad public policy. There is no evidence to show this is beneficial to the residents of Bull Mountain, only the City of Tigard. We are a wealthy area, so of course they want our money. But what would we be receiving in return?	Financial projections show that, due to rapid growth, opportunities to provide effective and efficient service decrease over time, which is why timing is critical. The draft Bull Mountain Annexation Plan identifies the following long-term benefits for annexation of the Bull Mountain area (inserted long term benefits from Annexation Plan)	Yes
22	"	"	"	"	The citizens of Tigard believe we do not pay our fare share of the library and parks. Sixty-two percent of the library funds comes from the county, and Cook Park, which is the only park I currently use if five miles away. I'm not sure if the City receives any county funds for the operation of the parks?	The Washington County Cooperative Library system (WCCLS) is paid for by all citizens of Washington County, including citizens of Tigard. This tax only pays 53% towards the operation of Tigard's library, as well as all the other libraries in Washington County. In addition, the remaining 47% is paid for by Tigard residents through their property taxes. WCCLS does not pay for capital improvement projects such as the construction of the new library. Cook park maintenance and operations is solely paid for by Tigard's general fund. The main revenue source of the general fund is property taxes. No County money is received or used for Tigard Parks. Capital improvements are paid for by SDC's collected for new development within the City. Non-residents who utilize the parks are not paying for park operation or maintenance costs or the cost for improvements to he park facilities.	Yes
23	"	"	"	"	Traffic, Traffic, Traffic is a problem on Bull Mountain Road. The Thornwood Development and Alberta Rider Elementary School, and the three additional developments that are in the planning stages are going to add a terrific	The City of Tigard, through Intergovernmental Agreement with Washington County, administers development in the Bull Mountain area. Developments adjacent to major streets are usually required to construct half-street improvements along those streets. However,	Yes

No.	Where/Who	Source	Received by:	Date	Summary of Comment (letters in entirety located behind log)	Response	Response given?
					problem to our small two lane road. There does not seem to be any concern for the additional 1,000 - 2,000 or more trips per day. The City of Tigard does not want to answer any of those questions or how this is going to be addressed. It just seems they want to tax dollars and we will deal with the problem at some time in the distant future. We are not confident that the City will take care of this problem.	the extent of the improvements depends on the size of the development and on the proportionate impact that development has on the transportation system. There are many areas that developed many years ago along Bull Mountain Road that were not required to construct improvements along that street. Because development occurs at random, Bull Mountain Road is not fully improved throughout its entire length. The City is aware of transportation needs throughout the City and unincorporated areas and prioritizes projects based on funding availability and need. There are several available funding sources that may be able to be used for transportation system improvements including county, state and federal funding.	
24	"	"	"	"	What does the annexation do to the county budget?	The City has worked closely with the County on the development of the Annexation Plan and the impacts to the County are included in the draft Annexation Plan.	Yes
25	Carl Koster 590-5090	Phone	Julia	9-29-03	Questions about tax rate changes, parks (what were planned and where), whether a special parks assessment was proposed, and what the Tigard bond included	Provided information on the tax rate changes based on the 2002-2003 tax table. Told him what was planned for parks in the draft annexation plan and that the parks system master plan includes parks facilities in the Bull mountain area. A special assessment is not planned but may be discussed as part of a comprehensive plan update after the decision on annexation is made – will include extensive public involvement. The Tigard bond covers the library. Bond is 13 million with a 20 year debt schedule.	Yes
26	Patricia Swanson	E-mail	Julia	9/29/03	Question about whether annexation would affect school district boundaries	Informed her that annexation would not affect boundaries	Yes
27	Stu Byron	Phone	Jim H	9/29/03	E-mail from Jim "Called about the	None- Jim spoke with him directly on the phone	N/A

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					Cityscape article on the Bull Mt Annexation Plan. He was upset about the biased nature of the article. He stated it should not have appeared before the City Council had reviewed the plan on October 7th. He stated this was also contrary to the communication plan. He wanted to know who reviewed it before it was printed. Also pointing out that an objective group of citizens should review all similar articles before they go out. He asked me not to do anymore articles unless an objective group of citizens review first. He wanted to talk to the Mayor. I had Cathy W call him back with the Mayors phone number. No follow up is necessary.		
28	Don Wallace	E-mail	Julia	9/30/03	As a resident of the unincorporated portion of Bull Mountain I find the Annexation Plan update to be an obvious propaganda device. This is all about tax revenue and nothing else. The services mentioned are hardly worth paying $400 a month (follow-up e-mail confirmed that he was aware the cost would be yearly, not monthly).	The Oct/Nov Cityscape was provided to Tigard and Bull Mountain residents to insure timely information was provided on the issue of annexation. The information in the Cityscape article was about why Tigard is moving forward and what the process is. I would like to clarify the amount of increase you might anticipate if the annexation is approved. The property taxes are based on the ASSESSED value of your home, not the market value. To calculate the additional property taxes: take assessed value divided by 1,000. Multiply by 1.6259. Subtract the street light assessment (also on your tax statement). This number is the net increase in your 02-03 tax bill.	Yes
29	"	"	"	"	What portion of the population actually uses the Library?	Approximately 60% of the library patronage is from within the Tigard City limits. The remaining patrons come from outside the City limits.	Yes
30	"	"	"	"	We are already being forced to pay $18,000 out of pockets for a sewer connection we don't need or want. I find it	It is our understanding that Clean Water Services determined a need that sanitary sewer was needed in one area to address and existing	Yes

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					laughable that now the city and county are taking credit for "providing" us with that service. What other "service" that we don't want will we be forced to pay for?	health and environmental problem (it is assumed, from your e-mail I am assuming this is your area). With annexation, you would receive the following services (attached table 3 from Annexation Plan)	
31	"	"	"	"	What right do the people of Tigard have to tell me the house I bought in unincorporated Washington county should belong in the city Tigard, subject to its rule and taxation?	The annexation of the Bull Mountain area will have impacts on the Tigard community. Therefore, the entire community should be included in the decision.	Yes
32	Stu Byron	e-mail	Julia/Coun cil	9/29/03	Upset that the city council has already proceeded with public outreach program when the information is not even available to the public.	The Cityscape article was intended to provide people with information on what the City was doing with factual data. There were already several articles in the local newspaper on the subject.	Yes
33	"	"	"	"	Plan in place that talked about the availability of the Annexation plan to the public on October 7th or 8th. Why is this happening when this information is not yet available to those to which it concerns the most	The Communications Plan presented to Council states as one of its Goals "to ensure all stakeholders are informed about the issues and process involved in an annexation of the unincorporated Bull Mountain area." The Oct/Nov Cityscape was provided to Tigard and Bull Mountain residents to insure timely information was provided on the issue of annexation. The information in the Cityscape article was about why Tigard is moving forward and what the process is. The focus of the Cityscape insert was about why Tigard is moving forward and what the process is. There will be many opportunities for the public to review and comment on the Annexation Plan itself. The draft plan is now available. Please refer to the City's web site (www.ci.tigard.or.us) for up-to-date information, including the draft Annexation Plan.	Yes
34	"	"	"	"	Cityscape appears very biased toward the annexation. No public involvement - the	The information that was provided is accurate and provides the background as to why the City	Yes

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					article was not reviewed by anyone other than city staff, so how can it be objective without a review by those that are affected by this?	has decided to move forward at this time. There will be many opportunities for public involvement throughout this process. A copy of your e-mail will be forwarded to Council and taken into consideration.	
35	Dot Deffler	Phone	Jerree	10/1/03	Interested in hosting Coffee talk – wants one of the community meetings to be held at the Scholls Heights Elementary School	The meetings have already been scheduled – we will check with Council on 10/7 and get back to her next week.	Yes – but Jerree will call again after 10/7
36	Cashmera McVey 579-8688	Phone	Julia	10/2/03	Wants to learn more about the NPO, CIT, Community Connectors, Tigard beyond tomorrow mentioned in the Cityscape. Thought she read that these groups were involved in the annexation effort and wanted to get involved in those groups as well.	Called to explain what those groups were and that they were not involved in the annexation. Informed her that I would forward her name and number to Liz Newton. Told her to call back if she had additional questions. 10/10/03 - Liz indicated she talked to her and had Jim speak with her about hosting a Coffee Talk	Yes
37	Anonymous	Phone	Julia	10/2/03	Very upset with Bull Mountain annexation proposal. Feels that the law enforcement services are horrible, as are parks. Complains that road department has way too many employees and spends far too much money. Wants to go to Bull Mountain and tell them why they SHOULDN'T be part of Tigard.	None	N/A
38	Norma Bradfish	Phone	Julia	10/3/03	Calling to find out time of City/County meeting on 10/7	6:00 pm on 10/7/03 at City Hall	yes
39	Julie Russell	E-mail	Julia	10/3/03	Additional comments/questions after initial response received: Most of the residents of Bull Mountain agree that if the City of Tigard could provide parks and upgrade the roads, mainly Bull Mountain road needs to be widened (and the light need to allow more than seven cars at a time to enter Bull Mountain Road from Hwy 99), it would be	There are a variety of funds and fund sources from which to complete projects. The challenge for any jurisdiction is that there are more projects than there is funding availability. Because of this, prioritizations are made, with public involvement, to balance the list of funded projects with the funds available. Because Bull Mountain is not in Tigard, we have not previously included needed park or road improvements in any prioritization process. If	Yes

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					fair to increase our taxes. I still did not see a time line for this to happen. When could the residents expect this?	the area is annexed, project needs for this area will be considered. In addition, the Draft Annexation Plan, if approved, would commit to the capital project planning for the Cache Creek property and to explore opportunities for additional parks adjacent to the Cache Creek site within the 1st year of annexation. See attached document titled "Russell Follow-up response" for complete resposne	
40	"	"	"	"	Bull Mountain Plan Draft shows $36 million needed for the parks and to upgrade the roads. Where would this additional money come from?	Gas tax funds received annually from the State are typically insufficient to address major improvements. In fact, the gas tax rate has not increased in a decade and the net revenue from those funds has not kept pace with the rise in labor and materials costs. The potential gas tax revenue from the Bull Mountain area would therefore be directed towards street maintenance only. The projects would be limited to crack sealing, slurry seals, striping, and pavement overlays. Widening to provide capacity on Bull Mountain Road would not be possible from that funding source. The Traffic Impact Fee (TIF) collected as part of development is sufficient to pay for approximately 20% of the anticipated development impact and does not come close to providing the funding to construct all the transportation improvements needed in the City. In addition, any improvements constructed by developers on the collectors and arterials are partially deducted as TIF credit from the TIF payments owed. The TIF funds can be allocated for roadway design and possibly for partial land acquisition needed to accommodate the widening. However, the TIF funds collected would have to be supplemented by another funding source to undertake and complete a	Yes

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						major project for widening of Bull Mountain Road. An outside funding source is therefore needed to tie in the half-street improvements and widen Bull Mountain Road to its ultimate width with sidewalks and bike lanes on both sides of the road. That outside source could be the County's MSTIP 4 (Major Street Transportation Improvement Program), which would most likely begin project selection sometime in the next few years. This project would have to be given a high priority by both Washington County and the City of Tigard for the improvements to make the final list for implementation. That could be a negotiation point with the County prior to annexation. Another potential source could be a Citywide transportation bond issue to accelerate major transportation projects throughout the City. The TIF funding could be used to design the project supplemented by bond proceeds for rights-of-way acquisition and construction. Those two funding sources show the most promise at this time for dealing with the improvements to Bull Mountain Road within a reasonable time frame. As for park acquisition and construction costs, options are more limited. SDC charges will not be sufficient to pay for all of the park lands needed in the Bull Mountain area. Other options include Local Improvement Districts (LIDs) to pay for neighborhood parks. In an LID, benefiting properties pay for the costs of improvements and are allowed to pay those costs over an extended period (usually 10 years). This method could work for neighborhood parks but would be inappropriate for regional parks. Another option is a citywide	

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						general obligation bond. Such a bond would have to be approved by the voters of Tigard and would be repaid from a special property tax levy. (This method was most recently used to finance the construction of the new Tigard Library.) Finally, the City would also aggressively pursue grants that could be used for park acquisition and construction.	
41	Shirley (no last name given)	phone	Duane	10/7/03	Totally opposed to annexation. City's claim of high service levels is bogus. She is satisfied with presently available police and library services. She is a Bull Mt. resident who cannot afford higher taxes.	No last name or contact information given in recorded message. Unable to respond.	no
41	Greg McMurry	Phone 692-1122	Duane	10/7/03	Information on road improvements proposed for area, should it be annexed.	According to Gus, city has rated the condition of roads, but not developed an improvement plan for widening or upgrading roads as yet. An exception is the Roshak curve on Bull Mt Road. Straightening of the curve is set for spring 2004 under an IGA with the county.	yes
42	Jim	Phone 643-5065 Shs8320@yahoo.com	Jerree/ (Duane)	10/7/03	Asked about the coffee talks. Said he wanted to have a coffee talk some Saturday at a McMenamin's. Told him the details about having a coffee talk – how many people, on Wednesdays and Thursdays – and about the larger community meetings. "How can you schedule things before Council makes up their minds? This is just one-sided, you've already made up your mind." Demanded to know who was scheduled to have the first coffee talk – wanted their name and address; asked if they were a City employee (didn't give him any information). Accused us of holding secret meetings; thought it was very suspicious to only have talks on Wednesday and Thursday nights. "This is not democratic - it's not the way we	Told him the details about having a coffee talk – how many people, on Wednesdays and Thursdays – and about the larger community meetings.	yes

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					do things in America. If everyone in Bull Mountain votes no and everyone in Tigard votes yes, then Bull Mountain will be destroyed."		
43	Florian Petters,643-5065	phone	Duane	10/7/03	Satisfied with services provided by county. "City has nothing to offer." Future "gravel pit" park along Barrows will provide nearby park services.	Promised to forward his comments to City Council.	yes
44	Anon.	phone	Duane	10/7/03	Tigard lies to the public all the time. Its police are the worst in the Metro area. They are arrogant, rude, and refuse to help people. The proposed road tax is "ridiculous". Road crews stand around and don't do any work. Trees are being cut everywhere. "I will personally knock on every bull Mt. door and tell them not to go with the city".	No contact information provided by caller.	no
45	Christina Stimpson 579-0107 glry4hm@starlink.net	Phone	Duane	10/8/03	Bull Mt. resident concerned about county police slow response time, which can be up to one hour. Wishes to be assured that, with annexation, city response time would be faster.	Called Al Orr for his comments. Spoke to and informed caller will provide more detailed information on anticipated response times tomorrow. Later, Al Orr called caller with newly gather response-related data. This data will be included in the new Q & A flier he is preparing.	yes
46	Julie Russel 312-9163	email	Duane	10/9/03	I've called Jerree at the city to schedule a coffee talk in my home. I still haven't heard from anyone. Julie Russell 503-603-9152-h 503-312-9163-c. Please contact me asap, I live in Arlington Heights.	We apologize for the delay in getting back to you. At this time, staff is taking name and contact information from people who are interested in hosting a small-scale coffee talk. This information will be assembled and forwarded to Council. Council wishes to distribute the coffee talks throughout the community. Once council decides on specific locations, we will get back to you. The coffee talks are one communication tool proposed by Council. Council also plans to schedule open house type, large group meeting in the months ahead. The **tentative** schedule of these informal community meetings is	yes

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						November19th at Twality Middle School, January 21st at Fowler Middle School, and February 18th at Tigard High School.	
47	Jim Cape	email	Duane	10/9/03	HI, ARE YOU REALLY PLANNING TO DRAG THE CITY'S NAME THROUGH THE MUD, SPOTLIGHT WHAT A BAD DEAL ANNEXATION IS, AND HURT PROPERTY VAKUES AND MARKETING FOR THE ENTIRE AREA BY DOING A FORCED ANNEXATION? IF EVERY BULL MOUNTAIN RESIDENT VOTES NO, BUT 51% OF THE MUCH LARGER CITY OF TIGARD VOTES YES, THEN BULL MOUNTAIN IS DESTROYED. THAT IS NOT A VOTE, AN ELECTION, OR DEMOCRACY - IT IS FORCED ANNEXATION. TIGARD WAS INCORPORATED IN THE MID-20TH CENTURY TO AVOID FORCED ANNEXATION. I REQUEST A COFFEE ON A SATURDAY LATE MORNING/EARLY AFTERNOON AT A MCMENAMINS/BAR IN THE AREA. IT WOULD LOOK BAD FOR THE CITY TO REFUSE A COFFEE AND JUST HOLD SECRET COFFEES WITH RIGGED AUDIENCES. TRY TO LIVE UP THE IDEALS OF AMERICA. THANKS! JIM	At this time, staff is taking names and contact information from people who are interested in hosting a small-scale coffee talk. This information will be assembled and forwarded to Council. Council wishes to distribute the coffee talks throughout the community. Once Council decides on specific locations, we will get back to you regarding your request. In order for your request to be considered, you will need to change the location to a Tigard-area residence. Also for your information, Council has decided to schedule the small group coffee meetings on Wednesday or Thursday evenings, with the group size not to exceed twelve residents. The coffee talks are one communication tool proposed by Council. In the months ahead Council also plans to hold open house type, large group meetings. The **tentative** schedule of these informal community meetings is November19th at Twality Middle School, January 21st at Fowler Middle School, and February 18th at Tigard High School.	yes
48	Rama Naidu (per e-mail address)	e-mail	Julia	10/13/03	The draft annexation plan on the city web site appear to have deliberately not included the Appendix C(tax rate table). This whole exercise by the City of Tigard is an effort to further increase taxes on residents of Bull Mountain and to subsidize Tigard City.	The intent of the annexation plan is to insure that services are provided to this area in an orderly and efficient manner. Financial projections show that, due to rapid growth, opportunities to provide effective and efficient service decrease over time, which is why timing is critical. I am attaching a copy of Appendix C (the tax table)	Yes

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					If it is otherwise, please let me know		
49	Randie Reed & Susan Hay	e-mail	Julia	10/1303	Question #1 - I am curious to know why we are spending money to vote on the Bull Mountain annexation, when according to everything I've read, annexation was mandated over 20 years ago. This seems like a waste of taxpayer dollars. Why are we going through this process?	Annexation was not mandated, it was planned for. In 1997, one of the goals of the Citizens Task Force (through the Visioning document) is that "Urban Services are provided to all citizens within Tigard's Urban Growth Boundary and recipients of services pay their share." In 2003, the Tigard Urban Service Agreement was signed by the City, County, and special service districts recognizing Tigard as the appropriate provider of urban services for all residents and business owners within its boundaries and to adjacent unincorporated areas to meet state law. The reason Tigard is moving forward with this issue now is that Tigard and Washington County have identified that opportunities to provide effective and efficient service to the Bull Mountain area will decrease as time goes on. The City of Tigard would like to take advantage of opportunities to locate and develop parks and open spaces on Bull Mountain while land and financial tools are still available. There is also an identified equity concern, for example, residents of unincorporated Bull Mountain enjoy many of the benefits of being in the Tigard community, such as parks and the City library, without paying City property taxes. Although Bull Mountain residents pay for countywide library services through the Washington County Cooperative Library Services (WCCLS) levy, the City of Tigard receives only 53% of the funding for its library from WCCLS funding. The remaining 47% comes from the City's taxpayers. In the event that you have not had an opportunity to review the Oct/Nov Cityscape insert on this subject, I am including a copy for your convenience.	Yes
50	"	"	"	"	Question #2 - Can the City of Tigard force	Public agencies may condemn property for the	Yes

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					homeowners to sell their homes or property for parks or greenways? And if so, why the immediate concern for the annexation as a means of getting access to undeveloped areas for parks?	public good, however, there are specific processes that must be followed. Because the Bull Mountain area is not in Tigard's jurisdiction, Tigard could not condemn property at this time. Furthermore, condemnation is a policy choice that Council has not addressed or considered at this time. As for the timing, development in the Bull Mountain area has occurred at a fairly rapid rate, however, no parks system development charges have been charged to new development in unincorporated Bull Mountain because the County does not have a process to assess and collect these fees. As a result, since 1997, $1.2 million of potential revenue to purchase and develop park land has been lost. In addition, as time passes, the ability to collect system development charges to pay for new parks (fees charged to new development) decreases or is eliminated entirely.	
51	Roger Kadel 590-5100	Phone	Julia	10/13/03	Questioned the area of potential annexation and whether it included the new UGB expansion areas. Also raised concerns about the fairness issue of having the City vote on the issue of annexation of the Bull Mountain area.	The new UGB expansion areas are not included in the annexation. These areas may be annexed at a later date, but the method and time is not known yet. Comments about fairness of vote will be forwarded to Council.	Yes
52	Julie Russell	e-mail	Julia	10/14/03	Frustrated that we have not responded to comment #46	Informed her that we sent a response, but also attached the original #46 response in case her e-mail did not get through	Yes
53	Marie Johnson	e-mail	Julia	10/16/03	I have been reading about the proposed annexation and I am curious about how this will affect where my children go to school. We are in the proposed annexation area and my district is currently Beaverton. The web site information does not address this issue and it is a big one for us as my son is in Special Ed and is developing a strong bond with his current	No - annexation will not affect school district boundaries. School district boundaries are set by the district and are not directly affected by City/County boundaries.	Yes

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					teachers. Am I to assume if we are annexed, my children will be in the Tigard Tualatin School District? If so, when would this change take affect after the annexation is approved? Responded back after initial response saying that this is a HOT issue in her area and many people are concerned. Strongly suggested we get that information on the web site.	Informed her that web site update will be a top priority.	
54	Carl Koster (590-5090)	Phone	Greer/ Julia	10/16/0 3	Wanted to know the ORS that allows the annexation plan.	ORS 195.220	Yes – left message with wife (1:24)
55	Randy Livingston	Phone	Beth (direct call)	10/21/0 3	Wanted to know if the Jean Stanley property in area 63 was part of the Annexation Plan; he is her attorney. Wondered why it wasn't included; met with Jim two months ago, who said that in his view, the realistic approach would involve the UGB areas. Mr. Livingston said he must have jumped to conclusions that it would be included.	The UGB sites are not included in the annexation plan because none of the mechanisms allowing subdivision-level development are in place. This includes agreements (service agreements) and the concept plan required by Metro. However, those agreements and mechanisms are all in place for Bull Mountain, allowing the plan to proceed.	Yes – during initial contact.
56	Lisa Hamilton-Treick	Phone	Beth (v. mail on my ext.)	10/22/0 3	Wanted to know the list of builder/developer fees for city and Bull Mtn. areas. What are the costs that a developer would pay to the City/or County in each case? Assumes only difference is SDCs. Email lisa@hamiltonrealtygroup.com fax; 579-0862; home 579-1203		Forwarde d message to Cheryl Caines for response
57	Louie (did not get last name)	Phone	Julia	10/23/0 3	Has house on market and has had 2 different people back out because of sewer assessment (which he didn't know about) – wanted to find out what was really going on.	Informed him that, because it is not Tigard, the sewer assessment would be through CWS. I provided him with the number at CWS to call to get additional information (846-8621).	Yes
58	Lisa/Jim	email	Duane	10/23/0	Lisa had two questions that I said we		yes

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				3	would follow up on. 1. What is the $ amount on average Bull Mt residents pay towards the library. By comparison what do Tigard residents pay. She did not ask the second part of the question but I think we should know. 2. Exactly what are Bull Mt residents going to get for their 10% increase in taxes.	1. Library Bull Mountain property owners pay a portion of County property taxes used to support the Washington County Cooperative Library Service (WCCLS). WCCLS provides funding for about 53% of the Tigard Library's operating costs. However, because unincorporated Bull Mountain represents only a small portion of total Washington County assessed value, Bull Mountain property owners pay only a small portion of the WCCLS funding that comes to the Tigard Library. Bull Mountain's contribution to the Tigard Library is less than 1% of total operating costs. Bull Mountain property owners pay nothing for debt service on the bonds issued to construct the new Tigard Library. By comparison, existing City residents and property owners pay to support the Tigard Library not only through City taxes and fees, but also through the County property taxes they pay. The total share of Tigard Library operating costs existing Tigard residents and property owners pay is over 53%. Tigard property owners also pay the full costs of the debt service on the bonds issued to build the new Tigard Library. 2. City Services Should the voters approve Bull Mountain annexation, the City would begin to address park needs within the unincorporated Bull Mountain area. This would include opening the Cache Creek Nature Park to public use, after needed upgrades were carried out, and beginning to plan for other much-needed park	

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						improvements through an open public process. Additional roadside maintenance, including grass and brush mowing, and more frequent road pavement maintenance, also would be seen. Another change important to many residents is that, following an interim staffing-up period to accommodate annexation, additional police officers (1.5 as compared with the present ratio of 1.1 officers per thousand residents) would be assigned to the Bull Mountain area. Citizens also would see more visible patrols due to the higher density of officers per square mile. Specifically, Tigard P.D. has 5 officers per square mile versus the County's one-third of a deputy per square mile. Because Tigard is geographically closer to Bull Mountain, police response time would be reduced as well. Lastly, annexation will allow the city to plan for growth on Bull Mountain with an updated comprehensive plan for the entire community. The existing county-prepared plan was adopted in 1983 and is outdated.	
59	Julie Russell	email	Duane	10/23	Could you please answer what the current ratio of parks and open spaces? The annexation plan states that you will provide 8 acres/1,000 people, but I don't believe you have that for the current population, so how would that be provided if we are annexed? Could you please provide what the current police standard? You say you will provide 1.5 officers per 1,000, but you don't even have that staff for the current population. Again how will you provide that if you don't even provide these services for the current population? I would like current, correct information, not misleading numbers.	With regard to parks, the City's adopted goal is to provide 11 acres of parks and greenway to its residents. The existing ratio of City-owned or managed park and greenway acreage is 7.52 acres per thousand population. The City's current park and greenway inventory is 332 acres. The current population is 44,070. The park service standard, or ratio of parkland to population, is derived by dividing park acreage by population. Should Bull Mountain be annexed, the City would go through an open process to identify the needs of the area and develop a plan to address those needs over time. The Tigard Police currently operate at a staffing	yes

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						level of 57 sworn officers. This equates to 1.3 officers per thousand residents. Additionally, the department employs four full-time Community Service Officers, who provide crime prevention, chronic nuisance abatement, and other services. Should Bull Mountain annexation be approved by the voters, additional Police Officers would be hired to maintain and increase the officers per thousand residents ratio. The Bull Mountain Annexation Plan provides additional information regarding Police and other urban services.	
60	Carl Koster	Phone	Cathy/ Julia	10/24/0 3	Wanted more information on the proposed street maintenance fee and how that would affect Bull Mountain residents.	Fee would be paid by Bull Mountain residents if annexed. The fee is anticipated to be $2.20 per month for residential properties, payable with the utility bill. Council is expected to vote on the fee on November and pass a resolution with the actual fee amount in early 2004. The fee is not anticipated to change as a result of the annexation because we would then have those roads to maintain as well.	Yes
61	Cherieruben stien	email	Duane	10/25/0 3	Email received with no message. City response came back four times.	We received an email sent by you and wanted to make sure you were aware that it didn't include a message. Please contact us again should you have an annexation-related question. Thanks	yes
62	"	"	Julia	10/27/0 3	"found" e-mail text – Being a REALTOR, I would like to obtain information about "Ley Lines" in the Bull Mtn. area, for a client of mine, concerned about the electrical fields in the ground of Bull Mtn. Can you steer me in the right direction to find answers regarding this subject?		
63	"Carolyn Penner" <carolynpen ner@comca	e-mail	Council Mail/Julia	10/29/0 3	I would like to express my dismay at the way the proposed annexation of Bull Mountain is being railroaded through. We who live here (my husband and I live in the	The issue of annexation of the Bull Mountain area has been identified for over 20 years. The current actions and discussions by the City Council have been occurring for over 2 years,	yes

No.	Where/Who	Source	Received by:	Date	Summary of Comment (letters in entirety located behind log)	Response	Response given?
	st.net>				South area) seem to have little say in the matter.	therefore the decision to move forward has not been fast paced. Your current e-mail has been forwarded to Council. In addition, there is an open house scheduled for November 19, 2003 at Twality Middle School where you can obtain more information and the Council will be holding a public hearing to get public comments on December 2, 2003 prior to deciding whether to place the annexation plan on the ballot. In the event the Council decides to place the annexation plan on the ballot, two additional open houses are planned for January 21st at Fowler Middle School and February 18th at Tigard High School.	
64	"	"	Julia	10/29/03	. We are continually told that it would be of great benefit to be included in your City limits. The claims being made are that being in the City would help us by having planning and building services, getting better Police protection, better roads, sewers and sidewalks, providing parks, etc., do not seem to ring true. We already have new roads, sewers, and sidewalks, as well as underground utilities, the costs of which are certainly factored into the price of buying our homes and paying for the ever increasing tax assessments	With annexation, you would receive the following services ***(attached table 3 from Annexation Plan)***	yes
65	"	"	Julia	10/29/03	Furthermore, your City website claims that Washington County contracted with the City in 1997 to provide planning and building services to the unincorporated area. Why then do we have no parks or any place to put them now in 2003? Just how would you improve this situation? How would being in the City make our lives	Tigard reviews development proposals on Bull Mountain as part of an intergovernmental agreement (IGA) with the County, however the area is still under County jurisdiction. County regulations do not provide for park land or open space as a precondition of development. In addition, the County does not provide park services.	yes

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					any better?	Because Bull Mountain is not in Tigard, we have not previously included needed park or road improvements in any prioritization process. If the area is annexed, project needs for this area will be considered. In addition, the Draft Annexation Plan, if approved, would commit to the capital project planning for the Cache Creek property and to explore opportunities for additional parks adjacent to the Cache Creek site within the 1st year of annexation.	
66	"	"	Julia	10/29/03	Mention is made of the Library. It doesn't make me feel like a part of the community to be required to pay for the construction of a library when I had no choice in the building size, location, or ultimate cost.	If Bull Mountain is annexed into the City, the residents would be in the same position as anyone else who moved to Tigard after May 21, 2002. That is, they may not have voted on the bond measure, but a portion of their taxes helps pay for the bonds, as well as Tigard Library's annual operating expenses. They may not have been involved in the construction of the building, but they may benefit from the new building for decades to come. Tigard has been fortunate to have received strong support from the community over the years---through active use, as well as funding. By sharing the costs of operating the library, taxpayers ensure that library resources and services remain available to the entire community.	yes
67	"	"	Julia	10/30/03	And why would you want to annex the South area first, skipping over the East area which is closer in all respects to Tigard? Could it be that the highly developed South area with its above average priced homes will bring in much revenue and will require few services and improvements? This really makes my life better. I'm so happy that I will be able to	The Tigard City Council decided the annexation plan sequence at its November 4, 2003 meeting. The plan will propose annexing East first (2004), followed by South (2005), and West and North (2006). The draft annexation plan had South as a placeholder based solely on how it scored based on the evaluation criteria from the July	yes

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					pay for improvements needed in poorer and older sections of your city which have been allowed to languish for years	2003 Public Facilities and Services Assessment Report. The evaluation criteria included: service impact (considers adjacency to City, ability to serve the area without reducing services), financial impacts (do potential taxes pay for service needs), remaining growth, proximity to new Urban Growth Expansion areas, and presence of City-owned parkland. With these criteria, the South ranked the highest due to its size and ability to cover its needs. However, that did not take into account other factors, such as the service provision needs. The Council has determined that the East area should be annexed first in part because it has a smaller population and less service needs. This gives departments more time to acquire staff and equipment to serve the more populated areas without a significant reduction in service levels. Now that Council has made the sequencing policy decision, the annexation plan will be finalized. It is anticipated that the annexation plan will be completed by November 18th.	
68	"	"	Julia	10/29/03	In conclusion, I would vote a vigorous no to annexation, unless Tigard can come up with some real benefit to me.	Your comments will be forwarded to Council.	yes
69	"Kerry Koopman" <k2@winning.com>	e-mail	Julia	10/30/03	The following are a few comments regarding the proposed annexation of the Bull Mountain area by the City of Tigard: 1. Using the Cityscape newsletter that is enclosed in the water bill is an inadequate means of communication. Most folks throw it away since it comes as part of the water bill.	Additional methods of communication is currently occurring and is planned. These include: small scale "Coffee Talks" with Council members, presentations to civic groups, presentations on the Tualatin Valley Cable station, open houses, flyers, City Hall lobby displays, published public notices and mailed public notice to all Bull Mountain residents.	Yes
70	"	"	Julia	10/30/0	2. Your meetings to inform the public are at	There are currently 5 coffee talks scheduled in	Yes

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				3	this time all being held in Tigard and not the area you want to annexation. Doesn't seem as though you want participation by those in Bull Mountain	the Bull Mountain area. When scheduling open houses, we looked at schools closer to Bull Mountain but they were not available on the dates we needed.	
71	"	"	Julia	10/30/03	3. Many people in the north and west areas of the proposed annexation do not use the public library in Tigard but go instead to Beaverton. It has a much better library for business and job search activities	As the largest single library in the Washington County system, Beaverton has developed an excellent business collection. During the past few years, the Tigard Public Library has limited its new acquisitions because of space limitations in the current library. Tigard's librarians are happy to assist patrons with business and job search questions and to help them obtain materials from other libraries if necessary. Through the inter-library loan service, any resident in the county can take advantage of other library's collections and receive materials from any other library in the county at their home library. When the new Tigard Library opens, staff will have more room to expand our business collection and others. How much the collections are improved will depend upon receiving adequate funding from both the City and the County.	Yes
72	"	"	Julia	10/30/03	4. Many people in the proposed area if annexation have children in the Beaverton Schools who will be going to Conestoga Middle School and Southridge High School. These families are involved with programs put on by the THPRD which is convenient to them. Using the pool for instance at Tigard High doesn't work for those by Barrows Road.	School district boundaries will not change as a result of annexation.	Yes
73	Mr. Franzke	Counter	Julia	10/30/03	Asked for information on the ORS that allows the proposed method of vote.	Provided him with the ORS citation. Explained that the annexation affected the City of Tigard	Yes

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					Questioned whether it was fair to allow the City to vote on the matter.	residents, not just the Bull Mountain residents and, therefore, they should be included in the vote.	
74	"Ron Stark" <rfstark@comcast.net>	e-mail	Cathy/ Julia	10/31/03	Cathy would you please e-mail me the dates and locations where the Bull Mountain Annexation plans will be discussed. Many Thanks, - Ron Stark	Council will review the annexation plan on November 4th (City Hall - 7:30pm) and advise staff of its preferred timing and sequencing option for the Bull Mountain Annexation Plan. On December 2nd, Council will conduct a public hearing (City Hall - 7:30 pm) on the plan and will determine whether to place the plan on the ballot. December 16th is being held as a placeholder in the event Council wants an additional meeting prior to making the final decision about whether to place the plan on the ballot. There is also one open house prior to Council's December decision being held at Twality Middle School on November 19th from 6:30-8:30 pm. Additional open houses are tentatively scheduled for January 21st and February 18th if Council votes to place the annexation on the ballot.	Yes
	Mr. Dick Franzke 692-1350 or 294-9531 (office)	Counter	Julia	10/31/03	Wanted to know if there had been any legal interpretations on whether the annexation plan process is the appropriate method of annexation for the Bull Mountain area.	Called on 11/3 and explained that ORS specifically states that a CITY <u>or</u> district can use the annexation plan method. He followed up by stating that the ORS language regarding how to count the votes was vague and he asked if there had been any interpretation that we really count the total majority vs both. Told him this is the interpretation we have been operating under and the City attorney has been participating throughout this process.	Yes
75	Julie Russell	email	Duane	10/31	Tigard traffic is a problem everywhere. Currently my understanding regarding the development on Bull Mountain, is that each new development is only considered for the traffic it will generate. If that is less than 1,000 car trips per day, it is not	Development within the Bull Mountain area is guided by the land use plan and development code adopted by Washington County. Tigard, through a 1997 intra-governmental agreement, administers the County's development code standards within unincorporated Bull Mountain.	yes

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					considered signficant. This is very wrong, the entire development of Bull Mountain and Tigard should be taken into consideration. Traffic on Hwy. 99 and I-5 is already a terrible problem. Metro has said there are no plans to increase the capacity of Hwy 99 in our lifetimes. So how are they expected to handle an additional 11,000 people, in the next few years of development. We want the development stopped until the roads are at a capcaity to handle those additional 20,000 - 50,000 car trips per day. The development needs to be considered as a whole not by each individual development. How is Bull Mountain road going to handle six new developments and a school, which will generate 5,000 - 10,000 new car trips per day. There are no plans on the county or city plans to fix the road from Alberta Rider Elementary down to Hwy 99, or how Hwy 99 will handle this increased capactiy. Sherwood, West Linn, Wilsonville, Lake Oswego all have limits on development, why doesn't the City of Tigard, and Washington County. Metro has also said cities and counties have a lot of flexibility on density. We don't have to allow the maximum density. We can demand the minimum. Please respond!	These County standards are the same as those used within the City. (The 1,000 trips a day referred to within your email is not one of these standards.) In general, these standards require that each development provide improvements proportional to the impact of the development. Property can be developed within a range from the minimum to the maximum density. For instance, a majority of land in unincorporated Bull Mountain is zoned R-7 (Residential/ 7 units per acre). As noted above, the City through an inter-governmental agreement administers the County's standards. The development restrictions in place can be changed only with a change of the comprehensive plan policies. Regulating development based on standards tied to an adopted land use plan is similar to the regulatory approaches used in all Oregon cities. We understand the issues of traffic very well - we all travel the same streets. The City cannot, however, penalize the most recent or last development for the impacts of all the previous developments. The City does not and legally cannot deny projects because neighbors do not want to see additional development. As stated in a response to an earlier question emailed by you, developments adjacent to major streets usually are required to construct half-street improvements along those streets. The extent of the improvements depends on the size of the development and on the proportionate impact that the development has on the transportation system. There are many areas along Bull Mountain Road that developed many years ago that were not required to	

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						construct improvements along that street. Because development occurs at random, Bull Mountain Road is not fully improved throughout its length. As also indicated in an earlier response, because of the high cost involved, an outside funding source is needed to tie in the half-street improvements and widen Bull Mountain Road to its ultimate width with sidewalks and bike lanes on both sides of the road. That outside source could be the County's MSTIP 4 (Major Street Transportation Improvement Program), which would most likely begin project selection sometime in the next few years. This project would have to be given a high priority by Washington County and the City of Tigard in order for the improvements to make the final list for implementation. Another potential source could be a City-wide transportation projects bond issue to accelerate major transportation projects throughout the City. These two funding sources hold the most promise at this time for dealing with improvements to Bull Mountain within a reasonable time frame. With regard to HW 99, the Tigard Transportation System Plan recommends widening 99W to 7 lanes, supports the I-5/99W connector as a method of alleviating through traffic, and focuses on improving alternative routes to reduce unnecessary travel on 99W. The widening of 99 is identified in the Regional Transportation Plan. However, funding is dependant on availability and regional priorities.	
76	Lisa H.-T.	email	Duane	11/2	I'm sorry, but I do not believe your remarks to my first question regarding the library directly answer my question. I	The figures you have requested are, in fact, not readily available for a variety of reasons. We have done our best, however, to provide the	yes

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					feel certain those numbers are available and feel strongly the public should receive clear, concrete information. Please sign your response so I know who I am communicating with. Thanks for your time and I look forward hearing back with a real figure. Additionally, how will the bond revenue be adjusted when a collection comes from all of Bull Mtn.? (I have the impression those are "bonus" dollars) Lisa Hamilton-Treick	information you have requested. The County no longer has a separate property tax levy for WCCLS. That levy was folded into the County's permanent property tax rate by Measure 50 in 1997. According to Washington County, the amount of property taxes that used to go to WCCLS was $0.36 per $1,000 of assessed valuation. The County has attempted to maintain funding ratios, so for the following calculations, we assume that this is still a valid figure. WCCLS funds all public libraries in Washington County, so that $0.36 per $1,000 is spent in Tigard, as well as Beaverton, Hillsboro, Banks, Sherwood, and all other Cities and also at three independent libraries. In FY 2003-04, Tigard is receiving 11% of the WCCLS funding. (This amount varies from year to year according to a complex formula used by WCCLS.) 11% of $0.36 per $1,000 is approximately $0.04 per $1,000 of Assessed Valuation. The average Assessed Valuation (which is separate and distinct from Market Value) on Bull Mountain is about $195,000. To calculate the average tax bill on Bull Mountain for the Tigard Library, divide $195,000 by $1,000, which equals $195. Multiply $195 by $0.04, and you get $7.80. If your home has an Assessed Value different than the average on Bull Mountain, just substitute your Assessed Value (shown on the property tax statement you should have received recently) and run the calculation. The amount paid by the average Tigard property owner for the Tigard Library is also not readily available. Again, we have made some	

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						assumptions to try to answer your question. The costs of the Tigard Library are paid out of the General Fund of the City. In addition to the Library, the General Fund pays for Police, Parks, Planning, Engineering, Municipal Court, some capital improvements, and a variety of other operations. The General Fund resources include property taxes, franchise fees, business taxes, and a variety of fees, charges, grants, and other sources. We do not track a specific revenue source to a specific operation in the General Fund. For the purposes of this analysis, we will assume that the full cost of the Tigard Library (less the amount paid by WCCLS) is paid by property taxes. The total Tigard Library budget for FY 2003-04 is $2,035,882. Tigard receives $1,068,455 from WCCLS to help pay those costs, leaving $967,427 to be paid by City property taxes. Tigard budgeted to receive $9,115,977 from property taxes in the General Fund in FY 2003-04. The Library requirements are 10.5% of that amount. Tigard's permanent property tax rate is $2.51 per $1,000 of Assessed Valuation. 10.5% of $2.51 is $0.26 per $1,000. In addition, Tigard residents pay Washington County property taxes just like all other residents of the County, including those on Bull Mountain. We therefore have to add the $0.4 that pays for the portion of WCCLS revenues that comes to Tigard, for a total Tigard property payment for the Tigard Library of $0.30 per $1,000. The average Assessed Value in the City of Tigard is closer to $175,000. Running the same	

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						calculation as shown above, reveals that Tigard properties pay, on average $52.50 for the operation of the Tigard Library. In addition, Tigard property owners pay taxes for the debt service on the bonds issued to build the new Library. We estimate that tax rate to be $0.16 per $1,000. (Although tax bills have been sent out, the County Assessor has not yet provided us with the actual tax rate.) For our average property owner, this equals $28. The average Tigard property tax payer therefore pays a total of $80.50 per year for the operation of the Library and the construction of the new library. Once again, if you wish to assume a different average Assessed Valuation, or if you want to make an apples-to-apples comparison to similarly situated tax payers on Bull Mountain and within the City, substitute a different assessed value within these calculations and re-run them. Tigard will not receive any "bonus" money from the Library Bond debt service levy following the annexation of Bull Mountain or any other territory. Voters authorized the City to collect property taxes necessary to pay debt service on the bonds, and no more. Each year, the City identifies the debt service due on the bonds and submits that amount to the County Assessor. The Assessor determines how much needs to be collected from all property tax payers within the City to collect that amount of money. If City boundaries are expanded, that amount is spread over a wider base. No additional money is collected. This information was developed by the City Finance Director, Craig Prosser. We prefer that	

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						all communications on this subject be routed through our existing e-mail address and process, however, so that we can track the responses to your enquiries to make sure we respond in a timely manner and to make sure that any information is readily available to other people who might raise the same questions. Centralizing these communications allows us to build a file of questions and responses.	
77	Keshmira McVey	In-person	Jim/Jerree	11/3/03	Requested copy of the TUSA	Provided a copy	Yes
78	Dick Franske	Phone/in-person	Counter/Julia	11/3/03	Requested copy of TUSA and fiscal impact agreement between County and City	Called and told him we would leave copies of the TUSA at the front counter and that the Annexation Plan explains why the fiscal impact agreement is not required.	Yes
79	Ellen Kaeding	Email	Duane	11/4/03	My Bull Mtn. neighborhood is already annexed into city of Tigard. How will this affect my taxes? Have I been paying for parks all these years?	The general government taxes of homeowners already located within the city would not be affected by the annexation of Bull Mountain, should it occur. The library bond measure portion of property taxes would go down in the event of annexation. This is because the debt service on the bonds issued to build the new Tigard Library would be spread among more taxpayers. Park maintenance and operations are support by the City General Fund. The main revenue source is the City property tax. The City tax rate is 2.5131 per $1,000 of assessed value. The primary funding source for developing and improving parks is the Park System Development Charge (SDC) imposed on new development. It is collected when a building permit is issued. The current amount of the park SDC imposed on a new single family house is $1,747. By law, the City can collect the park SDC on new develop occurring within	yes

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						the city limits only. The City would begin to collect the park SDC on new development within the unincorporated Bull Area, if it were to become part of the City. SDCs collected within the area would be used to finance future Bull Mountain park improvements.	
80	Mrs. Miner	Phone	Julia	11/10/03	Opposed to annexation. She is a senior on a fixed income. Questioned increase in taxes to make sure she had calculated correctly. Had many questions about the Tigard library. Doesn't feel that Tigard has much to offer – she goes out of her way to avoid shopping and driving in Tigard, especially along 99W.	Responded to questions using comment log data previously supplied.	yes
81	Allie Draper <allie.d@att.net>	e-mail	Julia	11/10/03	I will not be able to attend the meeting on November 19, Th regarding annexation of BulL mountain (to which I am opposed) Is there any info you can email to me regarding this proposal	Probably the best way to get all the information you may want is to go to the City web site at www.ci.tigard.or.us and click on the Bull Mountain annexation site (towards the top of the page) - from this site, you can get answers to frequently asked questions, obtain a copy of the draft annexation plan, read press releases with updates, etc. If you have problems getting information from this site, e-mail back and we can attach any requested information. Thank you for your inquiry!	yes
82	Charles F. Radley telephone (503)-579-4686	e-mail and phone	Jerree		Would like to participate in any upcoming "Coffee Talks" about the annexation, Please inform me times and places, thanks	Jerree informed him that coffee talks were invitation only, however she contact the hostess for 11/13 and indicated that he would like to attend. The hostess agreed and he was informed.	
83	<RONBAK@aol.com>	e-mail	Julia	11/12/03	What is the assessed value of the property that would be annexed within the bull mountain area. What added millage would be applied to that tax base the first year, and what improvements within the bull Mt. area would be forthcoming from that added revenue to the city.???		

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84	Anonymous (same lady and message as comment # 37 and #44)	Phone	Julia	11/12/03	Very upset with Bull Mountain annexation proposal. Feels that the law enforcement services are horrible, as are parks. Complains that road department has way too many employees and spends far too much money. Wants to go to Bull Mountain and tell them why they SHOULDN'T be part of Tigard.	None	N/A
85	Jamie and Tim Meyer 524-9503	phone	Julia	11/13/03	Wanted to know when next coffee talk was Also wanted to respond to quote in paper from Councilor Sherwood – they are happy to give up library card or pay additional fees if it means they will not have increased property taxes.	Called to inform them of Coffee Talk process, told them I would forward their name and number to Jerree to see if they could attend the December 10th coffee talk or to offer to host their own. Also told them about the open house next week. Comment to Council will be forwarded in weekly activity report.	Yes
86	Ernie Plucade 579-7929	Phone	Duane	11/17/03	What is the city's bonded tax rate?	The bonds issued to build the new library are the only bonded portion of the city's tax rate. In FY 03/04 the amount is $0.16 per $1,000 of assessed value. For an average property owner with an assess value in the City of Tigard of $175,000 this equals $28. The rate changes yearly based on the bond debt schedule and assessed values. If annexecation were to occur, the bonded indebtedness would be spread over a wider base.	yes
	Lisa Hamilton-Treick	e-mail	Jim	11/9/03	Jim, I just want to express some frustration and maybe a misunderstanding I had regarding "How" Bull Mtn. would be annexed. When Keshmira and I met with you and Liz last Monday we expressed a sincere desire to give the citizens a voice in how the area would be brought in, if annexation were to occur (ie, all at once, or one or two areas at a time). You seemed to acknowledge that it was an issue that was important to	To follow up on your e-mail, the City of Tigard along with Washington County, are actively attempting to involve the whole community in the discussions on the Bull Mountain Annexation Plan. The direction City of Tigard Council has set leading to the December 2, 2003 public hearing necessitates an ambitious schedule. Council's direction on November 4, 2003 was necessary to allow time for the staff report to be	Yes

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					bring up at the Nov. 19th public meeting. However, you didn't mention that the vote was to be taken by the City Council the next evening on that very decision. I'm confused. Why didn't you mention it was going to vote the next day and why was it so important that a decision be made for the staff report that evening. Was that a legal requirement? Don't you see where those of us impacted by the Council's decision should be contributing to that process? Brian Moore didn't seem to mind how it happened, but trust me, it makes a huge difference to those making 18% higher property tax payments next year. Also, it seems very contirved that the two week notice to Bull Mtn. residents regarding the upcoming 12/2 Council decision won't go out in the mail in time for residents to attend the only public meeting held prior to the 12/2 Council meeting. It seems only appropriate that those notices would go out in time for people to attend on 11/19 and would also receive notice of those dates in their mailing. I ask you to please see that those notices are mailed in time for residents to attend the 11/19 public meeting. Please confirm the format for the meeting. As we discussed, there very much needs to be an open forum with a large amount of question and answer time. I firmly believe the City needs to prepare to hear questions they have not even considered. How can they possibily prepare answers... they have not yet even heard the questions. The table set-ups around	completed, notice prepared and mailed, preparation of the ballot title, etc. This preparation is all leading to the December 2, 2003 public hearing at which time Council, after considering public testimony, will determine whether to adopt the Annexation Plan and proceed with an election on the issue. I am sorry for any oversight on my part. You attended the November 4, 2003 Council meeting and were present for their discussion and direction, which were necessary to complete the steps mentioned above. The issue of an 18% property tax increase resulting from annexation was mentioned in your e-mail. The accurate increase is 7.3% for properties within the Beaverton School District and 7.8% for properties within the Tigard/Tualatin School District. State law is clear on what notices must be provided. In addition to the public hearing notices that were mailed on November 13, 2003 and area postings, considerable press has occurred. Notice has been given in the Cityscape, Focus on Tigard, and announced at numerous meetings. Also, legal notices will be published in the Oregonian (November 18th and 25th) and Tigard Times (November 20th and 27th). The format for the open house on November 19th will basically your suggestion, with one short presentation occurring at 7:00 p.m. Elected officials from Washington County and the City of Tigard along with various staff members will be attending the open house. As an involved citizen, you have the right to ask	

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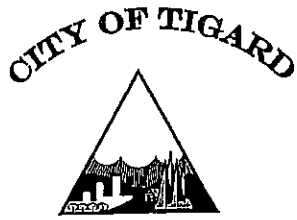
					the room should be information areas, but secondary to an opportunity for citizens to be heard and have their questions answered, or receive an assurance that someone will be back to them with an answer. At our meeting last Monday I left with the impression you and Liz agreed to this format. The annexation notices are in the weeds under the powerlines on Bull Mtn. They blew down shortly after being installed. There is inadequate notification happening here. Jim, I can imagine you find the inquiries from myself and the Bull Mtn. advocacy group an annoyance. Our concerns for the future of Tigard and Bull Mtn. are sincere and well founded. I ask for your genuine attention to these very serious issues as part of your responsibility to the citizens of my community.	questions and we need to respond. Neither my staff nor I find your questions annoying. The dialogue is important; when it stops, something is amiss.	

Item No. 2

For Council Newsletter dated 12-5-03



Council Meeting Recap & Staff Assignments Meeting of 12/02/03

Date Released: December 5, 2003 Number 0042

(Note: The following recap was prepared to record, in an abbreviated outline, the final decisions by the Council or Council's direction to staff. Formal, more-detailed minutes will be prepared for Council consideration at a later date. For more information, contact City Recorder Cathy Wheatley at 503-639-4171, Ext 2410 or cathy@ci.tigard.or.us)

Meeting was called to order at 6:30 p.m. by Council President Dirksen.

- STUDY SESSION
  - Councilor Moore will speak at the services for Mayor Griffith on behalf of the City of Tigard.
  - Angela Jensen, Student envoy from the Tigard High School will speak during the visitor's agenda. Dan Murphy of the Tigard Chamber of Commerce cannot attend. The Chamber holiday lunch was scheduled for December 9, but has been cancelled since it is the same day as the funeral services for Mayor Griffith.
  - Council discussed process for the public hearing on Bull Mountain. Staff report will take about 20 minutes. After the staff report Councilor Dirksen will note that Council has discussed the possibility of postponing the annexation plan ballot measure until November 2004. In the interim a number of subcommittees will be formed to research and respond to issues raised from Bull Mountain residents who have attended Coffee Talks and the Open House meeting on November 19. The Council will not make a decision tonight. Oral testimony will be received at this hearing; written testimony will be requested and the Council will set a deadline for submittal of the testimony.
  - Council decided to hold the two Coffee Talks scheduled in December: December 10 will be attended by Councilor Wilson and the Talk of December 18 will be attended by Council President Dirksen.
  - A CPO4B meeting will be held on December 4 at Deer Creek Elementary at 7 p.m. Council President Dirksen and Councilor Wilson will attend.
  - Councilor Sherwood advised that she will be serving for the next year on the Regional Affordable Housing Task Force.
  - City Manager Monahan noted that there is a ribbon cutting ceremony scheduled for the Bonita crosswalk at 9 a.m. on December 4.

- Council President Dirksen and Community Development Director Hendryx will attend a meeting regarding urban renewal at 2 p.m. in Beaverton on December 4.
- There was brief discussion about the Council's options for filling a vacancy on the Council. Information was distributed to the Council members. City Attorney Ramis noted that there are a range of choices for the Council to consider. This matter will be discussed further on December 16. Council members commented that they would like to wait until after the first of the year decide upon what should be done about the vacancy of the Mayor's position. A goal-setting session is scheduled for January 12, which may be one reason why Council members thought they might want to make a decision by that time if possible.
- City Manager Monahan advised that the Griffith family has requested that donations in memory of Mayor Griffith be made to the Tigard Skatepark. City Manager suggested that the Council review in late January some guidelines to give to the Skatepark Task Force regarding when the property would be available for the park and to obtain from the Skatepark a commitment about when they anticipate they would have completed their fundraising.

Council meeting recessed at 7:03
Council business meeting convened at 7:27 p.m.

Council President Dirksen called the meeting to order. He noted the passing of Mayor Jim Griffith on November 28, 2003. He asked for a moment of silence in memory of Mayor Griffith. Council President Dirksen said he thought the Mayor would want the business of the City to move forward.

2. VISITOR'S AGENDA
   - Tigard High School Student Envoy Angela Jensen gave a report on the activities at Tigard High School.

3. CONSENT AGENDA: The following consent agenda items were approved by Council:
   - 3.1 Approve Council Minutes for October 20, 21 and 28, November 4, 2003
   - 3.2 Authorize the Issuance of a Limited Tax Improvement Bond for the Remaining Unpaid Assessments for the Dartmouth Street Local Improvement District – Resolution No. 03-63
   - 3.3 Local Contract Review Board:
     - a. Award Three-Year Contract with JBl&K for Insurance Agent of Record Services

b. Award Contract to LRS Architects, Inc., for City Hall and Existing Library Facilities Remodel and Construction Oversight

3.4 Approve Budget Amendment No. 11 Transferring One Position from Network Services to Police and Adjusting Appropriations – Res. No. 03-64

3.5 Approve Continued Participation in the International Resource Cities Program – Resolution No. 03-65

4. PUBLIC HEARING (LEGISLATIVE) – BULL MOUNTAIN ANNEXATION PLAN (ZONE CHANGE ANNEXATION [ZCA] 2003-00003/ZONE CHANGE ANNEXATION [ZCA] 2003-00004/ZONE CHANGE ANNEXATION [ZCA] 2003-00005/ZONE CHANGE ANNEXATION [ZCA] 2003-00006)

ZONE CHANGE ANNEXATION (ZCA) 2003-00003, 2003-00004, 2003-00005, 2003-00005 BULL MOUNTAIN ANNEXATION PLAN
REQUEST: The City of Tigard is proposing to annex 1,378 acres of Washington County known as Bull Mountain through the annexation plan process. State law allows the City to annex territory within an urban growth boundary (UGB) pursuant to a detailed annexation plan, subject to voter approval. If the Tigard City Council approves the annexation proposal, it would set a date for the proposal to be placed on the ballot. **LOCATION:** The unincorporated area is within the UGB. It is generally bounded on the north by Barrows Road, on the east by Tigard City limits, on the south by Beef Bend Road, and on the west partially by 150th Avenue and near Roy Rogers Road. For specific boundary, see vicinity map. **ZONE:** The area includes R-4.5 (Low-Density Residential District; minimum lot size 7,500 square feet), R-7 (Medium-Density Residential District; minimum lot size 5,000 square feet), R-12 (Medium-Density Residential District; minimum lot size 3,050 square feet) and R-25 (Medium High-Density Residential District; minimum lot size 1,480 square feet). **APPLICABLE REVIEW CRITERIA:** The approval standards for annexations are set out in Community Development Code Chapter 18.320 and 18.390, Comprehensive Plan Policies 2 and 10; ORS Chapters 195.205 and 222; and Metro Code Chapter 3.09.

Both hearings (annexation plan and ballot measure) were opened so that testimony could be taken on both items. Council President Dirksen advised the audience of guidelines for the public hearings noting that the intention was to hear the staff report and conduct the public hearing. The Council would not make a decision about the annexation plan tonight; the hearings would be continued to December 16, 2003.

A staff report was given by Community Development Director Jim Hendryx, highlighted by a PowerPoint presentation, the presentation is on file with the City Recorder. Staff recommended approval of the Annexation Plan.
Council President Dirksen advised the audience that in light of citizen input received to date, the Council had discussed an option of postponing the ballot measure from

March 2004 to November 2004. The interim months would be used to form subcommittees to review and respond to issues raised including questions about parks, police, street maintenance, engineering, etc. The subcommittees would include staff members from Tigard and Washington County and citizen representation from CPO4B. County Chair Tom Brian and County Commissioner Roy Rogers indicated they would lend their full cooperation and support to this review process and would be happy to provide staff services. If it is determined to place this issue on the ballot in November 2004, the current proposal would be that the area would not come in to the City in phases, but would be annexed all at once. One drawback is that the County was committed to collecting parks systems development charges once the City of Tigard had approved a ballot measure for an annexation plan. There is a question about whether the County would delay collecting these charges to coincide with the delay in the process referred to above.

After a brief review of the guidelines for testimony, more than 30 people presented testimony to the Council.

One person spoke in favor noting his belief that Bull Mountain residents should join the City of Tigard so that they would be paying for facilities and services provided by the City. He said it was imperative to incorporate the Bull Mountain area for a more sustainable overall sense of community.

The remaining persons who had signed in indicated they were opponents to the Bull Mountain Annexation Plan. Reasons for their opposition included the following:

- Concern about the way the development has occurred to date in the area citing poor planning.
- No tangible benefits from annexation have been identified for the Bull Mountain residents.
- Codes should be changed for better planning purposes.
- Support of a city moratorium on building permits until the annexation plan is in action.
- Concerns about whether the ORS 195 process for annexation is the best process to be using for this situation.
- Request that the annexation plan provide for controls in protection of views from properties.
- Concerns about the one-year delay before the City would assume responsibility for roads and streets and questioned whether the City would be responsible for maintenance.
- Charge that the City is looking to annex Bull Mountain because it is a "plum" and the reason for annexing is to collect additional taxes from this area without a corresponding benefit to the Bull Mountain residents.
- Services received from Washington County meet the needs of the residents.
- Request that benefits of annexation for residents be specifically identified.

- Concerns about the burden of higher taxes.
- Notation that the Bull Mountain residents use the area's transportation system, but so does "half of Portland."
- Referred to problems of Pacific Highway and lack of good planning.
- Concerns about building density that is occurring.
- Suggested a fee be charged to non-Tigard residents for the Library and parks.
- Noted volunteer services given by Bull Mountain residents to Tigard causes.
- Concerns that this process has created an adversarial situation.
- Concerns that the beauty of the area be protected.
- Want of a government that cares for citizens and listens to citizens' concerns.
- Desire to maintain the rural character on Bull Mountain.
- Concern that comprehensive planning needs to be done with citizen participation.
- Charge that Tigard needs to take care of planning issues and update its code and comprehensive plan before looking to annex Bull Mountain area.
- Support for the delay to November to address questions and to use time for voter education.
- Concern there has been no emphasis toward education City of Tigard voters.
- Noted opposition because it feels like a hostile take over.
- What benefits City of Tigard citizens should this annexation take place?
- Requested answers to questions such as: Will residents be required to hook up to sewers, pave gravel roads, construct sidewalks?
- Sheriff's department has been responsive, concerns that with annexation, there would be less police protection.
- Community character and quality of life issues have not been addressed.
- Annexation Plan has been described as "adequate," and "adequate" is not acceptable – should work towards "excellence."
- More citizen input is needed.
- Noted appreciation of Council's "genuine efforts" to look again at this issue.
- Noted that "likes the way it is now," and doesn't want anymore development.
- Noted concerns with safety on Beef Bend Road and Bull Mountain Road and what plans would there be for capital improvements and when would these take place?
- Noted that in the City of Tigard there are many areas that do not have contiguous sidewalks; Tigard needs to look at its own infrastructure.
- People are frustrated by the lack of control and want to have questions answered.
- Does not want the Bull Mountain area to look like the rest of Tigard.
- Does not want higher taxes.
- Will there be any guarantees about the amount of tax dollars contributed by Bull Mountain would be spent on Bull Mountain? Suggested that in the first

five years, all tax dollars generated by Bull Mountain be spent on Bull Mountain.

- Willing to wait for annexation until 2004 so that more planning could be done for park improvements on Bull Mountain.
- Development is occurring at an alarming rate.
- Tigard is a great city known for accomplishments and listening to citizens. Past leaders have listened. 99% of Bull Mountain residents are against annexation.
- Washington County has done an excellent job providing services; additional layers of government are not necessary.
- Satisfied with services in Washington County; does not want to pay more taxes for something that is not needed.
- Suggested that annexation of Bull Mountain would increase Tigard's tax revenue it collects by 50%.
- Wants more specificity; what has been presented is too vague.
- Wants a ban on townhouses and row houses.
- Several people indicated interest in serving on subcommittees.
- Annexation Plan lacks substance.
- Urban services standards identifying levels of services that will be provided have not been identified.
- Fearful that all Bull Mountain residents will receive is higher taxes without corresponding benefits.
- Discussion of legal issues regarding the method of annexation chosen by the City of Tigard.
- Request that people of Bull Mountain and City of Tigard be allowed to vote separately and for a double majority decision to be made before annexation could occur.
- Questioned when a citizen of Bull Mountain could run for a city council position.
- Has TriMet service to the area been addressed?
- Where would the park land be located?
- Concern that there has been a lack of coordination between the City and County. Disappointed with the County with regard to the collection of parks system development charges.
- Concern about availability and cost of land remaining for parks.
- Looks like a tax grab; what planning has been done to provide for livability?
- Doesn't agree with "completing our community" statement and questioned what was incomplete for Tigard and Bull Mountain?
- Lack of consistency because Council identified a phased-in approach and now may consider annexing the area all at once.
- Appears that the only value will be for additional taxes for Tigard.
- Need a plan showing how Tigard and Bull Mountain residents will benefit.

- Acknowledged Council members for their willingness to proceed with this meeting after their "profound loss" with the passing of Mayor Griffith.
- Questioned why there were no citizens from the City of Tigard present to give their views? Has this annexation plan been explained adequately to the Tigard residents?

At the conclusion of the public testimony, the Council decided to proceed as follows (see below). The public hearings on the Bull Mountain Annexation Plan and the Proposed Ballot Title were continued to December 16, 2003. Listed below is the process to assist people interested in providing written testimony or for viewing cable television broadcast:

Bull Mountain Public Hearing

Public testimony was provided to the City Council at its Dec. 2, 2003, public hearing on the Bull Mountain Annexation Plan. Council decided on the following procedures after hearing testimony:

- The Bull Mountain Annexation Plan public hearing was continued to Dec. 16, 2003, 7:30 PM, Tigard City Hall, Town Hall, 13125 SW Hall Blvd, Tigard, OR.
- The Council concluded oral public testimony.
- The Council will accept written public testimony that is delivered to City Recorder Cathy Wheatley by noon on Thurs, Dec. 11, 2003. (Mailing address is 13125 SW Hall Blvd, Tigard, OR 97223; or e-mail craigd@ci.tigard.or.us.
- Council will consider the Bull Mountain agenda item during the Dec. 16 Council meeting.

The Dec. 2, 2003, Council meeting will be replayed on cable channel 28 on Fri., Dec. 5, at 1 a.m. and 7 p.m.; Sat., Dec. 6, at 12 p.m.; and Tues., Dec. 9, at 7:30 p.m.

The Dec. 16, 2003, meeting will be taped and replayed on cable channel 28 on Friday, Dec. 19, at 1 a.m. and 7 p.m.; Sat., Dec. 20, at 12 p.m.; and Tues., Dec. 23, at 7:30 p.m.

For more information, please contact Cathy Wheatley at 503-639-4171, x2410.

Adjournment: 10:18 p.m.

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AGENDA ITEM # 5
FOR AGENDA OF December 16, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Conduct a Public Hearing on a Proposed Ballot Measure for the March 9, 2004, Election Regarding the Bull Mountain Annexation Plan

PREPARED BY: Cathy Wheatley DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Shall the City Council approve the Ballot Measure for the March 9, 2004, election for voters to consider the Bull Mountain Annexation Plan?

STAFF RECOMMENDATION

Conduct the public hearing on whether to forward the proposed ballot measure to voters on March 9, 2004 as set forth in the proposed resolution.

INFORMATION SUMMARY

The City Council may conduct a public hearing on the Bull Mountain Annexation Plan on December 16, 2003. If the Council approves the Bull Mountain Annexation Plan, then a second hearing will be conducted on the proposed ballot measure that would be forwarded to voters for their consideration of the Annexation Plan. The attached resolution, if approved, would direct the City Recorder and other staff to take the necessary steps to place the measure on the March 9, 2004, ballot for consideration by voters in the City of Tigard and voters in the area proposed for annexation.

OTHER ALTERNATIVES CONSIDERED

1. Deny the resolution.
2. Amend the resolution.
3. Delay consideration of the resolution.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Growth Management – Goal #2 – Urban services are provided to all citizens within Tigard's urban growth boundary and recipients of services pay their share. Strategy #1 – Adopt criteria that outlines when and under what circumstances areas on Bull Mountain will annex.

ATTACHMENT LIST

1. Proposed Resolution
   - Exhibit A – Map of the area proposed for annexation.
   - Exhibit B – Explanatory statement to be submitted to Washington County for the Voter's Pamphlet

FISCAL NOTES

City of Tigard will need to pay for its proportionate share of the costs for this election, which will be determined by the number of measures filed by other jurisdictions in Washington County.

i:\adm\packet 03\ballot title ais

CITY OF TIGARD, OREGON

RESOLUTION NO. 03-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIGARD SUBMITTING TO THE VOTERS OF THE CITY OF TIGARD AND TO VOTERS IN THE AREA PROPOSED FOR ANNEXATION BY THE BULL MOUNTAIN ANNEXATION PLAN A PROPOSAL TO ANNEX THE BULL MOUNTAIN AREA IN PHASES AS PROVIDED IN THE BULL MOUNTAIN ANNEXATION PLAN

WHEREAS, a public hearing was held December 2 and 16, 2003, to receive public input on a proposed Bull Mountain Annexation Plan; and

WHEREAS, the City Council has approved the Bull Mountain Annexation Plan; and

WHEREAS, the area proposed for annexation is within the Urban Growth Boundary of the City of Tigard;

WHEREAS, after due consideration, the Tigard City Council decided to forward a proposed ballot measure to the voters.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: An election is hereby called in and for the City of Tigard and the area proposed for annexation in the Bull Mountain Annexation Plan for the purpose of submitting to the legal voters the following question:

> Shall the City of Tigard annex the Bull Mountain area in phases as provided in the Bull Mountain Annexation Plan?

SECTION 2: Tuesday, March 9, 2004, is hereby designated as the date for holding the election for the purpose of voting on the measure as stated in the above paragraph.

SECTION 3: The election will be conducted by the Washington County Elections Department.

SECTION 4: The precincts for said election shall be and constitute all of the territory included within the corporate limits of the City of Tigard and within the area proposed for annexation in the Bull Mountain Annexation Plan as shown in the attached map (Exhibit A)

SECTION 5: The ballot title to appear on the ballots shall be:

CAPTION

A measure expanding the Tigard City limits by phased annexation.

QUESTION

Shall the City of Tigard annex the Bull Mountain area in phases as provided in the Bull Mountain Annexation Plan?

SUMMARY

Approval would annex territory to Tigard in phases:

Phase 1 (East) - Effective July 1, 2004: Generally north of Beef Bend Road; east of Mountain Gate subdivision; south of existing City limits.

Phase 2 (South) - Effective July 1, 2005: Generally west of the eastern edge of Mountain Gate subdivision, north of Beef Bend Road; east of SW 150th; south of Sunrise Lane and existing City Limits.

Phase 3 (North/West) – Effective July 1, 2006: Generally south of Barrows, east of the western edge of Kerron's Crest subdivision, north of the southern edge of Meyer's Farm subdivision; east of City limits (existing plus Phase 2). Includes islands within existing City. Also including an area west of Meyer's Farm subdivision to line extended south from western edge of Kerron's Crest subdivision.

SECTION 6: The Council adopts the Explanatory Statement for the measure that is attached to this Resolution (Exhibit B).

SECTION 7: The City Recorder and other staff shall take all necessary steps to effectuate this resolution.

SECTION 8: This resolution is effective immediately upon passage.

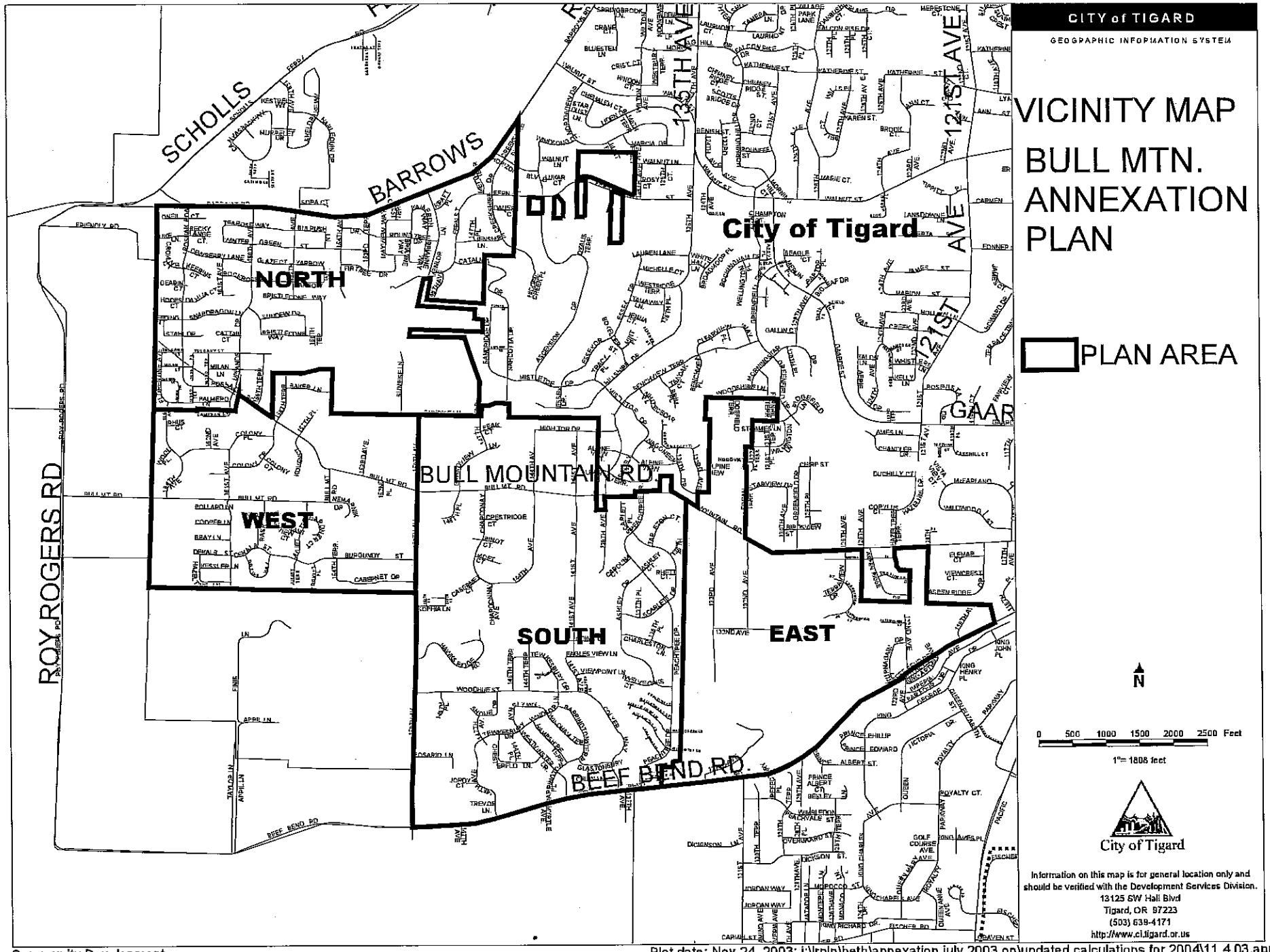
PASSED: This _____ day of _____ 2003.

_____
Council President - City of Tigard

ATTEST:

_____
City Recorder - City of Tigard

EXHIBIT A



Community Development

Plot date: Nov 24, 2003; i:\lrpln\beth\annexation july 2003 on\updated calculations for 2004\11 4 03.apr

Exhibit B

EXPLANATORY STATEMENT (500 Words)

This measure, if a majority of all of the votes cast in the territory and the city favor the annexation plan, would annex the Bull Mountain area into Tigard in phases as provided in the Bull Mountain Annexation Plan. The area is within the Urban Growth Boundary. On annexation, the annexed area would be withdrawn from the Tigard Water Districts and police and street services would be provided by Tigard rather than the County.

Annexation, if approved, would be in the following three phases:

> Phase 1 (East) - Effective July 1, 2004: Generally located north of Beef Bend Road; east of the Mountain Gate subdivision; south of Bull Mountain Road including parcels north of Bull Mountain Road; west of Aspen Ridge and Helm Heights subdivisions.
>
> Phase 2 (South) - Effective July 1, 2005: Generally located north of Beef Bend Road; east of SW 150th; south of Sunrise Lane extended east to, and including, the High Tor subdivisions, south to Bull Mountain Road (including two parcels north of Bull Mountain Estates); and west of the Mountain Gate subdivision.
>
> Phase 3 (North/West) – Effective July 1, 2006: Generally bounded by Barrows on the north to Kerron's Crest subdivision, south to about 630 ft. west of Meyer's Farm subdivision; east to SW 150th; north along SW 150th to Sunrise Lane; east until just south of Pacific Crest subdivision; north along the east boundary of Hillshire Creek Estates; north to Bonneville Power Administration (BPA) easement to Barrows. Includes unincorporated Fern Street parcels.

Annexation would result in a property tax increase of approximately 6% to 8.5% within the area to be annexed. For example for a property with an assessed value of $250,000 would experience a property tax increase of $282. Other charges may also increase. The annexation would create an increase in revenue to the City of Tigard, but the City would have higher operating costs. Increased revenue to the city includes additional state shared revenues, system development charges, traffic impact fees, franchise fees and property taxes.

Annexation of the Bull Mountain area would not impact service levels for existing city residents. Newly annexed residents would receive:

1. A higher standard for police services. The City Council has traditionally authorized our staffing at 1.5 officers per 1,000 (currently it is 1.3 officers per 1,000), compared to the current 1 officer per 1,000 provided by the County in the Bull Mountain area.
2. Broader civic participation and voting power in the affairs of the City of Tigard.
3. A process to provide more traffic calming.

4. Road maintenance improvements including roadside mowing and more frequent maintenance on roads where jurisdiction is transferred from Washington County to the City of Tigard.
5. Park system planning, land acquisition and park development.

AGENDA ITEM # 6
FOR AGENDA OF December 16, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: Vacation of a 3,241 square foot portion of public right-of-way commonly known as SW 74th Avenue (VAC2003-00001)

PREPARED BY: Mathew Scheidegger **DEPT HEAD OK** **CITY MGR OK**

ISSUE BEFORE THE COUNCIL

Should the City Council vacate an approximately 3,241 square foot portion of public right-of-way commonly known as SW 74th Avenue?

STAFF RECOMMENDATION

It is recommended that Council vacate the requested 3,241 square foot portion of public right-of-way commonly known as SW 74th Avenue **(Attachment 1)**.

INFORMATION SUMMARY

In the City vacation process there are two ways of initiating the vacation of streets, easements and other public dedicated areas. An applicant may file a vacation petition with the City Council **(Attachment 2)**, which initiates a vacation by passing a Resolution to schedule a formal public hearing to consider such requests. The second option is for an applicant to file a petition with the Planning Commission requesting a vacation. This requires signatures of all abutting property owners and of the owners of two-thirds of the properties affected by the vacation. The Planning Commission then makes a recommendation to the City Council based on compliance with the Comprehensive Plan. The applicant has asked the City Council to initiate vacation proceedings. The Council initiated the proceedings on October 28, 2003.

Currently, the requested portion of 74th Avenue that has been requested to be vacated lies to the northwest of the SW 74th Avenue/Landau Street intersection. The reason for the vacation request is the Tigard Transportation System Plan indicates that SW 74th Avenue is to meet SW Landau Street at a 90 degree angle.

To facilitate the realignment of SW 74th Avenue, the applicant has secured a 1,314 square foot right-of-way dedication agreement with the adjacent property owners to the east **(Attachment 3).** With the additional right-of-way needed to realign SW 74th Avenue, the requested 3,241 square feet of right-of-way is no longer necessary for street purposes.

With the successful vacation of the requested right-of-way, the subject square footage would be incorporated into the proposed parcels of the recently approved Weigela Terrace Subdivision. The proposed lots of the subdivision do not need the square footage of the vacation application to meet minimum lot size standards of the underlying R-4.5 zoning district.

There will be no negative effect on utilities. Currently there are overhead power lines, which will be placed underground with the proposed half street improvements. The City of Tualatin has a 36-inch water line within the right-of-way to be vacated that is not proposed for realignment. Tualatin Valley Water District also has a distribution line within the area requested to be vacated. Comments were received requesting an easement. The applicant has proposed to record easements for the water lines and utilities for future access and maintenance.

OTHER ALTERNATIVES CONSIDERED

Take no action at this time.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable.

ATTACHMENT LIST

Attachment 1: **Proposed Ordinance**
Exhibit A: Legal Description
Exhibit B: Plat Map

Attachment 2: **Letter Requesting Initiation of the Vacation**

Attachment 3: **Right-of-way Dedication Agreement**

FISCAL NOTES

There are no direct fiscal impacts as a result of this request as all fees have been paid by the applicant.

Attachment 1

CITY OF TIGARD, OREGON

ORDINANCE NO. 03-

AN ORDINANCE CONCERNING THE VACATION OF AN APPROXIMATELY 3,241 SQUARE FOOT PORTION OF PUBLIC RIGHT-OF-WAY BETTER KNOWN AS SW 74TH AVENUE WHICH LIES AT THE NORTHWEST CORNER OF SW 74TH AVENUE AND LANDAU STREET, IN THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON (VAC2003-00001).

WHEREAS, the Tigard City Council initiated this vacation request pursuant to Section 15.08.040 of the Tigard Municipal Code on October 28, 2003, and has been recommended by the Community Development Department; and

WHEREAS, the approximate 3,241 square foot portion of the public right-of-way had previously been dedicated to the public; and

WHEREAS, the applicant has requested that the City of Tigard vacate an approximate 3,241 square foot portion of public right-of-way as described in **Exhibit "A"** and shown in **Exhibit "B"** better known as SW 74th Avenue; and

WHEREAS, the said portion of public right-of-way is no longer necessary because of a secured dedication of 1,314 square feet to straighten the 74th Avenue/Landau Street intersection; and

WHEREAS, the City will no longer have maintenance responsibility of this area; and

WHEREAS, all affected service providers, including utility companies and emergency service providers, have reviewed the vacation proposal and have provided no objections, provided a utility easement is provided to cover existing utility lines; and

WHEREAS, notice has been mailed to all property owners abutting said vacation area and all owners in the affected area, as described by ORS 271.080; and

WHEREAS, in accordance with Tigard Municipal Code 15.08.120, notice of the public hearing was posted in the area to be vacated and published in the newspaper; and

WHEREAS, the property owners of the majority of the area affected have not objected in writing; and

WHEREAS, the City Council having considered the request on December 16, 2003, finds that it is in the public interest to approve the request to vacate said public right-of-way as the public interest will not be prejudiced by this vacation, as provided by ORS 271.120 and TMC Section 15.08.130; and

WHEREAS, the Council finds that the following condition is necessary to vacate said land:

1. A public utility easement over the entire vacated area to provide for the existing and future utility lines shall be dedicated.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard City Council hereby orders the vacation of said 3,241 square foot portion of public right-of-way as shown and described in the attached **Exhibits "A" and "B"** (legal description and map of the area to be vacated), and by this reference, made part thereof.

SECTION 2: The Tigard City Council further orders that the vacation be subject to the following condition:

1. A public utility easement over the entire vacated area to provide for the existing and future utility lines shall be dedicated.

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, approval by the Council President, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2003.

_____
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2003.

_____
Craig Dirksen, Council President

Approved as to form:

_____
City Attorney

_____
Date

Exhibit "A"

HARRIS - McMONAGLE ASSOCIATES INC.
ENGINEERS - SURVEYORS
12555 SW HALL BLVD.
TIGARD OREGON, 97223
TEL. (503) 639-3453 FAX. (503) 639-1232

August 22, 2003

LEGAL DESCRIPTION

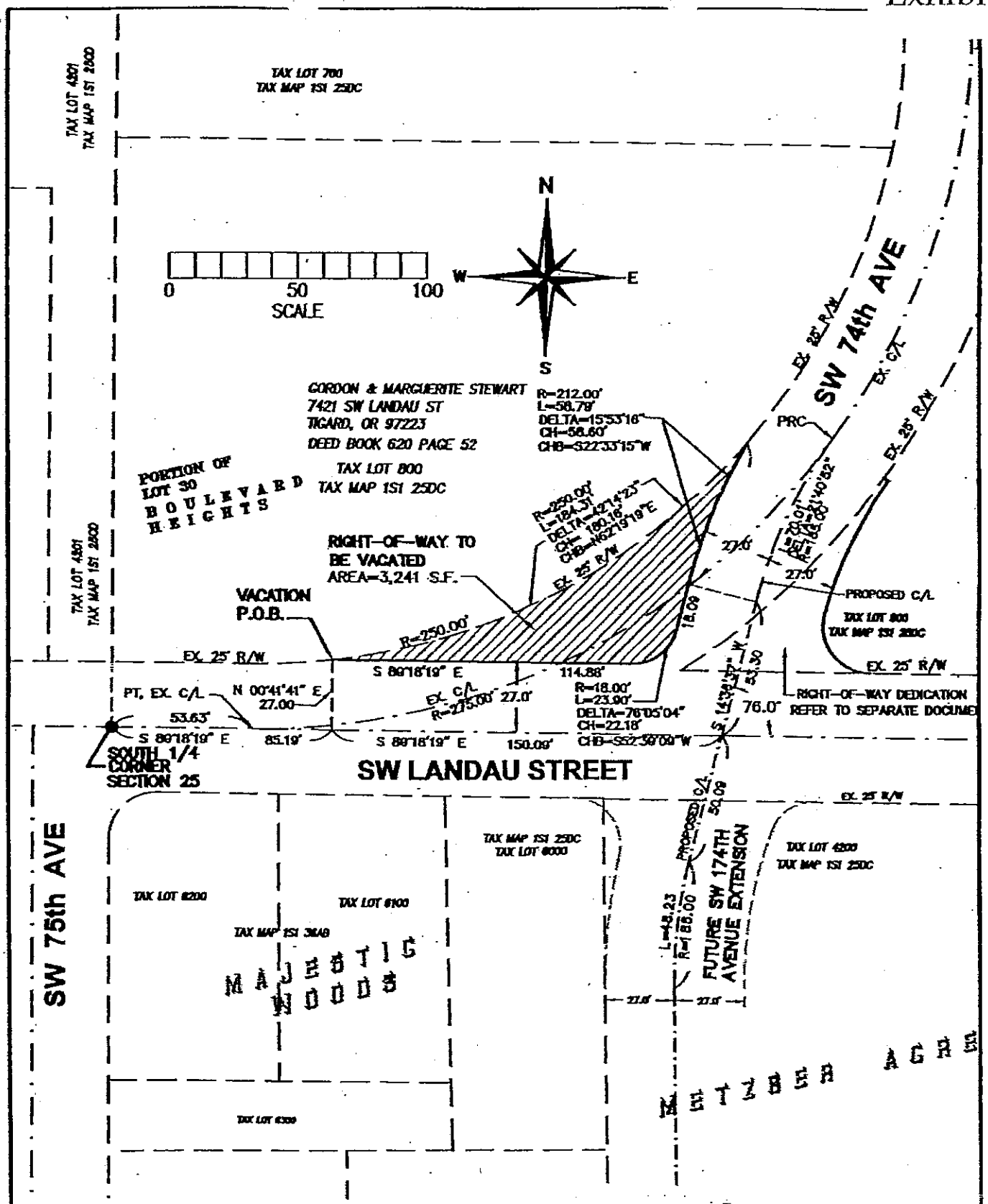
FOR THE VACATION OF A PORTION OF THE PUBLIC RIGHT OF WAY OF S.W. LANDAU STREET AND S.W. 74Th AVENUE.

THE FOLLOWING DESCRIBED LAND BEING COMPRISED OF PORTION OF THE ABOVE SAID PUBLIC RIGHTS-OF-WAY, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 1-SOUTH, RANGE 1WEST OF THE WILLAMETTE MERIDIAN, CITY OF TIGARD, WASHINGTON COUNTY, OREGON.

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 25, THENCE ALONG THE SOUTH LINE OF SECTION 25, S 89°18'19" E 85.19 FEET; THENCE AT RIGHT ANGLES TO THE SECTION LINE N 00°41'41" E 27.00 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY 25 FOOT CURVED RIGHT OF WAY LINE OF S.W. LANDAU STREET AND POINT OF BEGINNING. THENCE ALONG SAID RIGHT OF WAY LINE ON THE ARC OF A 250.00 FOOT RADIUS CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 42°14'23" (THE CHORD OF WHICH BEARS N 62°19'19" E 180.16 FEET) AN ARC DISTANCE OF 184.31 FEET TO AN INTERSECTION WITH A 212.00 FOOT RADIUS CURVE BEING 27.00 FEET RADIAL TO THE CURVE FROM THE CENTERLINE OF THE FUTURE REALIGNMENT OF S.W. 74th AVENUE; THENCE ALONG THE ARC OF A 212.00 FOOT RADIUS CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 15°53'16" (THE CHORD OF WHICH BEARS S 22°33'15" W 58.60 FEET) AN ARC DISTANCE OF 58.79 FEET TO A POINT OF TANGENCY; THENCE S 14°36'37" W 18.09 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A 18.00 FOOT RADIUS CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 76°05'04" (THE CHORD OF WHICH BEARS S 52°39'09" W 22.18 FEET) AN ARC DISTANCE OF 23.90 FEET, TO A POINT THAT IS 27.00 FEET NORTHERLY OF AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 25; THENCE PARALLEL WITH THE SOUTH LINE OF SECTION 25, N 89°18'19" W 114.88 FEET TO THE POINT OF BEGINNING.

CONTAINING: 3,241 SQUARE FEET.

Exhibit "B"



HARRIS–McMONAGLE ASSOC., INC.
12555 S.W. HALL BLVD.
TIGARD, OREGON 97223–6287
PHONE: (503) 639–3453
FAX: (503) 639–1232

RIGHT-OF-WAY VACATION SKETCH

AUGUST 21, 2003

ATTACHMENT 2

Land Development Strategies, Inc.
26778 SW Colvin Lane
Wilsonville, OR 97070
Office: (503) 682-1140
Fax: (503) 582-8870

August 27, 2003

City Council
City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97225

RE: ROW Vacation, SW 74th Avenue

Dear Members of City Council:

We have recently been notified that our request for a 10-lot Subdivision (Type II) adjacent to the northwest corner of SW 74th and SW Landau has been deemed complete.

Prior to filing our application, a pre-application conference was held during which time Staff discussed and documented in the Pre-Application Conference Notes (See Page 8 of the City of Tigard Pre-Application Conference Notes located behind Tab 2) changes in the Tigard Transportation System Plan (TSP) for the above-referenced intersection. The TSP indicates an improvement to SW 74th to Neighborhood Route standards and a realignment of SW 74th to intersect SW Landau at a right angle. See Figure 8-4 Proposed Neighborhood Routes, Chapter 8 City of Tigard Transportation System Plan (Located behind Tab 3). Applicant's engineer has met with Staff to establish the alignment of SW 74th consistent with TSP. Staff has concurred with the proposed alignment.

To facilitate the City's proposed request for realignment, Applicant approached the adjacent property owners regarding ROW dedication. Based on several discussions and pursuant to the attached Street Dedication and ROW Dedication Agreement (Located behind Tab 4), Applicant has secured a ROW Dedication on the City's behalf from the adjacent property owners, Dennis and Phyllis Ann Webster to facilitate the realignment. Applicant has the original notarized dedication ready for recording upon acceptance of the vacation request.

Applicant believes that the anticipated Conditions of Approval for the above-referenced subdivision will require ½ street improvements to SW 74th that are consistent with the realignment of SW 74th Street co Neighborhood Route

standards. Given this, 3241 Square Feet of land once required for SW 74th will no longer be necessary for ROW dedication. Applicant therefore requests the City of Tigard to vacate 3,241 square feet of land outside the ROW of the proposed newly realigned street. The plan and legal description is shown behind Tab 5.

There are a number of reasons that vacating the right of way makes sense to the City of Tigard. These reasons are as follows:

1. The area ceases to act as ROW once the new curb, gutter and street is installed.

2. The new planting strip and sidewalk should be installed consistent with the street section of the remainder of the proposed subdivision. Given that, the area behind the sidewalk appears to be private property which is consistent with all other front yards in the City of Tigard. If the area was not vacated, the area of land behind the sidewalk becomes "No Man's Land". The adjacent property owner has no interest in maintaining or assuming responsibility since it is publicly owned. In that case pedestrians or bicycle traffic may continue to "cut the corner" as is the case now. In the least desirable situation, the public may use the area for parking, or as an unsafe play area.

3. If the City vacates the area, the City no longer has maintenance responsibilities. Instead the future lot that receives the benefit of the vacated area will incorporate the area into its front yard landscape and subsequent maintenance program.

4. Once the vacation becomes effective and the adjacent lots assume ownership of the vacated area and the ½ street improvements are complete, the newly realigned SW 74th street take-on the looks of a desired Neighborhood Route.

5. Applicant has not relied on the vacated lot area to meet minimum lot size standards in the underlying zone. The average lot size is 7,504 feet WITHOUT the vacation.

We have forwarded the fee of $1,568 and respectfully request City Council to recommend vacation proceedings based on the following findings pursuant to Chapter 15.08 of the City of Tigard Municipal Code located behind Tab 6.

Sincerely,

Christy Wiegel

Christy Wiegel

ATTACHMENT 3

RETRUN RECORDED DOCUMENT TO:
CITY HALL RECORDS DEPARTMENT,
CITY OF TIGARD
13125 SW Hall Blvd.
Tigard, OR 97223

INDIVIDUAL

File No. _____

DEDICATION DEED

FOR ROAD OR STREET PURPOSES

Space above reserved for Washington County Recording information

Dennis R. and Phyllis Ann Webster do hereby dedicate to the public a perpetual right-of-way for street, road, and utility purposes on, over, across, under, along, and within the following described real property in Washington County, Oregon:

Attached Exhibit "A"

To have and to hold the above-described and dedicated rights unto the public forever for uses and purposes hereinabove stated.

The grantors hereby covenant that they are the owner in fee simple and the property is free of all liens and encumbrances, they have good and legal right to grant their right above-described, and they will pay all taxes and assessments due and owing on the property.

The true consideration for this conveyance is $0.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

IN WITNESS WHEREOF, I hereunto set my hand on this 8 day of JULY, 20 03

Signature	Signature
7345 SW Landau	7345 SW Landau St
Tax Statement Mailing Address	Property Address
Tigard Or 97223	Tigard, OR 97223

STATE OF OREGON)
) ss.
County of Washington)

This instrument was acknowledged before me on 7/8/03 (date) by: DENNIS WEBSTER
_____ (name of person(s)).

OFFICIAL SEAL
KARYN BARBER
NOTARY PUBLIC-OREGON
COMMISSION NO. 341315
MY COMMISSION EXPIRES DEC 19, 2004

Karyn Barber
Notary's Signature

My Commission Expires: 12/19/04

RETRUN RECORDED DOCUMENT TO:
CITY HALL RECORDS DEPARTMENT,
CITY OF TIGARD
13125 SW Hall Blvd.
Tigard, OR 97223

STATE OF OREGON)
) ss.
County of Washington)

This instrument was acknowledged before me on 9 Jul 2003 (date) by: Phyllis Ann Webster
(name of person(s)).

OFFICIAL SEAL
J. SCOTT BOWCUT
NOTARY PUBLIC-OREGON
COMMISSION NO. 360299
MY COMMISSION EXPIRES AUGUST 12, 2006

Notary's Signature
My Commission Expires: 8/12/06

Accepted on behalf of the City of Tigard this _____ day of _____ 20_____.

City Engineer

HARRIS - McMONAGLE ASSOCIATES INC.
ENGINEERS - SURVEYORS
12555 SW HALL BLVD.
TIGARD OREGON, 97223
TEL. (503) 639-3453 FAX. (503) 639-1232

August 25, 2003

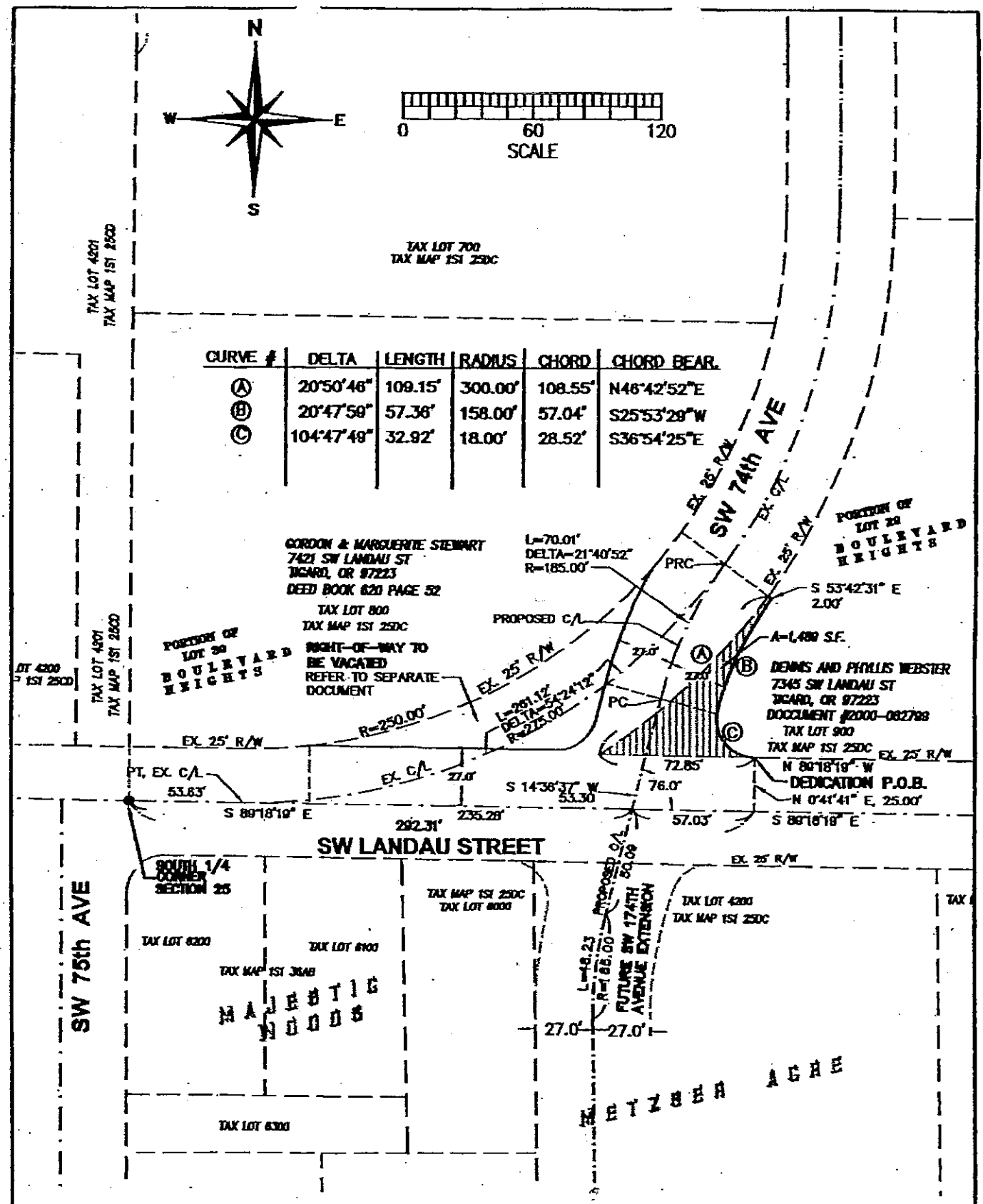
LEGAL DESCRIPTION

FOR THE DEDICATION OF A PUBLIC RIGHT OF WAY BEING IRRIGULAR IN SHAPE BETWEEN S.W. LANDAU STREET AND S.W. 74Th AVENUE.

THE FOLLOWING DESCRIBED LAND BEING COMPRISED OF PORTION OF THAT LAND AS DESCRIBED IN DEED TO DENNIS AND PHYLLIS WEBSTER RECORDED IN DEED DOCUMENT No. 2000-082799, ALSO BEING A PORTION OF LOT 29 OF THE DULY RECORDED PLAT OF "BOULEVARD HEIGHTS", SITUATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 1-SOUTH, RANGE 1WEST OF THE WILLAMETTE MERIDIAN, CITY OF TIGARD, WASHINGTON COUNTY, OREGON.

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 25, THENCE ALONG THE SOUTH LINE OF SECTION 25, S 89°18'19" E 292.31 FEET; THENCE AT RIGHT ANGLES TO THE SECTION LINE N 00°41'41" E 25.00 FEET TO THE NORTHERLY 25 FOOT RIGHT OF WAY LINE OF S.W. LANDAU STREET AND POINT OF BEGINNING. THENCE ALONG SAID RIGHT OF WAY LINE N 89°18'19" W 72.85 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY CURVED 25 FOOT RIGHT OF WAY LINE OF S.W. 74th AVENUE; THENCE ALONG LAST SAID LINE ON THE ARC OF A 300.00 FOOT RADIUS CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 20°50'46" (THE CHORD OF WHICH BEARS N 46°42'52" E 108.55 FEET) AN ARC DISTANCE OF 109.15 FEET; THENCE RADIAL TO SAID CURVE S 53°42'31" E 2.00 FEET; THENCE ALONG THE ARC OF A 158.00 FOOT RADIUS CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 20°47'59" (THE CHORD OF WHICH BEARS S 25°53'29" W 57.04 FEET) AN ARC DISTANCE OF 57.36 FEET TO A POINT OF COMPOUND CURVE; THENCE ALONG THE ARC OF AN 18.00 FOOT RADIUS CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 104°47'49" (THE CHORD OF WHICH BEARS S 36°54'25" E 28.52 FEET) AN ARC DISTANCE OF 32.92 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1,489 SQUARE FEET.



HARRIS–McMONAGLE ASSOC., INC.

12555 S.W. HALL BLVD.
TIGARD, OREGON 97223–6287
PHONE: (503) 639–8463
FAX: (503) 639–1232

RIGHT-OF-WAY DEDICATION SKETCH

AUGUST 25, 2003

AGENDA ITEM # 7
FOR AGENDA OF December 16, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: Joint Water Commission Membership Agreement

PREPARED BY: Ed Wegner DEPT HEAD OK EdW CITY MGR OK WAM

ISSUE BEFORE THE COUNCIL

The City continues to make progress in its efforts to secure a long term water supply. The City has been offered a membership position on the Joint Water Commission. The attached agreement will grant the City of Tigard membership to the Joint Water Commission. Shall the City Council authorize the Mayor to sign the agreement?

STAFF RECOMMENDATION

Authorize the Mayor Pro Tem to enter into this agreement.

INFORMATION SUMMARY

The City has been actively pursuing ownership in a long term source of water. Past and current Council goals, as well as the visioning process, have consistently directed the City to this goal. To this end, staff has worked towards obtaining membership into the Joint Water Commission. Tigard has requested a membership that is based on the ability to obtain 4 million gallons of water per day from the Commission. The Joint Water Commission is willing to grant Tigard membership as outlined in the "*Amendment to Water Service Agreement and Joinder Agreement*" (i.e. leasing agreement, continued participation in future CIPs, Tualatin Basin Water Feasibility Study).

Staff has presented this information to all members of the Intergovernmental Water Board. The City Councils of King City and Durham, along with the Board of the Tigard Water District have all passed motions endorsing the membership and recommending that the City Council of Tigard execute this agreement on their behalf.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Current Council Goals and the Visioning document identify the desire to obtain a long term water supply.

ATTACHMENT LIST

First Amendment to the Water Service Agreement and Joinder Agreement

FISCAL NOTES

N/A

FIRST AMENDMENT TO WATER SERVICE AGREEMENT
AND
JOINDER AGREEMENT

This First Amendment to Water Service Agreement and Joinder Agreement (First Amendment) is made this _____ day of October, 2003, by and between the Joint Water Commission, consisting of the Cities of Hillsboro, Forest Grove, and Beaverton, and the Tualatin Valley Water District, a domestic water supply district organized pursuant to Chapter 264 (hereinafter "JWC") those parties individually (who also may be referred to as "Hillsboro," "Forest Grove," "Beaverton," and "TVWD") and the City of Tigard, a municipal corporation (hereinafter "Tigard").

RECITALS

On or about _____, 2003, the individual members of JWC approved a Water Service Agreement, which replaced earlier agreements between these same parties creating the Joint Water Commission.

The Water Service Agreement provides a comprehensive agreement in all aspects of the System as defined therein, including among other things, operation, maintenance, repair, replacement, ownership and allocation of the System, including water rights, and mechanisms for governance and future capital improvements.

The City of Tigard desires to become a member of the JWC and the JWC is willing to grant Tigard membership'

All parties and Tigard wish to amend the Water Service Agreement, and being fully advised, now therefore the parties agree as follows:

1. **Covenant of Tigard.** In consideration of Tigard becoming a member of the JWC, Tigard agrees to be bound by all terms and conditions of the Water Service Agreement dated _____, 2003 and this first Amendment.

2. **Acknowledgement of Tigard.** By execution hereof, Tigard acknowledges that it has no stored water rights or surface water rights in the Tualatin River, Hagg Lake, or Barney Reservoir and that any water it obtains from JWC shall be through leases of water and use of System components as approved by the JWC according to the Water Service Agreement.

3. **Capital Contributions and Future Capital Projects.** The JWC, by and through its individual partners, and Tigard, are presently involved in preliminary feasibility analysis to expand stored raw water capacity or to obtain additional stored raw water in Hagg Lake. The parties recognize that such expansion and the amount of stored raw water that may be available as a result of these efforts is speculative and subject to numerous factors that may result in no additional raw water or a completed project yielding less stored raw water than anticipated. The parties agree that Tigard's Capital Contribution to the System will be for these improvements to obtain additional stored raw water and that Tigard's proportionate ownership in the System will be calculated based upon that Capital Contribution. Tigard acknowledges and agrees that if

additional stored raw water is not obtained through these efforts then no water will ultimately be available to Tigard and Tigard will not be able to continue as a partner. In such event, Tigard agrees that it will voluntarily terminate and withdraw from the System as provided in the Water Service Agreement.

4. Governance. The parties agree that Tigard will have three representatives as set forth in Article III, Section 3.1 of the Water Service Agreement. The parties agree to modify Article III of the Water Service Agreement as follows:

> "3.1 **The Commission.** There is hereby continued pursuant to ORS 190 the Joint Water Commission-Hillsboro, Forest Grove, Beaverton, Tigard, and the Tualatin Valley Water District (the "Commission"). The members of the Commission shall be three (3) persons from each of the parties who are from time to time appointed by their respective bodies pursuant to the laws and regulations of the governing bodies. Members of the Commission shall serve at the pleasure of their respective appointing bodies. The name of the Commission shall be the "Joint Water Commission-Hillsboro, Forest Grove, Beaverton, Tigard, and the Tualatin Valley Water District." . . .
>
> "3.4 **Meetings; Manner of Acting.** Meetings of the Commission shall be conducted in accordance with the provisions of the Oregon Public Meeting Law, ORS 192.610-192.710. The Commission shall hold meetings not less than quarterly. Such meeting may be cancelled by a vote of the Commission. Special meetings may be called by the Chairperson or by any Vice Chairperson. ~~Seven (7)~~ Eight (8) members of the Commission (including at least one (1) member appointed by each party) shall constitute a quorum for the transaction of the business of the Commission. An affirmative vote of a simple majority of the members of the Commission, provided that one (1) affirmative vote is received from each of the parties to this Agreement shall be necessary to decide any issue before this Commission, unless a different voting requirement for a specific action is specified or allowed in this Agreement." . . .
>
> "3.8 **Management Committee**. Each party shall appoint its Chief Executive Officer or their designee to serve on the Management Committee. If the Commission elects to hire its own employees for management the Commission, as provided for this in Section 3.7 of this Agreement, then the General Manager of the Commission shall also be a member of the Management Committee. The Management Committee shall meet as required to review the business operations of the Commission, such as planning, operations, etc., to make recommendations to the ~~Commission~~ General Manager."

5. Lease of Water by JWC. Until the projects referred to in Section 2 above regarding expansion or obtaining additional stored raw water are successfully completed, and at all times subject to the terms of the Water Service Agreement, JWC will lease water to Tigard upon mutually agreeable terms as to quantity and price.

6. The Parties agree that Article V, Section 5.3 of the Water Service Agreement shall be amended as follows:

Section 5.3, Stored Raw Water.

"Each party shall have available to it or obtain Capacity in Stored Raw Water, such that sufficient raw water is available at the Water Treatment Plant Facilities to serve the Demand of the Party. The Capacity requirement for Stored Raw Water shall consist of the water used by the Party for the period of May 1st through October 31st. Such period may be adjusted from time to time based on the legal and operational availability of Surface Water Rights. Stored Raw Water Capacity may be obtained by purchase of existing Stored Raw Water, expansion of Stored Raw Water and/or leasing of Stored Raw Water from another Party."

7. The Parties agree that Article VII, Sections 7.5 and 7.6 of the Water Service Agreement shall be amended as follows:

Section 7.5, Excess Use Payments.

"To the extent that a Party uses capacity in the System in excess of its owned or leased capacity but such use does not exceed the threshold for over use as defined in Section 5.8, the Parties shall be required to compensate the Party or Parties for the excess capacity used. The determination of when the terms of this Section apply and the price paid for use of Capacity will be determined by the Commission with the intent being that the Parties are treated equitably and fairly. If there is a lease in place, the lease price shall apply to the excess. This provision shall not apply to those circumstances where the Commission offers additional water to a Party because of operational needs or considerations."

Section 7.6, Effective Dates of Leases

"The effective date for leases set forth in this Article 7 shall be on March 1, 2003 following the adoption of this Agreement and every March 1st thereafter."

8. **Existing Agreement.** In all respects, and except as specifically modified by this First Amendment, all terms and conditions of the Water Service Agreement are in full force and effect.

IN WITNESS WHEREOF, the parties have executed this First Amendment as of the date opposite their signatures.

SIGNATURES
(on following pages)

CITY OF HILLSBORO, acting by and through its Utilities Commission

_____
Chairman

_____
Dated

_____
City Recorder

_____
City Attorney

CITY OF HILLSBORO

_____
Mayor

_____
Dated

_____
City Recorder

_____
City Attorney

CITY OF FOREST GROVE

_____
Mayor

_____
Dated

Attest _____
City Recorder

_____
Dated

_____
City Attorney

CITY OF BEAVERTON

_____
Mayor

_____
Dated

_____
City Recorder

_____
City Attorney

TUALATIN VALLEY WATER DISTRICT

_____
President

_____
Dated

_____
Secretary

_____
Dated

_____
District Counsel

_____
Dated

CITY OF TIGARD

_____
Mayor

_____
Dated

_____
City Recorder

_____
City Attorney

AGENDA ITEM # 8
FOR AGENDA OF 12/16/03

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE City/TriMet Memorandum of Understanding

PREPARED BY: Duane Roberts DEPT HEAD OK CITY MGR OK

ISSUE BEFORE THE COUNCIL

Should Council approve the proposed City/TriMet Memorandum of Understanding (MOU) for improving local transit services?

STAFF RECOMMENDATION

Staff recommends Council approve the proposed MOU as written.

INFORMATION SUMMARY

At workshop meetings held in October and November of this year, Council discussed with TriMet representatives, including agency General Manager Fred Hansen, a proposed MOU that lays out a collaborative approach to enhancing transit access in Tigard. As pointed out by the agency representatives, Tigard is the first local area selected by TriMet as a target for focused service and capital investments as part of the agency's 2002-07 Transit Investment Plan.

The MOU is a framework for City/TriMet collaboration. The transit agency and the City agree to work together through the MOU to solve local transit issues. Key strategies contained in the Tigard Transportation System Plan and Local Service Transit Action Plan are incorporated into the MOU. The MOU commits TriMet to address, with City guidance, fixed route transit needs, capital improvement needs, and marketing and safety. The MOU also includes a commitment to provide regular progress reports to Council.

The timeline for implementing the service and capital improvements coincides with the 2006 opening of Commuter Rail.

OTHER ALTERNATIVES CONSIDERED

No alternatives considered.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Transportation and Traffic Goal #3, "Alternative modes of transportation are available and use is manimized."

ATTACHMENT LIST

Attachment #1: Memorandum of Understanding.
Attachment #2: Tigard Local Area Plan.

FISCAL NOTES

The agreement does not involve the obligation of City funds. Implementation of proposed capital improvements will depend on funding availability as part of each organization's annual budget process.

i/citywide/triMet.MOU

MEMORANDUM OF UNDERSTANDING
Draft #2 - 9/17/03

Tigard Access Planning

The City of Tigard and the Tri-County Metropolitan Transportation District of Oregon ("TriMet") are executing this Memorandum of Understanding (MOU), effective December 1, 2003.

I. ***Purpose***

This MOU establishes the rights and obligations of the parties entering into this MOU.

II. ***Mission***

The Tigard Access Plan will provide a comprehensive process that will capitalize on the energy surrounding the commuter rail project to improve access, leverage public and private investments, and promote mobility options in the area. Development of commuter rail in the US Route 217 corridor ("Corridor") provides a unique opportunity for a partnership between Tigard and TriMet to improve access to and within Tigard.

III. ***TriMet OBLIGATIONS***

TriMet agrees to:

a. Examine and implement changes to transit service that will improve access in the Tigard.
b. Meet regularly with the City to coordinate projects related to the improving access in the Corridor. Types of projects would include:
   - Bus stop improvements
   - Transit preferential treatment for buses
   - Pedestrian access improvements
   - Bike access improvements
   - Public Information (maps, etc.)
c. Involve community members in all phases of the Tigard Access Plan. Develop and implement a community outreach strategy that reaches the diversity of community and business members.
d. Educated and market programs that will improve the public's ability to understand transportation choices.

IV. **CITY OF TIGARD OBLIGATIONS**

Tigard agrees to:

a. Meet regularly with TriMet to coordinate capital improvements that would improve access to transit in the corridor. Types of projects would include those mentioned in section III.b.
b. Participate in the community outreach efforts.

V. ***DURATION***

This MOU is for an initial term through the opening of Commuter Rail. A final report will identify longer term projects.

VI. ***TERMINATION***

TriMet or the city of Tigard may withdraw from this MOU, without penalty, by giving 90 days prior written notice to all signatories of their intention to do so.

VII. ***GENERAL***

a. In connection with this MOU, each party is an independent contractor for all purposes and will have no authority to bind or commit the other.
b. Nothing in this MOU shall create any legal right or inure to the benefit of any third party not a signatory of this MOU.

VIII. ***NOTICES***

Any notices or communications under this MOU shall be provided to the individuals as designated below:

TriMet	City of Tigard
Tony Mendoza	Duane Roberts

Any notices required to be given under this MOU shall be in writing and deemed effective if deposited in U.S. Mail Certified return receipt, hand delivered, or transmitted by facsimile with successful confirmation.

TRI-COUNTY METROPOLITAN TRANSPORTATION

Fred Hansen
General Manager
District of Oregon (TriMet)

Approved as to Form:

_____
Legal department

_____
signature

_____
date

CITY OF TIGARD

Mayor

_____
signature

_____
date

DRAFT #4
Tigard Local Area Plan
9/17/03

Introduction
This plan responds to Tigard City Council concerns regarding Local TriMet service and executes the Tigard Local Area Plan of TriMet's Transit Investment Plan. It coordinates transit service with capital improvements and builds on the addition of Commuter Rail to gain noticeable enhancements to the total transit system.

Goals
- Improve access to transit
- Maximize transit ridership
- Improve local coverage

Guiding Principles
- Improve transit options for current and potential riders
- Connect neighboring cities
- Coordinate public/private investments to improve transit riding experience
- Incorporate Tigard TSP Key Strategy Priorities:
  1. Commuter Rail (the Local Area Plan will look at connecting commuter rail to the community with bus service, pedestrians and bikes)
  2. (tie) Provide more frequent service, more hours of day
  2. (tie) Express routes to regional employment centers
  2. (tie) Transit amenities (bus shelters, real time information, etc.)
  5. (tie) Provide access to employment areas
  5. (tie) Provide more local transit service
  7. Provide access to commercial areas
  8. Provide park and ride lots
  9. Provide access to activity and service centers

Scope
1. Fixed-Route Analysis
   - Commuter rail connections (emphasis areas around Washington Square and Downtown)
   - Local Service Action Plan

2. Capital Improvements
   - Pedestrian connections for ADA accessibility and safety
   - Pedestrian and bike connections
   - Customer amenities such as shelters and waiting areas

3. Customer Information
   - Signage to transit and major destinations
   - Information at stops including maps and transit tracker

4. Elderly and Disabled
   - Connections to transit and to destinations
   - Travel Training

5. Job Access
   - Low Income Housing Areas
   - Employer pass programs
   - Employer shuttles/vanpool shuttles
   - Employer site pedestrian access to transit

6. Community Outreach
   - On-Board
   - Bus stop postings
   - Neighborhood Meetings/Events
   - Business/Community Newsletters
   - Website
   - Comment Line
   - Fact sheets/Rider alerts/Press releases
   - Advertising
   - Cable TV
   - Employers/Tigard Area Chamber of Commerce

Timeline/Process

Summer '03-Winter '03

- Develop work plan
- Develop MOU
- Review existing plans
- Develop working group
- Develop technical analysis
- Working session with Tigard City Council

Winter '03/'04-Spring '04

- Define stakeholders
- Listen to the Community
- Define Alternatives
- Define Markets
- Identify long list of potential TriMet and City capital improvements

Spring '04-Winter '04/'05

- Work with community/riders
- Develop information for decision-making (analyze alternatives)
- Narrow capital improvement list – define TriMet and City budgets for FY'06
- Tigard City Council update

Winter '04/'05 – Spring '05

- Work with community
- Narrow bus service alternatives
- Prioritize capital list
- Finalize projects to be included in FY'05/06 budgets

Spring '05 – Summer '05

- Begin capital improvements
- Present bus service proposals to community for commuter rail start-up, Spring '06
- Council Update

Summer '05 – Fall '05

- Finalize bus service proposal and input to service plan
- Continue capital improvements
- Develop marketing/safety strategies

Fall '05 – Spring '06

- Implement marketing strategies
- Continue capital improvements

Spring '06 – Summer '06

- Production of Final Report – Coordinate with other plans such as City's Capital Improvement Plan and TriMet's TIP
- Presentation to Council
- Implement bus changes
- Begin Commuter Rail Operations

Planning Area – Add Map

AGENDA ITEM # 9
FOR AGENDA OF 12/16/03

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Public Hearing – 2003 Local Law Enforcement Block Grant

PREPARED BY: Dennis J. Dirren DEPT HEAD OK WhD CITY MGR OK WAM

ISSUE BEFORE THE COUNCIL

The issue before the Council is to hold a public hearing regarding this grant, to then accept the grant and to approve the spending of the funds.

STAFF RECOMMENDATION

Staff recommends accepting the grant and authorizing the spending of the funds.

INFORMATION SUMMARY

This is the eighth Department of Justice Local Law Enforcement Block Grant (LLEBG) the Police Department has received. The grant amount is for $17,893, which requires a 10% match of $1,988, bringing the total value of the grant to **$19,881**. The requirements of the grant are that the funds be spent to reduce crime and improve public safety. There are 7 program/purpose areas that the funds can be spent in. These funds will be spent in the categories titled, "Police Equipment" and "Police Training".

The grant requires a citizen advisory committee made up of representatives from the local police, local prosecutor's office, local court system, local school district, and a community representative active in crime prevention. This committee has recommendation rights to the Police Department in regards to how the funds are spent. The recommendation before you is the one that is approved by this citizen advisory committee.

These funds cannot be used to supplant any existing funds or pending purchases. Before the funds are spent by the City, the grantee is required to hold a public hearing regarding the proposed use of the funds, which is the purpose for the agenda item this evening.

The funds from this grant are going to be spent for the following items:

$10,500 – this money will be used to fund video equipment in the following 5 categories:

1. Video cameras for Patrol Supervisors (x2)
2. Video camera for Training Coordinator to record all training events as well to begin producing training videos for in-house as well as outside departments
3. Digital flat screen monitor to aid in evidentiary video editing and duplication
4. Updated video card for video processing computer
5. video surveillance equipment (digital wireless cameras for locations of reoccurring criminal activity)

$6,000 – this will be used to purchase two additional AED (automatic external defibrillators) units to be used within the City.

$3,381 – these funds will be used for the training of our School Resource Officers and the purchase of "bullying" curriculum to be taught in the schools.

This brings the total expenditure from the grant to **$19,881**.

Your approval of this will allow us to immediately draw down the funds from the federal government and then spend the money for the above listed items.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Public Safety Goal #1: "The community residents, business owners, and service providers understand their roles through effective communication to successfully enhance public safety and emergency services."

ATTACHMENT LIST

Attachment A = Communication Plan.

FISCAL NOTES

The matching funds of $1,988 are available in this fiscal year's police budget.

Corresponding Budget Amendment is on agenda after public hearing is complete.

ATTACHMENT A

MEMORANDUM
TIGARD POLICE DEPARTMENT

DATE: December 2, 2003

TO: Bill Monahan, City Manager

FROM: Dennis Dirren, Police Training & Grant Coordinator

SUBJECT: Communications Plan for the FY 2003 Local Law Enforcement Block Grant and proposed spending of said funds.

The Communication Plan for the FY 2003 Local Law Enforcement Block Grant and the proposed spending of allocated funds includes the following actions:

1. Per grant requirements, a citizen advisory committee made up of representatives from the local police, local prosecutor's office, local court system, local school district and a community representative active in crime prevention must be held. This committee met on November 18, 2003 and approved the LLEBG and the proposed spending of funds.

2. Also required by the grant is a Public Hearing regarding the proposed use of funds. This hearing is scheduled for the December 16, 2003 City Council meeting and will allow the community to become aware of the grant, as well as supporting the use of funds.

3. The Tigard Police Department's Public Information Officer will issue a press release describing the awarded grant, as well as the proposed use of said grant funds.

Cc: Chief Dickinson
Liz Newton

AGENDA ITEM # 10
FOR AGENDA OF December 16, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A RESOLUTION APPROVING BUDGET AMENDMENT #12 TO THE FY 2003-04 BUDGET TO ACCEPT AND EXPEND LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS

PREPARED BY: Tom Imdieke DEPT HEAD OK CP CITY MGR OK

ISSUE BEFORE THE COUNCIL

Should the Council amend the FY 2003-04 Budget to accept a grant of $17,893 from the Department of Justice Law Enforcement Block Grant (LLEBG) program and increase appropriations in the Police Department by $19,881?

STAFF RECOMMENDATION

Approve Budget Amendment #12

INFORMATION SUMMARY

The Department of Justice has approved a Local Law Enforcement Block Grant to improve all around public safety and provide police training and equipment in the amount of $17,893. A match requirement of $1,988 is required and a transfer from the General Fund Contingency is being proposed for the funding of the match requirement. A public hearing is being conducted at the December 16, 2003 Council meeting to explain the grant program and the proposed of the grant funds.

OTHER ALTERNATIVES CONSIDERED

Do not accept grant.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal #1 The community residents, business owners, and service providers understand their roles through effective communication to successfully enhance public safety and emergency services.

ATTACHMENT LIST

Resolution, including Attachment A

FISCAL NOTES

The budget amendment will increase grant revenues in the General Fund by $17,893, transfer $1,988 from the General Fund Contingency, and it will increase appropriations in the Community Services Program (Police Department) by a total of $19,881.

CITY OF TIGARD, OREGON

RESOLUTION NO. 03-_____

A RESOLUTION APPROVING BUDGET AMENDMENT #12 TO THE FY 2003-04 BUDGET TO ACCEPT AND EXPEND LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS

WHEREAS, The Department of Justice has approved a Local Law Enforcement Block Grant to improve all around public safety and provide police training and equipment in the amount of $17,893, and

WHEREAS, a public hearing was held by the City Council as required by the grantee regarding the proposed use of the funds, and

WHEREAS, it is necessary to amend the FY 2003-04 Budget to recognize these grant revenues and to increase appropriations to allow expenditure of these funds.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1. The FY 2003-04 Budget of the City of Tigard is hereby amended as shown in Attachment A to this resolution to increase General Fund Grant revenues by $17,893 and transfer $1,988 from the General Fund Contingency for the grant match requirement and to increase appropriations in the Community Services Program (Police Department).

SECTION 2. This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2003.

_____
Council President - City of Tigard

ATTEST:

_____
City Recorder - City of Tigard

Attachment A
FY 2003-04
Budget Amendment # 12

	FY 2003-04 Revised Budget	Budget Amendment # 12	Revised Revised Budget
General Fund			
Resources			
Beginning Fund Balance	7,065,185		7,065,185
Property Taxes	9,115,977		9,115,977
Grants	64,645	17,893	82,538
Interagency Revenues	2,162,454		2,162,454
Development Fees & Charges	290,000		290,000
Utiltity Fees and Charges	0		0
Miscellaneous Fees and Charges	163,000		163,000
Fines and Forfeitures	434,127		434,127
Franchise Fees and Business Tax	2,748,865		2,748,865
Interest Earnings	156,304		156,304
Bond/Note Proceeds	0		0
Other Revenues	36,032		36,032
Transfers In from Other Funds	2,227,982		2,227,982
Total	**$24,464,571**	**$17,893**	**$24,482,464**
Requirements			
Community Service Program	9,540,395	19,881	9,560,276
Public Works Program	2,473,000		2,473,000
Development Services Program	2,373,396		2,373,396
Policy & Administration Program	310,775		310,775
General Government	0		0
Program Expenditures Total	$14,697,566	$19,881	$14,717,447
Debt Service	$0		$0
Capital Improvements	$0		$0
Transfers to Other Funds	$3,899,721		$3,899,721
Contingency	$964,771	($1,988)	$962,783
Total Requirements	**$19,562,058**	**$17,893**	**$19,579,951**
Ending Fund Balance	**4,902,513**		**4,902,513**
Grand Total	**$24,464,571**	**$17,893**	**$24,482,464**

AGENDA ITEM # 11
FOR AGENDA OF December 16, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE An Ordinance Amending Chapter 11.08 of the Tigard Municipal Code to reduce the Number of False Reports Allowed from Burglary or Robbery Alarms Without Corrective Action and Penalty

PREPARED BY: William M. Dickinson DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should the TMC Chapter 11.08 be amended as follows:

Amend TMC 11.08.020.7 to correct the definition of "Dispatch center" to indicate it is a County agency rather than a City operation.

Amend TMC 11.08.030 to delete the wording "The fee for a combination burglary-robbery user's permit shall be twenty-five dollars" because it is already stated in the TMC, "The fee shall be set by resolution of the City Council."

Amend Section TMC 11.08.123.1 to change the wording to "If any alarm system produces two false alarms…" instead of "four false alarms." Change the words "calendar" year" to "permit year."

Amend TMC 11.08.123.3 to change the wording to: "Upon any alarm system producing the third false alarm in a permit year, a fee per false alarm shall be charged to the alarm user. Subsequent false alarms shall be assessed an increasing fee that shall be set by resolution of the City Council."

STAFF RECOMMENDATION

Staff recommends approval of this ordinance.

INFORMATION SUMMARY

In order to reduce the number of times officers are called to respond to false alarms for businesses and residences that have burglary and/or robbery alarms, an increase in the penalty is being proposed. The proposal is to change from a fine after four false alarms, to a fine upon the third false alarm, with the amount of the fines assessed increasing for subsequent false alarms, as set by City County resolution. The purpose of increasing the penalty is to encourage alarm users to maintain and operate their systems properly with the goal of preventing the waste of officers' time. It is a better use of officers' time to respond to calls for service that are not false alarms.

Several changes to language are proposed to update the information:
(1) in Section 20.7, "Dispatch Center" is no longer a City facility; it is a County agency.
(2) Reference to "calendar year" corrected to read "permit year"

(3) In Section 30, entitled "Alarm Permits Required," the amount charged for a permit for a combination system is deleted, as this is stated in the City's fee schedule.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

A. Ordinance
B. Copy of TMC 11.08

FISCAL NOTES

This Ordinance will not cost the City any funds, and is intended to prevent the waste of Police Department resources.

CITY OF TIGARD, OREGON

ORDINANCE NO. 03-_____

AN ORDINANCE OF THE CITY OF TIGARD, OREGON, AMENDING CHAPTER 11.08 OF THE TIGARD MUNICIPAL CODE TO REDUCE THE NUMBER OF FALSE REPORTS ALLOWED FROM BURGLARY OR ROBBERY ALARMS WITHOUT CORRECTIVE ACTION AND PENALTY.

WHEREAS, false reports from alarm systems cause the unnecessary use of valuable police officer time; and

WHEREAS, the Tigard City Police Department has requested code amendments intended to reduce false alarms and reimburse the City for its response costs;

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Tigard Municipal Code Chapter 11.08.020.7 is hereby amended to read as follows:

7. "Dispatch center" is the county facility used to receive emergency and general information from the public.

SECTION 2: Tigard Municipal Code Chapter 11.08.030 is hereby amended to read as follows:

11.08.030 Alarm User Permits Required

Every alarm user shall obtain an alarm user permit for each system from the Alarm Coordinator from the effective date of the ordinance codified in this chapter or prior to use of an alarm system. Users of systems having both robbery and burglary alarm capabilities shall obtain separate permits for each function. Application for a burglary, robbery, or combination burglary-robbery alarm user's permit and a fee shall be filed with the Alarm Coordinator each year. The fee shall be set by resoluttion of the City Council. Each permit shall bear the signature of the Chief of Police, and be for a one-year period. The permit shall be kept physically upon the premises using the alarm system, and shall be available for inspection by the Chief of Police or his representative.

SECTION 3: Tigard Municipal Code Chapter 11.08.123.1 is hereby amended to read as follows:

1. If any alarm system produces two false alarms in any permit year, the Chief of Police shall provide by certified mail written notice of the fact asking the alarm user to take corrective action in regard to false alarms and informing the alarm user of the false alarm fee schedule. The fees shall be set by resolution of the City Council.

SECTION 4: Tigard Municipal Code Chapter 11.08.123.3 is hereby amended to read as follows:

3. Upon any alarm system producing the third false alarm in a permit year, a fee per false alarm shall be charged to the alarm user. Subsequent false alarms shall be assessed an increasing fee that shall be set by resolution of the City Council.

All fees assessed must be paid to the City Finance Division or a written appeal must be submitted to the Chief of Police within ten working days of fee assessment.

SECTION 5: This ordinance shall be effective 30 days after its passage by the Council, signature by the Council President, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2003.

_____
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2003.

_____
Craig Dirksen, Council President

Approved as to form:

_____
City Attorney

_____
Date

TIGARD MUNICIPAL CODE

Chapter 11.08 BURGLARY AND ROBBERY ALARM SYSTEMS.

Sections:

11.08.010	**Purpose And Scope.**
11.08.020	**Definitions.**
11.08.030	**Alarm User Permits Required.**
11.08.050	**Senior Citizens' Exemption.**
11.08.060	**Fee For Failure To Obtain Or Renew Permit.**
11.08.080	**Exemption For Governmental Political Unit.**
11.08.090	**Emergency Notification Resources Person.**
11.08.100	**User Instructions.**
11.08.110	**Automatic Dialing Device--Certain Interconnections Prohibited.**
11.08.121	**Response To Alarms.**
11.08.123	**Excessive False Alarms And Fee Assessment.**
11.08.124	**No Response To Excessive Alarms.**
11.08.125	**Appeal Of False Alarm.**
11.08.130	**Confidentiality--Statistics.**
11.08.140	**Allocation Of Revenues.**
11.08.150	**Enforcement And Penalties.**

11.08.010 Purpose And Scope.

1. The purpose of this chapter is to protect the emergency services of the City from misuse.

2. This chapter governs burglary and robbery alarm systems, requires permits, establishes fees, provides for revocation of permits, and provides for punishment of violations. (Ord. 82-32 §2, 1982).

11.08.020 Definitions.

1. "Alarm business" means the business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

2. "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which police are expected to respond.

3. "Alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility in which an alarm system is maintained.

4. "Automatic dialing device" means a device which is connected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

5. "Burglary alarm system" means an alarm system signaling an entry or attempted entry into the area protected by the system, inclusive of silent and audible alarm systems.

6. "Coordinator" means the individual designated by the Chief of Police to manage and enforce the provisions of this chapter.

7. "Dispatch center" is the ~~City~~ County facility used to receive emergency and general information from the public.

8. "False alarm" means an alarm signal eliciting a response by police when a situation requiring a response by the police does not in fact exist. It does not include an alarm signal caused by violent conditions or nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator

or alarm user.

9. "Governmental political unit" means any tax-supported public agency.

10. "Interconnect" means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

11. "Primary trunk line" means a telephone line serving the dispatch center that is designated to receive emergency calls.

12. "Robbery alarm system" means an alarm system signaling a robbery or attempted robbery. (Ord. 87-73 §2, 1987; Ord. 82-32 §3, 1982).

11.08.030 Alarm User Permits Required.

Every alarm user shall obtain an alarm user permit for each system from the Alarm Coordinator from the effective date of the ordinance codified in this chapter or prior to use of an alarm system. Users of systems having both robbery and burglary alarm capabilities shall obtain separate permits for each function. Application for a burglary, robbery, or combination burglary-robbery alarm user's permit and a fee shall be filed with the Alarm Coordinator each year. The fee shall be set by resolution of the City Council. ~~The fee for a combination burglary-robbery user's permit shall be twenty-five dollars.~~ Each permit shall bear the signature of the Chief of Police, and be for a one-year period. The permit shall be kept physically upon the premises using the alarm system, and shall be available for inspection by the Chief of Police or his representative. (Ord. 02-05, Ord. 01-21, Ord. 82-32 §4(a), 1982).

11.08.050 Senior Citizens' Exemption.

If a residential alarm user is over the age of sixty and/or is physically handicapped and is the primary resident of the residence and if no business is conducted in the residence, a user's permit may be obtained from the Alarm Coordinator's office according to Section 11.08.030 without the payment of a fee. (Ord. 01-21, Ord. 82-32 §4(c), 1982).

11.08.060 Fee For Failure To Obtain Or Renew Permit.

A fee will be charged in addition to the fee provided in Section 11.08.030 to a user who fails to obtain a permit within sixty days after the effective date of the ordinance codified in this chapter or who is more than sixty days delinquent in renewing a permit. The fee shall be set by resolution of the City Council. (Ord. 02-05, Ord. 82-32 §4 (d), 1982).

11.08.080 Exemption For Governmental Political Unit.

An alarm user which is a governmental political unit shall be subject to this chapter but a permit shall be issued without payment of the fee and shall not be subject to revocation or payment of additional fees or the imposition of any penalty provided herein. (Ord. 82-32 §4(f), 1982).

11.08.090 Emergency Notification Resources Person.

The alarm permittee shall provide the police department with a current updated emergency notification resources person at all times. (Ord. 82-32 §4(g), 1982).

11.08.100 User Instructions.

1. Every alarm business selling, leasing or furnishing to any user an alarm system which is

installed on premises located in the City shall furnish the user with instructions that provide information to enable the user to operate the alarm system properly and to obtain service for the alarm system at any time.

2. Standard form instructions shall be submitted by every alarm business to the Chief of Police within sixty days after the effective date of the ordinance codified in this chapter. If he finds such instructions to be incomplete, unclear or inadequate, he may require the alarm business to revise the instructions to comply with subsection 11.08.100.1 of this section and then to distribute the revised instructions to its alarm users. (Ord. 82-32 §5, 1982).

11.08.110 Automatic Dialing Device--Certain Interconnections Prohibited.

1. It is unlawful for any person to program an automatic dialing device to select a primary trunk line or any 911 prefix requiring a police response; and it is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line within twelve hours of receipt of written notice from the Tigard City Police Department that it is so programmed.

2. Within sixty days after the effective date of the ordinance codified in this chapter, all existing automatic dialing devices programmed to select a primary trunk line shall he reprogrammed or disconnected.

3. It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the City; and it is unlawful for an alarm user to fail to disconnect or reprogram such device within twelve hours of receipt of written notice from the Tigard police department that an automatic dialing device is so programmed. (Ord. 82-32 §6, 1982).

11.08.121 Response To Alarms.

1. Whenever an alarm is activated in the City thereby requiring an emergency response to the location by the police department and the department does respond, the police personnel on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm signal was a false alarm.

2. If the police department personnel at the scene of the activated alarm system determine the alarm to be false, said personnel shall make a report of the false alarm.

3. The Chief of Police or his designee shall have the right to inspect any alarm system on the premises to which response has been made, and he may cause an inspection of such system to be made at any reasonable time thereafter. (Ord. 87-73 §3(Exhibit A(part)), 1987).

11.08.123 Excessive False Alarms And Fee Assessment.

1. If any alarm system produces ~~four~~ two false alarms in any ~~calendar~~ permit year, the Chief of Police shall provide by certified mail written notice of the fact asking the alarm user to take corrective action in regard to false alarms and informing the alarm user of the false alarm fee schedule. The fees shall be set by resolution of the City Council.

2. Alarm users installing a new system or making substantial modifications to an existing system shall be entitled to a grace period during which alarms generated by such system shall be deemed nonfalse alarms. The grace period shall cease thirty days after installation of or modification to an alarm system.

3. Upon any alarm system producing the

~~fifth and sixth~~ third false alarm in a permit ~~calendar~~ year, a fee per false alarm shall be charged to the alarm user. Subsequent false alarms shall be assessed an increasing fee that shall be set by resolution of the City Council.

All fees assessed must be paid to the City Finance Division or a written appeal must be submitted to the Chief of Police within ten working days of fee assessment. (Ord. 02-05, Ord. 01-21, Ord. 87-73 §3(Exhibit A(part)), 1987).

11.08.124 No Response To Excessive Alarms.

1. After the second false alarm the coordinator shall send a notification to the alarm user by regular mail which will contain the following information:

a. That the second false alarm has occurred;

b. That if two more false alarms occur within the permit year police officers will not respond to any subsequent alarms without the reinstatement of the alarm user by the Chief of Police;

c. That the reinstatement of the alarm user can only be obtained by the alarm user furnishing written proof of efforts taken to correct the false alarms, a finding by the Chief that a reasonable effort has been made to correct the false alarms, and payment of all fines assessed by the City for false alarms;

d. That the alarm user may appeal the validity of a false alarm determination to the Chief of Police by giving written notice and posting a bond equal to the amount of the fee, if applicable, within ten days, according to Section 11.08.125.

2. After the fourth false alarm within the permit year there will be no police response to subsequent alarms without reinstatement approval of the alarm user by the Chief. The coordinator shall send a notice of suspension of police response to:

a. The dispatch center;

b. The Chief of Police; and

c. The alarm user by certified mail.

3. The suspension of police response to an alarm shall begin ten days after the date of delivery of the notice of suspension of police response to the alarm user unless a written request for hearing has been made as required in Section 11.08.125. (Ord. 01-21, Ord. 93-13 §1, 1993).

11.08.125 Appeal Of False Alarm.

1. Any alarm user who has been notified of a false alarm or assessed a false alarm fee may appeal to the Chief of Police by giving written notice and posting a bond equal to the amount of the fee, if applicable, within three working days of the invoice assessing such fee. Upon receipt of the appeal notice and bond, if applicable, a time certain shall be set for a hearing.

2. The appellant shall be given reasonable notice of such hearing, failure of the appellant to appear at such hearing shall, if applicable, result in forfeiture of the appeal bond, and application of said bond toward the false alarm fee assessed by the City.

3. The Chief of Police or his designee shall serve as Hearings Officer. The burden of proof shall be upon the appellant to show by a preponderance of the evidence that the alarm signal in question was not a false alarm as defined in Section 11.08.020.8.

4. After receipt of all relevant evidence,

the Hearings Officer shall, within three working days, render a decision. If the Hearings Officer determines that the appellant has met the burden of proof, then the Hearings Officer shall order the appeal bond released to the appellant and rescind the false alarm determination. If the Hearings Officer determines that the appellant has not met the burden of proof, then the Hearings Officer shall order the appeal bond be forfeited and applied toward the alarm fee as assessed by the City and enter such alarm as a false alarm.

5. All decisions made pursuant to this section are final. (Ord. 87-73 §3(Exhibit A(part)), 1987).

11.08.130 Confidentiality--Statistics.

All information submitted in compliance with this chapter shall be held in the strictest confidence and shall be deemed a public record exempt from disclosure pursuant to state statute; and any violation of confidentiality shall be deemed a violation of this chapter. The police department shall be charged with the sole responsibility for the maintenance of all records of any kind whatsoever under this chapter.. (Ord. 01-21, Ord. 82-32 §8, 1982).

11.08.140 Allocation Of Revenues.

All fees, fines and forfeitures of bail collected pursuant to this chapter shall be general fund revenue of the City of Tigard. (Ord. 82-32 §9, 1982).

11.08.150 Enforcement And Penalties.

1. Violation of this chapter shall be punished upon conviction by a fine of not more than five hundred dollars.

2. The failure or omission to comply with any section of this chapter shall be deemed a violation and may be so prosecuted, subject to the penalty provided in subsection 11.08.150.1 of this section. (Ord. 82-32 §10, 1982). ■

AGENDA ITEM # 12
FOR AGENDA OF 12-16-03

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Amendment to Ordinance 10.36 Bicycles

PREPARED BY: Michael Riensche DEPT HEAD OK MR CITY MGR OK

ISSUE BEFORE THE COUNCIL

Should TMC 10.36.010, 10.36.130 and 10.36.200 be changed to add an updated ordinance title, definition, applicability of traffic laws and violation-penalty covering electric personal assistive mobility device?

STAFF RECOMMENDATION

Staff recommends amending certain sections of TMC 10.36 to cover electric personal assistive mobility devices.

INFORMATION SUMMARY

On January 1, 2004, Senate Bill 787 will become effective as state law. This new Oregon Revised Statute (ORS) relates to electric personal assistive mobility devices commonly known as a Segway Scooter. By adopting the ORS, it will help in updating Tigard Municipal Code (TMC) 10.36 to accommodate these new provisions, amendments and changes to the ORS.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

A. Ordinance
B. Senate Bill 787
C. TMC 10.36 reflecting proposed changes

FISCAL NOTES

There is no fiscal impact.

CITY OF TIGARD, OREGON
ORDINANCE NO. 03-____

AN ORDINANCE AMENDING TMC 10.36 BICYCLES

WHEREAS, Senate Bill 787, governing electric personal assistive mobility devices commonly known as a Segway Scooter, will become effective January 1, 2004; and

WHEREAS, TMC 10.36 – Bicycles – does not have language covering these devices; and

WHEREAS, adopting the new language will update the TMC to accommodate these new provisions, amendments and changes to the Oregon Revised Statute (ORS).

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: New section 10 is added to Definitions as stated on the attached TMC; and

SECTION 2: Section 10.36.100 now includes the words "...and electric personal assistive mobility devices,"; and

SECTION 3 Section 10.36.130 now includes the words "or electric personal assistive mobility device" and

SECTION 4: Section 10.36.200 is amended to delete former wording and add "A violation of any provision of this chapter is a class D traffic violation.

SECTION 5: This ordinance shall be effective 30 days after its passage by the Council, signature by the Council President, and posting by the City Recorder.

PASSED: By_____ vote of all Council members present after being read by number and title only, this _____day of _____, 2003.

_____
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2003.

_____
Craig Dirksen, Council President

Approved as to form:

_____
City Attorney

_____
Date

72nd OREGON LEGISLATIVE ASSEMBLY--2003 Regular Session

Enrolled
Senate Bill 787

Sponsored by Senator BROWN; Representative KROPF

CHAPTER .....

AN ACT

Relating to electric motor vehicles; creating new provisions; and amending ORS 803.030, 803.305, 806.020, 807.020, 811.050, 811.440, 811.525, 814.470, 815.135, 815.230, 815.280, 816.310, 816.340 and 822.015.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2, 10, 11, 12 and 20 of this 2003 Act are added to and made a part of the Oregon Vehicle Code.

SECTION 2. "Electric personal assistive mobility device" means a device that:

(1) Is self-balancing on two nontandem wheels;

(2) Is designed to transport one person in a standing position;

(3) Has an electric propulsion system; and

(4) Has a maximum speed of 15 miles per hour.

SECTION 3. ORS 803.030 is amended to read:

803.030. This section establishes exemptions from the requirements under ORS 803.025 to obtain title issued by this state. The exemptions are subject to ORS 803.040. The exemptions are in addition to any exemptions under ORS 801.026. Vehicles exempted by this section from the requirements to be titled by this state are not prohibited from being titled by this state if titling is permitted under ORS 803.035. The exemptions are partial or complete as provided in the following:

(1) Title from this state is not required for a vehicle unless the vehicle is operated on a highway in this state.

(2) Title from this state is not required unless a vehicle is operated under a registration number of this state.

(3) Manufactured structures are subject to ORS 803.025 as provided under ORS 820.500 and 820.530.

(4) Snowmobiles, Class I all-terrain vehicles and Class III all-terrain vehicles are not subject to the requirements under ORS 803.025. The requirements and procedures for titling snowmobiles are as provided under ORS 821.060 and 821.070.

(5) Road rollers, farm tractors and traction engines are exempt from the requirements for title.

(6) Trolleys are exempt from the requirements for title.

(7) Bicycles are exempt from the requirements for title.

(8) United States Government owned and operated motor vehicles and trailers are exempt from the requirements for title.

(9) Implements of husbandry, well drilling machinery, emergency fire apparatus providing public fire protection and invalid chairs are exempt from the requirements for title.

(10) Fixed load vehicles are exempt from the requirements for title while operated within the immediate construction project, as described in the governmental agency contract, in the construction or reconstruction of state or county roads, highways or city streets.

(11) Motor vehicles designed to operate at a loaded weight over 8,000 pounds, trailers and equipment are exempt from requirements for title while:

(a) Owned, leased, contracted or requisitioned by the State Forester, State Board of Forestry, their contractors under ORS chapter 477, or the federal government; and

(b) Being used for the purposes of forest protection and fire suppression under ORS chapter 477 or a similar federal statute, including movement of the vehicles to and from the work area.

(12) Farm trailers are exempt from requirements for title when the operation or movement of the vehicle upon the highways is incidental to its use in an agricultural operation.

(13) Golf carts operated under an ordinance adopted under ORS 810.070 are exempt from requirements for title.

(14) Golf carts or similar vehicles are exempt from requirements for title when:

(a) They have not less than three wheels in contact with the ground;

(b) They have an unloaded weight of less than 1,300 pounds;

(c) They are designed to be and are operated at not more than 15 miles per hour; and

(d) They are operated by disabled persons.

(15) The nonresident owners of vehicles currently registered and titled in any other country, state or territory may operate such vehicles over the highways of this state without complying with the titling requirements under ORS 803.025. All of the following apply to this subsection:

(a) This subsection only provides an exemption so long as the owner satisfactorily shows that the owner is not a resident of this state as described under ORS 803.200.

(b) The exemption under this subsection applies to vehicles granted exemptions under ORS 802.500, 802.520 or 826.005, unless otherwise provided under paragraph (c) of this subsection.

(c) Except as otherwise provided in this paragraph, a vehicle operated over the highways of this state for compensation or profit must comply with the titling requirements under ORS 803.025 in the same manner as required of nontitled vehicles. The following vehicles are not subject to this paragraph:

(A) Vehicles operated under reciprocal registration exemptions established under ORS 802.500 or 826.005.

(B) Vehicles operated under an exemption established under ORS 802.520.

(C) Vehicles that are proportionally registered under an agreement established under ORS 826.007, and according to the procedures established under ORS 826.009 or 826.011.

(D) Any vehicle if duly registered and titled under the laws of the state or country of which the owner is a bona fide resident to the extent that in the foreign country, state, territory or federal district where the owner resides like exemptions and privileges are granted vehicles duly registered and titled under the laws of this state and owned by residents of this state.

(d) If no exemptions from titling requirements are in effect under ORS 802.500, 802.520, 826.005 or 826.007 with respect to another jurisdiction, any vehicle properly registered and titled in such other jurisdiction and for which evidence of compliance is supplied shall receive, when operated in this state, the same exemptions, benefits and privileges granted by such other jurisdictions to vehicles properly registered and titled in this state. Reciprocity extended under this paragraph shall apply to commercial vehicles only when engaged exclusively in interstate commerce.

(e) Any vehicle operated under dealer registration plates issued by another state, country, province, territory or the District of Columbia is subject to this subsection.

(16) Vehicle dealers issued certificates under ORS 822.020 may use and operate untitled vehicles as provided under ORS 822.040.

(17) Towing businesses issued certificates under ORS 822.205 may tow untitled vehicles as provided under ORS 822.210.

(18) Vehicle transporters issued certificates under ORS 822.310 may transport untitled vehicles as provided in ORS 822.310.

(19) Untitled vehicles may be operated under trip permits described under ORS 803.600 or under permits described under ORS 803.610 to 803.625.

(20) Vehicles that are registered by the United States Department of State and that are owned or operated by foreign nationals with diplomatic immunity are exempt from the requirements for title.

(21)(a) Vehicles that are registered under the proportional registration provisions of ORS chapter 826 and are titled in a jurisdiction other than Oregon are exempt from the requirements for title.

(b) A trailer that is registered under the proportional registration provisions of ORS chapter 826 and titled in a jurisdiction other than Oregon shall remain exempt from the requirements for title in Oregon if the trailer is registered when the other jurisdiction removes its exception to proportional registration requirements for the trailer.

(22) Converter dollies and tow dollies are exempt from the requirements for title.

(23) Electric personal assistive mobility devices are exempt from the requirements for title.

SECTION 4. ORS 803.305 is amended to read:

803.305. This section establishes exemptions from the requirements under ORS 803.300. The exemptions under this section are in addition to any exemptions under ORS 801.026. Vehicles exempted by this section from the requirements to be registered by this state are not prohibited from being registered by this state if registration is permitted under ORS 803.310. The following are exempt, either partially or completely as described, from the registration requirements under ORS 803.300:

(1) Road rollers, farm tractors, trolleys and traction engines are exempt from registration.

(2) Bicycles are exempt from registration.

(3) A vehicle is exempt from registration if it has registration issued for the vehicle by the Armed Forces of the United States where the registration is issued in a foreign country to a vehicle owned by a member of the Armed Forces. The exemption granted by this subsection applies only for a period of 45 days from the time the vehicle is returned to the United States.

(4) A vehicle is exempt from registration if it is not operated on the highways of this state. No manufactured structure is exempt by this subsection. This subsection does not affect any exemption established under ORS 820.510.

(5) A trailer is exempt from registration if it is equipped with pneumatic tires made of elastic material and is not operated in this state with a loaded weight of more than 1,800 pounds. No trailer for hire, travel trailer, camper or manufactured structure is exempt by this subsection.

(6) Vehicles owned and operated by the United States Government are exempt from registration.

(7) Snowmobiles are subject to the requirements for registration provided under ORS 821.080 to 821.110.

(8) Manufactured structures are subject to ORS 803.300 as provided under ORS 820.500, 820.510 and 820.530.

(9) Implements of husbandry, well drilling machinery, emergency fire apparatus providing public fire protection and invalid chairs are exempt from registration.

(10) Farm tractors and farm trailers on highways are exempt from registration when the operation of the vehicle upon the highway is incidental to its use in an agricultural operation.

(11) Fixed load vehicles are exempt from registration while the vehicles are operated:

(a) In the construction or reconstruction of state or county roads, highways or city streets; and

(b) Within the immediate construction projects, as described in the governmental agency contract under which the work is being performed.

(12) Motor vehicles designed to operate at a loaded weight over 8,000 pounds, trailers and equipment are exempt from registration while being used for the purposes of forest protection and fire suppression under ORS chapter 477 or a similar federal statute. The exemption under this subsection applies to the vehicles or equipment described while being moved to or from the work area. The exemption under this subsection only applies to vehicles or equipment owned, leased, contracted for or requisitioned by the State Forester or State Board of Forestry, a contractor of the State Forester or State Board of Forestry under ORS chapter 477 or the United States Government.

(13) Vehicles being used for the purposes of forest protection and fire suppression are exempt if the vehicles are necessary in order to comply with ORS 477.615 or 477.650 or a similar federal statute. The exemption under this subsection also applies to the vehicles described being moved to or from the work area.

(14) Golf cart exemptions from registration are as provided in ORS 820.210.

(15) Vehicles currently registered and titled in any other country, state or territory are not required to be registered by this state. All of the following apply to this subsection:

(a) This subsection only provides an exemption as long as the owner of the vehicle satisfactorily shows that the owner is not a resident of this state as described under ORS 803.200.

(b) The exemption under this subsection applies to vehicles granted exemptions under ORS 802.500, 802.520 or 826.005 unless otherwise provided for under paragraph (c) of this subsection.

(c) Except as otherwise provided in this paragraph, a vehicle operated over the highways of this state for compensation or profit must comply with the registration requirements under ORS 803.300 in the same manner as vehicles owned by persons in this state. The following vehicles are not subject to this paragraph:

(A) Vehicles operated under reciprocal registration exemptions established under ORS 802.500 or 826.005.

(B) Vehicles operated under an exemption established under ORS 802.520.

(C) Vehicles that are proportionally registered under an agreement established under ORS 826.007 and according to the procedures established under ORS 826.009 and 826.011.

(D) Any vehicle if duly registered and titled under the laws of the state or country of which the owner is a bona fide resident to the extent that in the foreign country, state, territory or federal district where the owner resides like exemptions and privileges are granted vehicles duly registered and titled under the laws of this state and owned by residents of this state.

(d) If no exemption from registration requirements is in effect under ORS 802.500, 802.520, 826.005 or 826.007 with respect to another jurisdiction, any vehicle properly registered and titled in such other jurisdiction and for which evidence of compliance is supplied shall receive, when operated in this state, the same exemptions, benefits and privileges granted by such other jurisdictions to vehicles properly registered and titled in this state. Reciprocity extended under this paragraph shall apply to commercial vehicles only when engaged exclusively in interstate commerce.

(e) Any vehicle operated under dealer registration plates issued by another state, country, province, territory or the District of Columbia is subject to this subsection.

(16) Vehicles operated or used by vehicle dealers may be operated or used without registration as provided under ORS 822.040.

(17) Vehicles towed by towing businesses may be towed without registration as provided under ORS 822.210.

(18) Vehicles without registration may be transported by vehicle transporters as provided under ORS 822.310.

(19) Vehicles that are not registered may be operated under trip permits described under ORS 803.600 or under permits described under ORS 803.610 to 803.625.

(20) If trailers that are part of a fleet of trailers for hire are properly registered in this state under an agreement entered into pursuant to ORS 802.500, all trailers that are identified as being a part of the same fleet and that are currently registered in any state, territory, province, country or the District of Columbia shall be permitted to operate in this state in both interstate and intrastate commerce without being registered by this state.

(21) Vehicles that are registered by the United States Department of State and that are owned or operated by foreign nationals with diplomatic immunity are exempt from registration.

(22) Tow dollies and converter dollies are exempt from registration.

(23) Class I and Class III all-terrain vehicles are exempt from registration.

(24) Motor assisted scooters are exempt from registration.

(25) Electric personal assistive mobility devices are exempt from registration.

SECTION 5. ORS 806.020 is amended to read:

806.020. This section provides exemptions from the necessity for compliance with or proof of compliance with financial responsibility requirements in accident reports under ORS 811.725, when applying for vehicle registration under ORS 803.370 or 803.460 and for operating a vehicle under ORS 806.010. The owner or operator of a vehicle is exempt, as provided by this section, from financial responsibility requirements if the vehicle involved in the accident, sought to be registered or operated is any of the following:

(1) An antique motor vehicle issued permanent registration under ORS 805.010.

(2) A farm trailer.

(3) A farm tractor.

(4) An implement of husbandry.

(5) A motor vehicle of special interest that is maintained as a collector's item and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(6) A snowmobile, Class I or Class III all-terrain vehicle.

(7) Any motor vehicle when the owner of the vehicle has submitted to the Department of Transportation a statement, in such form as may be required by the department, declaring that the vehicle is continuously not being operated on the highways of this state and explaining the reasons therefor. A person who falsely certifies under this subsection is subject to penalty under ORS 806.030.

(8) A motor assisted scooter.

(9) An electric personal assistive mobility device.

SECTION 6. ORS 807.020 is amended to read:

807.020. A person who is granted a driving privilege by this section may exercise the driving privilege described without violation of the requirements under ORS 807.010. A grant of driving privileges to operate a motor vehicle under this section is subject to suspension and revocation the same as other driving privileges granted under the vehicle code. This section is in addition to any exemptions from the vehicle code under ORS 801.026. The following persons are granted the described driving privileges:

(1) A person who is not a resident of this state may operate a motor vehicle without an Oregon license or driver permit if the person holds a current out-of-state license issued to the person by the person's home jurisdiction. To qualify under this subsection, the person must have the out-of-state license or driver permit in the person's possession. A person is not granted driving privileges under this subsection:

(a) If the person is under the minimum age required to be eligible for driving privileges under ORS 807.060;

(b) During a period of suspension or revocation by this state or any other jurisdiction of driving privileges or of the right to apply for a license or driver permit issued by this state or any other jurisdiction; or

(c) That exceed the driving privileges granted to the person by the home jurisdiction of the person.

(2) A person in the Armed Forces of the United States may operate a motor vehicle without an Oregon license or driver permit if the person:

(a) Has a current out-of-state license or driver permit issued by the Armed Forces; and

(b) Is operating an official motor vehicle in the course of the person's duties in the Armed Forces.

(3) A person without a license or driver permit may operate a road roller or road machinery that is not required to be registered under the laws of this state.

(4) A person without a license or driver permit may temporarily operate, draw, move or propel a farm tractor or implement of husbandry.

(5) A person without a license or driver permit may operate a motor vehicle to demonstrate driving ability during the course of an examination administered under ORS 807.070 for the purpose

of qualifying for a license or driver permit. This subsection only applies when an authorized examiner is in a seat beside the driver of the motor vehicle.

(6) Driving privileges for snowmobiles are exclusively as provided in ORS 821.150.

(7) Driving privileges for Class I all-terrain vehicles are exclusively as provided in ORS 821.170.

(8) Driving privileges for Class III all-terrain vehicles are exclusively as provided in ORS 821.172.

(9) A person without a license or driver permit may operate a golf cart in accordance with an ordinance adopted under ORS 810.070.

(10) The spouse of a member of the Armed Forces of the United States on active duty who is accompanying the member on assignment in this state may operate a motor vehicle if the spouse has a current out-of-state license or driver permit issued to the spouse by another state in the spouse's possession.

(11) A person who is a member of the Armed Forces of the United States on active duty may operate a motor vehicle if the person has a current out-of-state license or driver permit in the person's possession that is issued to the person by the person's state of domicile or by the Armed Forces of the United States in a foreign country. Driving privileges described under this subsection that are granted by the Armed Forces apply only for a period of 45 days from the time the person returns to the United States.

(12) A person who does not hold a motorcycle indorsement may operate a motorcycle if the person is:

(a) Within an enclosed cab; or

(b) Operating a vehicle designed to travel with three wheels in contact with the ground at speeds of less than 15 miles per hour.

(13) A person may operate a bicycle that is not an electric assisted bicycle without any grant of driving privileges.

(14) A person may operate an electric assisted bicycle without a driver license or driver permit if the person is 16 years of age or older.

(15) A person may operate a motor assisted scooter without a driver license or driver permit if the person is 16 years of age or older.

(16) A person who is not a resident of this state may operate a motor vehicle without an Oregon license or driver permit if the person is at least 15 years of age and has in the person's possession a current out-of-state equivalent of a Class C instruction driver permit issued to the person by the person's home jurisdiction. A person operating a motor vehicle under authority of this subsection has the same privileges and is subject to the same restrictions as a person operating under the authority of a Class C instruction driver permit issued as provided in ORS 807.280.

(17) A person may operate an electric personal assistive mobility device without any grant of driving privileges if the person is 16 years of age or older.

SECTION 7. ORS 811.050 is amended to read:

811.050. (1) A person commits the offense of failure of a motor vehicle operator to yield to a rider on a bicycle lane if the person is operating a motor vehicle and the person does not yield the right of way to a person operating a bicycle, electric assisted bicycle, **electric personal assistive mobility device,** moped, motor assisted scooter or motorized wheelchair upon a bicycle lane.

(2) This section does not require a person operating a moped to yield the right of way to a bicycle or a motor assisted scooter if the moped is operated on a bicycle lane in the manner permitted under ORS 811.440.

(3) The offense described in this section, failure of a motor vehicle operator to yield to a rider on a bicycle lane, is a Class B traffic violation.

SECTION 8. ORS 811.440 is amended to read:

811.440. This section provides exemptions from the prohibitions under ORS 811.435 and 814.210 against operating motor vehicles on bicycle lanes and paths. The following vehicles are not subject to ORS 811.435 and 814.210 under the circumstances described:

(1) A person may operate a moped on a bicycle lane that is immediately adjacent to the roadway only while the moped is being exclusively powered by human power.

(2) A person may operate a motor vehicle upon a bicycle lane when:

(a) Making a turn;

(b) Entering or leaving an alley, private road or driveway; or

(c) Required in the course of official duty.

(3) An implement of husbandry may momentarily cross into a bicycle lane to permit other vehicles to overtake and pass the implement of husbandry.

(4) A person may operate a motorized wheelchair on a bicycle lane or path.

(5) A person may operate a motor assisted scooter on a bicycle lane or path.

(6) A person may operate an electric personal assistive mobility device on a bicycle lane or path.

SECTION 9. ORS 811.525 is amended to read:

811.525. This section establishes exemptions from ORS 811.515 and 811.520. The exemptions under this section are in addition to any exemptions under ORS 801.026. The exemptions established under this section are partial or complete as described in the following:

(1) ORS 811.515 and 811.520 shall not be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of those sections.

(2) Except for the provisions relating to exempt-vehicle safety lighting equipment, ORS 811.515 and 811.520 do not apply to any of the following:

(a) Road machinery.

(b) Road rollers.

(c) Farm tractors.

(d) Antique motor vehicles that are maintained as a collector's item and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(3) Whenever motor and other vehicles are operated in combination during the time that lights are required, any lighting equipment, except the taillight, which by reason of its location on a vehicle of the combination would be obscured by another vehicle of the combination, need not be lighted. This subsection shall not affect the requirement that lighted clearance lights be displayed on the front of the foremost vehicle required to have clearance lights nor the requirement that all lights on the rear of the rearmost vehicle of the combination be lighted.

(4) Lighting equipment on bicycles shall be lighted as required under ORS 815.280.

(5) Parked or stopped vehicles are not required to display parking lights if the road authority for the highway provides by ordinance or resolution that no lights need be displayed upon a vehicle parked on the highway in accordance with legal parking regulations where there is sufficient light to render clearly discernible any person or object within a distance of 500 feet from the highway.

(6) Nothing under ORS 811.515 and 811.520 limits the ability to use the following lights with any other lights during the day or at night:

(a) Public vehicle warning lights.

(b) Pilot vehicle warning lights.

(c) Tow vehicle warning lights.

(d) Police lights.

(e) Warning lights on vehicles at the scene of an actual or potential release of hazardous materials, as described in ORS 816.280.

(f) Warning lights on vehicles being used by medical examiners to reach the scene of an accident or of a death investigation, as described in ORS 816.280.

(7) Requirements for use of motorcycle and moped headlights are under ORS 814.320.

(8) Requirements for lighting equipment for an electric personal assistive mobility device are under section 10 of this 2003 Act.

SECTION 10. (1) A person commits the offense of violation of electric personal assistive mobility device equipment requirements if the person:

(a) Operates an electric personal assistive mobility device during times of limited visibility conditions and the electric personal assistive mobility device or the operator is not equipped with and using the following:

(A) A white light visible from a distance of at least 500 feet to the front and sides of the electric personal assistive mobility device; and

(B) A red reflector, lighting device or material of such size or characteristic as to be visible from all distances up to 600 feet to the rear when the electric personal assistive mobility device is directly in front of lawful lower beams of headlights on a motor vehicle; or

(b) Installs or uses any siren or whistle upon an electric personal assistive mobility device.

(2) Nothing in this section prohibits the use of additional parts and accessories not inconsistent with this section.

(3) The offense described in this section, violation of electric personal assistive mobility device equipment requirements, is a Class D traffic violation.

SECTION 11. (1) An electric personal assistive mobility device is not a motor vehicle for purposes of the Oregon Vehicle Code, except when specifically provided by statute.

(2) A person operating an electric personal assistive mobility device on a bicycle lane, bicycle path or any part of a highway is subject to any provisions applicable to and has the same rights and duties as the driver of a bicycle when operating on a bicycle lane, bicycle path or any part of a highway, except when otherwise specifically provided by statute.

(3) A person operating an electric personal assistive mobility device on a sidewalk is subject to any provisions applicable to and has the same rights and duties as a pedestrian on a sidewalk, except when otherwise specifically provided by statute.

(4) Subject to the provisions of subsections (1) to (3) of this section, for purposes of the vehicle code:

(a) An electric personal assistive mobility device is a vehicle; and

(b) When the term "vehicle" is used the term shall be deemed to be applicable to electric personal assistive mobility devices, except those provisions that by their very nature can have no application to the devices.

(5) The provisions of the vehicle code relating to the operation of an electric personal assistive mobility device do not relieve an operator or motorist from the duty to exercise due care.

SECTION 12. (1) A person commits the offense of unsafe operation of an electric personal assistive mobility device if:

(a) The person is operating an electric personal assistive mobility device on a highway that has a designated or posted speed limit greater than 35 miles per hour or that has no designated or posted speed limit, and the person is not in a bicycle lane or crossing the highway;

(b) The person is operating an electric personal assistive mobility device on a bicycle lane, bicycle path or any part of a highway at a speed greater than 15 miles per hour;

(c) The person is operating an electric personal assistive mobility device on a sidewalk in a careless manner that endangers or would be likely to endanger any person or property;

(d) The person is operating an electric personal assistive mobility device on a bicycle lane, bicycle path, sidewalk or other premises open to the public and the person carries another person on the electric personal assistive mobility device;

(e) The person is operating an electric personal assistive mobility device at a speed greater than an ordinary walk when approaching a crosswalk, approaching or entering a driveway or crossing a curb cut or pedestrian ramp and a motor vehicle is approaching the crosswalk, driveway, curb cut or pedestrian ramp; or

(f) The person is operating an electric personal assistive mobility device on a sidewalk and does not give an audible warning before overtaking and passing a pedestrian and does not yield the right of way to all pedestrians on the sidewalk.

(2) The offense described in this section, unsafe operation of an electric personal assistive mobility device, is a Class D traffic violation.

SECTION 13. ORS 814.470 is amended to read:

814.470. (1) A person commits the offense of failure to use a bicycle seat if the person is operating a bicycle and the person rides other than upon or astride a permanent and regular seat attached to the bicycle.

(2) A person operating an electric personal assistive mobility device is not subject to this section.

[*(2)*] **(3)** The offense described in this section, failure to use bicycle seat, is a Class D traffic violation.

NOTE: Section 14 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 15. ORS 815.135 is amended to read:

815.135. This section establishes exemptions from ORS 815.130. The exemptions under this section are in addition to any exemptions under ORS 801.026. The exemptions under this section are partial or complete as described in the following:

(1) The following vehicles shall be deemed in compliance with the brake requirements if the vehicles are equipped with original manufacturer's equipment and accessories, or their equivalent, and maintained in safe operating condition:

(a) Except as provided in subsection (2) of this section, motor vehicles of special interest that are registered under ORS 805.020.

(b) Antique motor vehicles that are registered under ORS 805.010.

(2) Motor vehicles of special interest that are registered under ORS 805.020 and that are street rods, as defined in ORS 801.513, shall be deemed in compliance with the brake requirements if the street rods conform to ORS 815.107.

(3) The following vehicles are exempt from the brake requirements:

(a) Road machinery.

(b) Road rollers.

(c) Farm tractors.

(d) Electric personal assistive mobility devices.

SECTION 16. ORS 815.230 is amended to read:

815.230. (1) A person commits the offense of violation of vehicle sound equipment requirements if the person drives or moves on any highway or owns and causes or knowingly permits to be driven on any highway any vehicle that violates any of the following equipment provisions:

(a) A motor vehicle must be equipped with a horn in good working order, capable of emitting sounds audible under normal conditions from a distance of not less than 200 feet.

(b) No vehicle shall be equipped with any bell, siren, compression or exhaust whistle.

(2) This section is subject to the exemptions under this subsection in addition to any exemptions under ORS 801.026. The exemptions under this subsection are partial or complete as described in the following:

(a) Authorized emergency vehicles are subject to sound equipment requirements and limitations as provided in ORS 820.370 and 820.380.

(b) Vehicles of special interest that are registered under ORS 805.020 are not subject to this section if the vehicles are:

(A) Equipped with original manufacturer's equipment and accessories, or their equivalent, and are maintained in safe operating condition; or

(B) Street rods that conform to ORS 815.107.

(c) Bicycles are subject to requirements and limitations on sound equipment as provided under ORS 815.280.

(d) Antique vehicles are not subject to the requirements if the vehicles are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(e) The requirements do not apply to road machinery, road rollers and farm tractors.

(f) Electric personal assistive mobility devices are subject to requirements and limitations on sound equipment as provided under section 10 of this 2003 Act.

(3) The offense described in this section, violation of vehicle sound equipment requirements, is a Class C traffic violation.

SECTION 17. ORS 815.280 is amended to read:

815.280. (1) A person commits the offense of violation of bicycle equipment requirements if the person does any of the following:

(a) Operates on any highway a bicycle in violation of the requirements of this section.

(b) Is the parent or guardian of a minor child or ward and authorizes or knowingly permits the child or ward to operate a bicycle on any highway in violation of the requirements of this section.

(2) A bicycle is operated in violation of the requirements of this section if any of the following requirements are violated:

(a) A bicycle must be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement.

(b) A person shall not install or use any siren or whistle upon a bicycle.

(c) At the times described in the following, a bicycle or its rider must be equipped with lighting equipment that meets the described requirements:

(A) The lighting equipment must be used during limited visibility conditions.

(B) The lighting equipment must show a white light visible from a distance of at least 500 feet to the front of the bicycle.

(C) The lighting equipment must have a red reflector or lighting device or material of such size or characteristic and so mounted as to be visible from all distances up to 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.

(3) Nothing contained in this section shall be construed to prohibit the use of additional parts and accessories on any bicycle not inconsistent with this section.

(4) This section does not apply to electric personal assistive mobility devices. Equipment requirements for electric personal assistive mobility devices are provided in section 10 of this 2003 Act.

[*(4)*] **(5)** The offense described in this section, violation of bicycle equipment requirements, is a Class D traffic violation.

SECTION 18. ORS 816.310 is amended to read:

816.310. This section establishes exemptions from ORS 816.040 to 816.300. The exemptions under this section are in addition to any exemptions under ORS 801.026. The exemptions established under this section are partial or complete as described in the following:

(1) ORS 816.040 to 816.300 shall not be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of those sections.

(2) Lighting equipment used on vehicles of special interest that are registered under ORS 805.020 shall be deemed in compliance with ORS 816.040 to 816.300 if the equipment is original manufacturer's equipment and accessories, or their equivalent and if the equipment is maintained in safe operating condition.

(3) ORS 816.040 to 816.300 do not apply to equipment on any of the following:

(a) Road machinery.

(b) Road rollers.

(c) Farm tractors.

(d) Antique motor vehicles that are maintained as a collector's item and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(e) Motorized wheelchairs when used as permitted under ORS 811.440.

(4) On any combination of vehicles, only the lighting equipment on the rearmost vehicle in the combination of vehicles need be visible from distances specified under ORS 816.040 to 816.290 for lighting equipment on the rear of vehicles.

(5) Lighting equipment on bicycles shall meet the requirements established for such equipment under ORS 815.280.

(6) Vehicle lighting equipment requirements for ambulances and emergency vehicles are established in ORS 820.350.

(7) Lighting equipment on electric personal assistive mobility devices shall meet the requirements established in section 10 of this 2003 Act.

SECTION 19. ORS 816.340 is amended to read:

816.340. This section establishes exemptions from ORS 816.320 and 816.330. The exemptions established under this section are in addition to any exemptions under ORS 801.026. The exemptions under this section are partial or complete as described in the following:

(1) ORS 816.320 and 816.330 shall not be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of those sections.

(2) Motor vehicles of special interest that are registered under ORS 805.020 shall be deemed in compliance with ORS 816.320 and 816.330 if:

(a) The vehicles are equipped with original manufacturer's equipment and accessories, or their equivalent, and if the equipment is maintained in safe operating condition; or

(b) The vehicles are street rods that conform ORS 815.107.

(3) ORS 816.320 and 816.330 do not apply to any of the following vehicles:

(a) Road machinery.

(b) Road rollers.

(c) Farm tractors, implements of husbandry and farm trailers.

(d) Antique motor vehicles that are maintained as a collector's item and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(4) Motorcycles manufactured before 1973 are not required to be equipped with turn signals.

(5) Truck tractors are not required to be equipped with rear reflectors.

(6) Pole trailers are not required to be equipped with side reflectors, side marker lights, clearance lights or identification lights.

(7) Motor vehicles registered in this state on or before January 1, 1940, are not required to be equipped with a high-beam indicator.

(8) Bicycles shall be equipped with lighting equipment as required under ORS 815.280.

(9) Requirements for warning lights on ambulances are provided under ORS 820.350 and 820.360.

(10) Electric personal assistive mobility devices shall be equipped with lighting equipment as required under section 10 of this 2003 Act.

SECTION 20. Local governments and state agencies having jurisdiction over public highways, sidewalks, alleys, bridges, trails, recreational roads and other ways of public passage may regulate by ordinance or rule and by traffic control device the time, place and manner of operation of electric personal assistive mobility devices, including prohibiting their use entirely.

SECTION 21. ORS 822.015 is amended to read:

822.015. In addition to any exemptions from the vehicle code under ORS 801.026, ORS 822.005 does not apply to the following vehicles or persons:

(1) Road rollers, farm tractors, farm trailers, trolleys, implements of husbandry, emergency vehicles, well-drilling machinery and boat or utility trailers with a gross weight of 1,800 pounds or less.

(2) The owner of a vehicle as shown by the vehicle title issued by any jurisdiction if the person owned the vehicle primarily for personal, family or household purposes. If the person has sold, traded, displayed or offered for sale, trade or exchange more than five vehicles in one calendar year, the person shall have the burden of proving that the person owned the vehicles primarily for personal, family or household purposes or for other purposes that the Department of Transportation, by rule, defines as constituting an exemption under this section.

(3) A receiver, trustee, personal representative or public officer while performing any official duties.

(4) A real estate licensee representing a buyer or seller in a transaction involving a manufactured structure considered real property under ORS 308.875 or 820.510.

(5) The lessor or security interest holder of a vehicle as shown by the vehicle title issued by any jurisdiction.

(6) Except as otherwise provided in this subsection, a manufacturer who sells vehicles the manufacturer has manufactured in Oregon or manufactured structures that the manufacturer has manufactured anywhere. Nothing in this subsection prevents any manufacturer from obtaining a vehicle dealer certificate under ORS 822.020. This subsection does not exempt a manufacturer who sells or trades campers or travel trailers.

(7) An insurance adjuster authorized to do business under ORS 744.505 or 744.515 who is disposing of vehicles for salvage.

(8) Except as otherwise provided in this subsection, a person who sells or trades or offers to sell or trade a vehicle that has been used in the operation of the person's business. This subsection does not exempt a person who is in the business of selling, trading, displaying, rebuilding, renting or leasing vehicles from any requirement to obtain a certificate for dealing in those vehicles.

(9) A person who is licensed as a vehicle dealer in another jurisdiction who is participating with other dealers in a display of vehicles, including but not limited to an auto show or a manufactured home show. This subsection applies only if the display is an event that lasts for 10 days or less and is an event for which the public is charged admission.

(10) A person who receives no money, goods or services, either directly or indirectly, for displaying a vehicle or acting as an agent in the buying or selling of a vehicle.

(11) A person who collects, purchases, acquires, trades or disposes of vehicles and vehicle parts for the person's own use in order to preserve, restore and maintain vehicles for the person's own use or for hobby or historical purposes.

(12) Electric personal assistive mobility devices.

Passed by Senate April 29, 2003

.....
Secretary of Senate

.....
President of Senate

Passed by House May 19, 2003

.....
Speaker of House

Received by Governor:

.....M.,....., 2003

Approved:

.....M.,....., 2003

.....
Governor

Filed in Office of Secretary of State:

.....M.,....., 2003

.....
Secretary of State

2003 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: SB 787 **STATUS:** A-Engrossed
SUBJECT: Defines electric personal assistive mobility device. Permits operation of devise on bicycle lanes and paths, sidewalks, and highways. Exempts devices from compliance with vehicle title, vehicle registration, financial responsibility, certain equipment and other requirements. Creates new offenses with maximum fines of $75.
GOVERNMENT UNIT AFFECTED: State and local judicial and law enforcement departments, and the Oregon Department of Transportation
PREPARED BY: Monica Brown
REVIEWED BY: Susie Jordan
DATE: April 21, 2003

	2003-2005	2005-2007
EXPENDITURES:		
See Comments		
REVENUES:		
See Comments		

EFFECTIVE DATE: January 1, 2004

GOVERNOR'S BUDGET: This bill is not anticipated by the Governor's budget.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: This bill would expand the offense of failure of a motor vehicle operator to yield to a rider on a bicycle lane to include yielding the right-of-way to persons operating an electric personal assistive mobility device. This offense is a Class B traffic violation with a maximum fine of $300. The bill also creates two new offenses related to personal assistive mobility devices: a) violation of equipment requirements, which establishes lighting requirements and prohibits installation of a siren or whistle; and b) unsafe operation if the device is operated on a road posted over 35 MPH and not in the bicycle lane or crossing the highway, exceeded 15 MPH, operated carelessly on a sidewalk, or operated with another person aboard. These new offenses are Class D traffic violations with maximum fines of $75.

The revenue gained from fines for traffic citations depend upon enforcement of the offense as well as applicable fines. Actual amounts paid on individual citations cannot be readily determined as the amount is often less than the maximum fine allowed. Fines are distributed as directed in ORS 153.630. In brief, one half of fines paid on citations written into municipal or justice courts remain as part of that jurisdiction's funds. One half of fines and assessments paid on citations into municipal or justice courts written by state law enforcement officers are paid into the Criminal Fines and Assessment Account (CFAA). If a state officer writes a citation into a state circuit court all fines and assessments would be deposited into the CFAA and used as directed by the Legislative Assembly in agency budgets.

As the provisions of the bill exempt these devices from compliance with vehicle title, vehicle registration, financial responsibility, driver license, vehicle lighting, and bicycle equipment requirements, the Department of Transportation anticipates this bill would have a minimal expenditure impact.

72ND OREGON LEGISLATIVE ASSEMBLY - 2003 Regular Session
STAFF MEASURE SUMMARY
House Committee on Transportation

MEASURE: SB 787-A
CARRIER: Rep. Greenlick

REVENUE: No revenue impact
FISCAL: Fiscal statement issued

Action:		Do Pass
Vote:		7 - 0 - 0
	Yeas:	Beyer, Dingfelder, Gilman, Greenlick, Mabrey, Zauner, Brown
	Nays:	0
	Exc.:	0
Prepared By:		Janet Adkins, Administrator
Meeting Dates:		5-9

WHAT THE MEASURE DOES: Permits the operation of electric personal assistive mobility devices by persons sixteen years of age or older on bicycle lanes, bicycle paths, and sidewalks, and on highways with posted speeds of 35 miles per hour (mph) or less. Allows a local jurisdiction to regulate or prohibit use of the devices. Exempts the devices from compliance with vehicle title, vehicle registration, and liability insurance requirements. Exempts operators of the devices from driver license and helmet requirements. Specifies lighting equipment requirements. Creates the offense of unsafe operation of an electric personal assistive mobility device for: operating on a road that is posted over 35 mph and not in a bicycle lane; riding on a road or bike path over 15 mph; operating with another person aboard; operating carelessly on a sidewalk; failing to yield to a pedestrian; or failing to give an audible warning to a pedestrian when overtaking the pedestrian. Classifies the offense as a Class D traffic violation with a maximum fine of $75. Creates a separate offense for operating in violation of equipment requirements for the devices, also a Class D traffic violation.

ISSUES DISCUSSED:
- Whether local government approval should be an "opt-in" or an "opt-out" requirement
- Comparisons with bicycle operation and laws
- Pedestrian concerns
- Potential uses of the device
- Similar laws in other states

EFFECT OF COMMITTEE AMENDMENT: None.

BACKGROUND: The electric personal assistive mobility device was introduced with the debut of the brand, Segway, in 2001. The devices transport a person in a standing position and have a sophisticated combination of sensors, gyroscopes, and computers to achieve a self-balancing function. Initially, the Segway was sold only for commercial uses, or to public bodies such as police departments and utilities. Last year a new version was introduced for the general public. Thirty-three states and the District of Columbia have enacted laws permitting and regulating Segway-type vehicles.

SB 787-A specifies where, and under what conditions, electric personal assistive mobility vehicles are permitted, and gives local governments the authority to prohibit or place additional restrictions on operation of the vehicles. The bill defines the device as a self-balancing, two-wheeled vehicle, designed to transport a standing person, with electric propulsion, and a maximum speed of 15 miles per hour.

72ND OREGON LEGISLATIVE ASSEMBLY - 2003 Regular Session
STAFF MEASURE SUMMARY
House Committee on Transportation

MEASURE: SB 787-A
CARRIER: Rep. Greenlick

REVENUE: No revenue impact
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SB 787-A specifies where, and under what conditions, electric personal assistive mobility vehicles are permitted, and gives local governments the authority to prohibit or place additional restrictions on operation of the vehicles. The bill defines the device as a self-balancing, two-wheeled vehicle, designed to transport a standing person, with electric propulsion, and a maximum speed of 15 miles per hour.

SB 787 By Senator BROWN; Representative KROPF -- Relating to electric motor vehicles.

2-27(S) Introduction and first reading. Referred to President's desk.
3-5 Referred to Transportation and Economic Development.
4-1 Public Hearing held.
4-17 Public Hearing and Work Session held.
4-23 Recommendation: Do pass with amendments. (Printed A-Eng.)
4-24 Second Reading.
4-28 Carried over to 04-29 by unanimous consent.
4-29 Third Reading. Carried by Starr, B. Passed.
Ayes, 26; Nays, 4--Beyer, Corcoran, Hannon, Schrader.
4-30(H) First reading. Referred to Speaker's desk.
5-1 Referred to Transportation.
5-9 Public Hearing and Work Session held.
5-14 Recommendation: Do pass.
5-15 Second reading.
5-16 Rules suspended. Carried over to May 19, 2003 Calendar.
5-19 Third reading. Carried by Greenlick. Passed.
Ayes, 52; Nays, 3--Close, Smith P., Verger; Excused, 4--Butler, Garrard, Schaufler, Westlund; Excused for business of the House, 1--Speaker Minnis.
6-2(S) President Signed.
6-3(H) Speaker signed.
6-12(S) Governor Signed.
6-19 Chapter 341, 2003 Laws.
Effective date, January 1, 2004.

TIGARD MUNICIPAL CODE

Chapter 10.36 BICYCLES and ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.

Sections:

10.36.010	**Definitions.**
10.36.020	**License--Required. (Repealed By Ord. 03-07).**
10.36.030	**License--Issuance. (Repealed By Ord. 03-07).**
10.36.040	**License Plate And Registration Card Inspection. (Repealed By Ord. 03-07).**
10.36.050	**Sales--Report Required. (Repealed By Ord. 03-07).**
10.36.060	**Sales--Transfer Of Registration. (Repealed By Ord. 03-07).**
10.36.070	**License--Tag--When Required. (Repealed By Ord. 03-07).**
10.36.100	**Riding--On Certain Sidewalks Prohibited.**
10.36.120	**Racing On Public Ways--Permit Required.**
10.36.130	**Applicability Of Traffic Laws.**
10.36.140	**Lighting Requirements.**
10.36.150	**Brake Requirements.**
10.36.160	**Speed.**
10.36.170	**Rider--At Least One Hand On Handlebars.**
10.36.180	**Parking Restrictions.**
10.36.190	**Violation--Permitting Or Authorizing Prohibited.**
10.36.200	**Violation--Penalty.**

10.36.010 Definitions.

The following words or phrases, except where the context clearly indicates a different meaning, are defined as follows:

(1) "Alley" means a narrow street through the middle of a block.

(2) "Bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is over 12 inches in diameter.

(3) "Highway, road and street" mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

(4) "Park or parking" means the standing of a vehicle, whether occupied or not, except when a vehicle is temporarily standing for the purpose of and while actually engaged in loading or unloading.

(5) "Parkway" means that portion of a street not used as a roadway or as a sidewalk.

(6) "Person" means every natural person, firm, partnership, association or corporation.

(7) "Roadway" means that portion of a street or highway improved, designed or ordinarily used for vehicular travel.

(8) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(9) "Sidewalk" means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians. (Ord. 67-72 §1, 1967).

(10) "Electric personal assistive mobility device" means a device that: (1) Is self-balancing on two nontandem wheels; (2) Is designed to transport one person in a standing position; (3) Has an electric propulsion system; and (4) Has a

maximum speed of 15 miles per hour.

10.36.020 License--Required. (Repealed By Ord. 03-07).

(Repealed by Ord. 03-07; Ord. 67-72 §2, 1967).

10.36.030 License--Issuance. (Repealed By Ord. 03-07).

(Repealed by Ord. 03-07; Ord. 78-3 §8(b), 1978: Ord. 67-72 §3, 1967).

10.36.040 License Plate And Registration Card Inspection. (Repealed By Ord. 03-07).

(Repealed by Ord. 03-07; Ord. 78-3 §8(c), 1978: Ord. 67-72 §4, 1967).

10.36.050 Sales--Report Required. (Repealed By Ord. 03-07).

(Repealed by Ord. 03-07; Ord. 67-72 §5, 1967).

10.36.060 Sales--Transfer Of Registration. (Repealed By Ord. 03-07).

(Repealed by Ord. 03-07; Ord. 67-72 §6, 1967).

10.36.070 License--Tag--When Required. (Repealed By Ord. 03-07).

(Repealed Ord. 03-07; Ord. 67-72 §7, 1967).

10.36.100 Riding--On Certain Sidewalks Prohibited.

No person shall ride or operate any wheeled vehicle, excepting wheelchairs and electric personal assistive mobility devices, on any sidewalk adjacent and parallel to S.W. Main Street; and provided further, that any person riding any wheeled vehicle, excepting wheelchairs, on any sidewalk in the City shall at all times yield the right-of-way to pedestrians using such sidewalk. (Ord. 78-3 §8(e), 1978; Ord. 74-50B §1, 1974: Ord. 67-72 §10, 1967).

10.36.120 Racing On Public Ways--Permit Required.

No person shall engage in, or cause others to be engaged in, any bicycle racing upon the streets or other public places in the City, except under a permit from and under the supervision of the City police department. (Ord. 67-72 §12, 1967).

10.36.130 Applicability Of Traffic Laws.

Every person riding or operating a bicycle or electric personal assistive mobility device on a street or public path in the City shall be subject to all the provisions of the laws of the state of Oregon applicable to such operation and shall also be subject to all the provisions of this title and any other City ordinances applicable to such operation. (Ord. 67-72 §13, 1967).

10.36.140 Lighting Requirements.

Every bicycle operated within the City at any time from a half hour after sunset to a half hour before sunrise, or at any other time that visibility is poor due to insufficient light or unfavorable atmospheric conditions, shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least five hundred feet to the front of such bicycle, and a red reflector on the rear of such size or characteristics and so mounted as to be visible at night from all distances within three hundred feet to fifty feet from the rear of such bicycle. A red light visible from a distance of five hundred feet to the rear may be used in addition to the rear reflector. (Ord. 67-72 §14, 1967).

10.36.150 Brake Requirements.

Every bicycle operated upon the City streets shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle. (Ord. 67-72 §15, 1967).

10.36.160 Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (Ord. 67-72 §16, 1967).

10.36.170 Rider--At Least One Hand On Handlebars.

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars and in full control of such bicycle. (Ord. 67-72 §17, 1967).

10.36.180 Parking Restrictions.

From and after December 18, 1967, it is unlawful for any person to park or leave a bicycle upon the sidewalk within the City; except in areas designated by ordinance, which areas shall be properly marked by signs or painting and provided with racks for parking bicycles. (Ord. 67-72 §18, 1967).

10.36.190 Violation--Permitting Or Authorizing Prohibited.

No parents of any minor child and no guardian of any minor ward shall authorize or knowingly permit any such minor child or ward to violate any of the provisions of this chapter. (Ord. 67-72 §19, 1967).

10.36.200 Violation--Penalty.

~~Any person who shall violate any of the provisions of this chapter, shall, upon conviction thereof, be punished by imprisonment in the City jail for not to exceed five days or by a fine not to exceed ten dollars, or both, or bicycles may be impounded for a period not to exceed fourteen days. (Ord. 67-72 §20, 1967).~~

A violation of any provision of this chapter is a class D traffic violation.

AGENDA ITEM # 13
FOR AGENDA OF December 16, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Dedication of Property for Greenway Purposes

PREPARED BY: A.P. Duenas DEPT HEAD OK CITY MGR OK

ISSUE BEFORE THE COUNCIL

Should City Council accept the dedication of approximately 2.93 acres of property by Fanno Pointe, L.L.C. for use as open space or greenway?

RECOMMENDATION

Staff recommends that City Council, by motion, accept the dedication of the property for the purposes described in the dedication documents and authorize the City Manager to sign the documents.

INFORMATION SUMMARY

The Fanno Pointe Condominium project has developed the developable portion of their property adjacent to Hall Boulevard and south of the new Library property. Approximately half (the rear half) of that property contains wetlands, the floodplain and a segment of Fanno Creek. The rear half of the property cannot be developed and is best preserved as open space or as a greenway. The Fanno Pointe developer is proposing to dedicate the undevelopable portion of the property to the City for greenway purposes.

The proposed dedication offers the City an opportunity to preserve a relatively large piece of property for use as a greenway. The property has the potential to be further enhanced in the future for that purpose. In addition, the Fanno Creek trail system could be expanded further south through the property. The City's Parks staff has indicated that the proposed dedication would be welcome, but that the developer would have to conduct an initial spraying of noxious weeds prior to transfer of the property. The developer has agreed to that initial spraying and would conduct an additional spraying, if necessary. Attached is the letter from Polygon Northwest Company, the developer of the Fanno Pointe project committing to the spraying as requested.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

The proposed dedication meets the Tigard Beyond Tomorrow Community Character and Quality of Life goal of *Community Aesthetics*, Strategy *Balance development and aesthetic needs.*

ATTACHMENT LIST

1. Greenway Dedication Documents
2. Letter from Polygon Northwest Company dated November 14, 2003

FISCAL NOTES

The dedication of the property for greenway purposes is at no cost to the City.

I:\eng\gus\council agenda summaries\dedication of greenway - fanno pointe llc.doc

RETURN RECORDED DOCUMENT TO:
CITY HALL RECORDS DEPARTMENT
13125 SW Hall Blvd.
Tigard, OR 97223

Corporation

File No. 2002-00012

DEDICATION DEED
(GREENWAY)

FANNO POINTE, L.L.C., a Washington limited liability company ("Grantor"), hereby grants to the **CITY OF TIGARD**, a municipal corporation of the State of Oregon ("Grantee"), its successors and assigns, for open space and/or greenway purposes that certain real property situated in the City of Tigard, County of Washington, State of Oregon, described on Exhibit "A" attached hereto and depicted on Exhibit "B" attached hereto (the "Property").

Grantor warrants that it is the owner in fee simple of the Property, and that the Property is free of liens and encumbrances except those of record on the date hereof.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The monetary consideration for this conveyance is $0.00. However, the actual consideration consists of or includes the value of the Property and other value given or promised, the receipt and sufficiency of which are hereby acknowledged.

(Remainder of Page Intentionally Left Blank)

IN WITNESS WHEREOF, the undersigned has executed this Dedication Deed on this 3rd day of Nov, 2003.

GRANTOR: FANNO POINTE, L.L.C., a Washington limited liability company

By: PNW CAPITAL, L.L.C., a Washington limited liability company
Its: Managing Member

By: TOFINO, INC., a Washington corporation
Its: Managing Member

By: [signature]
Print Name: FRED GOST
Its: ASST. V.P.

STATE OF ~~OREGON~~ Washington)
) ss.
County of Clark)

This Dedication Deed was executed before me on November 3, 2003, by Fred Gost, Vice President of Tofino, Inc., a Washington corporation, the managing member of PNW Capital, L.L.C., a Washington limited liability company, the managing member of Fanno Pointe, L.L.C., a Washington limited liability company, on behalf of said company.

MARGARET L. GOSSELIN
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
JANUARY 17, 2006

[signature]
Notary Public for Oregon
My Commission Expires: 1-17-06

AGREED TO AND ACCEPTED BY the City of Tigard on this ____ day of _____, 2003.

By: _____
Print Name: _____
Its: _____

Exhibit A
Legal Description

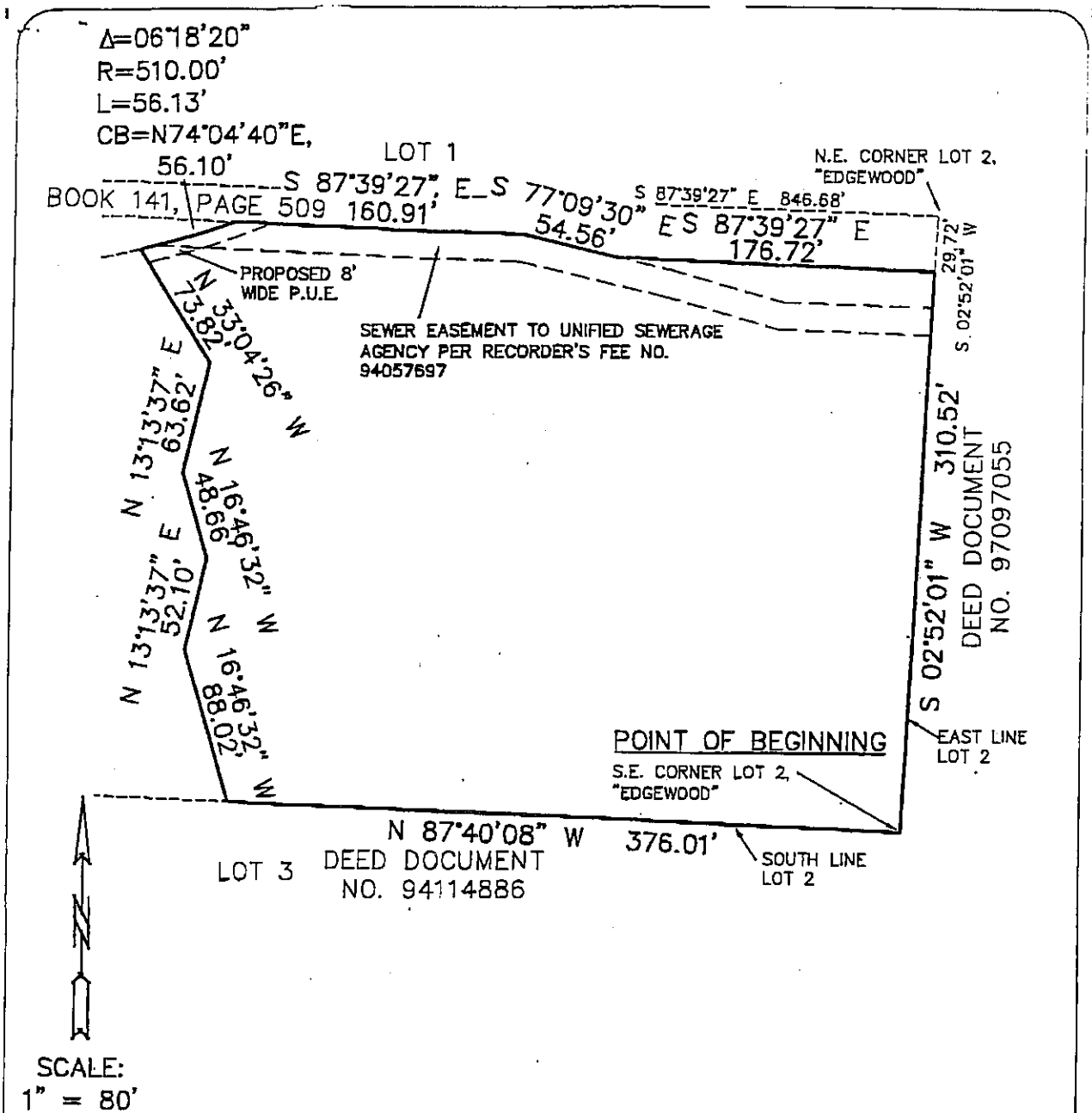
APRIL 23, 2003
LEGAL DESCRIPTION
GREENWAY DEDICATION

A PARCEL OF LAND LOCATED IN A PORTION OF LOT 2, "EDGEWOOD" IN THE SOUTHWEST ONE-QUARTER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, CITY OF TIGARD, WASHINGTON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2; THENCE ALONG THE SOUTH LINE OF SAID LOT 2, NORTH 87° 40' 08" WEST, 376.01 FEET; THENCE LEAVING SAID SOUTH LINE, NORTH 16° 46' 32" WEST, 88.02 FEET; THENCE NORTH 13° 13' 37" EAST, 52.10 FEET; THENCE NORTH 16° 46' 32" WEST, 48.66 FEET; THENCE NORTH 13° 13' 37" EAST, 63.62 FEET; THENCE NORTH 33° 04' 26" WEST, 73.82 FEET, TO A POINT ON THE SOUTH LINE OF A RIGHT-OF-WAY DEDICATION TO THE CITY OF TIGARD PER DEED DOCUMENT NO. 2003073770 ; THENCE ALONG SAID SOUTH LINE, ON THE ARC OF A 510.00 FOOT RADIUS CURVE, BEING NON-TANGENT TO PREVIOUS CURVE AND CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 6° 18' 20", 56.13 FEET (CHORD BEARS NORTH 74° 04' 40" EAST, 56.10 FEET); THENCE LEAVING SAID SOUTH LINE, ALONG THE NORTH LINE OF THE PROPERTY DESCRIBED IN DEED BOOK 976, PAGE 360, SOUTH 87° 39' 27" EAST, 160.91 FEET; THENCE SOUTH 77° 09' 30" EAST, 54.56 FEET; THENCE SOUTH 87° 39' 27" EAST, 176.72 FEET, TO A POINT ON THE EAST LINE OF SAID LOT 2; THENCE LEAVING SAID NORTH LINE, ALONG SAID EAST LINE, SOUTH 02° 52' 01" WEST, 310.52 FEET, TO THE POINT OF BEGINNING.
CONTAINING APPROXIMATELY 127,742 SQUARE FEET, OR 2.93 ACRES.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS SURVEY NO. 29,167, WASHINGTON COUNTY SURVEY RECORDS.

Exhibit B
Depiction of Property



SKETCH TO ACCOMPANY LEGAL DESCRIPTION

A PARCEL OF LAND
LOCATED IN A PORTION OF LOT 2, "EDGEWOOD" IN THE SOUTHWEST ONE-QUARTER OF SECTION 1 AND THE SOUTHEAST ONE-QUARTER OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, CITY OF TIGARD, WASHINGTON COUNTY, OREGON

DRAWN BY: RLM DATE: 4/21/03
REVIEWED BY: MRG DATE: 4/21/03
PROJECT NO.: 328-011
SCALE: 1" = 40'

ALPHA ENGINEERING INC.
PLANNING & DEVELOPMENT SERVICES • SURVEYING
OFFICE 503-452-8003 • FAX 503-452-8045
PLAZA WEST • SUITE 230 • 9600 SW OAK • PORTLAND, OR 97223

POLYGON NORTHWEST COMPANY

November 14, 2003

Daniel Plaza
City of Tigard
13125 SW Hall Blvd
Tigard, OR 97223

RE: Fanno Pointe Land Transfer

Dear Dan,

"In order to facilitate the transfer of the park land at Fanno Pointe to the City of Tigard, Polygon Northwest is committed to an initial spraying of noxious weeds in the Spring of 2004, and one additional spraying in the Spring of 2005 if determined necessary by the City's Parks Supervisor. These sprayings would be for the elimination of various stands of giant hogweed, Japanese knotweed and purple loose strife."

If you have any questions, please do not hesitate to contact me.

Regards,

Duane Wilson
Superintendent

Cc: Fred Gast

109 East 13th Street, Vancouver, Washington 98660
(360) 695-7700 • (503) 221-1920 • Fax (360) 693-4442
www.Polygonhomes.com
CCB#102912