TIGARD CITY COUNCIL
MEETING

JULY 27, 2004 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223

CITY OF TIGARD
OREGON

PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Visitor's Agenda items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:00 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 6:30 p.m., but the Public Hearing will not begin until 7:30 p.m.

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 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
JULY 27, 2004

6:30 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

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 Minutes for June 22, 2004
   - 3.2 Receive and File:
     - a. Council Goal Update
   - 3.3 Local Contract Review Board
     - a. Award Contract for Construction of 121st Avenue Sanitary Sewer (Reimbursement District #30) – LCRB Consideration: Resolution No. 04 – _____
     - b. Award Contract for Construction of FY 04-05 Pavement Major Maintenance Program – Phase 1 – LCRB Consideration: Resolution No. 04 – _____
   - 3.4 Authorize the City Manager to sign Letter of Agreement with Portland & Western Railroad for the Construction of Tiedeman Avenue RR Approaches
   - 3.5. Authorize the Establishment of a Medical Savings Account/VEBA Plan – Council Consideration: Resolution No. 04 – _____
   - 3.6 Authorize the City Manager to Sign Washington County Master Interagency Teams Intergovernmental Agreement
   - 3.7 Authorize Submittal of ODOT Pedestrian & Bike Grant Application – Council Consideration: Resolution No. 04 – ____
   - 3.8 Approve the Library Policies
   - 3.9 Approve Consolidation of Lots on Library Site
   - 3.10 Approve City Manager Contract – Council Consideration: Resolution No. 04 –____

- *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. DISCUSS PROCESS FOR BULL MOUNTAIN ANNEXATION PLAN PUBLIC HEARING

7:30 PM

5. PUBLIC HEARING – CONSIDER A RESOLUTION FOR APPROVAL OF THE BULL MOUNTAIN ANNEXATION PLAN AND APPROVAL OF RELATED LAND USE ACTIONS
   a. Open Public Hearing
   b. Staff Report: Community Development
   c. Public Testimony
   d. Close Public Hearing or Continue Public Hearing to 7/28, 7/29
   e. Council Discussion & Questions to Staff
   f. Staff Recommendation
   g. Council Consideration: Motion approving the plan and directing staff to prepare a resolution with findings.

6. COUNCIL LIAISON REPORTS

7. NON AGENDA ITEMS

8. ADJOURNMENT

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Item No. 3.1

For Council Meeting of 7/27/04

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
June 22, 2004

The meeting was called to order at 6:31 p.m. by Mayor Dirksen.

Council Present: Mayor Dirksen, Councilors Moore, Sherwood, Wilson, Woodruff

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:32 p.m. to discuss exempt public records and pending litigation under ORS 192.660(2)(f)(h).

Executive Session concluded at 6:44 p.m.
Study session convened at 6:44 p.m.

- STUDY SESSION

> REVIEW OF WASHINGTON COUNTY COOPERATIVE LIBRARY SERVICES (WCCLS) LEVY RESULTS

Library Director Barnes provided the Council with background information and voter statistics on previous levy attempts. The Council's position on a November, 2004 WCCLS levy was requested.

Although the Council supports the levy, several Councilors expressed concern over competing measures that are likely to appear on the November ballot. The number of competing money issues may make all ballot issues difficult to pass. The Council was also concerned about waiting an additional two to four more years to place this issue on the ballot again.

General consensus of the Council was they supported the WCCLS levy appearing on the November ballot, although they had some reservations regarding the timing.

> ADMINISTRATIVE ITEMS

a. Review Street Maintenance Fee Billing Memo
City Manager Monahan cited a June 22, 2004 memo from Financial Operations Manager Imdieke. The memo detailed an error in the calculation of the street maintenance fee for some customers. Finance Director Prosser explained the error had already been corrected and the credit would appear on the customer's next statement.

b. Volunteer Appreciation Scheduled for Friday, June 25
Councilor Moore indicated he would not be able to attend and Councilor Sherwood indicated she would attend. The format of the event was discussed.

c. Calendar Review
City Manger Monahan noted the following dates:
- June 23 – Potential Council Meeting – 6:30 p.m.
- June 24 - Potential Council Meeting – 6:30 p.m.
  Councilor Moore stated he was not available on this date.
- July 5 – City Hall Closed to observe 4th of July holiday
- July 8 – Ethics Training – 7 p.m.
  Several Councilors indicated they would not be able to attend.
- July 13 – City Council Meeting – Business Meeting
- July 20 – City Council Meeting - Workshop
- July 27 – City Council Meeting – Business Meeting

d. SEIU/OPEU Ratified Contract
Mr. Monahan reported the SEIU/OPEU contract had been ratified, but final numbers were not yet available.

e. Mr. Monahan referred to a memo from Mr. Stobbe inquiring how park SDCs collected in the annexed portions of Bull Mountain had been spent. Mr. Monahan explained the city does not track where SDCs are collected. All SDCs go into the same pot. He noted Mr. Stobbe may be at the meeting tonight. A brief discussion about how SDCs were spent and the city's attempts to purchase land in the Bull Mountain area ensued.

With regard to the Bull Mountain annexation, City Attorney Firestone indicated the Council could configure the SDCs so monies collected from certain areas were subsequently expended in those same areas.

Councilor Wilson suggested the creation of a guideline, as opposed to a policy, which would allow for some flexibility in expending SDC funds. If the policy is too restrictive, opportunities may be lost due to the funding constraints. City Attorney Firestone stated the SDC project list could be used to evaluate whether the distribution and priority of projects corresponded to the source of the funding.

f. The Council discussed format options for public comments regarding the Bull Mountain White Papers. It was noted comments must be related to the white papers.

> NON-AGENDA ITEMS

City Manager Monahan requested the Council consider a resolution to appoint Jane McGarvin as Deputy City Recorder.

Study session recessed at 7:16 p.m.

1. BUSINESS MEETING

1.1 Mayor Dirksen called the Council and Local Contract Review Board Meeting to order at 7:32 p.m.

1.2 Roll Call: Mayor Dirksen, Councilors Moore, Sherwood, Wilson and Woodruff were present

1.3 Pledge of Allegiance

1.4 Council Communications & Liaison Reports

If there was time later in the meeting, Councilor Sherwood stated she had information she wished to discuss regarding the Regional Blue Ribbon Housing Task Force.

1.5 Call to Council and Staff for Non-Agenda Items

City Manager Monahan requested the Council consider a resolution appointing Jane McGarvin as Deputy City Recorder under Non-Agenda Item #13.

VISITOR'S AGENDA

Mayor Dirksen reminded the audience the visitor's agenda provided an opportunity to address the Council on items that were not scheduled to be discussed on the evening's agenda. If people wished to comment on the Bull Mountain White Papers, he asked them to reserve their comments until the item was up for consideration.

- Keshmira McVey, 13525 SW Beef Bend Rd., Tigard, Oregon, expressed concern over Tigard residents' cost associated with the Bull Mountain annexation. She pointed to a $4,000 expenditure to hire a public relations consulting firm and a supplemental budget required, in part, to cover additional attorney costs related to the annexation. She questioned whether Tigard residents were aware of what the attempted annexation of Bull Mountain was costing them. She placed annexation figures in the $30 million range and inquired what impact this had on the city's budget. She noted, should the annexation move forward, expensive litigation would likely result. She stated public officials have a fiduciary obligation to their constituents to weigh the benefits and costs of policy decisions. She questioned why the Council was spending scarce resources to annex the south slope of Bull Mountain, when it could choose to annex only a portion of the mountain, thus avoiding additional costs.

- Ken Henschel, 14530 SW 144th Ave., Bull Mountain, Oregon, responded to comments regarding the single majority voting methodology made by Mayor Dirksen at the June 8, 2004 Council meeting. Mr. Henschel reported on June 8, the Mayor was responding to citizens who had expressed concerns that the single majority vote was unfair, undemocratic and diluted the votes of Bull Mountain residents. Mr. Henshel summarized Mayor Dirksen's comments, stating the Mayor asserted it would be unfair for a smaller population of registered voters, in a double majority vote, to overwhelm the registered voters of a larger population; that such a double majority vote would allow 4,000 Bull Mountain voters to be the voting equivalent of 22,000 Tigard voters. This would result in a Tigard vote having the electoral equivalent of one-fifth of a Bull Mountain vote.

  Mr. Hanschel suggested the following scenario. The financially-strapped City of Portland discovers a legal document which enables it to annex the City of Tigard. Portland will gain a source of revenue, while Tigard residents will see their taxes increase substantially without any improvement in service. Portland has 282,000 registered voters and Tigard has 22,000. Mr. Henschel posed the question: as a Tigard resident, would you prefer to have your vote thrown into a pot with Portland voters in a "winner take all scenario," or would you rather have separate

Portland and Tigard votes, requiring a majority in each, before annexation could move forward?

Mr. Henschel concluded by saying both Bull Mountain and Tigard residents would embrace the concept of fairness. He asked the Council and Tigard citizens to reflect on his scenario and reminded them of the golden rule, which is not, "He who has the gold makes the rules," but is, "Do unto others as you'd want them to do unto you."

- Dick Franzke, 14980 SW 133rd, Tigard, Oregon, read from a prepared statement regarding his concern over the city hiring a public relations firm to try to "sell" voters on annexation. A copy of Mr. Franzke's statement (Agenda Item No. 2, Exhibit 1) is on file in the City Recorder's office.

- M. Edith Girouard, 16525 SW Queen Mary Ave., King City, Oregon, declined to speak.

- Larry Gage, 15149 SW Cabernet Dr., Bull Mountain, unincorporated Washington County, Oregon, wanted to address his general concern over police protection should Bull Mountain be annexed. Mr. Gage remarked his Bull Mountain neighborhood was a very safe and pleasant community. He attributed this, in part, to the safety and protection provided by the Washington County Sheriff's Department.

  Mr. Gage explained he wondered if the shift in police service resulting from annexation would threaten the livability, peace and safety of his neighborhood. To evaluate Tigard's commitment to crime prevention and public safety, Mr. Gage cited 2002 FBI crime statistics, reporting Tigard had a higher per capita crime rate, for burglaries, auto theft and rape, than New York City. Mr. Gage stated these statistics were shocking and disturbing. With the annexation of the Bull Mountain area, and greater demands on the police department, Mr. Gage expressed concern that Tigard police would provide a reduced level of service to both Tigard and Bull Mountain residents. He added the Council should not assume Bull Mountain residents would find Tigard's level of police service acceptable.

Mayor Dirksen announced there was a two-minute time limit on visitor's agenda comments and reminded the audience that comments related to the white papers would be heard during that agenda item.

- Holly Shumway, 14535 SW Woodhue, Bull Mountain, Oregon, informed the Council that public notice signs, related to the July 27 Bull Mountain annexation public hearing, were poorly placed and difficult to read.

  Ms. Shumway requested Tigard post Citizen Participation Organization (CPO) meetings on its web site. Mr. Shumway advised many of the land use issues addressed at these meetings would be of interest to Tigard residents, but the group was having difficulty attracting Tigard participants.

  Ms. Shumway noted the discussion of the white papers had been placed toward the end of the meeting and she would not be able to remain. She related she would have someone else present the Council with a resolution relating to this agenda topic.

  Councilor Moore asked if the CPO meetings were advertised on the Washington County web site. Ms. Shumway responded they were not. Councilor Moore explained if the information were available on the county web site, Tigard could create a link to the information. Ms. Shumway stated she would talk to the county and Mayor Dirksen said the city would look into the matter.

- Kathleen Palmer, 14260 SW High Tor Dr., Tigard, Oregon, stated she had chosen to reside on Bull Mountain due to the areas peace, quite, country charm and proximity to Tigard and King City. Ms. Palmer indicated the area had lost its community character due to construction, narrow streets and homes being "crammed together." She said the area had appealed to her because it had a "small town feel" and an emphasis on community involvement. Ms. Palmer described the city's history of volunteerism and remarked she hoped the city recognized the contributions of volunteers.

  Mayor Dirksen advised a volunteer recognition event was scheduled for Friday evening.

- Lisa Hamilton-Treick, 13565 SW Beef Bend Rd., unincorporated Bull Mountain, Oregon, asserted she has observed a pattern of Tigard trying to muffle the voice of citizen involvement. She added the city has attempted to negatively impact the legal rights of people who wish to be involved in all phases of planning their neighborhoods. She asserted placement of the white paper agenda item at the end of the agenda would diminish the public's opportunity to hear testimony and deliberation.

Ms. Hamilton-Treick expressed concern over the lack of television coverage and inadequate accommodations for the large crowd which attended the December 2 Council meeting. She hoped the upcoming July 27 meeting would not be orchestrated in such a way as to limit the voice of the people through vague scheduling and by placing key agenda items at the end of the meeting. Ms. Hamilton-Treick challenged the Council to be open-minded, fair and aboveboard in the planning and advertising of the public hearing. She asked the Council to be respectful of the need to accommodate citizens in their desire to have a voice in the future of their community.

Ms. Hamilton-Treick related after extensive involvement and experience with the city, her impression is the city views citizen involvement as a necessary nuisance. She asserted the city was more interested in spending time on LUBA appeals and lawsuits than responding to the voice of the people. Ms. Hamilton-Treick continued by saying the city was wasting precious time and resources by having staff and the public participate in meaningless "feel good" exercises designed to demonstrate the city is fulfilling the minimal requirements for citizen involvement. Ms. Hamilton-Treick pointed to the Tigard Beyond Tomorrow visioning process as an example. She informed the visioning process is a valuable tool and was the result of sincere citizen effort over many years, yet she asserted the work is of little value since it is not tied to the comprehensive plan. She noted the same was true for the white papers.

Ms. Hamilton-Treick expressed concerns regarding the process for participating on the white paper subcommittees, asserting the methods to secure participants were vague, inadequately advertised and had unrealistic deadlines. She stated the CPO was to be involved in the white paper process, but the organization was not contacted. She recounted the November/December *Cityscape* contained inaccuracies related to citizen participation on the white papers and she relayed only a handful of people were actually involved.

Ms. Hamilton-Treick concluded by asking why the white paper sign-up sheet for public comment required speakers to declare their position on the matter.

2. CONSENT AGENDA: Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt the Consent Agenda as follows:

   3.1 Appoint Councilor Brian Moore to Vice-President of the Joint Water Commission

3.2 Endorse Metro Transportation Improvement Plan (MTIP) Application Package - Resolution No. 04 - 38

3.3 Approve Budget Amendment #21- Increase Funding for City Attorney Expenditures - Resolution No. 04 - 39

3.4 Approve Budget Amendment #23- Funding for Temporary Staff in City Management - Resolution No. 04 - 40

3.5 Adopt SEIU Contract & Authorize City Manager to Sign - Resolution No. 04 - 41

3.6 Appoint Downtown Task Force Members - Resolution No. 04 - 42

3.7 Amend Municipal Court Judge Michael O'Brien's Contract – Resolution No. 04 - 43

3.8 Approve the Washington County Inter-Library Information Network Agreement

3.9 Local Contract Review Board

a. Award the Contract for Self-Check Machines for New Library to 3M

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

Mayor Dirksen recognized six Downtown Task Force appointees who were in attendance.

4. CONSIDER COUNCIL ACTION RELATED TO THE PORTLAND WATER CONTRACT

a. Staff Report

Public Works Director Koellermeier presented this item. He recounted the Council had requested a letter be sent to the City of Portland asking for a two-year extension to the water contract. Mr. Koellermeier relayed Portland had responded they were not interested in extending the current contract. The City of Portland proposed an amendment to the current contract, which according the letter, "effectively extends the contract, without preconditions, until July 2007 by waiving the three-year notice provision of the current contract." A copy of the letter and amendment (Agenda Item No. 4, Exhibits 1 and 2 respectively) are on file in the City Recorder's office.

Mr. Koellermeier explained the Council had three options:

- Take no action, which would allow the contract to roll over for another 25 years if Portland took similar action
- Agree to sign the amendment which would eliminate the three-year notice in the current contract and would allow several years for both cities to continue to negotiate a new contract
- Terminate the contract

b. Council Discussion

Councilor Sherwood informed she didn't want the city to end up with no water in three-years and she didn't want another 25 year contract, so she supported signing the amendment and negotiating a new contract. Councilor Wilson commented this option gave the city the greatest flexibility. Water rates are not specified in the contract, although the contract refers to a rate methodology.

It was noted the City of Portland had requested a response by June 25, 2003.

Mayor Dirksen suggested that signing the amendment to remove the three-year notice provision was the best way to obtain a new contract.

c. Council Consideration:

Motion by Councilor Sherwood directing staff to prepare a response to the City of Portland by June 25, 2004.

City Attorney Firestone suggested the motion should also state the amendment is authorized by the Council and will be signed by the Mayor.

Councilor Sherwood indicated the City Attorney's suggestion be added to her motion.

Councilor Woodruff seconded the motion.

The motion was approved by unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

5. UPDATE ON THE NEW LIBRARY

Library Director Barnes gave a PowerPoint presentation on the timeline and transition to the new library. A copy of the presentation is on file in the City Recorder's office. Ms. Barnes relayed reserved items would be handled by Beaverton Library, commemorative bricks were in place and the new library's address would be 13500 SW Hall Blvd.

6. CONSIDER ST. VINCENT DE PAUL AFFORDABLE HOUSING GRANT

a. Staff Report

City Manager Monahan introduced this item. Mr. Monahan stated Fr. Seig had requested assistance, in the form of a grant, to offset the cost of building and planning fees associated with a new food storage and distribution center associated with St. Vincent DePaul and St. Anthony's Church. Funds were requested through the city's Affordable Housing Assistance Program. This program was established to fund affordable housing acquisition, development and rehabilitation. It was noted that although the food storage and distribution center serves the low income community, no low income housing units would be affected by the requested funds. The request does not meet the Affordable Housing Assistance Program guidelines established by the Council.

b. Council Discussion

Councilor Sherwood stated St. Vincent DePaul provided financial assistance to keep low income people from becoming homeless. The agency supports the homeless shelter and prepares food boxes. She stated she hoped the Council could figure out a way to provide assistance relating to the new food storage and distribution center.

Interpretation of program guidelines and applicability and impact to the city's social service grant program were discussed.

Councilor Wilson expressed concern over making an exception to existing guidelines. He stated using funds for a grant which did not directly support affordable housing could mean a lost opportunity to fund projects that the money was intended to support.

In response to an inquiry, Mr. Monahan commented it would be difficult to make an exception to the guidelines. He explained the program had been in place for two years and specific criteria had been established. He stated modifying the program, rather than making an exception, would be the appropriate course of action. He noted other organizations may not have applied for funding under this program based upon the stated guidelines.

Mayor Dirksen explained the program was created so funds could be earmarked for affordable housing. If the program is changed, or an exception is made, this will set a precedent and the original goal of the program, to support the renovation or construction of affordable housing, may be lost. He inquired if there were any other sources of funding that could be used.

In response to an inquiry, Finance Director Prosser remarked that in the past, the Council had approved a budget amendment in which social service grants were created or increased during the fiscal year. Mr. Prosser stated the Council could direct staff to prepare a budget amendment to add funds to the city's social service grants, drawing on the general fund contingency.

Mr. Monahan commented such a budget amendment may set a precedent. He added St. Vincent DePaul had not submitted an application during the normal process of applying for social service funding. He remarked some agencies who had complied with the process had not been fully funded and no funds were awarded to new applicants.

Mr. Monahan suggested the Council could also consider the food storage and distribution center as a unique funding request, not tied to the social service budget. It was noted social service funds typically support ongoing projects as opposed to one-time requests.

Councilor Moore proposed developing a policy to address one-time funding requests which are not a good fit for social service or affordable housing grant programs. Councilor Moore asked if staff could investigate the issue and Council could discuss staff's findings at an upcoming work session. He stated

he was not comfortable supporting the request under the existing circumstances.

Councilor Woodruff acknowledged the good work and value that many organizations, including with St. Vincent DePaul, add to the community. He expressed concern about the impact of such requests on the budget. He explained should the Council fund the request, other organizations might seek the same consideration.

Mayor Dirksen summarized the Council's comments regarding this specific request, saying the Council's answer to the funding request appeared to be "no." However, he suggested since the Council did not have a mechanism in place to address this type of funding request, it could justify a one-time exception.

Mayor Dirksen noted there was support for the creation of a policy to address future funding requests which did not meet criteria established in other funding programs.

Councilor Wilson said the creation of a new policy was worthy of discussion, but did not want that to be construed as a commitment of support. He expressed concern over the budget.

c. Council Consideration

Motion by Councilor Sherwood, seconded by Councilor Moore, to revisit this item, not as a housing item, but as a food and housing support issue and discuss a policy decision at a future meeting.

Mayor Dirksen sought to clarify Councilor Sherwood's motion, stating the motion had two parts:

- to consider this request specifically
- to consider a policy regarding this kind of request

Councilor Moore interjected the policy should be established and in place before this request is revisited.

Mayor Dirksen confirmed the motion was to bring the issue back to Council to consider a policy and to then address the specific request.

The motion was approved by unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

Mr. Monahan replied staff would try to assemble information for the July 20 or August work session. He confirmed this would be a three step process:

1. Discussion of the policy at an upcoming work session
2. Consider approving the policy at a subsequent meeting
3. Reconsider this application and possibly other requests at a subsequent meeting, once the policy has been established

Mr. Monahan mentioned the need to set aside funds should the policy be established.

7. PUBLIC HEARING – ADOPT SUPPLEMENTAL BUDGET FY 03-04, MAKE APPROPRIATIONS AND CREATE STREET MAINTENANCE FEE FUND

a. Summation by Finance Staff
Finance Director Prosser introduced this item. He indicated this budget amendment would wrap up the 2003-2004 fiscal year. Mr. Prosser described the highlights of the supplemental budget as detailed in the Agenda Item Summary.

b. Mayor Dirksen opened the public hearing.

c. Public Testimony
There was no public testimony.

d. Staff Recommendation
Mr. Prosser recommended approval of the supplemental budget.

e. Council Discussion
There was no discussion.

f. Mayor Dirksen closed the public hearing.

g. Council Consideration - Resolution No. 04 – 44

Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adopt Resolution No. 04 – 44.

Resolution 04 - 44, A RESOLUTION OF THE CITY OF TIGARD ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2003-04, MAKING APPROPRIATIONS AND CREATING A STREET MAINTENANCE FEE FUND

The resolution was approved by unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

8. PUBLIC HEARING – CONSIDER RESOLUTION FORMING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 27 (SW Murdock Street, 100th Avenue)

a. Mayor Dirksen opened the public hearing.

b. Summation by Engineering Staff
Project Engineer Berry introduced this item. Mr. Berry gave a brief PowerPoint presentation on this sewer district. Mr. Berry relayed the main points of the sewer reimbursement district program. He noted nine property owners are expected to exceed the $15,000 reimbursement fee. If Council approves the formation of this district, a bid opening will be held on June 29.

In response to an inquiry from Councilor Moore, Mr. Berry advised that following the formation of the district, the city would proceed to the bid process. If acceptable bids were received, Mr. Berry stated this item would come back to the Council on July 13 with a staff recommendation on whether to award the construction contract.

c. Public Testimony
- No one had signed the testimony sign-in sheet, but Mr. John Slaughter, 15055 SW 100th, Tigard, Oregon, indicated he would like to testify. Although not opposed to the sewer program, Mr. Slaughter stated the

current configuration was illegal as the district did not allocate costs to all properties within the district boundary. He indicated several lots could not be developed without sewer service.

Mr. Slaughter pointed out his property on the PowerPoint map and alleged his portion of the cost was incorrect, as an easement had been included in the computations and, in addition, the actual calculations were in error. Mr. Slaughter stated he had discussed his concerns with Mr. Berry on several occasions.

Once the district is formed, Mayor Dirksen stated there was a mechanism in place for Mr. Slaughter to contest his assessment.

Mr. Berry indicated he would review Mr. Slaughter's assessment the following day. Mr. Berry added during the sewer reimbursement district process, there would be several opportunities to adjust Mr. Slaughter's assessment, should there be an error.

Councilor Moore explained there would be another public hearing later in the process.

With regard to areas that were not assessed within the district boundary, such as Peppertree, Mr. Berry explained a public line would be brought up to the subdivision boundary. Streets within this development are private and septic systems are only 10 years old. There was little neighborhood interest in converting to sewer and it is unlikely anyone would connect. Mr. Berry explained there would be no reimbursement. The other large parcel excluded from the district is a Christmas tree farm to the west. This property is not developed, is too low, and the developer would be required to construct their own sewer should development take place.

Mr. Berry advised Mr. Slaughter had a long driveway which was not factored into his assessment.

Councilor Moore asked if the areas excluded from the district would benefit from the proposed project. Mr. Berry explained the general rule is each development pays for improvements along its frontage. In this way, improvements are extended throughout the community. He remarked people in the proposed district benefited from the installation of sewers paid for by subdivisions in the surrounding area.

Stating there may be a communication issue, Councilor Woodruff proposed that Mr. Berry, City Engineer Duenas and Mr. Slaughter meet to discuss Mr. Slaughter's concerns.

City Manager Monahan advised the Council could move ahead with the formation of the district, with an expectation that a meeting would be arranged with Mr. Slaughter to reconcile his issues. The Council could also elect to delay action until Mr. Slaughter's concerns are addressed.

Councilor Moore noted a delay in the formation of the district may have a detrimental effect on some property owners. Mr. Berry stated he was not aware of any people whose septic systems were in crisis.

Councilor Moore affirmed Mr. Slaughter would have another opportunity to address the Council should his concerns not be resolved.

Councilor Wilson informed he was satisfied with Mr. Berry's explanation regarding the exclusion of certain parcels. He noted the mathematical calculations remained an issue.

City Attorney Firestone advised Mr. Slaughter's option to challenge the assessment would be triggered by the formation of the district. This action begins the time limit for appeal. He noted the Council could amend the resolution later if appropriate. He added a cursory review of the code indicated an appeal may not be with a local authority, such as the city.

d. Mayor Dirksen closed the public hearing.

e. Staff Recommendation
Mr. Berry recommended approval of the resolution to establish Sanitary Sewer Reimbursement District No. 27.

Mr. Monahan proposed the meeting with Mr. Slaughter be incorporated into the staff recommendation. Mr. Berry stated staff would be in contact with Mr. Slaughter on June 23, 2004.

f. Council Discussion
There was no further discussion.

g. Council Consideration: Resolution No. 04 - 45

Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Resolution No. 04 – 45.

Resolution 04 - 45, A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 27 (SW MURDOCK STREET; 98TH, 100TH AV.; DARMEL, MARILYN CT.)

The resolution was approved by unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

9. PUBLIC HEARING – CONSIDER RESOLUTION FINALIZING THE FORMATION OF SANITARY SEWER REIMBURSEMENT DISTRICT NO. 29 (SW Park Street, Derry Dell Court)

a. Mayor Dirksen opened the public hearing.

b. Summation by Engineering Staff
Project Engineer Berry introduced this item. Mr. Berry gave a brief PowerPoint presentation on this sewer district, but noted some of the PowerPoint slides listed the incorrect reimbursement district number. Mr. Berry provided a cost overview for this district. He noted of the 46 properties served by the district, 11 properties have exceeded the $15,000 reimbursement fee.

c. Public Testimony
- Harris Hansen, 10610 SW Derry Dell, Tigard, Oregon, expressed concern that the project cost was $200,000 more than the original projection. Mr. Hansen asked for an explanation of the substantial cost increase.

  Mr. Berry responded the streets in the district were substandard. When excavation began, the sides of ditches caved in, the asphalt fell apart, and material not capable of supporting the sewer needed to be removed. Mr. Berry informed these were latent, subsurface conditions which could not have been anticipated in advance of the project.

In response to a comment from Mr. Hansen, Mayor Dirksen confirmed the increased cost of the project was not related to winter weather conditions. Mr. Berry stated the problems encountered would have occurred at any time of year. Mr. Berry explained the contractor ended up nearly rebuilding the entire street.

Mr. Hansen suggested the Council needed to review the sewer reimbursement district procedures. He pointed out the city had a bid from the contractor and yet the project was $200,000 over the bid. He asserted engineering staff should be familiar with the soil conditions and roads. Mr. Hansen complained that administration and engineering costs, based on the project cost, totaled $93,000. He remarked the potential for increased costs should be explained to property owners when the district is proposed. He added earlier communication regarding the district contained incorrect figures. Mr. Hansen said the city was not being honest with voters and taxpayers.

Mr. Berry stated the city could write contracts that would put the risk of subsurface conditions on the contractor and, in that way, the city would have a firm price for the project. However, the cost of such contracts would be greater, due to the assumption of risk, and in the long run property owners would end up paying more.

Mr. Hansen commented when the estimated project cost is 40 percent off, ". . . there's a problem somewhere."

d. Staff Recommendation
Mr. Berry recommended approval of the resolution finalizing Sanitary Sewer Reimbursement District No. 29.

e. Mayor Dirksen closed the public hearing.

f. Council Discussion
There was no discussion.

g. Council Consideration: Resolution No. 04 - 46

Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adopt Resolution No. 04 – 46.

Resolution 04-46, A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 29 (SW PARK STREET AND DERRY DELL COURT)

The resolution was approved by unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

Council business meeting recessed at 9:24 p.m.
Council study session reconvened at 9:31 p.m.

10. PUBLIC COMMENT – BULL MOUNTAIN ANNEXATION – SUBCOMMITTEE WHITE PAPERS

Mayor Dirksen reminded speakers comments were limited to two minutes and must pertain to the white papers.

a. Mayor Dirksen opened the public hearing.
(See further comment under item "c." regarding the issue of a public hearing.)

b. Summation by Community Development Staff
Community Development Director Hendryx provided an overview of this item.

Mayor Dirksen stated he was pleased with the outcome and quality of the white paper process. He commended the subcommittees on their work.

Councilor Wilson asked Mr. Hendryx to comment on the recruitment of people to serve on the subcommittees. Mr. Hendryx recounted there were press releases and interested parties were contacted in an attempt to solicit participants. He noted the Council had asked for participants at its December and January meetings, which were well attended. Mr. Hendryx stated he was not aware of anyone who was turned away. He added the Council even extended the deadline for participants to apply to serve on the subcommittees and noted it was sometimes difficult to find participants. Subcommittee members were representative of the community.

City Manager Monahan explained there was an application process associated with the subcommittees. The Mayor reviewed the applications. He reported in an attempt to balance subcommittee representation, some applicants may not have been selected to serve. He added some applications may have come in after the deadline.

c. Public Comments

Mayor Dirksen stated the public comment sign-in sheet has categories for proponents, opponents and neutral speakers. He advised this format is the one typically used by the city and was not specific to this agenda item. Mayor Dirksen noted the term "public hearing" has a legal connotation and this agenda item is not considered a public hearing, but an opportunity for public comment.

Proponents

- Francis McCole, 16625 SW Queen Mary, King City, Oregon, was not present.

- M. Edith Girouard, 16525 SW Queen Mary, King City, Oregon, was not present.

- Gretchen Buehner, 13249 SW 136th Pl., Tigard, Oregon, stated she enjoyed the presentation on the white papers at a previous Council meeting. With regard to the Parks White Paper, she suggested there was property, associated with reservoirs, which could be used as a park site. She stated such land was already in public ownership and mentioned a site near 122nd next to the Morissette development as an example.

Opponents

- Tom Fergusson, 14850 SW 141st, Tigard, Oregon, read from a prepared statement (Agenda Item No. 10, Exhibit 1) which is on file in the City Recorder's office.

- Tom Fergusson, 14850 SW 141st, Tigard, Oregon, noted Holly Shumway, who had signed up to testify, was unable to stay for the meeting. Ms. Shumway had requested Mr. Fergusson present the Council with a resolution (Agenda Item No. 10, Exhibit 2) from Citizen Participation Organization 4B. Mr. Fergusson read the resolution entitled, A Resolution Directing the Mayor and Council Members of the City of

Tigard to Oppose the Adoption of the Bull Mountain White Papers as Outlined. The resolution is on file in the City Recorder's office.

- Kelly Sholes, 14595 SW 144th Ave., Bull Mountain, Oregon, read from a prepared statement (Agenda Item No. 10, Exhibit 3) which is on file in the City Recorder's office.

- Dick Franzke, 14980 SW 133rd, Tigard, Oregon, summarized a prepared statement (Agenda Item No. 10, Exhibit 4) which is on file in the City Recorder's office. At the close of his comments, Mr. Franzke asserted the white paper topic was very important and complained speakers should not have been limited to two minutes.

- Ken Henschel, 14530 SW 144th Ave., Bull Mountain, Oregon, thanked the Council for the television monitor in the lobby, which allowed the overflow crowd to watch the proceedings. Mr. Henschel echoed Mr. Franzke's complaint about the two-minute time limit for speakers.

  Mr. Henschel expressed disappointment the proposed resolution regarding the white papers stated the Council only "acknowledged" the white papers. He commented about section four of the resolution which stated,

  > The City Council is not acting on any of the recommendations in the White Papers at this time. Any actions or decisions will occur in future decisions by the Council relating to the proposed annexation. The Council is not making any decision at this time.

  He noted many people were concerned the white papers would not be accepted as a real part of the annexation plan and the Council was not going to promise, in writing, to adhere to the white papers. He related the poorly worded resolution lends credence to such concerns.

- Isador W. Morgavi, 15145 SW 119th Ave., Bull Mountain, Oregon, read from a prepared statement (Agenda Item No. 10, Exhibit 5) which is on file in the City Recorder's office.

- Larry Gage, 15149 SW Cabernet, Tigard, Oregon, explained the white paper regarding police services focused on three components: cost, level and transition of services. Mr. Gage contended a far more important consideration was the quality and effectiveness of policing. Mr. Gage

expressed his satisfaction with the current police service provided by the Washington County Sheriff's office. He asked, in the event of annexation, the City of Tigard to try and provide police services at the same level of quality, effective policing.

- Mary Stobbe, 14795 SW 144th, read a prepared statement (Agenda Item No. 10, Exhibit 6) written by her husband, Bruce Stobbe. The statement is on file in the City Recorder's office.

- Mary Stobbe, 14795 SW 144th, read a prepared statement (Agenda Item No. 10, Exhibit 7) written by Allen Howard. Ms. Stobbe reported his address as 14796 SW 144th. It was later determined the statement was from Alan Howard, 14855 SW 144th, Tigard, Oregon. The handwritten statement is on file in the City Recorder's office.

- Charles F. Radley, 15729 SW Colyer Way, Tigard, Oregon, addressed the Streets White Paper. Mr. Radley stated the white paper raised several unanswered questions:

  1. Transition period – Is there really enough time between December, 2004 and July, 2005 to bring county roads into compliance with the Urban Services Agreement? He had not seen a description of how many roads were affected and what improvements were needed. He inquired what would happen if the county failed to meet the deadline.
  2. Street improvement costs totaling $19,380,000 – He noted this figure is likely to increase based upon new information that the county intends to turn over jurisdiction of Beef Bend Rd. to the annexing entity. He added if improvements to Beef Bend Rd. are similar to those done on Bull Mountain Rd., it could cost an additional $8 million.
  3. Increased traffic volume on Highway 99W – Mr. Radley cited the white paper, saying improvements to Bull Mountain Rd. could result in greater traffic congestion on Highway 99W from Durham Rd. to Hall Blvd. He relayed there are no proposals on the table to relieve traffic issues on Highway 99W.

- Kathleen Palmer, 14260 SW High Tor, read from a prepared statement (Agenda Item No. 10, Exhibit 8) which is on file in the City Recorder's office.

- Lisa Hamilton-Trieck, 13565 SW Beef Bend Rd., unincorporated Bull Mountain, Oregon, opened by saying she took issue with earlier statements

made by Mr. Hendryx regarding the recruitment of subcommittee members. She stated she was aware of one person who was not permitted to serve because the allotted number of Bull Mountain participants had been reached on that particular subcommittee. Citing experience from the Visioning Task Force, she challenged the assertion that volunteers are difficult to find, adding people were eager to volunteer.

Ms. Hamilton-Trieck described two main points regarding the Planning White Paper:

1. Tigard's comprehensive plan is outdated. Ms. Hamilton-Treick criticized the county's lack of planning and noted the county indicated it did not have the resources to plan the area.
2. The subcommittee's recommendation to pursue a public facility strategy to slow or stop development to allow time for the area to "catch up" is absolutely essential. She asserted the Bull Mountain area was "a mess" and residents deserved more than a "hodge-podge" community.

Ms. Hamilton-Treick expressed her support for subcommittee's recommendation that density transfers be prohibited.

Citing the white paper, Ms. Hamilton-Treick stated she was surprised no effort had been made to estimate the cost of providing comprehensive planning services for unincorporated Bull Mountain. She also expressed surprise over the suggestion owners/developers of areas 63 and 64 be assessed a fee to pay for the comprehensive plan. She asked what would happen if they did not wish to sell their property in the near future. She noted despite contact with the city and the county, she had been unable to determine which jurisdiction had the authority to plan areas 63 and 64.

Ms. Hamilton-Treick concluded by saying the white paper identified some interesting points, but since the report was not anchored to the annexation plan, the plan remains deficient.

Councilor Moore suggested Ms. Hamilton-Treick contact Metro regarding the planning for areas 63 and 64. Ms. Hamilton-Treick stated she already had. Mayor Dirksen explained the city had announced it wanted to do the planning for these areas, but no decision had been made. Ms. Hamilton-Treick advised, in the meantime, builders and developers were making plans.

Neutral

- Alice Ellis Gaut, 10947 SW Chateau Ln., stated she had reviewed the Parks and Planning White Papers. She characterized the consistent theme in both reports as "stop the bleeding" and "spend the money to get the work done." She noted both papers made suggestions regarding a public facilities strategy or other mechanism to halt development, which would retain potential parkland and allow time to get the comprehensive plan in order. She suggested subcommittee's recommendations should be taken to heart and applied across the board. She advised if important work such as purchasing land, updating the comprehensive plan, revising the code, and conducting daily business could not be done quickly and concurrently, there wouldn't be anything left to plan for; there wouldn't be any parks.

  Ms. Ellis Gaut expressed concern over the costs associated with annexation, noting that based upon comments at this meeting, even more money would be needed. As a Tigard citizen, she stated she was troubled revenues needed for the annexed area may come from the City of Tigard. She mentioned the $4,000 spent on the public relations firm, commenting such funds could have been used to purchase parks or pay for staff. Ms. Ellis Gaut relayed the Planned Development Review Committee had not met in two months because staff was not available.

  She concluded by saying if projects such as updating the comprehensive plan and parks are a priority, then such projects need to be funded.

- Ellen Beilstein, 14630 SW 139th Ave., Tigard, Oregon, stated she appreciated the opportunity to participate on the planning subcommittee. She said city staff and others on the subcommittee were open to exploring planning and development issues facing Bull Mountain.

  Ms. Beilstein addressed some issues related to the Parks and Streets White Papers.

  1. Parks. Ms. Beilstein stated the white paper indicated SDCs collected would be used to fund Bull Mountain parks, but SDCs could not cover the cost of parkland. She asked how the city would address shortfalls in funding and the purchase of parkland. She asserted these questions should be addressed before proceeding with the annexation plan.
  2. Streets. Ms. Beilstein said she was alarmed this white paper did not address capacity and the impact of continued development. She inquired where the $19 million in capital improvements would come

from. The white paper did not detail how the $19 million was established or what construction standards were used. She asked if the "green streets" standard, supported by Metro, had been or could be applied. She noted the addition of Beef Bend Rd. and asked how this would impact area residents and how the city would address this issue.

Ms. Beilstein commented on her work on the planning subcommittee. She noted if the Bull Mountain area is not annexed, there would be no change in the development since the county has no plans to update the Bull Mountain Community Plan, written over 20 years ago. With annexation, the city would include the Bull Mountain area in its process to update the comprehensive plan. However the comprehensive plan update, which could change the scope of development, would take at least three years to complete and could not get underway for a year. Therefore, with annexation, no change in the nature of the development on Bull Mountain would occur for at least four years. By that time, most land would already be developed in a manner unacceptable to many Bull Mountain residents. Ms. Beilstein asserted change needed to occur sooner before the remaining properties are over-developed as compared to existing neighborhood standards. She noted if Bull Mountain residents are to benefit from annexation, as the city professes, then the update to the comprehensive plan needs to be accelerated. She added if that could not be done, then she encouraged the city to pursue all other steps possible to slow development.

Ms. Beilstein stated many questions remained unanswered and asked the Council to consider delaying their adoption of the white papers, as complete documents, until such questions could be explored and answered.

Mayor Dirksen announced this concluded the public testimony.

d. Staff Recommendation
Mr. Hendryx recommended the Council adopt the resolution to acknowledge the white papers.

e. Council Discussion
Councilor Moore advised the white papers were not meant to be an extensive, detailed study. He noted he was hesitant to spend Tigard residents' money for a more in-depth study, when it was not clear annexation would occur. He

added the public comments were important and issues identified would be addressed if annexation actually took place.

Councilor Sherwood referred to the December hearing and earlier meetings and talks where many questions had been raised. She explained she wanted to get answers to those questions and get an idea about "what some of this was going to look like, exactly, instead of just random ideas out there." Councilor Sherwood thanked the subcommittee participants. Councilor Sherwood concurred with Councilor Moore. She did not want to expend City of Tigard dollars on something that was "not a done deal."

Councilor Wilson affirmed the purpose of the white papers was to start filling in some of the blanks regarding what people's concerns actually were. With regard to the time limit placed on speakers, Councilor Wilson noted people have had many of opportunities to address the Council and, as a result of this contact, he knew many of the speakers personally. He told the audience, "we are listening." Councilor Wilson stated some valid issues had been raised regarding the timing and purpose for the public relations firm.

With regard to comments about the incompleteness of the white papers, Councilor Woodruff relayed he did not expect the white papers to serve as a final plan. He thanked people for their input throughout the process. Councilor Woodruff recommended the July 27, 2004 meeting be devoted to consideration of the annexation plan.

Mayor Dirksen explained the intent of the white papers was to identify issues and where the city should focus its energy. The white papers also explored the city's ability to provide services following annexation. In response to an earlier comment, Mayor Dirksen noted he was not uncomfortable with the annexation plan, which fulfilled legal requirements. He stated the annexation plan addressed how annexation would take place in contrast to the white papers, which were intended to help address concerns and demonstrate whether the city was able to provide services. He relayed the white papers were a process of discovery and education. Mayor Dirksen stated the white paper subcommittees had accomplished their goal. The white papers will be studied further and will help the Council identify what it needs to do and what decisions and commitments should be made if annexation occurs. Mayor Dirksen stated he was pleased with the white papers.

Councilor Woodruff confirmed acceptance of the white papers was a distinct and separate issue from approving the annexation plan and putting the issue on the ballot.

f. Council Consideration: Resolution No. 04 - 47

Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adopt Resolution No. 04 - 47.

Resolution 04 - 47, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIGARD ACKNOWLEDGING THE WHITE PAPERS RELATED TO THE PROVISION OF URBAN SERVICES IN THE BULL MOUNTAIN AREA

Mayor Dirksen pointed out the terminology used in section 2 of the resolution which states, "The Council accepts the White Papers . . . as providing information that will assist the Council."

The resolution was approved by unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

11. EXECUTIVE SESSION: No executive session was held.

12. COUNCIL LIAISON REPORTS

Councilor Sherwood reported no vote had been taken on the Regional Blue Ribbon Housing Task Force from Multnomah, Washington and Clackamas Counties. The issue of the acceptance of the report and findings was referred to a subcommittee for more work and the item is scheduled to come back for consideration in September. Councilor Sherwood said the task force was seeking recommendations. She indicated she would like to discuss the matter with the Council at an upcoming workshop meeting. It was agreed the item would be scheduled for the August workshop.

13. NON-AGENDA ITEMS

CONSIDER A RESOLUTION APPOINTING JANE MCGARVIN AS DEPUTY CITY RECORDER

a. Staff Report
City Manager Monahan provided the Council with background information on this item.

b. Council Discussion
There was no discussion.

c. Council Consideration: Resolution No. 04 - 48

Motion by Councilor Sherwood, seconded by Councilor Wilson, to adopt Resolution No. 04 - 48.

Resolution 04 - 48, A RESOLUTION OF THE TIGARD CITY COUNCIL APPOINTING JANE MCGARVIN AS DEPUTY CITY RECORDER

The resolution was approved by unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

The meeting adjourned at 10:50 p.m.

_____

Greer A. Gaston, Deputy City Recorder

Attest:

_____

Mayor, City of Tigard

Date:_____

AGENDA ITEM # 3.2.a
FOR AGENDA OF July 27, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Council Goal Update

PREPARED BY: Elizabeth Ann Newton DEPT HEAD OK CITY MGR OK

ISSUE BEFORE THE COUNCIL

Receipt of the Second Quarter 2004 Council Goal Update

STAFF RECOMMENDATION

Receive and File the Second Quarter Council Goal Update

INFORMATION SUMMARY

At the July 20, 2004 Council workshop meeting, Council received an update on the progress made during the second quarter on the 2004 Council Goals. For the record, the Council should officially receive and file the report.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None

ATTACHMENT LIST

Second Quarter Update – City Council 2004 Goals.

FISCAL NOTES

No cost associated with this action.

Council Goals for 2004

GOAL 1 – FINANCIAL STRATEGY

A. Develop and implement a sustainable long-term financial strategy for issues such as:
   1. General Fund needs
   2. Library
   3. Transportation
   4. Parks and open space
   5. Washington Square regional center
   6. Central Business District
   7. Water system
   8. Extension of urban services through annexation

Second Quarter Update:
The second quarter of calendar year 2004 has been very active for the City in financial matters. Issues worked on during this period include:

- *Developed and adopted the FY 2004-05 Budget,*
- *Finalized the Five Year Financial Forecast based on that budget,*
- *Updated City fees and charges,*
- *Reviewed the Privilege Tax with the Budget Committee as a possible new revenue source,*
- *Prepared several special analyses related to the possible annexation of Bull Mountain,*
- *Continued participation of the Joint Audit of Qwest and Verizon franchise fees – after two years of negotiations with Verizon, the cities' auditor was finally allowed on site to review Verizon's books, and Verizon has committed to complete this audit before the end of the calendar year,*
- *Initiated an audit of NW Natural franchise fees in cooperation with Salem and Portland – several other cities are now joining this effort,*
- *Concluded negotiation of a new franchise with NW Natural that includes an increase in the franchise fee rate from 3% to 5%,*
- *Initiated a study to update the City's Parks SDC,*
- *Developed several financial analyses in support of the City's negotiations of the contractual reimbursement from Clean Water Services in exchange for maintaining part of CWS's service area,*
- *Implemented the City's new Street Maintenance Fee and began collections,*
- *Called the 1993 Bancroft Bonds early, saving the City $8,000 in interest costs*

First Quarter Update:
Goal 1 Departments have been putting together budget requests and the City Manager has been developing his Proposed Budget in response to Council direction to budget conservatively. The Budget will be constructed to push the need to go to voters for a local option levy out as far as possible.

Staff briefed Council in a workshop session on the drivers in the financial forecast to help answer the question why declining General Fund balances are projected. Understanding the drivers will help to develop appropriate responses.

Staff has continued to support the discussion of the Bull Mountain annexation by developing special analyses as needed and responding to citizen inquiries.

GOAL 2 – TIGARD CENTRAL BUSINESS DISTRICT

A. Support the activities of the Downtown Task Force as it defines a vision for redevelopment.
B. Select a consultant to carry out the Transportation Growth Management (TGM) grant to create a redevelopment plan based upon the recommendations of the Task Force and Council.
C. Choose a financing mechanism, such as tax increment financing, for carrying out the redevelopment plan or vision.
D. Broaden the Task Force to include citywide representation.

Second Quarter Update

Goal 2A: *Council appointed an additional 12 members to the Downtown Task Force. Parametrix was selected in June as the consultant for the Downtown redevelopment program.*

Goal 2B: *The IGA between ODOT and the City needs to be adopted by the Council to proceed with the plan and work program.*

Goal 2C: *Not yet applicable. Financing mechanisms will be addressed in the redevelopment plan.*

Goal 2D: *The Council also passed a resolution on March 9 that expanded the Task Force to reflect Tigard's broad constituency and Downtown stakeholders. The recruitment has been completed and the Task Force consists of 24 members.*

First Quarter Update

Goal 2A Council passed a resolution on 3/9/04 that acknowledges the efforts of the Task Force and commends its members for completing the work program. The resolution also directs that all current Task Force members be invited to continue serving on an expanded Downtown Task Force.

Goal 2B Staff is working with ODOT to finalize the project's scope of work. Once ODOT finalizes its review, an Intergovernmental Agreement (IGA) and Request for Proposals (RFP) seeking consultants will be completed. This groundwork will take place in the next quarter, culminating in a consultant's selection.

Goal 2C Not yet applicable. Financing mechanisms will be addressed in the redevelopment plan.

Goal 2D The Council also passed a second resolution on March 9 that expanded the Task Force to reflect Tigard's broad constituency and Downtown stakeholders. The recruitment process is now under way.

GOAL 3 – TRANSPORTATION

A. Aggressively pursue solutions to congestion of state, county and city facilities that cross through Tigard.
   1. Reforming the Transportation Financing Task Force.
      a. Explore outside funding sources
      b. To recommend to the City Council expansion of the task force functions
   2. Identify project priorities and funding needs for state and city facilities.
      a. Prioritize all project needs – city, county and state facilities in Tigard
      b. For priority facilities which are controlled by another entity,
         1. Discuss the project with the entity which has jurisdiction over the facility; and
         2. Negotiate a funding solution which could include partial city funding; and
         3. Offer to improve a related city transportation problem in exchange for the other entity completing a needed transportation facility; and
         4. Offer to accept jurisdiction for the improved facility upon project completion.

B. Continue working with Tri-Met to carry out the Memorandum of Understanding and identify and fund additional improvements with an emphasis on intra-city bus routes.

C. Council shall meet with ODOT representatives at least once in 2004 to discuss state road facilities in Tigard and the related funding needs and priorities.

Second Quarter Update
(from Community Development)

Goal 3B: A joint City-TriMet roundtable was held with social service and housing providers in April. The participating agencies included Community Partners for Affordable Housing, the Good Neighbor Shelter, the Senior Center and eight other Tigard-based organizations. The meeting focused on how the respective agencies' clients use transit and on transit access and coverage improvement needs. In May, TriMet made a presentation to the Downtown Task Force. In June, TriMet presented the program to the Planning Commission.

Second Quarter Update
(from Engineering)

A. Aggressively pursue solutions to congestion of state, county and city facilities that cross through Tigard.
   1. Reforming the Transportation Financing Strategies Task Force.
      a. Explore outside funding sources
      b. To recommend to the City Council expansion of the task force functions
   2. Identify project priorities and funding needs for state and city facilities.
      a. Prioritize all project needs – city, county and state facilities in Tigard
      b. For priority facilities which are controlled by another entity,
         1. Discuss the project with the entity which has jurisdiction over the facility; and
         2. Negotiate a funding solution which could include partial city funding; and
         3. Offer to improve a related city transportation problem in exchange for the other entity completing a needed transportation facility; and
         4. Offer to accept jurisdiction for the improved facility upon project completion.

B. Continue working with Tri-Met to carry out the Memorandum of Understanding and identify and fund additional improvements with an emphasis on intra-city bus routes.

C. Council shall meet with ODOT representatives at least once in 2004 to discuss state road facilities in Tigard and the related funding needs and priorities.

Goal 3A1 *The reconstitution of the Transportation Financing Strategies Task Force is scheduled for the Council meeting on July 13, 2004. At that same meeting, a resolution commending the original Task Force members is scheduled for Council consideration and action. The Oregon Grocery Association will be represented in the reconstituted Task Force. Invitations were issued to the Tigard Chamber of Commerce and Washington Square management to provide representation on the Task Force. There has been no response from the Chamber and Jack Reardon of Washington Square said he could not serve, but would ask for a representative from the Westside Economic Alliance. If representatives from those groups are submitted, they could be added by amending the resolution to add those members. Once the Task Force is reconstituted, the initial meeting can be set, possibly in late July or early August 2004.*

Goal 3A2a *A list of high priority projects regardless of jurisdiction was developed and presented for Council review and discussion at the workshop meeting on February 17, 2004. This list included high priority intersection projects along Highway 99W to move east-west traffic more effectively. A project to widen McDonald Street at the Highway 99W intersection to provide a dedicated right-turn lane and to extend the stacking on the left-turn lane from McDonald Street to Highway 99W is included in the Capital Improvement Program for FY 2004-05. This project should improve east-west traffic movement while allowing motorists to access Highway 99W more readily.*

Goal 3B *The amount of $75,000 was included in the Capital Improvement Program for FY 2004-05 to allow for joint projects to be undertaken by the City and TriMet to provide pedestrian connections between transit amenities such as bus stops and key activity centers. Some of these funds could be used for improvements in downtown Tigard in conjunction with TriMet's Commuter Rail Project. The funding could also be used to extend existing sidewalks at key locations in the City to provide a safe path to school for children.*

Goal 3C *A new representative to the Oregon Transportation Commission from this area will be appointed this summer. This new representative will be requested to meet with Council at a workshop meeting in the fall to discuss Tigard's transportation project needs.*

First Quarter Update
(Update from Engineering Department)
Goal 3A1 The Transportation Financing Strategies Task Force is in the process of being reconstituted to evaluate potential sources of revenue for street improvement projects. Because participation from the business community has been lacking on this Task Force, the Tigard Chamber of Commerce and Jack Reardon of Washington Square have been requested to provide representatives to serve on the Task Force. Jack Reardon indicated that he was already fully booked, but would request the Westside Economic Alliance to provide someone from the business community. The Chamber has not yet responded. The Task Force membership should be finalized in early May.
Goal 3A2a A list of high priority projects regardless of jurisdiction was developed and presented for Council review and discussion at the workshop meeting on February 17, 2004. This list included high priority intersection projects along Highway 99W to move east-west traffic more effectively.
Goal 3B The Engineering Department continued working with TriMet to carry out the provisions of the Memorandum of Understanding. An amount of $75,000 was included in the Capital Improvement Program for FY 2004-05 to allow for joint projects to be undertaken by the City and TriMet to provide pedestrian connections between transit amenities such as bus stops and key activity centers. The funding could also be used to extend existing sidewalks at key locations in the City to provide a safe path to school for children.
Goal 3C Matt Garrett, the Region 1 Manager from Oregon Department of Transportation (ODOT), met with City Council at its workshop meeting on March 16, 2004. This is the first step in establishing a dialogue with ODOT that could eventually lead to implementation of high priority projects. ODOT had been provided earlier with the list of high priority projects, most of which involved Highway 99W intersections with City streets. Mr. Garrett emphasized that strong support from the business community is important when it

comes time to select projects for implementation. This message was passed on to the Tigard Chamber of Commerce by both Council and the City Manager.

(Update from Community Development Department)
Goal 3B A joint City-TriMet roundtable meeting with local social service and housing providers is set for April 7th. The participating agencies include Community Partners for Affordable Housing, the Good Neighbor Shelter, the Senior Center and eight other Tigard-based organizations. The meeting will focus on how the respective agencies' clients use transit and on transit access and coverage improvement needs. Similar outreach meetings with the Downtown Task Force and Planning Commission are set for May and June, respectively.

GOAL 4 – PARKS AND RECREATION

A. Meet with the Park and Recreation Advisory Committee to:
   1. Discuss the vision of the Task Force and the Council related to the City need for parks and recreation.
   2. Discuss possible acquisition needs and financing for the City of Tigard as well as unincorporated Bull Mountain.
   3. Discuss options and interest in creating a park and recreation district.
B. Continue to participate in discussions with the Tigard-Tualatin School District and neighboring cities to consider the school district's funding needs.
C. Meet with the Skate Park Committee and formulate a plan of action.
D. Continue to support the efforts of the Youth Forum.

Second Quarter Update
(Update from Public Works Department)

Goal 4A1 *A community parks and recreation assessment survey has been recommended to Council for consideration on July 20. If Council approves the survey interviews will begin in either late July or August. The executive summary, setting forth the findings has been scheduled for September 21.*

Goal 4A2 *The Bull Mountain Park and Open Space Task Force created a Bull Mountain Parks Concept Plan which sets forth land acquisition and park development projects for the Bull Mountain area. It was presented to Council on June 22. Council accepted the "white paper".*

Goal 4A3 *This question will be addressed in the upcoming community parks and recreation assessment survey and reported in a future goal report.*

Goal 4B *There is nothing to report on this at this time.*

Goal 4C *The Task Force continues meeting on, and pursuing their fundraising efforts. The Task Force had a booth at the Balloon Festival. They also conducted skateboarding demonstrations at the Festival. The wood floor they skated on was donated by Dave Nicoli. Dave intends to make a sizeable donation to the skate park if festival revenues permit it.*

Goal 4D
(Update from Administration)
During the second quarter, the Youth Forum members focused on supporting building a Community Coalition of Youth Service Providers in the community to formalize a partnership that will qualify for grant funds to support youth programs and activities.

First Quarter Update
(Update from Public Works Department)
Goal 4A1 The first joint meeting between the City Council and the Park and Recreation Advisory Board was held on March 9, 2004.

On April 22, 2003, the Tigard City Council re-established the Tigard Park and Recreation Advisory Board. Within three months, seven Tigard residents were appointed by the Council to serve on the Board. They are Shelley Richards, Jason Ashley, David Baumgarten, Scott Bernhard, Michael Freudenthal, Darrin Marks and Carl Switzer. Two Ex-Officio members have been appointed, Barry Albertson, to represent the Tigard-Tualatin School District, and Eileen Webb, to represent the Tigard Planning Commission. Since being formed, the Advisory Board has toured many of Tigard's parks and facilities. They have heard presentations about the City's' park budget, Parks Capital Improvement Plan, and the general City of Tigard visioning process as it applies to Parks and Recreation. Additionally, they have reviewed Master Plans for Cook Park, Bonita Park, Summerlake Park, Skate Park, and Fanno Creek Park. They have also been briefed on the efforts of Rich Carlson's effort, along with many others, toward creating a Tigard Skate Park for our city's youth. The Board has adopted goals and a mission statement which reads "*The Purpose of the Park and Recreation Advisory Board is to advocate for park and recreation opportunities for a growing Tigard.*" They have also created an e-mail address, parkrecboard@ci.tigard.or.us, and the Board now has a webpage on the City's website.

Issues discussed at the first joint meeting were:

a) what has the Board learned,
b) Board goals,
c) Board interest in conducting a community assessment survey aimed at community interest in parks and recreation programs – this project is well on its way, Council was updated on 4/12),
d) Council Goal #4,
e) vision of the Board and Council related to the city's need for recreation (COT Recreation Div/Dep't)-survey related,
f) possible park land acquisition needs and financing for the City of Tigard as well as unincorporated Bull Mountain – significant work has been done on this with the Bull Mountain Parks and Open Space Task Force-a "White Paper" will be submitted soon,
g) skate park-survey related, and
h) options and interest in creating a park and recreation district-survey related.

Goal 4A2 The Bull Mountain Park and Open Space Task Force has created a Bull Mountain Parks Concept Plan which sets for land acquisition and park development projects for the Bull Mountain area. Although the plan has not been finalized, it has identified projects totaling between $8M – $10M. This plan will be an integral part of the "White Paper". The current Parks System Master Plan will be updated once the Bull Mountain Parks Concept Plan is approved by the Task Force, Park and Recreation Advisory Board and the City Council. Basically, the Bull Mountain plan will become a part of the City's Parks System Master Plan.

Goal 4A3 This question will be addressed in the upcoming community parks and recreation assessment survey.

Goal 4B There is nothing to report on this at this time.

Goal 4C On February 10, the Council met with the Skate Park Task Force in a joint meeting. The results of that meeting led to the Task Force, along with city staff and elected officials, meeting again on February 25 at a general meeting aimed at creating a fund raising structure. Several funding sources were identified, such as: various youth and adult fund raising activities, public and private grants, in-kind donations of materials and labor, etc. The Task Force leadership formed the following four new fund raising committees to begin fund raising efforts to raise the needed money. These committees are now meeting, some more than others, to organize the fund raising campaign. The committees are:

- Communication Committee
- Youth Fund Raising Activities Committee
- Adult Fund Raising Activities Committee
- "Grants" Fund Raising Committee

Goal 4D During the first quarter, the Youth Forum focused on supporting the Police Activity League's (PAL) efforts to build a Tigard chapter and provide extended after school programs at Fowler and Twality Middle Schools.

GOAL 5 – GROWTH MANAGEMENT

A. Continue Bull Mountain annexation information preparation leading to a July 2004 Council action on the Annexation Plan.
B. Form subcommittees and review their completed White Papers.
C. Designate a subcommittee which will review the Planned Development section of the Community Development Code, led by the Planning Commission.
D. Develop a framework/timetable for a Comprehensive Plan update.
E. Negotiate with Washington County staff to determine who will prepare the plan and zoning for the UGB Areas 63 and 64, and identify the source of funding for the plan.

Second Quarter Update

Goal B: *Bull Mountain subcommittees were appointed and developed White Papers for Parks, Streets, Planning, and Police.*

Goal C: *Planned Development committee members have been interviewed by Council and appointed. Their first meeting was April 14, 2004. The committee is continuing to work on PD programs.*

Goal D: *The Planning Commission continues to work on a Comprehensive Plan update program. The objective is to finalize the Planning Commission recommendations by September for Council review and action in the fall.*

Goal E: *Staff is collecting preliminary information related to the scope of concept plans for the UGB expansion areas.*

First Quarter Update

Goal 5B Bull Mountain subcommittees were appointed and are meeting to develop a program/scope for four areas of analysis: Parks, Streets, Planning, and Police.

Goal 5C Planned Development committee members have been interviewed by Council and appointed. Their first meeting is scheduled for April 14th.

Goal 5D The Planning Commission continues to work on a Comprehensive Plan update program. The objective is to finalize the Planning Commission recommendations by June for Council review and action in summer.

Goal 5E Staff is collecting preliminary information related to the scope of concept plans for the UGB expansion areas.

GOAL 6 – COMMUNICATION

A. Increase Tigard's communication with other local officials and elected bodies through active participation of City Council members and staff.
B. Improve and expand communication with citizens, particularly communicating successes and future concerns.
C. Support the Tigard Beyond Tomorrow goal to maximize citizen involvement opportunities through educational programs by implementing a citizen leadership series.
D. Investigate the possibility of supporting the mission of the Tigard Youth Advisory Council "to empower, improve and connect the lives of Tigard's youth" by adding a youth representative to all City boards and committees.
E. Investigate the possibility of supporting the Tigard Beyond Tomorrow strategy to "encourage public participation through accessibility and education with an annual citizens' fair for community events and businesses."

Second Quarter Update

Goal 6A *During the second quarter, City Council and/or staff met with regional partners at CDBD Advisory Board, WCCLS, CLAB, the IWB, MPAC, the Regional Water Consortium, the Senior Center Board, the Tigard Chamber of Commerce Board, WCCCA, WCCC, the Tualatin Basin Natural Resource Coordinating Committee and the Westside Economic Alliance. The Council met with the Tualatin City Council and the Tigard-Tualatin School District on April 5. In addition, representatives of the Regional Economic Development Partners made a presentation to City Council on April 20. Metro Executive, David Bragdon, met with the Council on May 18.*

Goal 6B *Improvement and expansion to communications efforts included the following:*

- *Focus on Tigard - Over the last 3 months, Focus topics included the Downtown Plan, Budget 101 and Bull Mountain Annexation Plan*
- *Website – During the last quarter, staff posted a Downtown Survey and the Tigard Beyond Tomorrow Vision Survey. Staff is able to generate customized reports from the survey data that is posted on-line and into the system from paper surveys that have been submitted*
- *Committee for Citizen Involvement (CCI) – In May, staff recommended the CCI, made up of City of Tigard facilitators to begin regular discussions about ongoing citizen involvement efforts and ways to expand communications with citizens.*

Goal 6C

Staff has collected course outlines and materials for leadership series conducted in Beaverton and Lake Oswego. The next step is to finalize the schedule and topics for Tigard's citizen leadership series.

Goal 6D

The Planning Commission, Downtown Task Force and Park Board have requested youth representatives.

Goal 6E

Staff is working with the Tigard Blast Committee to combine the Citizens Fair with the Blast scheduled for Saturday, September 18. Coordinator meetings are scheduled for the week of July 12.

First Quarter Update

Goal 6A During the first quarter of 2004, City Council members and/or staff met with Community Development Block Grant Advisory Board, Washington County Cooperative Library Services, Cooperative Library Advisory Board, Intergovernmental Water Board, Metro Policy Advisory Committee, Regional Water Consortium, Senior Center Board, Tigard Chamber of Commerce Board, Washington County Consolidated Communications Commission, Washington County Coordinating Committee, Tigard Festival of Balloons Planning Committee, Tualatin Basin Natural Resource Coordinating Committee, and the Westside Economic Alliance.

Goal 6B Improvement and expansion to communication efforts included the following:

Focus on Tigard – Focus on Tigard continues to be a valuable tool to inform citizens about upcoming events, programs and projects, and educate citizens about current programs.

Over the last six months, Focus topics have included the Capital Improvement Program, Bull Mountain annexation, water, the street maintenance fee, community events, and the volunteer program. Beginning with the April program, the format was changed so the focus topic is presented first with announcements closing the program.

Communication Plan – As part of the budget process, staff included a brief listing of their proposed communication plan for each major program or project. Including this information in the budget shows the Budget Committee, Council, and citizens how information will be disseminated on all major city programs and projects and serves as a reminder for staff on the variety of communication tools available.

There continues to be an emphasis on developing communication plans when projects and programs are initiated to ensure a proactive approach to communication and information sharing.

Web Site – Staff continues to add new features to the web page. Park reservations are now available online through the city's web page. In the last six months, visits to the city's web site have increased from 34,859 to 39,888 per month.

Cable Television – The Network Services Division has implemented an in-house civic studio training program. City staff members are currently being trained by Chris Myers, the city's Network Services Technician who is also trained as a Producer/Director/Camera Operator. One staff person has completed the training.

The goal of the training program is to expand the city's cable program production capacity and maximize the use of the civic studio.

Goal 6C A preliminary schedule has been developed for a citizen leadership series to start in October. Topics will include government finance, land use, transportation, and citizen involvement. Staff and guest speakers will present the material to the participants. It is expected that the program will be limited to 25 participants.

Goal 6D The City Council has appointed Lindsey Boyce, President of the Tigard Youth Advisory Council, as an ex officio member of the Council. Lindsey reviews the Council meeting material, asks questions and enters the discussion, but does not vote.

Goal 6E A tentative date, Saturday, September 25, has been set for the Citizens' Fair. Planning for the event will begin this spring.

AGENDA ITEM # 3.3.a
FOR AGENDA OF July 27, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Award of Contract for the Construction of 121st Avenue Sanitary Sewer (Sewer Reimbursement District No. 30)

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

ISSUE BEFORE THE COUNCIL

Shall the Local Contract Review Board approve the contract award for the construction of 121st Avenue Sanitary Sewer (Sewer Reimbursement District no. 30)?

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board, by motion, approve the contract award to **Dunn Construction** in the amount of **$787,045.00.**

INFORMATION SUMMARY

The proposed project would provide sewer service to 70 lots along 121st Avenue, Marion Street, James Street, Alberta Street and Fonner Street through Sewer Reimbursement District No. 30 of the Neighborhood Sewer Extension Program. Through this program, the City would install public sewer to each lot within the Reimbursement District and the owners would reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner would be required to pay a connection fee of approximately $2,500 before connecting to the line.

The project was advertised for bids on June 29 and July 1, 2004 in the Daily Journal of Commerce and Tigard Times respectively. The bid opening was conducted on July 13, 2004 and the bid results are:

Dunn Construction	Portland, OR	$787,045.00
Kerr Contractors	Tualatin, OR	$797,121.00
Engineer's Estimate		**$667,000**

The lowest bid submitted by Dunn Construction with a bid amount of $787,045.00 is higher than the Engineer's estimate by $120,000. However, the total estimated cost of the project announced at the public hearing for the formation of the sanitary sewer district was $766,507 including a 15% contingency factor. This cost is only $20,538 or 2.6% lower than the lowest bid.

The number of bids submitted and the price range of $10,000 between the two bidders indicate that the City most likely would not be able to reduce the project cost by re-bidding the project. Furthermore, the contractors have indicated that their bids reflect the inflation of approximately 10% after July 1, 2004 and it could be higher in the near future. Awarding the project at this time would allow the City to complete the project in a timely manner to

provide sanitary sewer service to the property owners. Staff recommends approval of the contract award to the lowest bidder.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None

ATTACHMENT LIST

Project location map

FISCAL NOTES

The amount of $2,500,000 is available in the FY 2004-05 Citywide Sewer Extension Program for this and other sewer extension projects. On July 13, 2004, a contract in the amount of $647,145 was awarded for the construction of the 100th Avenue and Murdock Street Sanitary Sewer District (Sewer Reimbursement District No. 27). The remaining balance is sufficient to award a contract of $787,045.00 to Dunn Construction.

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121ST AVENUE
SANITARY SEWER IMPROVEMENTS
REIMBURSEMENT DISTRICT #30

AGENDA ITEM # 3.3.b
FOR AGENDA OF July 27, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Award of Contract for the Construction of the FY 2004-05 Pavement Major Maintenance Program (PMMP) – Phase 1

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

ISSUE BEFORE THE COUNCIL

Shall the Local Contract Review Board approve the contract award for the FY 2004-05 Pavement Major Maintenance Program (PMMP) – Phase 1?

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board, by motion, approve the contract award to **Brix Paving Company** in the amount of **$169,220.34**.

INFORMATION SUMMARY

The PMMP is a yearly program of corrective and preventative maintenance on all streets in Tigard. The program helps to extend the life of the pavement structure, delaying the need for more extensive and costly rehabilitation and improving other desirable characteristics, such as safety and smoothness. This project proposes to pave two existing gravel roads (66th and 67th Avenue) and to place a pavement overlay on other paved streets. A pavement overlay is the application of a layer of bituminous paving to an existing paved surface after the surface has been crack sealed, dug out and repaired. This project is the first phase of a three-phase PMMP project in FY 2004-05. Streets included in Phase 1 are:

- 110th Avenue (Fairhaven to Derry Dell Court)
- Park Street (110th to Watkins Avenue)
- Derry Dell Court (110th to Watkins Avenue)
- James Court (west of Howard Drive)
- Ventura Court (Barbara Lane to Ventura Drive)
- 66th Avenue (south of Oak Street)
- 67th Avenue (south of Oak Street)
- 72nd Avenue (Spruce to Oak Street)

Phase 2 includes streets that will be bid out individually (i.e. Mapleleaf Street, 121st Avenue and Burnham Street). Phase 3 includes street that will be incorporated into the construction of Walnut Street Improvement between 135th and 121st Avenue (i.e. Fern Street).

This project was advertised for bids on June 29 and July 1, 2004 in the Daily Journal of Commerce and Tigard Times respectively. The bid opening was conducted on June 13, 2004 and the bid results are:

Brix Paving	Tualatin, OR	$169,220.34
Benge Construction	Tualatin, OR	$192,192.00
S-2 Contractors	Aurora, OR	$193,385.70
KF Jacobsen	Portland, OR	$195,347.37
Eagle Elsner	Tigard, OR	$211,721.45
Engineer's Estimate		**$232,000**

Based on the bids submitted, the lowest responsive bid of $169,220.34 submitted by Brix Paving Company appears to be reasonable. Staff recommends approval of the contract award to this qualified lowest bidder.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None

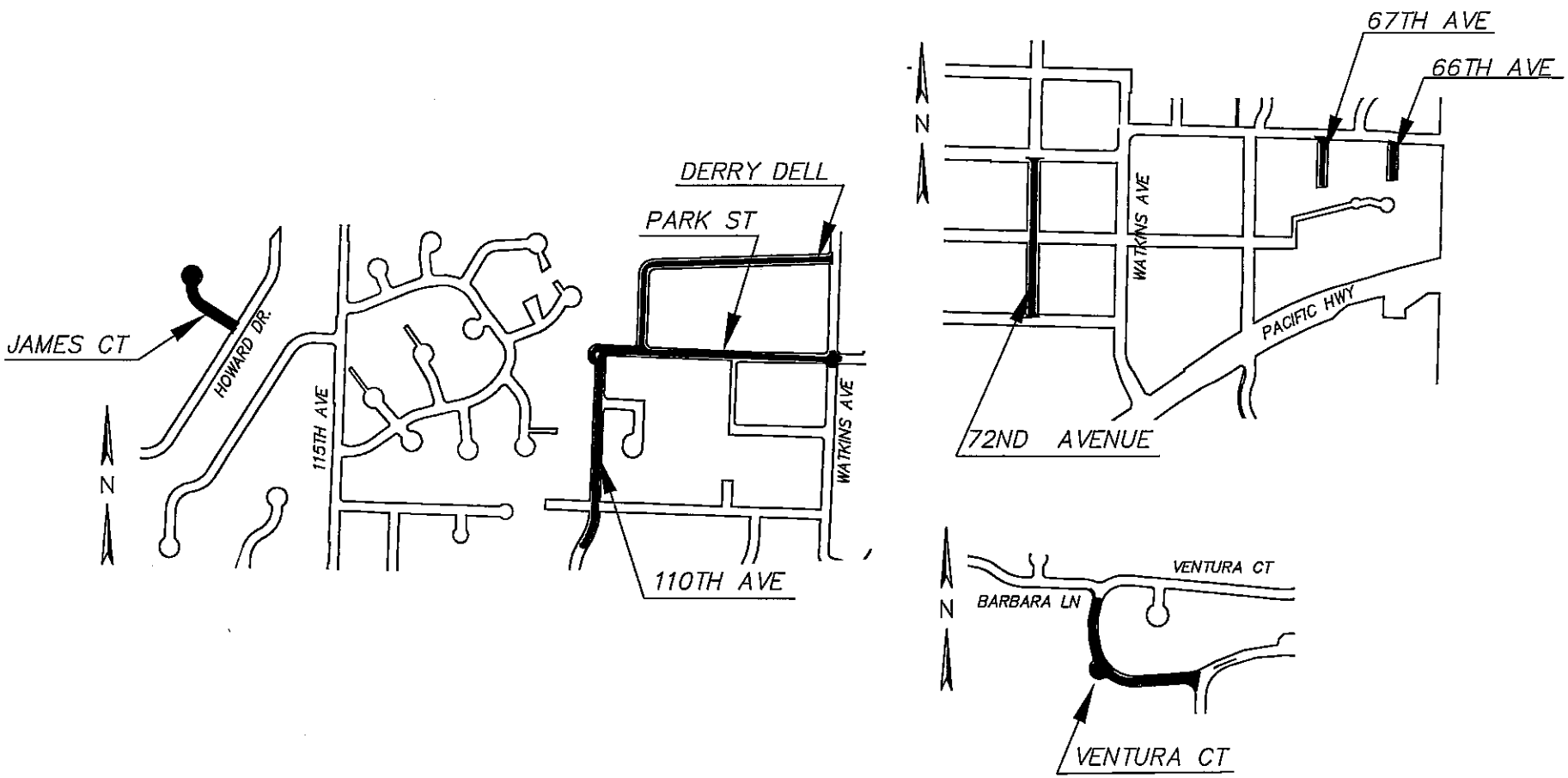
ATTACHMENT LIST

Project location map

FISCAL NOTES

The amount of $695,200 is available in the FY 2004-05 Pavement Major Maintenance Program for this and other PMMP projects. The available funding is sufficient to award a contract of $169,220.34 to Brix Paving Company.

FY 2004–05 PAVEMENT MAJOR MAINTENANCE PROGRAM
PAVEMENT OVERLAY
(66TH, 67TH, 72ND, 78TH, 110TH · AVENUES
DERRY DELL CT, JAMES CT, PARK ST & VENTURA CT)



AGENDA ITEM # 3.4
FOR AGENDA OF July 27, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Letter of Agreement with Portland and Western Railroad, Inc. for the Construction of Tiedeman Avenue Railroad Approaches

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

ISSUE BEFORE THE COUNCIL

Shall the City Council approve the attached Letter of Agreement with Portland and Western Railroad, Inc. for the construction of Tiedeman Avenue Railroad approaches?

STAFF RECOMMENDATION

Staff recommends that the City Council, by motion, approve the attached Letter of Agreement and authorize the City Manager to sign the document and forward it to Portland and Western Railroad, Inc. for execution of the agreement.

INFORMATION SUMMARY

The FY 2004-05 Capital Improvement Program (CIP) includes $60,000 for improvements to the Tiedeman Avenue Railroad crossings. The approved funding is for a joint project between the City and Portland and Western Railroad to improve the roadway approaches at the existing crossings. Through the proposed agreement, the City will pay for the reconstruction of the approaches and Portland and Western Railroad will provide the construction inspection and management for the project to ensure that the existing gate signals and other work related to the adjustment of the tracks are performed in accordance with railroad regulations. The scope of work also includes installation of concrete crossing panels on the easterly track. No work will be performed on the westerly track since it will be relocated to a different location by the Commuter Rail project scheduled to begin in 2006.

During construction, Tiedeman Avenue at the crossings will be closed for a single period from Friday evening to Sunday morning. Traffic will be detoured to North Dakota Street, Tigard Street, 115th Avenue and 95th Avenue. Work is proposed to begin no earlier than August 1 and complete no later than September 30, 2004.

OTHER ALTERNATIVES CONSIDERED

Wait until 2006 for the Commuter Rail project to perform the proposed work.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

This project meets the Tigard Beyond Tomorrow Transportation and Traffic Goal of "Improve Traffic Safety".

ATTACHMENT LIST

Project location map
Letter of Agreement

FISCAL NOTES

Portland and Western Railroad had previously indicated they would pledge $5,000 for improvements of the crossings. However, the contribution has been recently withdrawn due to their lack of funds. The total construction cost to be paid by the City is $70,743.75. The project is funded from the FY2004-05 State Gas Tax fund in the amount of $60,000. There are sufficient Gas Tax funds unused by other projects to supplement the difference of $10,743.75.

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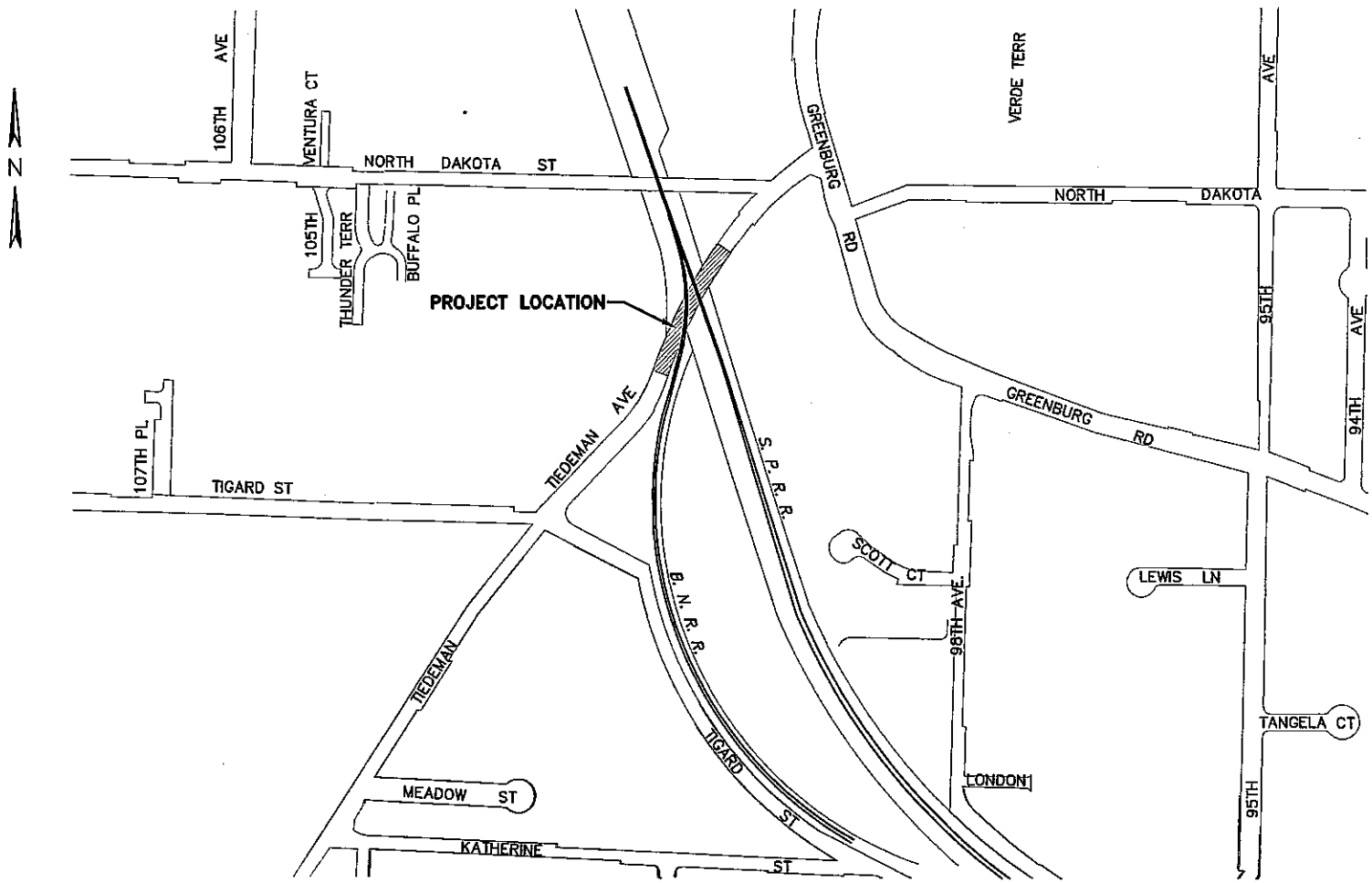
TIEDEMAN AVENUE
RAILROAD APPROACHES



LETTER OF AGREEMENT

Between

CITY OF TIGARD

A municipality of the State of Oregon

and

PORTLAND AND WESTERN RAILROAD, INC.

A State of New York corporation

for

Improvement of Railroad grade crossings at Tiedeman Avenue

in Tigard, Oregon

Crossing milepost no. FD-756

This agreement is entered into by and between City of Tigard, a municipality of the State of Oregon, hereinafter called "City" and Portland and Western Railroad, Inc., a New York corporation, hereinafter called "Company".

In consideration of the mutual obligations and benefits set forth herein, the parties agree as follows regarding the replacement of the Company's railroad crossing of Tiedeman Avenue in Tigard, Oregon.

1. City Obligations

   1.1 Pay documented construction costs, not to exceed **$70,743.75** for reconstructing, by the Company, the installation of concrete panel crossing including roadway approaches at Southern Pacific Railroad.

   1.2 Pay the amount due under 1.1 above within 30 days of receipt of invoice, per the current City of Tigard fiscal policies and procedures, provided that the work has been inspected and approved by the City prior to the date of receipt of the invoice.

   1.3 Maintain, pursuant to applicable provisions of ORS 30.260 to 30.300, a self-insurance program, which provides property damage and personal injury coverage.

   1.4 Provide roadway design plan.

2. Company Obligations

   2.1 Remove the existing crossing surface to a distance outside of the rail sufficient to install a new crossing surface. The distance of removal outside of the rails shall extend beyond the existing cuts in pavement, which are approximately 5 feet outside of the rails.

   2.2 Install a new concrete panel crossing including all necessary labor, equipment and materials, including but not limited to the following items:

      (a) Mobilization
      (b) Traffic control
      (c) Remove and dispose of existing AC pavement, base material, rails and ties.
      (d) Install new rails, crossties, ballast and concrete crossing panel

(e) Construct AC roadway approaches.
(f) Stripe the new approaches

2.3 Comply with traffic detour plan prepared by the Company and approved by the City.

2.4 Provide temporary protection and direction of traffic, including all signs, barricades, flashing lights and flaggers. Minimum requirements for traffic control plan shall be as shown on "Traffic Control Typical Retail" of the City of Tigard, Public Improvements Design Standards.

2.5 Close the crossing and detour for a single period no longer than 55 hours beginning at 10:00 p.m. on Friday and ending at 5:00 a.m. on the following Sunday. At least 20 working days prior to closing the street, prepare and submit for City review and approval a traffic control plan.

2.6 Grind the existing roadway approaches and pave the new approaches to the crossings to provide a smooth surface that will allow the traffic Tiedeman to safely and comfortably travel over the crossings without slowing down. The slopes of the new roadway approaches shall be in accordance to OAR 860-42-215.

2.7 Begin no work prior to August 1, 2004 and complete all work no later than September 30, 2004.

2.8 The Company agrees to comply with the Civil Rights Act of 1964 and 1991, Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, and Title VI as implemented by 45 CFR 80 and 84 which states in part, "no qualified person shall on the basis of disability, race, color, or national origin be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which received or benefits from federal financial assistance.

2.9 Company shall not employ any person performing work under this contract for more than eight hours in any one day, or 40 hours in any one week, except in cases of necessity, emergency, or where the public policy absolutely requires it. Company shall pay all individuals performing work under this contract at least time-and-a-half pay for all overtime in excess of eight hours a day and for work performed on Saturday or any legal holiday specified in ORS 279.334. If this contract is for personal services as defined in ORS 279.051, the company shall pay all individuals performing personal services under this contract at least time-and-a-half for all overtime worked in excess of 40 hours in any one week, except for individuals who are excluded under ORS 653.010 to 653.261 or under 29 USC sections 201-209, from receiving overtime. If this is for a public work subject to ORS 279.348 to 379.363 or the Davis-Bacon Act (40 USC 2761), the Company agrees to abide by the provisions of ORS 279.350 or 40 USC 2761, whichever is applicable.

2.10 All contracts between the company and its contractor for the construction work will require the contractor to obtain insurance acceptable to City in full force and effect throughout the term of this contract. Such insurance shall cover all risks arising directly or indirectly out of Contractor's activities or work hereunder, including the operations of its subcontractors of any tier. Such insurance shall include provisions that such insurance is primary insurance with respect to the interests of City and that any other insurance maintained by City is excess and not contributory insurance with the insurance required hereunder.

2.11 The policy or policies of insurance maintained by the Contractor and its subcontractor shall provide at least the following limits and coverages:

(a) Commercial General Liability Insurance: Contractor shall obtain, at contractor's expense, and keep in effect during the term of this contract, Comprehensive General Liability Insurance covering Bodily Injury and Property Damage on an "occurrence" form (1986 ISO or equivalent). This coverage shall include Contractual Liability insurance for the indemnity provided under this contract. The following insurance will be carried:

Coverage	Limit
General Aggregate	$2,000,000
Products-Completed Operations Aggregate	$1,000,000
Personal & Advertising Injury	$1,000,000
Each Occurrence	$1,000,000
Fire Damage (Any one fire)	$50,000
Medical Expense (Any one person)	$5,000

(b) Commercial Automobile Insurance: Contractor shall also obtain, at contractor's expense, and keep in effect during the term of the contract, "Symbol 1" Commercial Automobile Liability coverage including coverage for all owned, hired, and non-owned vehicles. The Combined Single Limit per occurrence shall not be less than $1,000,000.

(c) Workers' Compensation/Employers' Insurance: To the extent the Contractor, its subcontractors, if any, and all employers providing work, labor or materials under this Contract are subject employers under the Oregon Workers' Compensation Law, they shall comply with ORS 656.017, which requires them to provide workers' compensation coverage that satisfies Oregon law for all their subject workers. Out-of-state employers must provide Oregon workers' compensation coverage for their workers who work at a single location within Oregon for more than 30 days in a calendar year. Contractors who perform work without the assistance or labor of any employee need not to obtain such coverage. To the extent that the Contractor, its subcontractors, if any, and all other employers providing work under this Contract are employers under the Federal Employer's Liability Act (45 USC §51 et seq.), they shall maintain insurance for liability imposed by FELA. Employer's Liability Insurance required by this section shall have coverage limits of not less than $100,000 each accident.

(d) Additional Insured Provision: The City of Tigard, Oregon, its officers, directors, and employees shall be added as additional insured with respect to this contract. All Liability Insurance policies will be endorsed to show this additional coverage.

(e) Notice of Cancellation: There shall be no cancellation, material change, and exhaustion of aggregate limits or intent not to renew insurance coverage without 30 days written notice to the City. Any failure to company with this provision will not affect the insurance coverage provided to the City. The 30 days notice of cancellation provision shall be physically endorsed on to the policy.

(f) Insurance Carrier Rating: Coverages provided by the Contractor must be underwritten by an insurance company deemed acceptable to the City. The City reserves the right to reject all or any insurance carrier(s) with an unacceptable financial rating.

(g) Certificates of Insurance: As evidence of the insurance coverage required by the contract, the contractor shall furnish a Certificate of Insurance to the City. No contract shall be effected until the required certificates have been received and approved by the City. The certificate will specify and document all provisions within this contract. A renewal certificate will be sent to the above address 10 days prior to coverage expiration.

(h) Independent Contractor Status: The service or services to be rendered under this contract are those of an independent contractor. Contractor is not an officer, employee or agent of the City as those terms are used in ORS 30.265.

(i) Primary Coverage Clarification: All parties to this contract hereby agree that the contractor's coverage will be primary in the event of a loss.

(j) Cross-Liability Clause: A cross-liability clause or separation of insureds clause will be included in all general liability, professional liability, pollution and errors and omissions policies required by this contract.

Contractor's insurance policy shall contain provisions that such policies shall not be cancelled or their limits of liability reduced without (30) days prior notice to the City. A copy of each insurance policy, certified as a true copy by an authorized representative of the issuing insurance company, or at the discretion of City, in lieu thereof, a certificate in form satisfactory to City certifying to the issuance of such insurance shall be forwarded to:

Vannie T. Nguyen, P.E.
CIP Division Manager
City of Tigard
13125 SW Hall Blvd.
Tigard, Oregon 97223

Such policies or certificates must be delivered prior to commencement of the work. Ten days cancellation notice shall be provided City by certified mail to the name at the address listed above in event of cancellation or non-renewal of the insurance.

The procuring of such required insurance shall not be construed to limit contractor's liability hereunder. Notwithstanding said insurance, Contractor shall be obligated for the total amount of any damage, injury, or loss caused by negligence or neglect connected with this contract.

2.12 The company and its contractor warrants that all its work will be performed in accordance with generally accepted professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of a contractor's work by City shall not operate as a waiver or release.

Contractor agrees to indemnify and defend the City, its officers, agents and employees and hold them harmless from any and all liability, causes of action, claims, losses, damages, judgments or other costs or expenses including attorney's fees and witness costs and (at both trial and appeal level, whether or not a trial or appeal ever takes place) that may be asserted by any person or entity which in any way arise from, during or in connection with the performance of the work described in this contract, except liability arising out of the negligence of the City and its employees. If any aspect of this indemnity shall be found to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this indemnification.

This agreement represents the entire integrated understanding of the parties. This agreement may be amended only in writing, executed by the same parties as the agreement itself.

IN WITNESS WHEREOF the parties have caused the Agreement to be signed in their respective names by their duly authorized representatives as of the dates set forth below.

City of Tigard	**Portland and Western Railroad, Inc.**
_____	_____
William A. Monahan, City Manager	Name
_____	_____
Date	Title
	_____
	Date

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AGENDA ITEM # 3.5
FOR AGENDA OF July 27, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE City Council Adopt A Resolution Authorizing the Establishment of a Medical Savings Account/Voluntary Employees' Beneficiary Association ("MSA VEBA") Plan for the Management/Supervisory/Confidential and SEIU/OPEU employee groups

PREPARED BY: Sandra Zodrow DEPT HEAD OK CITY MGR OK

ISSUE BEFORE THE COUNCIL

SHOULD THE CITY COUNCIL ADOPT A RESOLUTION TO AUTHORIZE THE ESTABLISHMENT OF A MEDICAL SAVINGS ACCOUNT/VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION ("MSA VEBA") FOR THE MANAGEMENT/SUPERVISORY/CONFIDENTIAL AND SEIU/OPEU EMPLOYEE GROUPS?

STAFF RECOMMENDATION

Staff recommends passing a Resolution to adopt a Medical Savings Account/Voluntary Employees' Beneficiary Association (MSA VEBA) plan for employees in the Management/Supervisory/Confidential and SEIU/OPEU employee groups to use for reimbursement of medical-related expenses including insurance premium payments during their service with the City and upon separation from the City of Tigard.

INFORMATION SUMMARY

An MSA-VEBA is a medical expense reimbursement account where employees obtain tax-free reimbursements for medical expenses and insurance premium payments. Council was previously briefed on the VEBA at its June 28, 2004 Executive Session. After researching numerous medical savings plans to aid employees in offsetting the rising costs of health insurance expenses and premiums, the City of Tigard Health Plan Committee members recommended that the City establish the MSA-VEBA as a tool for assisting in the management of these rising costs. During prior discussions with Council, staff was authorized to pursue this issue at the bargaining table and SEIU/OPEU eventually ratified a new bargaining agreement with an annual total City contribution of $600 effective July 1, 2004 to a VEBA. This benefit was also extended to the Management/Supervisory/Confidential employee group and has been proposed to TPOA (Tigard Police Officers' Association). This agenda item requests that Council adopt a Resolution formally authorizing the establishment of a VEBA for these groups as required by the Plan Administrator. A copy of the City's Plan Adoption Agreement is attached (Attachment A).

OTHER ALTERNATIVES CONSIDERED

The Health Plan Committee reviewed other medical savings accounts and determined the MSA-VEBA to be the most advantageous medical expense account type for both the City of Tigard and the Management/Supervisory/Confidential and SEIU/OPEU employee groups.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Resolution
Attachment A - City of Tigard Plan Adoption Agreement

FISCAL NOTES

Total annual City contribution for SEIU/OPEU - $74,400
Total annual City contribution for Management/Supervisory/Confidential Employees - $53,400

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-_____

CITY COUNCIL ADOPT A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A MEDICAL SAVINGS ACCOUNT/VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION ("MSA VEBA") PLAN FOR THE MANAGEMENT/SUPERVISORY/CONFIDENTIAL AND THE SEIU/OPEU EMPLOYEE GROUPS

WHEREAS, the Internal Revenue Code, Section 501(c)(9) allows for the creation of a voluntary employees' beneficiary association which is an employee sponsored, tax-exempt health and welfare trust; and

WHEREAS, such tax-exempt plans are available for public sector employees in the Northwest; and

WHEREAS, in 1999 an amended and restated "Voluntary Employees' Beneficiary Association Medical Expense Plan for Public Employees in the Northwest" Trust dated November 19, 1999 ("the Trust"); and

WHEREAS, the City of Tigard ("the City") has determined that establishing a medical expense reimbursement plan, which provides a tax-free account for employees to pay for medical, dental, vision, and tax qualified long term care expenses that are not paid by any other insurance plans, is in the best interest of the City and its employees; and

WHEREAS, the City desires to establish a medical expense reimbursement plan for its Management/Supervisory/Confidential and SEIU/OPEU employee groups; and

WHEREAS, the City desires to use the services of the MSA VEBA Trust to administer such plan; and

WHEREAS, such medical expense reimbursement plan established by the City will be administered in accordance with the plan documents provided by the MSA VEBA Trust on file in the City office.

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

SECTION 1. Effective July 1, 2004, the City hereby elects to participate in the Trust as presently constituted or hereafter amended using the MSA VEBA Trust as its plan administrator, and establishes the MSA VEBA program for all eligible City employees in the Management/Supervisory/Confidential and SEIU/OPEU employee groups.

SECTION 2. The Plan will be funded by employer contributions.

SECTION 3. The City Council retains the right to modify or repeal this medical expense reimbursement plan at its discretion without prior notification to the City's employees.

SECTION 4. This resolution is effective July 1, 2004.

PASSED: This _____ day of _____ 2004.

_____
Mayor - City of Tigard

ATTEST:

_____
City Recorder - City of Tigard

ATTACHMENT A

CITY OF TIGARD PLAN ADOPTION AGREEMENT

VEBA TRUST FOR PUBLIC EMPLOYEES IN THE NORTHWEST MSA VEBA

Provisions:

1. Formal Authorization of Employer. The City of Tigard, by formal action of its governing body or other authorized action, has formally established an employee benefit plan or arrangement pursuant to which it desires to make one or more contributions to the Voluntary Employees' Beneficiary Association Medical Expense Plan for Public Employees in the Northwest (the "Plan") offered by Voluntary Employees' Beneficiary Association Trust for Public Employees in the Northwest (the "Trust"). Through this Employer Adoption Agreement the City of Tigard applies for participation in the Plan and Trust, to be effective if and when accepted by the Administrator. Upon such acceptance by the Administrator and the funding of any contributions into the Trust, the Employer shall have adopted and become a participant under the Plan and Trust.

2. Employer Plan Design Selection. Pursuant to the City of Tigard's plan policy, or procedures established by the City of Tigard, or to a collective bargaining agreement, commencement of Medical Benefits shall be as follows:

   [√] any time after a participant account is established with respect to that employee;

   or

   [ ] employees shall only be able to submit claims for Medical Benefits incurred after separation from service with their current participating MSA VEBA Employer.

IN WITNESS WHEREOF, the City of Tigard has approved this Employer Adoption Agreement, as evidenced by the signature below of its authorized officer, to be effective when executed below by the Administrator.

Employer Name: _____

By: _____
Authorized signature

Printed Name: _____

Title: _____

Date: _____

Accepted by Administrator:

REHN & Associates, Inc. on behalf of the Voluntary Employees' Beneficiary Association Trust for Public Employees in the Northwest

By: Timothy Yeager, President or
Linda Wilbur, Vice President

_____
Authorized signature

Date: _____

Contact Information:

Employer: City of Tigard

Contact Person: Sherrie Burbank

Title: Senior Human Resources Analyst

Mailing Address: 13125 SW Hall Blvd

Tigard, OR 97223

Phone: 503-718-2414

Fax: 503-639-6795

E-mail: sherrie@ci.tigard.or.us

Contact for Ongoing Administrative/Payroll/Contribution Matters:

Name: Kathy Gende Telephone: 503-718-2495

E-mail: kathleen@ci.tigard.or.us

sb\benefits\veba\COT VEBA Adoption Agreement 7-04

AGENDA ITEM # 3.6
FOR AGENDA OF July 27, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Master Interagency Teams Intergovernmental Agreement

PREPARED BY: Bill Dickinson DEPT HEAD OK WMD CITY MGR OK WM

ISSUE BEFORE THE COUNCIL

Should the City Council authorize the City Manager to sign the Washington County Master Interagency Teams Intergovernmental Agreement?

STAFF RECOMMENDATION

Staff recommends authorizing the City Manager to enter into this Intergovernmental Agreement (IGA).

INFORMATION SUMMARY

The City of Tigard has entered into four intergovernmental agreements (IGAs) with other agencies within Washington County, including: Interagency Gang Enforcement Team (IGET), Westside Interagency Narcotics (WIN), Clandestine Lab, and Crash/Accident Reconstruction Team (C.A.R.T.). The law enforcement agencies which participate in these IGAs wish to consolidate the four existing IGAs into one IGA. This would provide a streamlined process for renewing the agreements, maintaining records, and updating the information contained in the IGAs.

The Law Enforcement agencies located in Washington County regularly meet at the monthly Law Enforcement Council (LEC) meetings and have agreed that consolidating the IGAs would be helpful and more efficient, saving hours of time and taxpayer dollars in the process. The participating agencies are: City of Beaverton, City of Cornelius, City of Forest Grove, City of Gaston, City of Hillsboro, City of King City, City of North Plains, City of Sherwood, City of Tigard, City of Tualatin, and Washington County Sheriff's Office.

OTHER ALTERNATIVES CONSIDERED

The alternative would be to not consolidate the agreements and to continue to manage the four IGAs under separate agreements.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal 1, Strategy 6 states we will "specifically address crime and public safety concerns through partnerships."

ATTACHMENT LIST

Attachment A – Copy of Master Interagency Teams Intergovernmental Agreement.

FISCAL NOTES

No fiscal impact.

MASTER INTERAGENCY TEAMS INTERGOVERNMENTAL AGREEMENT

This Master Interagency Teams Agreement is entered into by and between the undersigned parties in order to provide for establishment and support of all local interagency teams as permitted by ORS 190.110, which provides that a unit of local government may enter into a written agreement with any other unit of local government for the performance of any or all functions and activities that a party to the agreement has the authority to perform

Therefore, for and in consideration of the following covenants, the parties agree as follows:

1. EFFECTIVE DATE AND DURATION. This agreement shall commence and take effect when signed by two or more parties and shall remain in effect until amended or terminated by the parties. The Law Enforcement Council will review this agreement in January of even numbered years and will make recommendations to their respective governing body if they determine revision or modification is needed.

2. PURPOSE AND FUNCTION. The purpose of this agreement is to provide for the cooperation and coordination of all local interagency teams. Each governing body of a participating jurisdiction agrees to delegate the authority to execute interagency team agreements to the chief law enforcement officer of the jurisdiction, provided that all interagency team agreements entered into by the chief law enforcement officer contain the exact language of the contract template as set forth in paragraphs 4.1 through 4.18 below.

3. DEFINITIONS.

3.1 Interagency Team. Two or more agencies assign personnel on a full or part time basis to a special unit. Examples include the Westside Interagency Narcotics Team and the Interagency Gang Enforcement Team.

3.2 Police Officer, Peace Officer, General Authority Oregon Police. Police officer as used in this document means a full-time, fully compensated police officer commissioned by the State of Oregon or any full-time, fully compensated police officer commissioned by a public agency or unit of local government of the State of Oregon to enforce the criminal laws of Oregon and included in the definitions contained or employed in ORS 181.610 and ORS 190.472, as now enacted or hereafter amended.

3.3 Team Member. A "team member" is a law enforcement officer selected by such officer's employing agency to the Team.

3.4 Board. The advisory Board made up of administrators of each law enforcement entity, as further described in paragraph 4.2.

3.5 Governing Body. The Board of County Commissioners or a City Council.

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3.5 Governing Body. The Board of County Commissioners or a City Council.

4. REQUIREMENTS FOR TEAM AGREEMENTS.

The authority to enter into and maintain law enforcement Interagency Team Agreements is delegated to the chief law enforcement officer of the jurisdiction (Sheriff or Chief of Police) provided that all such Interagency Team Agreements shall contain the following provisions (sections 4.1 through 4.18). The language of sections 4.1 through 4.18 shall not be amended or modified in any way without formal approval of the governing body of all participating jurisdictions, and no other substantive contract provisions may be added to the agreements. The only other provisions which may be added to an interagency team agreement under this Master Agreement are provisions, which define the purposes, functions, procedures and role of the team.

4.1 COOPERATION. Each participating agency assumes an obligation of good faith cooperation to provide all reasonable assistance and resources to and with other participating agencies in implementing the purposes of the Agreement.

4.2 ADVISORY BOARD. The administrators of each entity must respond to their respective governing bodies, and must effectively follow consistent and coordinated policies and procedures with respect to the Team. To assure that the activities of the team are responsive to these concerns, the parties hereby create an Advisory Board (Board). The Board will consist of the chief administrator of the law enforcement department of each participant, or the designee of such administrator in that administrator's absence. The Board shall collectively coordinate operational procedures and administrative guidelines for the Team and Administrator, and review the overall implementation thereof. The recommendations of the advisory board are not binding upon the participating agencies, but the agencies agree to use good faith efforts to cooperatively develop policies and procedures that will not cause significant conflict with the policies and procedures of any participating agency. In addition, the Board shall review the process for selecting new members on an annual basis.

4.3 BOARD CHAIR. The Chair of the Board will serve for a term of one calendar year, and shall be selected by majority vote of the membership at the Board's last meeting prior to the beginning of such term. The Chair must be a department head from a participating agency having a full time member assigned to the team. The Board will meet at least quarterly, and at any time upon request of a participating agency. Each member of the Board shall have an equal voice in the conduct of business. No quorum is required to conduct Board business, and a majority of the members present can take action on any Board issue.

4.4 TEAM ADMINISTRATOR. The Advisory Board shall designate an "Administrator" who will have the following responsibilities:

4.4.1 Attend and participate in the discussions of the Board.

4.4.2 Establishment of operational guidelines consistent with the policies and procedures of each department applicable to Team personnel;

4.4.3 Establishment of team operational priorities;

4.4.4 Evaluation of team activities and supervisory personnel;

4.4.5 Long range planning, preparation of budget recommendations, and allocation of budgeted resources to accommodate personnel, equipment and team activities; and

4.4.6 Reporting to the Board on team activities and management functions as outlined above in this section.

4.5 TEAM SUPERVISOR. The Board shall appoint at least one full time supervisor from a participating agency. The supervisor's responsibilities will be outlined in the operational guidelines, which will include but are not limited to the following:

4.5.1 Plan and manage operational activities of the team.

4.5.2 Direct the day-to-day activities of the team, including:

A. Assignment of investigations and other tasks to team personnel;

B. Scheduling of personnel for team activities, including scheduling which may result in overtime eligibility under the applicable personnel rules and collective bargaining agreements of participating agencies;

C. Review and approval of investigative reports;

D. Review personnel performance and make recommendations concerning supervisory issues to appropriate supervisory and command staff of the various participating agencies;

E. Serve as a liaison with other law enforcement agencies; and

F. Submit monthly reports to LEC on team activities.

4.6 TEAM MEMBERS. Team members shall be subject to the internal policies and procedures of their own respective departments with respect to personnel administration, payroll reporting, overtime eligibility, off-duty conduct, discipline, internal affairs reporting, mandatory training and other like administrative matters not directly related to Team performance.

4.7 SUPERVISION OF TEAM MEMBERS. Team members shall be supervised by the team supervisor while engaging in team activities and the team member will also have an agency supervisor at the team member's agency.

4.8 DISCIPLINE. The team supervisor will contact a team member's agency supervisor regarding discipline and performance issues and the team member's agency supervisor will handle any performance or discipline issues in accordance with that agency's policies and standards.

4.9 WAGES AND BENEFITS. All personnel costs, including wages and benefits, and incidental items of personal equipment, will be the responsibility of the participating agency assigning a person to the team. Each party shall be solely responsible for providing compensation to its employees, payment of employment-related taxes and insurance, and for provision of mandated and contracted benefits, to the same extent as though the employee was not assigned to the team.

4.10 EQUIPMENT. Any participating agency may assign to its participating Team members such capital equipment, for such times and under such restrictions, as it deems appropriate. Such equipment shall not be considered assets of the team, but shall remain an asset of the contributing agency. Each agency will be responsible for the maintenance and repair or replacement of their equipment assigned to the team.

4.11 RADIO COMMUNICATIONS. Team and other agency members shall maintain radio communications via their respective radio talk groups. All talk groups have access to mutual law enforcement frequencies.

4.12 FUNDING. Team operations will involve certain operating expenses including, but not limited to, office space rental, supplies and consumables, and informant compensation. The Board shall annually, at a time consistent with requirements of the various parties for their own budget process, confer and recommend to each participating agency's chief law enforcement officer a projected operational expense for the ensuing fiscal year. The respective share of each party to be recommended shall be the ratio to the entire projected operating expense that the number such party's Team members bear to the total number of Team members. In making that calculation, the number of Team members shall be the average number of Team members per month since the beginning of the current fiscal year, and the number of an agency's Team members shall be the average number of Team members from that agency over the same period of time.

4.13 BUDGET. Once a majority of the Board has reached agreement on the projected operating expense for the team during the ensuing fiscal year, each chief law enforcement officer shall consider such figure and that agency's proportionate share thereof in preparing and recommending a budget for that agency as part of the local budget process by which that agency's annual budget is determined. The amount determined under this section shall be a guideline and not mandatory, but shall be considered an obligation of good faith consideration by each party in adopting its own budget. Notwithstanding any other provision of this contract, all budget recommendations submitted must be approved by the Finance Department of the jurisdiction, and must comply with all rules and procedures of the local budget process.

4.14 FISCAL AGENT. The Washington County Finance Department will serve as Fiscal Agent for the purposes of this Agreement if Washington County is a signatory to this Interagency Team, unless the Advisory Board affirmatively decides that the Finance Department of another participating jurisdiction shall serve as the Fiscal Agent. The Finance Department of any participating jurisdiction that serves as a Fiscal Agent must handle all team financial affairs in accordance with generally accepted accounting principles for government agencies.

4.15 REVENUES. Any revenues generated by the Interagency Team shall be distributed to each of the participating agencies using the same pro rata formula set forth in paragraph 4.13 above.

4.16 ANNUAL AUDIT. The Administrator will ensure that an audit is conducted at least annually on the expenditure of confidential funds and the record keeping of the Team, to assure that accounting and expenditures are in accordance with legal and contractual obligations, and to assure that receipts and disbursements are documented and accounted for in accordance with generally acceptable accounting practices for government agencies.

4.17 INDEMNITY. Each party shall be independently and severally liable for the acts, errors and omissions of its employees and officers, and there shall be no right of indemnity between the parties, but they shall be entitled to assert rights to contribution under ORS 18.430 to 18.460.

4.18 TERMINATION. Any agency may terminate participation from any Interagency Team by providing 30 days' prior written notice to the other parties.

5. INTERAGENCY TEAMS – PROCEDURE
The chief law enforcement officer of a jurisdiction who wishes to create an interagency team shall present the proposal at the Law Enforcement Council

(LEC). If other chief law enforcement officers agree to create the team, a written agreement shall be drafted by one of the interested jurisdictions, incorporating only the required provisions of paragraph 4 above, and provisions setting forth the purposes, functions, procedure and role of the team. The agreement shall be circulated to the interested jurisdictions for review by the chief law enforcement officer and legal counsel. If acceptable, the chief law enforcement officer shall sign the agreement in multiple parts and forward to the other jurisdictions.

6. ADDITIONAL PARTIES
Any Oregon law enforcement agency, not a party to this agreement when it first becomes effective, may become a party to it by signing the agreement after being authorized to do so by its governing body. Upon the signing of the agreement by the additional party, the agreement shall become binding among all the parties that have signed the agreement.

7. TERMINATION, SUSPENSION, OR WITHDRAWAL FROM AGREEMENT
Upon mutual consent of all the parties, this agreement may be amended or terminated at any time. Any party may withdraw from this agreement upon giving written notice to the other participating agencies.

8. WAIVER
The failure of any party to enforce a provision of this agreement shall not constitute a waiver by it of that or any other provision.

9. CAPTIONS
Captions and heading used in this agreement are inserted for convenience of reference only and are not intended to affect the interpretation or construction of the agreement.

10. PARTIAL INVALIDITY
Whenever possible, each provision of this agreement shall be interpreted in such a way as to be effective and valid under applicable law. If any provision of this agreement is adjudged invalid, such adjudication shall not affect the remainder of such provision or the remaining provisions of this agreement, if such remainder would then continue to conform to the terms and requirements of applicable law and the intent of this agreement.

11. AMENDMENTS
Only a written instrument, executed by the governing body of each participating jurisdiction , may amend this agreement.

12. SIGNATORIES' AUTHORITY TO ENTER INTO AGREEMENT
Every person signing this agreement hereby represents to all the others that they are duly authorized by their unit of local government to enter into the agreement.

IN WITNESS WHEREOF the parties by the signatures of their authorized representatives have executed this agreement effective on the date shown below each signature.

City of Beaverton

By: _____

Printed Name: _____

Title: _____

Date: _____

City of Forest Grove

By: _____

Printed Name: _____

Title: _____

Date: _____

City of Gaston

By: _____

Printed Name: _____

Title: _____

Date: _____

City of Hillsboro

By: _____

Printed Name: _____

Title: _____

Date: _____

City of King City

By: _____

Printed Name: _____

City of Cornelius

By: _____

Printed Name: _____

Title: _____

Date: _____

City of North Plains

By: _____

Printed Name: _____

Title: _____

Date: _____

City of Sherwood

By: _____

Printed Name: _____

Title: _____

Date: _____

City of Tigard

By: _____

Printed Name: _____

Title: _____

Date: _____

City of Tualatin

By: _____

Printed Name: _____

Title: _____ Title: _____

Date: _____ Date: _____

Washington County

By: _____

Printed Name: _____

Title: _____

Date: _____

AGENDA ITEM # 3.7
FOR AGENDA OF 7/27/04

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE ODOT Pedestrian and Bicycle Program Grant Application

PREPARED BY: Duane Roberts DEPT HEAD OK CITY MGR OK

ISSUE BEFORE THE COUNCIL

Should Council authorize the City Manager to submit an application for an ODOT Pedestrian and Bicycle Program grant as a means of providing needed funding for the installation of sidewalks along sections of four City-owned streets?

STAFF RECOMMENDATION

Adopt the resolution authorizing the City Manager to submit the grant application.

INFORMATION SUMMARY

ODOT is accepting applications for Oregon Bicycle and Pedestrian Program funding assistance for Fiscal Year 2006/07. Eligible projects include sidewalk infill, pedestrian crossings, intersection improvements, and minor roadway widening for bikeways. The maximum amount available per project is $500,000. Among other target groups, special consideration is given to projects that serve transit users.

The City project includes the installation of sidewalks along four separate street segments, each of which connects to Pacific Highway. The streets include Frewing, Garrett, 69th and 71st. The sidewalk segments, which vary in length from 870 to 1,710 lineal feet, are depicted in the attached map. Two of the sidewalks serve low rent apartment areas and two serve the older Metzger neighborhood. The problem addressed by the project proposal is that the four streets were developed without sidewalks and provide deficient pedestrian connections to services and transit. Sustainable transit ridership is difficult to achieve without sidewalks to bring riders to the bus stops. The proposed project will improve access to bus stops on the Highway 99 transit corridor and help create a safer and more transit-friendly community.

This project and others carry out the City-TriMet Memo of Understanding, adopted 12/16/03, in which the City and agency agree to collaborate on transit service improvements and transit-related capital improvements, including bus shelters, sidewalks, and crosswalks. Two grant-assisted sidewalk improvement projects, located on Hall and Commercial, are scheduled for current-year construction. Two other sidewalk infill projects, i.e., Hall II and Center Street, will be proposed for funding assistance later this year when Community Development Block Grant applications are accepted.

The ODOT application has been reviewed by the Finance Department for financial, budgetary, and purchasing requirements. A copy of the complete project proposal is available in the City Recorder's Office.

OTHER ALTERNATIVES CONSIDERED

Do not apply for the grant funds.
Adopt a revised resolution.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

The proposed sidewalk infill project supports Transportation and Traffic Goal #3, which states that "Alternative modes of transportation are available and use is maximized".

ATTACHMENT LIST

Attachment #1: Proposed Sidewalks Map
Attachment #2: Proposed Resolution

FISCAL NOTES

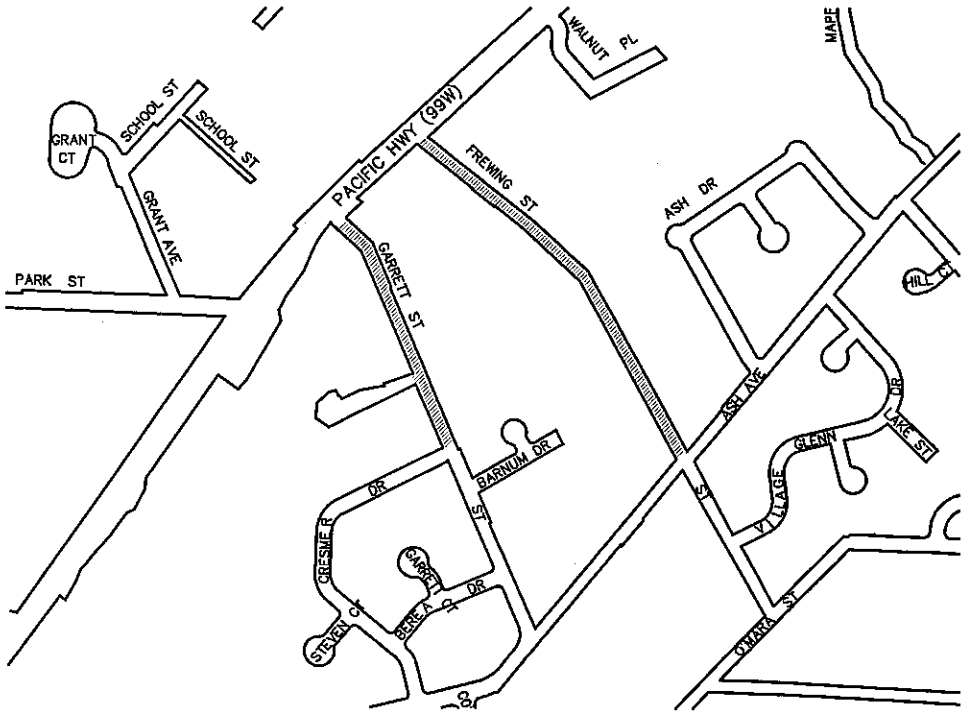
The five-year Capital Improvement Program (CIP) includes funds for pedestrian improvements each year. One hundred thousand dollars are identified in the 2006-07 CIP for pedestrian improvements.

The total combined cost of the infill projects is estimated at $534,260. A City in-kind contribution of $63,400, plus $100,000 in actual dollars is proposed. According to the application materials, local match is not required, but a voluntary match will count heavily in project scoring. The grant amount requested is $370,860.

The $100,000 local match is consistent with the 2006/07 amount programmed for sidewalk improvements in the five-year street Capital Improvement Program.

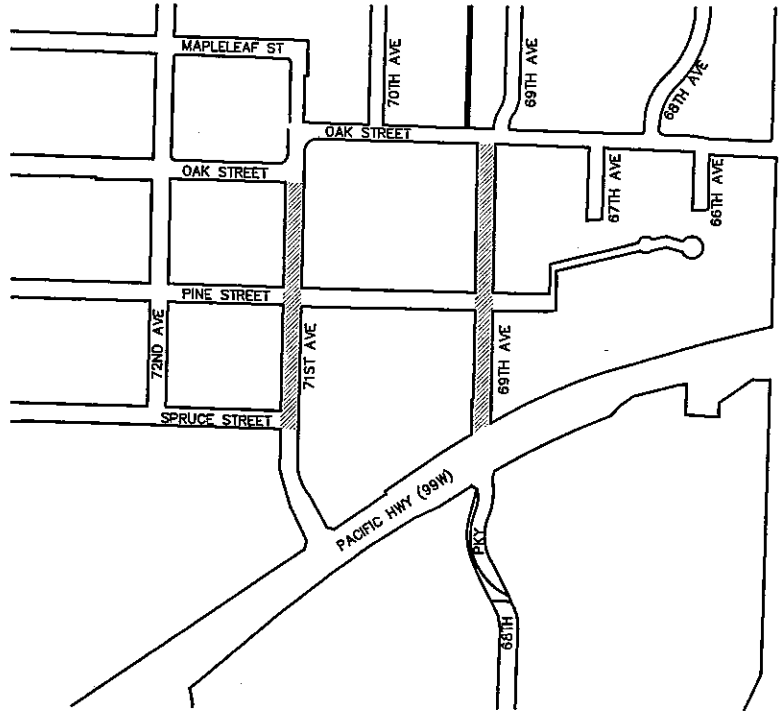
PROPOSED SIDEWALKS

GARRETT ST & FREWING ST



N

69TH AVE & 71ST AVE



NO SCALE

Attachment 1

06/29/04

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-_____

A RESOLUTION AUTHORIZING THE SUBMITTAL TO THE OREGON DEPARTMENT OF TRANSPORTATION OF A PEDESTRIAN AND BICYCLE IMPROVEMENT GRANT PROPOSAL TO FINANCE THE CONSTRUCTION OF SIDEWALK IMPROVEMENTS ALONG SECTIONS OF FREWING STREET, GARRETT STREET, 69TH AVENUE, AND 71ST AVENUE.

WHEREAS, the Oregon Department of Transportation has funding available for pedestrian and/or bicycle projects for Fiscal Year 2006/07; and

WHEREAS, the City of Tigard desires to participate in this grant program as a means of financing needed sidewalk improvements; and

WHEREAS, the improvements specified above all connect to Pacific Highway, the City's primary transit corridor, and would provide improved pedestrian access to transit services; and

WHEREAS, the proposed improvements are identified in the adopted Tigard Transportation System Plan; and

WHEREAS, the installation of the specified sidewalk improvements is defined in an application for ODOT Pedestrian and Bicycle Improvement Grant assistance; and

WHEREAS, the City hereby certifies that the matching share for this application will be readily available in FY 2006-07,

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

SECTION 1: The City Manager is authorized to apply for a Bicycle and Pedestrian Grant from the Oregon Department of Transportation for the installation of sidewalks connecting to Pacific Highway as specified above.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2004.

_____
Mayor - City of Tigard

ATTEST:

_____
City Recorder - City of Tigard

AGENDA ITEM # 3.8
FOR AGENDA OF July 27, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Approval of Library Policies

PREPARED BY: Margaret Barnes DEPT HEAD OK MB CITY MGR OK

ISSUE BEFORE THE COUNCIL

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

STAFF RECOMMENDATION

Approve attached policies as recommended by the Tigard Library Board and as stated 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 met on July 8, 2004 and unanimously approved the listed below policies. The Library Board is forwarding the following polices to Council for their approval:

Interlibrary Loan Policy
Food and Beverage Policy
Revision to the Library Card Policy

These policies become effective August 2, with the exception of the alcohol exclusion for the Community Room. The alcohol exclusion will become effective September 1, 2004.

If adopted, the policies will be incorporated into the Library's policy manual.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None.

ATTACHMENT LIST

A. Interlibrary Loan Policy
B. Food and Beverage Policy

C. Revision to the Library Card Policy

FISCAL NOTES

None.

Tigard Public Library
Adopted by the Tigard Library Board July 8, 2004

INTERLIBRARY LOAN POLICY
TIGARD PUBLIC LIBRARY

The free exchange of materials between local and national libraries is essential to free access to information for patrons of the Library. It should not be seen as a replacement of resources and collection development but as a way of providing materials when local resources cannot meet those needs. As a responsible borrower and lender, the Tigard Library will cooperate with the Interlibrary Loan Code for Oregon Libraries and the standards set for Interlibrary Loan by the Washington County Cooperative Library System.

Interlibrary Loan service is available to anyone with a valid Washington County Cooperative Library System (WCCLS) borrower's card. There is no charge for Interlibrary Loan Service except as the owning Library charges for photo-copy service of journal or newspaper articles or to loan a particular item. The requesting patron will be notified of any charges in advance in order to decide if they wish to incur such charges. The Tigard Library limits patrons to 10 active Interlibrary Loan requests at any one time in order to maintain the quality of service.

The owning library determines the conditions of the loan. It may be required that borrowed materials be used in the library only. Items owned by other Washington County libraries will not be borrowed through ILL service, but through the WCCLS daily courier service. It may be determined that an item requested through ILL would be a valuable purchase for the Tigard Library. In the event of purchase, the requesting patron will be placed first on a reserve list for that item.

Adopted by the Tigard Library Board July 8, 2004.

Tigard Public Library
Adopted by the Tigard Library Board July 8, 2004

FOOD AND BEVERAGE POLICY

The Tigard Public Library will allow food and drinks in the Library under the conditions noted in this policy.

- Food is permitted only in the Courtyard and the Main Lobby of the building and Entry Plaza.
- All drinks must be in sturdy, unbreakable spill-proof cups with sip-through lids as approved by the library.
- Unbreakable, screw-top bottles are allowed for water only.
- Patrons with drinks in unapproved containers such as pop cans will be asked to dispose of them immediately or to move to the Courtyard or Main Lobby of the building and Entry Plaza to consume the drink.
- Alcohol is not permitted in or on the premises of the Library.
- The Library may provide food and drinks in designated program areas during Library sponsored programs and events.

Adopted by the Tigard Library Board July 8, 2004.

Tigard Public Library
Adopted by the Tigard Library Board July 8, 2004

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.

Library Cards for Children

All individuals, including children, must be present to be issued a library card. All cardholders, including children, are entitled to record privacy. It is recognized that parents or guardians have fiscal responsibility for children under the age of 18. The parent or guardian's name is required information on a child's library card, as well as the birthdate of the child. The parent or guardian is issued a letter with an explanation of library policies – including the need for the parent to have the child's card or card number in order to access information on the child's library record.

Adopted by the Tigard Library Board July 8, 2004.

AGENDA ITEM # 3.9
FOR AGENDA OF July 27, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Consolidation of Lots on the Library Property

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

ISSUE BEFORE THE COUNCIL

Should City Council approve the consolidation of lots on the New Library property and authorize the City Manager to execute all documents necessary for that consolidation?

RECOMMENDATION

Staff recommends that City Council, by motion, approve the consolidation of lots on the New Library property and authorize the City Manager to execute all documents necessary for that consolidation and to submit those documents for recordation.

INFORMATION SUMMARY

The New Library property consists of three separate tax lots as shown on the attached map labeled Exhibit 1. The northerly lot line of Tax Lot 2S102DD-00100 falls directly on the new Library building as constructed. The Certificate of Final Occupancy for the new building requires that the library building be located on one tax lot. Hence, there is a need to consolidate two of the three lots to ensure that the new Library building is located on only one tax lot. Exhibit 1 shows the two tax lots to be consolidated. Exhibit 2 is the legal description for the lot consolidation, which will be attached to a deed form to be submitted for recordation.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Exhibit 1 – Map showing the three tax lots that make up the New Library property and the two tax lots to be consolidated.
Exhibit 2 – Description for Lot Consolidation

FISCAL NOTES

The only cost involved is the fee for recording the new deed.

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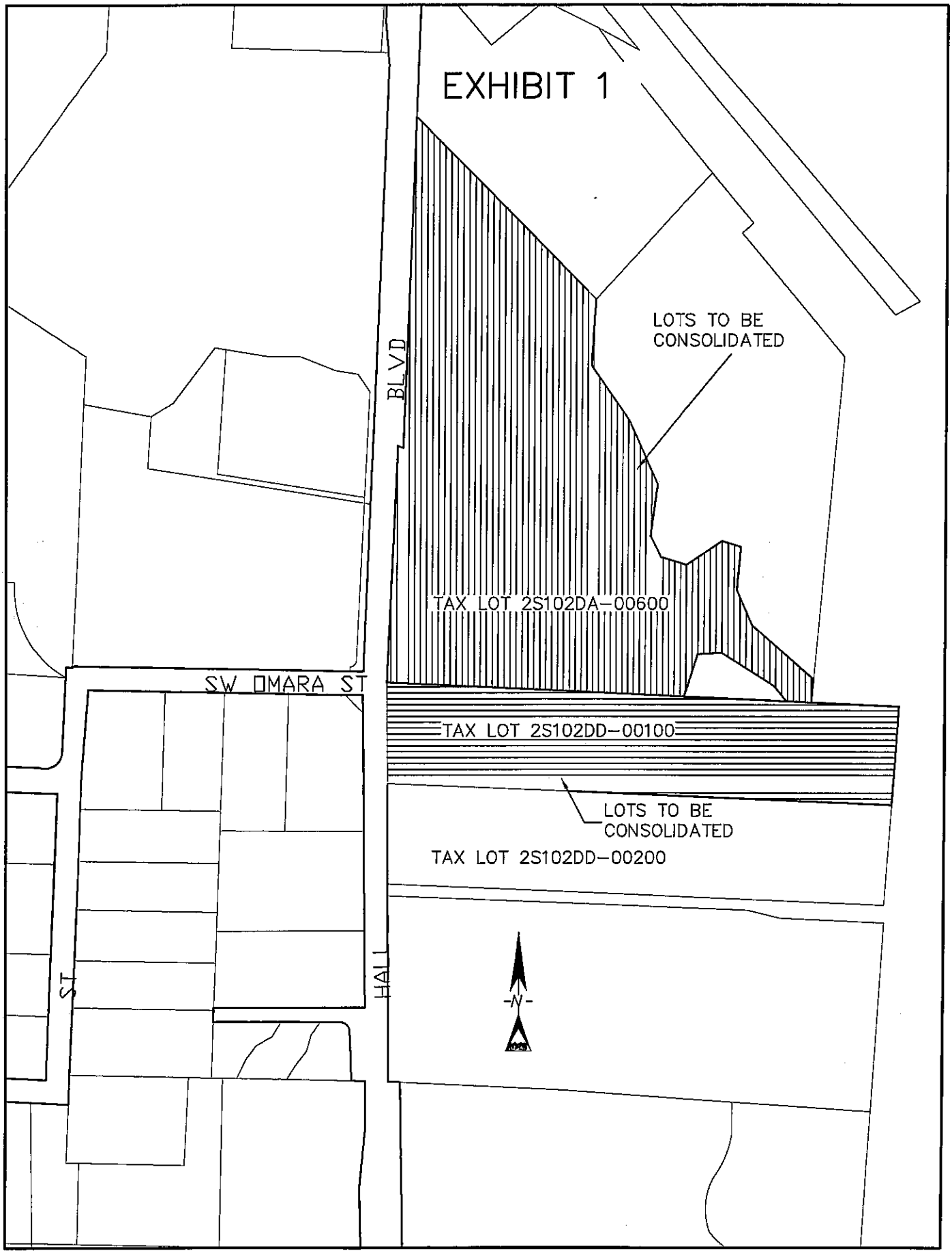
EXHIBIT 1
LOTS TO BE CONSOLIDATED
BLVD
TAX LOT 2S102DA-00600
SW OMARA ST
TAX LOT 2S102DD-00100
LOTS TO BE CONSOLIDATED
TAX LOT 2S102DD-00200
HALL
ST
N

EXHIBIT 2

DESCRIPTION FOR LOT CONSOLIDATION

A tract of land situated in the Southwest one-quarter of Section 1 and the Southeast one-quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon

Beginning at the Northeast of Lot 1 Edgewood as recorded in Book 2 Page 73 of the Washington County Subdivision Records; thence S 02° 52' 19" W, along the east line of said Lot 1, a distance of 170.08 feet to a point which is midway between the Northeast corner and the southeast corner of said lot 1; thence N 87° 39' 51" W a distance of 834.25 feet to the easterly right of way of SW Hall Blvd, 50.00 feet from center line; thence N 00° 19' 56" E, along said right of way, a distance of 171.22 feet to an angle point in the easterly right of way; thence N 01° 43' 11" E a distance of 924.24 feet to a point on the easterly line of parcel IV as described in Document No. 97097055 of the Washington County Deed Records; thence southeasterly along the easterly line of said parcel IV the following 13 courses; thence S 46° 19' 05" E a distance of 390.78 feet; thence S 01° 43' 36" W a distance of 115.00 feet to the center line of Fanno Creek; thence S 35° 17' 24" E, along said center line, a distance of 110.00 feet; thence S 25° 14' 24" E, along said center line, a distance of 126.00 feet; thence S 08° 27' 36" E, along said center line, a distance of 86.80 feet; thence S 28° 24' 24" E, along said center line, a distance of 40.50 feet; thence S 72° 07' 24" E, along said center line, a distance of 44.80 feet; thence N 55° 39' 36" E, along said center line, a distance of 71.70 feet; thence S 77° 22' 24" E, along said center line, a distance of 33.13 feet; thence S 06° 27' 36" W, along said center line, a distance of 72.60 feet; thence S 22° 40' 24" E, along said center line, a distance of 64.30 feet; thence S 49° 18' 24" E, along said center line, a distance of 137.00 feet; thence S 13° 18' 36" W, along said center line, a distance of 39.29 feet to the north line of Lot 1 Edgewood; thence S 87° 40' 14" E a distance of 165.70 feet to the Northeast corner of Lot 1 Edgewood and the point of beginning.

EXCEPTING the land described in Book 1051 Page 649 of the Washington County Deed Records described as follows:

Commencing at the Northeast of Lot 1 Edgewood as recorded in Book 2 Page 73 of the Washington County Subdivision Records; thence N 87° 40' 14" W along the north line of Lot 1 Edgewood, a distance of 198.91 feet to the **True Point of Beginning**; thence N 36° 58' 14" W a distance of 28.97 feet; thence N 56° 09' 14" W a distance of 104.50 feet; thence S 89° 07' 46" W a distance of 41.60 feet; thence S 14° 21' 46" W a distance of 76.40 feet to the north line of Lot 1 Edgewood; thence S 87° 40' 14" E, along said north line, a distance of 164.90 feet to the true point of beginning.

Basis of Bearings Survey Number 29031 as recorded in the Washington County Survey Records.

Containing 467652 square feet; 10.74 acres.

AGENDA ITEM #3.10
FOR AGENDA OF 7/27/04

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Approve City Manager Amended Contract and Salary

PREPARED BY: Joanne Bengtson DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should the City Council approve the City Manager's amended contract and salary?

STAFF RECOMMENDATION

Approve the 3 year rolling contract and amended terms.

INFORMATION SUMMARY

In May 2004, Council completed the City Manager's performance review and gave direction that a new Employment Agreement would be developed and placed before Council for adoption provided 3 actions were accomplished: 1) Mr. Monahan's existing Agreement would be ratified by Council, 2) actions on management compensation would be scheduled, and 3) determination of cost of living adjustment for management and union personnel. These have all been attained. The City Council on July 13 determined that all terms of the Agreement are acceptable and selected the term for the new Agreement. Council accepted the Agreement and directed that a Resolution to establish salary be brought forth. The new Agreement establishes a new length of term of the Agreement, modification of language in the severance provision, changes salary, continues performance criteria and provides for a 360 degree performance review in 2005.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None

ATTACHMENT LIST

Resolution
Employment Agreement

FISCAL NOTES

Costs of the increases associated with this Agreement are included in the budget amendment approved by City Council on July 13, 2004.

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-

A RESOLUTION APPROVING AMENDMENTS TO CITY MANAGER, WILLIAM A. MONAHAN'S, EMPLOYMENT AGREEMENT WITH THE CITY OF TIGARD AND ESTABLISHING SALARY.

WHEREAS, William A. Monahan's Employment Agreement was entered into in 2002,

WHEREAS, In May, 2004, the City Council reviewed the performance of the City Manager and determined that his performance was satisfactory.

WHEREAS, Council has since ratified the May 2002 Agreement, and

WHEREAS, all prerequisite actions have been accomplished for development of a new Employment Agreement, including establishment of a new salary to take effect July 1, 2004.

WHEREAS, the new monthly salary will be $10,000, with the City Manager eligible for all cost of living adjustments granted to other City management employees and annual reviews which may result in future merit based salary increases during the term of the Agreement.

WHEREAS, during the May performance review Council indicated acceptance of new terms to be included in the new Employment Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that the Tigard City Council approves the "3-year rolling term" and additional amendments to the Employment Agreement effective immediately.

PASSED: This _____ day of _____2004.

_____

Mayor - City of Tigard

ATTEST:

_____

City Recorder - City of Tigard

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EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT is made and entered into this 14th day of May, 2004, by and between the CITY OF TIGARD, OREGON ("CITY") and WILLIAM A. MONAHAN ("EMPLOYEE").

RECITALS

A. EMPLOYEE has been employed as the City Manager of CITY since November 15, 1994, and had previously worked for the City in other capacities from August 2, 1982 to January 31, 1988 and from August 1, 1994 to November 14, 1994.

B. The current written employment agreement between CITY and EMPLOYEE expires on May 15, 2006. CITY and EMPLOYEE desire a written agreement setting forth the terms by which EMPLOYEE will continue to serve as City Manager.

C. The written employment agreement is intended to create a professional and business-like relationship serving as a basis for effective communication and as a means for avoiding misunderstanding.

D. By not having to worry about personal finances or family security, the EMPLOYEE can effectively concentrate on the CITY'S business;

THEREFORE, in consideration of the mutual covenants contained in this Agreement and for the consideration specified in this Agreement, the CITY and EMPLOYEE mutually agree:

SECTION 1 - EMPLOYMENT, DUTIES AND AUTHORITY:

A. EMPLOYEE shall continue to serve the CITY as City Manager under the terms specified in this Agreement. EMPLOYEE'S prior service as specified in Recital A shall be recognized in CITY records to establish EMPLOYEE'S years of service for length of service only.

B. The authority of EMPLOYEE, consistent with State law, City Charter or ordinance, shall include, but not be limited to the following:

(1) The overall management, administration, and direction of City operations;

(2) The hiring, disciplining, and firing of all City employees, except Municipal Judge and City Attorney;

(3) The negotiation, execution and administration of City contracts within budget appropriations pursuant to City policy and ordinance; and

(4) Policy advice to elected officials, and open communication with the community so as to foster responsive and courteous public service.

Any reduction or revocation of either the duties or authority, except by mutual written agreement to the contrary, shall constitute a breach of this Agreement. In the event of such a breach, EMPLOYEE may provide written notice requesting compliance with the Agreement as provided in Section 3.D.

C. The Mayor and Council of the CITY agree to the principle of non-interference in the administration as necessary to the orderly and efficient implementation of Council Policy. The Mayor and Council agree to direct their concerns and communications to the administration through the City Manager. EMPLOYEE agrees to respond promptly to all inquiries from the

Council whether made individually or collectively.

SECTION 2: TERM/NOTICE OF NON-RENEWAL:

The initial term of this Agreement shall be three years, commencing on May 14, 2004. On the yearly anniversary date the term shall be automatically extended for one (1) year, so that, following extension, the contract term shall be three years. However, the City Council may notify the City Manager on or before March 15 that the provision for the annual extension has been terminated. In that event, the automatic extension provision shall be terminated, and the Employment Agreement shall expire at the end of the then existing three-year period. The City Manager may notify the City Council prior to April 15 that he does not desire the extension, in which case the automatic extension shall be terminated. Nothing in this section prevents termination of this Agreement as otherwise provided in this Agreement.

A. Nothing in the Agreement shall prevent, limit, or otherwise interfere with the right of the City Council to terminate the services of Employee at any time, subject only to the provisions set forth in this Agreement.

B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the EMPLOYEE to resign at any time from his position with the CITY, subject only to the provisions set forth in this Agreement.

C. EMPLOYEE agrees to remain in the exclusive employ of the CITY during the term of this Agreement, and agrees neither to accept employment, nor to become employed by any other employer until said contract termination date, unless said termination is effected as hereinafter provided. The term "employed" shall not be construed to include occasional teaching or consulting on the EMPLOYEE'S time off, which shall be at the EMPLOYEE'S discretion

upon advisement to the Mayor.

SECTION 3- TERMINATION AND SEVERANCE:

A. Termination Without Cause. This Agreement may be terminated by either the CITY or EMPLOYEE for any reason whatsoever upon the giving of sixty (60) days' written notice to the other party. In the event EMPLOYEE is involuntarily terminated without cause by the City Council before expiration of the term of this Agreement and during such time as the EMPLOYEE is willing and able to perform the assigned duties, the CITY shall pay EMPLOYEE on a monthly basis at the EMPLOYEE'S highest rate of base salary during his term of CITY employment, for a six (6) month period following the termination date.

B. Termination For Cause. This Agreement may be terminated immediately for cause in the sole discretion of the City upon the occurrence of any of the following events:

(1) EMPLOYEE willfully and continuously fails or refuses to comply with the policies, standards, and regulations of the CITY as are, from time to time, established;

(2) EMPLOYEE commits an act of fraud, dishonesty, misappropriation of funds, embezzlement, or other misconduct in the rendering of services on behalf of the CITY;

(3) EMPLOYEE fails or refuses to perform faithfully or diligently any of the provisions of this Agreement;

(4) EMPLOYEE is unfit for the position per Federal, State and City rules and regulations applicable to all employees in a For-Cause Termination.

If EMPLOYEE is terminated for cause or convicted of any illegal act involving personal gain to him, CITY shall not pay any severance pay to EMPLOYEE.

C. Acts Constituting Involuntary Termination. If the CITY reduces the salary or other financial benefits of EMPLOYEE in a greater percentage than an applicable across-the-board reduction for all management employees of the City, or if the CITY refuses to comply with the terms of this Agreement following written notice requesting compliance, or if EMPLOYEE resigns following suggestion at a public meeting, whether formal or informal, by a majority of the City Council that he resign, then EMPLOYEE may, at his option, deem the Agreement to be involuntarily terminated without cause at the date of such reduction or refusal to comply with the provisions of this Agreement, and the severance pay provision under Paragraph A of this section apply.

D. Accrued Vacation on Termination. Termination or resignation in good standing shall entitle EMPLOYEE to a lump sum payment equivalent to all accrued vacation and other entitlement benefits, except that in no event will these benefits exceed similar benefits accorded other management employees.

E. Notice of Resignation. If EMPLOYEE voluntarily resigns his position with the CITY before expiration of this Agreement, EMPLOYEE shall give the CITY at least sixty (60) days' written notice, excluding use of accrued vacation, and EMPLOYEE shall be present to serve during the 60 day period. After the EMPLOYEE has given notice, the CITY and EMPLOYEE may agree to a termination date other than that set forth in the notice of resignation.

SECTION 4- SALARY, HOURS OF WORK, VACATION AND SICK LEAVE:

A. Salary. The CITY agrees to pay the EMPLOYEE for his services in an amount set by the City Council, payable in the same installments and in the same manner as other

management employees are paid. The City Council may conduct performance evaluations of EMPLOYEE as often as the Council deems appropriate and as provided in Section 7 of this Agreement. The City Council shall review EMPLOYEE annually during the month of April and may provide an increase in salary based on merit based on that review. When reviewing EMPLOYEE'S salary, Council will consider the seven city comparables used by the City to perform labor market comparisons. The City Council may award a merit bonus, as it deems appropriate, with a cap of five (5) percent of EMPLOYEE'S gross wage over the term of this Agreement. Effective July 1, 2004 EMPLOYEE shall be paid $10,000 per month.

B. Cost-of-Living Adjustments: EMPLOYEE shall receive future cost-of-living allowances in the same percentage and on the same effective date as other City management employees.

C. Hours of Work: Because the EMPLOYEE will devote a great deal of time outside normal office hours to the business of the CITY, and because flexibility in hours worked and work schedule benefit both the CITY and EMPLOYEE, the EMPLOYEE has sole discretion as to his work schedule and hours worked.

D. Vacation: The CITY grants the EMPLOYEE vacation benefits at the rate of accrual for an employee with 21 years of service as of May 15, 2002. EMPLOYEE is subject to the same accrual limits as other management employees, to be used as he deems appropriate.

E. Sick Leave: EMPLOYEE shall be entitled to continue to earn and accrue sick leave benefits on the same terms as other management City employees and that such additional sick leave shall be added to the sick leave accrued by EMPLOYEE as of the effective date of this Agreement. EMPLOYEE shall not be eligible to receive any cash or retirement credit for unused

sick leave, even if a benefit allowing the cashing out of unused sick leave, the application of unused sick leave to retirement benefit, or for any other purpose (other than use of the benefit for approved leave) is made available to other City management employees.

F. Management Leave: EMPLOYEE shall receive a total of five (5) days management leave per fiscal year, to be taken consistent with city personnel policies as applied to management employees. The management leave must be taken by June 30 of each fiscal year and does not accrue into subsequent fiscal years.

G. Payroll Reporting: EMPLOYEE shall be on straight salary as per this section of the Agreement and shall be paid automatically by the CITY as per this Agreement. Any vacation or sick leave used shall be reported to the CITY in the same manner as for other CITY employees.

SECTION 5- RETIREMENT, DISABILITY AND HEALTH INSURANCE:

A. Retirement: The CITY agrees to contribute into the CITY'S retirement program, on EMPLOYEE'S behalf, an amount equal to that same percentage of salary contributed for the CITY'S other management employees. EMPLOYEE and CITY agree that any future adjustment to the retirement benefits of management personnel will apply equally to EMPLOYEE at the same rate of adjustment, effective date, and adjustment to salary. EMPLOYEE is eligible for City contribution to his ICMA deferred compensation account on the same terms provided to other City management employees.

B. Health Insurance: The CITY agrees to provide a comprehensive annual physical for EMPLOYEE. The CITY agrees to continue to provide coverage and make full premium payment for EMPLOYEE and his dependants for comprehensive medical Blue Cross Plan II and

dental plans equivalent to other programs provided other regular management employees.

C. Life Insurance: CITY will purchase a Life Insurance Policy, the cost of which shall not exceed $1,000 per year, on EMPLOYEE'S behalf, for a beneficiary to be named by EMPLOYEE. EMPLOYEE has the right to retain such policy at EMPLOYEE'S expense, subsequent to tenure as a CITY employee. EMPLOYEE shall have the option of purchasing Term or Universal Life Insurance. EMPLOYEE may either have the CITY pay the policy provider directly or compensate EMPLOYEE for the cost of EMPLOYEE'S purchasing the Life Insurance Policy.

SECTION 6 - PROFESSIONAL DEVELOPMENT AND EXPENSES:

A. The CITY encourages the professional growth and development of the EMPLOYEE and encourages participation as be deems appropriate in professional associations, short courses, seminars and conferences including, but not limited to: the International City Management Association and the American Planning Association and their annual conferences, and the League of Oregon Cities Conference. The CITY shall permit a reasonable amount of time for EMPLOYEE to attend and the CITY shall pay for the direct costs necessary for travel, subsistence and registration subject to reasonable availability of funds and as approved in the annual budget.

B. The CITY shall provide $300 per month vehicle allowance to EMPLOYEE who shall provide his own vehicle, insurance, operation, and maintenance. EMPLOYEE shall provide for oil and gasoline within the Portland metro area. CITY shall reimburse for gasoline expenses on City business outside the Portland Metro area.

C. The CITY recognizes that certain expenses of a job-affiliated nature are incurred

by EMPLOYEE on behalf of the CITY and hereby agrees to reimburse or pay said general expenses on a monthly reimbursement basis, and the CITY shall disburse such moneys per receipts or personal affidavits. Any civic service club memberships taken out at CITY expense shall be upon the approval of the Mayor.

SECTION 7 - ANNUAL GOAL-SETTING AND PERFORMANCE EVALUATION:

The Mayor and individual members of the Council shall be encouraged to periodically identify any concerns to the EMPLOYEE by either informal discussions with the EMPLOYEE or by more formal means during Council meetings. The Council shall meet with the EMPLOYEE at least annually for the purpose of setting Council goals and priorities. The Council and the EMPLOYEE shall meet at least annually to evaluate and assess the performance of the EMPLOYEE in meeting or progressing towards the goals formally adopted by Council as well as the exercise of authority granted in Section 1 of this Agreement. These annual evaluations shall be in closed Executive Sessions and shall be conducted during the month of April, with the exception of 2005 review. The performance review for 2005, based on Council's suggestions will be a "360 Degree" review. Prior to January, 2005, Council and EMPLOYEE will discuss and agree to a format and process to be carried out after January 1, 2005.

In the event the CITY determines that the performance of the EMPLOYEE is unsatisfactory in any respect or needs significant improvement in any area, the CITY shall describe these concerns in writing and in reasonable detail or with specific examples so as to be objective and positive in nature. As provided in Section 4 of this Agreement, the EMPLOYEE'S salary shall be reviewed at least annually after the performance evaluation.

SECTION 8 - GENERAL PROVISIONS:

A. Professional Liability: The CITY agrees to defend, hold harmless, and indemnify the EMPLOYEE from any and all demands, claims, suits, actions, and legal proceedings brought against EMPLOYEE in his individual capacity, or in his official capacity as agent and EMPLOYEE of the CITY, as to any actions of EMPLOYEE within the scope of his employment. The CITY agrees to pay premiums on appropriate insurance policies through the CITY'S normal insurance program and through the Public Officials' Liability Insurance Program of the International City Management Association.

B. Other Terms and Conditions of employment may be determined by the CITY relating to the duties and performance of the EMPLOYEE, provided that such terms and conditions are not inconsistent with the provisions of this Agreement, the City Charter, or any other law. EMPLOYEE shall receive benefits equal to those provided to other City Management employees, except where specifically addressed in this Agreement. Nothing shall restrict the ability of the CITY and EMPLOYEE to mutually, and in writing, amend or adjust the terms of the Agreement. EMPLOYEE reserves the right to discuss the terms or termination of this Agreement with the Council as a whole or in either closed Executive Session or open Regular Session as State Law allows and as the EMPLOYEE deems appropriate.

C. Except as otherwise specifically provided by this Agreement, the EMPLOYEE shall be entitled to receive the same salary, compensation, vacation, sick leave, and other benefits as accorded any other management City employee, including provisions governing accrual and payment therefor on termination of employment. All provisions of the City Charter and other City programs relating to employee benefits and working conditions as they now exist, or as amended, shall also apply to the EMPLOYEE as to other unclassified employees, and are in

addition to any benefits to the EMPLOYEE specifically identified in this Agreement.

D. The EMPLOYEE is required to maintain residence in the City in accordance with City Code requirements. Temporary relocation circumstances may be approved by the Mayor and Council consent.

E. The text herein shall constitute the entire agreement between the parties and any oral or other understandings are not binding upon the parties, unless specifically amended in writing by mutual agreement. This Agreement shall be binding and inure to the benefit of the heirs at law and executors of EMPLOYEE.

F. Severability: If any provision, or portion thereof, contained in this Agreement is held to be unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable and shall not be affected, and shall remain in full force and effect.

IN WITNESS WHEREOF, the CITY OF TIGARD, OREGON has caused this Agreement to be signed and executed and the EMPLOYEE has signed and executed this Agreement, both in duplicate, on the date first written above.

Craig Dirksen, Mayor City of Tigard	William A. Monahan, City Employee
ATTEST: City Recorder	APPROVED AS TO FORM City Attorney

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AGENDA ITEM # 5
FOR AGENDA OF July 27, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE 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) Public Hearing

PREPARED BY: Barbara Shields DEPT HEAD OK CITY MGR OK

ISSUE BEFORE THE COUNCIL

1. Review *The Bull Mountain Annexation Plan* (Exhibit A) and Staff Report (Exhibit B);
2. Receive public testimony and submittals on *The Bull Mountain Annexation Plan* and Staff Report; and
3. Take action on the land use applications, Zone Change Annexation (ZCA) 2003-00003/Zone Change Annexation (ZCA) 2003-00004/Zone Change Annexation (ZCA) 2003-00005/Zone Change Annexation (ZCA) 2003-00006.

STAFF RECOMMENDATION

1. Approval of *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).
2. Direct staff to draft resolution and findings to support the decision.

INFORMATION SUMMARY

The applicant (City of Tigard) originally proposed to annex 1,378 acres of Washington County known as Bull Mountain through the annexation plan process. Due to a recent annexation, the applicant is now proposing to annex approximately 1,376 acres of 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* (Exhibit A), in August it could consider approving a ballot title for a November 2, 2004, vote.

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] *The Bull Mountain Annexation Plan*, Appendix D) 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.

The Tigard City Council held a public hearing on the proposal (ZCA2003-00003, ZCA2003-00004, ZCA2003-00005, ZCA2003-00006) on December 2, 2003, and December 16, 2003. The City Council reviewed and discussed the proposal. The Council determined that the proposal meets the approval criteria as identified in ORS195, ORS222, Metro Code Chapter 3.09, and Tigard Community Development Code Chapter 18, but did not adopt findings at that time. The Council determined that additional time was needed to work with Washington County and the public to allow for public discussion and a review of the Annexation Plan's key benefits. On December 16, 2003, the Council adopted a resolution (Appendix A to the Staff Report) that directed staff to hold a public hearing on the proposal (ZCA2003-00003, ZCA2003-00004, ZCA2003-00005, ZCA2003-00006) in July 2004. If the proposal was approved at the hearing, the Council later could consider approving a ballot title for a November 2, 2004, vote. The resolution directed staff to form subcommittees of Washington County representatives, and unincorporated Bull Mountain and Tigard residents. The Council reviewed the white papers on June 15 and June 22, and adopted a resolution acknowledging the white papers on June 22, 2004.

The December 16, 2003, resolution addressed three different elements of this Annexation Plan process: the land-use component (hearing in July 2004); the ballot; and the subcommittees (which produced white papers). The applicant's proposal (ZCA2003-00003, ZCA2003-00004, ZCA2003-00005, ZCA2003-00006) and corresponding staff report will address only the land-use component, following the process for land-use decisions. The ballot is outside the scope of this land-use decision and may be considered separately by Council in August.

The July 12, 2004, *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 (355.44 acres), and West (251.23). The Plan proposes to annex all areas in July 2005.

OTHER ALTERNATIVES CONSIDERED

OPTION 1: Modify The Bull Mountain Annexation Plan phasing recommendation by choosing one of the two options (below) and approve Zone Change Annexation (ZCA) 2003-00003/Zone Change Annexation (ZCA) 2003-00004/Zone Change Annexation (ZCA) 2003-00005/Zone Change Annexation (ZCA) 2003-00006.

If the Tigard City Council approves *The Bull Mountain Annexation Plan* with the modified recommendations by August 3, it could place the proposal on the November 2, 2004, ballot.

There are two alternatives for Council consideration:

1. Annex in 2 phases (East/North subareas in 2005; South/West subareas in 2006)
2. Annex in 4 phases (2005, 2006, 2007, 2008). The All-Areas proposal is based on the numeric ranking identified in the Bull Mountain assessment report. However, given the minor differences in the ranking score between the South, East, and North, altering the sequence would not impact the City's ability to serve one of these areas, except the West which must be annexed last.

The two alternatives are based on the extensive analysis of the Bull Mountain area and are well grounded and supported by *The Bull Mountain Annexation Study* (November 2001) (Technical Document B), *The Public Facilities and Services Report for the Bull Mountain Area (July 2003)* (Technical Document B), and *The Bull Mountain Annexation Plan* (July 2004). All data collection and research rest upon the four subarea boundaries. In short, the collected data, analysis and recommendations contained in these documents provide an "adequate factual base," as required by Statewide Planning Goal 2.

The two alternatives are based on quantitative methods and do not address the intangible elements of the decision-making process (social acceptance, sensitivity toward the change, etc.).

Any deviations from the above two alternatives and/or four established subarea boundaries, that may be considered through public testimony, run the risk of not complying with the applicable criteria identified in the Staff Report (Exhibit B).

OPTION 2: Deny Zone Change Annexation (ZCA) 2003-00003/Zone Change Annexation (ZCA) 2003-00004/Zone Change Annexation (ZCA) 2003-00005/Zone Change Annexation (ZCA) 2003-00006.
If the City Council finds that based on its review of the staff report and public testimony that the proposal or the two alternatives do not meet the applicable approval criteria to annex the Bull Mountain Plan Area through the annexation plan method, the applications (Zone Change Annexation (ZCA) 2003-00003/Zone Change Annexation (ZCA) 2003-00004/Zone Change Annexation (ZCA) 2003-00005/Zone Change Annexation (ZCA) 2003-00006) will be denied.

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

Attachment 1: Memo, "Summary of Approval Criteria for ZCA2003-00003, ZCA2003-00004, ZCA2003-00005, ZCA2003-00006"

Exhibit A: *The Bull Mountain Annexation Plan*, July 12, 2004

- **Appendix A:** Glossary
- **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
- **Appendix F:** List of Plan Area Roads by Transfer Status Following Annexation
- **Appendix G:** Change in Service Levels Between County and City for Services Where Provider and Service Changes Upon Annexation.

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

Exhibit C: Bull Mountain Annexation Plan Comment Log

FISCAL NOTES

The Bull Mountain Annexation Plan proposes to annex approximately 1,376 acres of land into the City of Tigard with a 2003 assessed value of $605,504,640 (North: $193,059,240; East: $52,016,420; South: $251,261,770; West: $109,167,210). The Plan proposes to annex All Areas on July 1, 2005, contingent on voter approval.

Attachment 1

CITY OF TIGARD
Community Development
Shaping A Better Community

MEMORANDUM

CITY OF TIGARD

TO: Mayor Dirksen and City Council

FROM: Jim Hendryx

DATE: July 13, 2004

SUBJECT: Bull Mountain Annexation Plan Summary of Approval Criteria for ZCA2003-00003, ZCA2003-00004, ZCA2003-00005, ZCA2003-00006

The issue of annexation of Bull Mountain has been under consideration for several years. Council has been presented studies and background information leading up to the pending action on the Annexation Plan. The July 27, 2004 hearing is a land-use hearing on *The Bull Mountain Annexation Plan* (ZCA2003-00003, ZCA2003-00004, ZCA2003-00005, ZCA2003-00006). Council must decide whether or not to approve the plan. It must make its decision based on how and if the Annexation Plan meets the following criteria:

1. State,
2. Metro,
3. City.

This memo attempts to briefly summarize applicable criteria for informational purposes. The full text of all the criteria is contained in the Staff Report (Exhibit B). Only the full text should be used when the Council makes its land-use decision.

1. State Criteria

- ORS195.205: Annexation by Provider
  1. A city or district that provides an urban service may annex territory that
     a) is in an UGB,
     b) is contained within an adopted Annexation Plan.

  2. A city or district may submit an annexation plan to a vote only if

a) Plan Area is subject to Urban Services Agreements,
b) The Plan Area is subject to a Fiscal Impact Agreement between City and County, but only if annexation would cause compression in county property taxes.

3-5. The governing body of a City or District must hold a public hearing, publish public notice of the hearing in the newspaper, and, if it decides to proceed, submit the plan to a public vote of the territory to be annexed and the annexing territory.

➢ORS195.220: **Annexation Plan Provisions.**
Plan shall be consistent with applicable comprehensive plans. Plan shall include:

1. Local standards of urban service availability;
2. Planned Schedule for providing urban services to the annexed territory;
3. Timing and Sequence of Annexation;
4. Effects on existing urban services providers;
5. Long-term benefits of the annexation plan.

2. Metro Code Standards

➢ **Metro Code 3.09.050**

Staff report must be available to public 15 days prior to decision date, and address

1. Extent urban services are available to serve affected territory;
2. Compliance with existing urban service agreements;
3. Consistency with all applicable plans;
4. If proposal will result in withdrawal of territory from entities;
5. Proposed decision effective date.

There are additional criteria for the Council's findings and conclusions (3.09.050). for a boundary change. The findings and conclusions must address

1. Consistency with urban service agreements or annexation plan;
2. Consistency with urban planning agreements;
3. Consistency with all boundary change criteria in comprehensive plans and public facility plans;
4. Consistency with boundary change criteria in the Regional Framework Plan or any functional plan;
5. Whether the proposed change will promote or not interfere with public services provision;
6. Territory is in UGB;
7. Consistency with other applicable criteria.

3. City Criteria

a. Tigard Community Development Code:

- Approval Process 18.320.020

A. Annexations are processed as a Type IV procedure

B. Annexation approval based on:

1. All services and facilities are available with sufficient capacity to provide service;
2. Applicable Comp Plan policies and implementing ordinance provisions satisfied.

C. Convert zoning to City zoning (already in effect)

- Type IV Procedure, 18.390.060

The Type IV decision should consider five factors, where applicable:

1. Statewide planning goals;
2. Federal or state statutes and regulations;
3. Metro regulations;
4. Comprehensive plan policies; (refer to "b" below)
5. City implementing ordinances.

b. Comprehensive Plan Policies

1. **Policy 2.1.1: Citizen Involvement:** City shall maintain ongoing citizen involvement program and provide citizens with opportunity to be involved in all phases of the planning process.

2. **Policy 10.1.1: Urbanization**

a. City shall review services as to adequate capacity to serve area if developed to most intense use allowed, and without significantly reducing the level of service available to the City of Tigard:

1. Water;
2. Sewer;
3. Drainage;
4. Streets;
5. Police; and
6. Fire Protection

c. The City shall provide urban services upon annexation.

3. **Policy 10.1.2: Approval.** Annexations shall be approved based on findings for:

a. Annexation eliminates "pocket" or "island";

b. Will not create irregular boundary making it difficult for police to respond;

c. Police department has commented;

d. Land located in Tigard Urban Planning Area, contiguous to

City boundary;

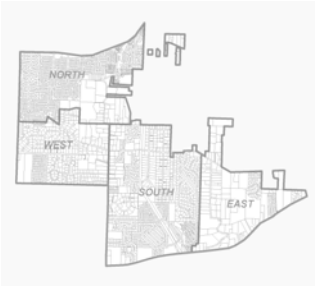
e. Annexation can be accommodated by urban services.

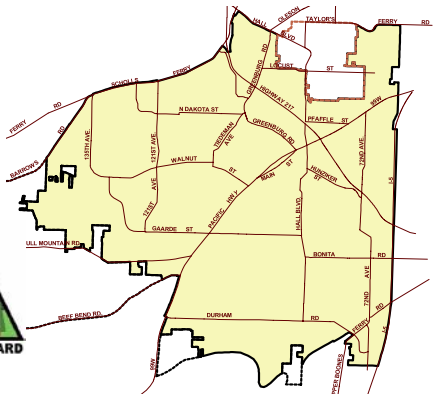
4. Policy 10.1.3: Convert zoning to City zoning (already in effect).

In conclusion, the City Council must determine whether the Bull Mountain Annexation Plan meets the approval criteria found in the staff report. Public testimony should be directed to the criteria.

EXHIBIT "A"

THE BULL MOUNTAIN ANNEXATION PLAN





CITY OF TIGARD

A STEP TOWARD COMPLETING OUR COMMUNITY

CITY OF TIGARD
JULY 12, 2004

THE BULL MOUNTAIN ANNEXATION PLAN

JULY 2004

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

ANNEXATION PROPOSAL

The Bull Mountain Annexation Plan is a City of Tigard proposal to annex 1,376 acres of Washington County known as Bull Mountain through the annexation plan process. With voter approval, the entire Plan Area will be annexed effective July 1, 2005.

The plan area 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. Map 1 on p. 4 of The Bull Mountain Annexation Plan denotes the specific boundaries. The proposal does not include the UGB sites 63 and 64, but their adjacency to the Plan Area was factored into the analysis.

Upon annexation, the City of Tigard will be the service provider to the annexed territory for the following services: building and development services, water, street light maintenance, road quality maintenance, parks and open space, street maintenance, police, long-range planning, sanitary and storm sewer.

Tualatin Valley Fire and Rescue will continue as the fire protection and emergency service provider, TriMet will continue as the mass transit provider, and school district boundaries will remain the same.

ANNEXATION PLAN FOUNDATIONS

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.

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.

The Tigard City Council established a goal in 2001 to develop an annexation policy/strategy for unincorporated areas. From 2001-2004, 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.

PLAN SIGNIFICANCE

There are approximately 7,600 residents living in 2,600 homes on the mountain's approximately 1,376 unincorporated acres. Estimated development of the remaining land would raise the overall population to approximately 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. The current operative plan, *The Bull Mountain Community Plan,* was adopted by Washington County more than 20 years ago. The County has stated that it does not plan to undertake a comprehensive update of its comprehensive plan, including *The Bull Mountain Community Plan*. The County will continue to make periodic changes. With annexation, the City of Tigard would be able to plan for, and manage, growth on Bull Mountain with an updated comprehensive plan for the entire community.

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 addresses 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.

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 approach 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. *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.

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 and Bull Mountain residents to plan for Bull Mountain's future. The current operative plan, *The Bull Mountain Community Plan,* was adopted by Washington County more than 20 years ago. The County has stated that it does not plan to undertake a comprehensive update of its comprehensive plan, including *The Bull Mountain Community Plan*. The County will continue to make periodic changes. Also, 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 and residents 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 ORS195.220, 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 extending urban services and transferring 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 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, including *The Public Facilities and Services Assessment Report for the Bull Mountain Area*, 2003.

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 (UGB) Areas (Roy Rogers Road and 150th Ave.-- See Map 1 on page 4). The Plan does not include the new UGB areas because they are not part of the existing County-City service agreements for Bull Mountain, and the Tigard City Council indicated that the Plan Area should be addressed first. However, their adjacency to the Plan Area was factored into the analysis (see page 13).

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 Washington County *Bull Mountain Community Plan*, a medium-density residential zone with minimum lot 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 1,376 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. This is consistent with *The Public Facilities and Services Assessment Report for the Bull Mountain Area* methods, with the exception of deducting four annexations that took place from late 2001 to 2003. [2]

Table 1. 2003 Estimates

	Homes	Population
North	991	2930
West	346	982
South	1174	3259
East	167	452
Total	2678	7623

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 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).

Future Projections

Future projections were estimated by calculating the maximum number of new homes the area could potentially absorb at current zoning (R-7, or 5,000 sq. ft. lots), and taking half of this projection to allow for moderate development.[3] 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)

	Additional Homes	Total Homes	Population	Total Population
North	+139	1130	+401	3331
West	+150	496	+457	1439
South	+143	1317	+465	3724
East	+483	650	+904	1356
Total	+915	3593	+2227	9850

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

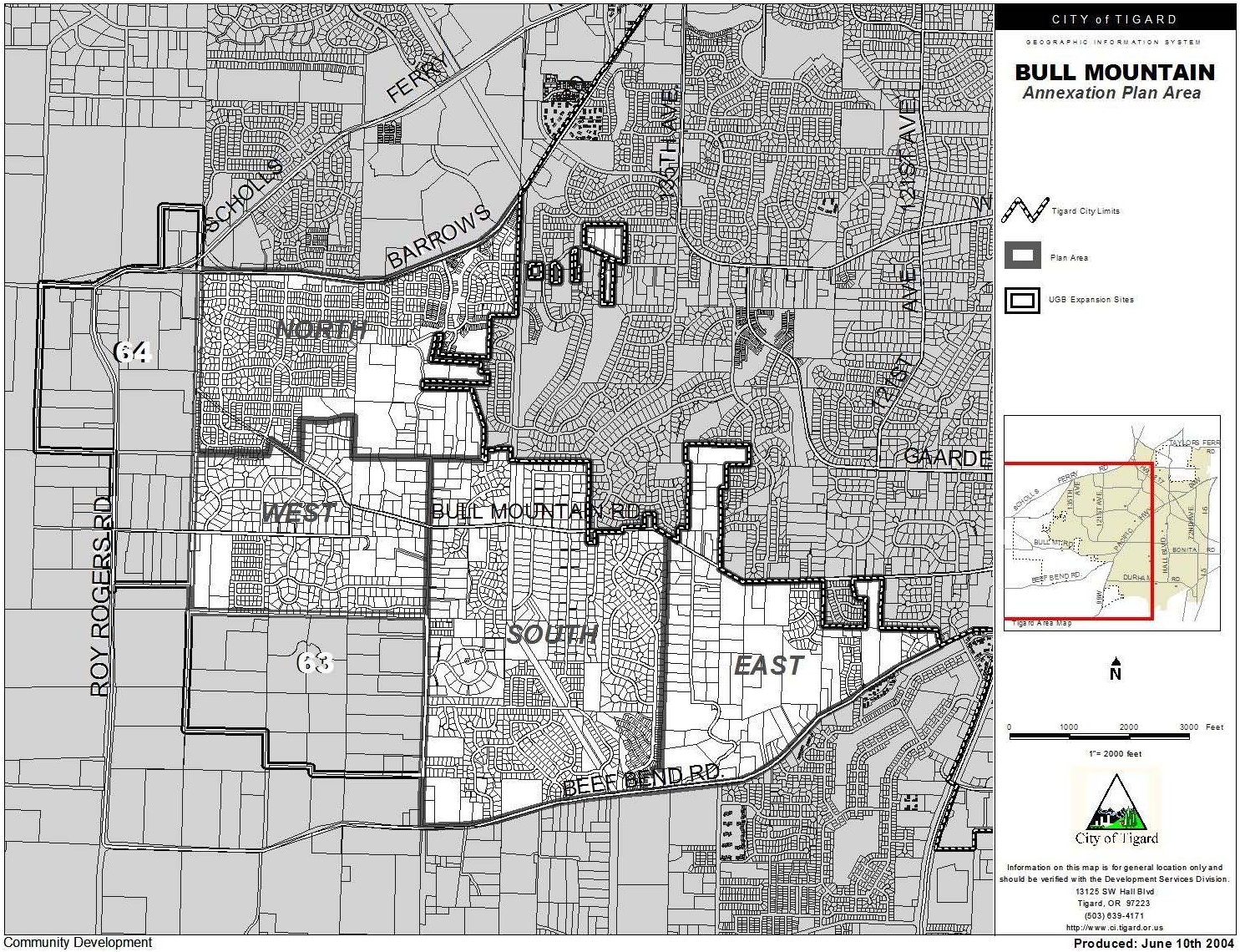
The Public Facilities and Services Assessment Report (2003) used these numbers to approximate service needs, costs, and associated revenues.[4] The condition and number of roads, current condition of facilities, current and future population/homes, and year of development affected each subarea's needs. The Annexation Plan analysis is based upon the 2003 report conclusions and additional refinements to the report data.

[1] Differs from the 2001 study due to five annexations: Pacific Crest, Fern Street, Thornwood, Daffodil Hill, and Bohan-Cooper.

[2] The numbers here (7,622 and 2,678) reflect **2003** projected population and deduct for four annexations, differing from *The Bull Mountain Study* and *Public Facility and Services Assessment Report* numbers.

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

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


CITY of TIGARD
GEOGRAPHIC INFORMATION SYSTEM
BULL MOUNTAIN
Annexation Plan Area
Tigard City Limits
Plan Area
UGB Expansion Sites
Tigard Area 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
Community Development
Produced: June 10th 2004
SCHOLLS FERRY
BARROWS
135TH AVE
121ST AVE
GAARDE
NORTH
WEST
BULL MOUNTAIN RD
SOUTH
EAST
BEEF BEND RD
ROY ROGERS RD
64
63

Map 1.

II. ANNEXATION PLAN CRITERIA

In 1993 the State Legislature established the annexation plan method 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.[5]

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?
The plan uses the collective term "urban services" to refer to all services described below and listed in Table 4 on p. 9. The scope of analysis includes those urban services defined by state law, local annexation criteria, and city/county agreements.

State Law Definition
State law ORS195 defines "urban services" as sanitary sewers, water, fire protection, parks, open space, recreation, streets, roads and mass transit.

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.

Based on the City's Comprehensive Plan requirements, *The Bull Mountain Annexation Plan* considers police, and sanitary and storm sewer services as urban services and addresses their provision.

Tigard's Comprehensive Plan Policy 10 (Urbanization) requires the following:

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.
b) The City shall provide urban services to areas within the Tigard Urban Planning Area or within the Urban Growth Boundary upon annexation.
c) Approval of proposed annexations of land by the City shall be based on findings with respect to the following:

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

i. The annexation eliminates an existing "pocket" or "island" of unincorporated territory.
ii. 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
iii. The Police Department has commented upon the annexation.
iv. The land is located within the Tigard Urban Planning Area and is contiguous to the city boundary
v. The annexation can be accommodated by the services listed above.

Additional Urban Services (City/County Agreements)
The Plan also addresses building and development services, long-range planning, and street light maintenance, which are addressed in existing City/County Agreements (TUSA, USIGA,UPAA). See Appendix A for agreement definitions.

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.[6] The agreement determines long-term service providers and assigns Tigard as the ultimate service provider for the Plan Area, except for services provided by special districts and agencies. Table 3 summarizes changes in local service standards between current and future providers.

Urban Service Requirements Prior to Annexation

Table 4 on p. 8 provides an overview of how annexation affects services. It lists current services, providers before and after annexation, and identifies local service standards. Table 4 demonstrates that City of Tigard standards are higher for parks and open space, street maintenance, police, and long-range planning.

Table 3. Summary of Annexation Impact on Service

Service	Change
Long Range Planning	●
Police	●
Street Maintenance	●
Parks and Open Space	●
Road Quality Maintenance	●
Storm Sewer	●
Street Light Maintenance	●
Sanitary Sewer	●
Water	○
Schools	○
Recreation	○
Building & Development Services	○
Mass Transit	○
Fire Protection & Emergency Services	○
○ - No change ● - Service same, provider changes ● - Service, provider change	

Of those services, parks will require action by the County prior to annexation (see below). 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 4 on page 9. The specifics are addressed in section IIB beginning on page 10.

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.

[6] 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.

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, identifies steps needed by the County to meet local standards prior to annexation.*

Table 4. Bull Mountain: Service Standard Changes Following Annexation		
No Change: Service and Provider Remain the Same		
Service/Current Provider	**Provider after Annexation**	**Do Local (Tigard) Standards differ from Current Standards?**
Fire Protection & Emergency Services (Tualatin Valley Fire & Rescue)	**Tualatin Valley Fire & Rescue**	No.
Mass Transit (TriMet)	**TriMet**	No.
Building and Development Services (City of Tigard)	**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)	**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.**	
Water (City of Tigard through a contract with Tigard Water District)	**City of Tigard.**	No.
Service Remains the Same, Provider Changes		
Sanitary Sewer (Clean Water Services; City of Tigard Jan. 1, 2005)	**City of Tigard.** The City will provide maintenance as of Jan. 1, 2005, per an agreement with Clean Water Services. It is not affected by annexation.	No.
Street Light Maintenance (Washington County)	**City of Tigard**	No.
Storm Sewer (Clean Water Services; City of Tigard Jan. 1, 2005)	**City of Tigard.** The City will provide maintenance as of Jan. 1, 2005, per an agreement with Clean Water Services. It is not affected by annexation.	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 pavement condition index (PCI) of at least 40, with all roads averaging at least 75, prior to transferring roads and service.
Service Changes, Provider Changes		
Parks and Open Space (No provider) Washington County does not provide these services to unincorporated areas.	**City of Tigard**.	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). Response times for Priority 1 and 2 calls under four minutes.
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, four 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)– 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.**
    - **Response Times.** Police could absorb all or any subareas with existing resources and maintain its standard of responding to Priority 1 and 2 calls (crimes in progress) in under four minutes. 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. Internal adjustments would occur to fully staff patrols until additional officers could be hired and fully trained.
    - **Staff.** The entire Plan Area requires 11 police officers, 1 supervisor, and 1 support staff. New officer hiring procedures established in 2003 now reduce the training time needed to six months, as recruiting time has been significantly shortened by maintaining an applicant pool.

A detailed plan and schedule for hiring staff and purchasing or transferring equipment from Washington County will be developed, 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." There are two exceptions: roads and sanitary/storm sewer.

The TUSA states that within 30 days of annexation, the City will initiate jurisdiction transfer of roads, completing the transfer within one year from the annexation effective date. This applies to all roads and streets with a county road number (Appendix F). Those roads and streets without a county road number automatically transfer upon 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 Jan. 1, 2005. The agreement covers an area including Tigard, Bull Mountain, King City, Durham, and Metzger, 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 January 1,2005) Street Light Maintenance Streets and Roads (without a County Road Number) (see Appendix F) 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:** Roads without county numbers automatically transfer with annexation. Within 30 days of annexation, the City will initiate the process to transfer jurisdiction of roads with county numbers. This transfer should take no more than one year from annexation effective date. • **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 for county number roads.*

☑ *City of Tigard will initiate transfer of county-number roads and streets within 30 days of annexation, serving within 1 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 significantly reducing response times. Priority 1 and 2 calls would be maintained at under 4 minutes; only a reduction in Priority 3 calls (lowest priority; no one in danger)will occur until additional staff is hired and trained.*

C. TIMING AND SEQUENCE OF ANNEXATION

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: subareas alone, in contiguous pairs (i.e., West and North); and All Areas at once. 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

Four 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)
> *4) Additional Considerations.* 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 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 county-number roads transfer was delayed, as the TUSA allows.
- **Police** can serve Bull Mountain and the City of Tigard with current staff, resulting only in a temporary reduction in Priority Three (lowest priority) call response times. The Priority 1 and 2 response time would be maintained at under 4 minutes. The response time to Priority Three calls would vary within minutes, and citizens would not see a difference. Internal adjustments 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 stated that an All Areas annexation would provide an advantageous economy of scale, as a larger department can provide more services and reduced response times. In addition, the recruiting and training process has been reduced to six months.
Conclusion: To maintain citywide level of service, either acquire staff and equipment prior to annexation or for streets, delay transfer of county-number roads.

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.

The City of Tigard collects parks SDCs within its city limits, which are used for developing new parks. Once the County adopts a parks SDC for the Plan Area, and following annexation, SDCs would be collected and directed into City projects. The County will adopt

a parks SDC after the Tigard City Council adopts the annexation plan and acts to place it on the November 2004 ballot. 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

With voter approval, the entire Plan Area will be annexed effective July 1, 2005. In the assessment report, this option ranked the most highly due to economies of scale. Except for maintenance of County-numbered roads, Tigard will assume responsibility for urban services other than fire protection and mass transit. If voters approve the plan, the City will hire additional personnel and obtain additional equipment needed to maintain service standards for Public Works (Streets). Tigard will assume responsibility for County-numbered roads by agreement with the County, with the transfer of jurisdiction over those roads to occur within one year of annexation. Police can serve the area without a significant reduction in service, due to internal adjustments until additional police officers can be hired. The City will initiate the 6-month hiring/training process prior to annexation. The City will maintain existing levels of service within the City and will maintain or improve levels of service within the area to be annexed.

Summary: Criteria 3 (Timing and Sequence)

☑ *The more areas annexed, the higher the ranking due to an increase in efficiency.*

☑ *To maintain citywide service levels requires acquisition of staff and equipment prior to annexation for Public Works –Streets. Police can serve the area without a significant reduction in service, due to internal adjustments until additional police officers can be hired. The City will initiate the 6-month hiring/training process prior to annexation.*

☑ *The TUSA requires the City to initiate the transfer of county numbered roads within 30 days of annexation, with full transfer within one year.*

☑ *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.*

☑ *Therefore, annex all areas of Bull Mountain in July 2005, but ramp up staffing prior to annexation based on service needs.*

D. EFFECTS ON EXISTING URBAN SERVICES 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 based on 2003 data. 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 Bull Mountain 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 January 1, 2005. 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 OF THE PLAN

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.** 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 in Service Provision.** The plan establishes a date for annexation and service area adjustments, which allows the City, County and affected special districts 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 past agreements have assigned this role to Tigard in Bull Mountain. 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. Once the area is annexed, Tigard can collect funds 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 approach to annexation. The plan's benefits include certainty, efficiency, 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:

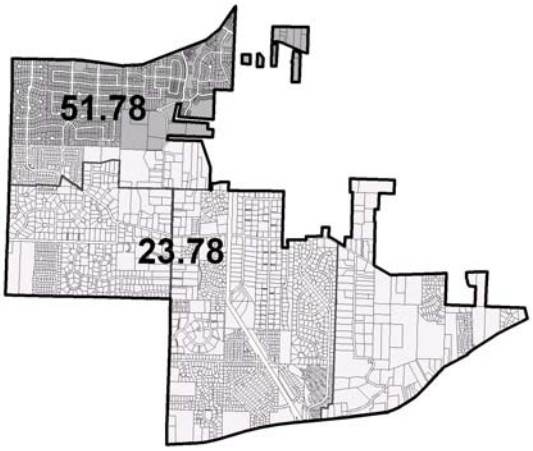
1. Local standards of urban service availability required as a precondition of annexation;
2. The planned schedule for providing urban services to the annexed territory;
3. The timing and sequence of annexation;
4. The effects on existing urban services providers;
5. The long-term benefits of the annexation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

The plan process includes two other considerations:
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 2003-04 was $6.0101 per $1,000. With tax rate adjustments in both codes due to the proposed annexation, the estimated resulting rate will be $7.1126 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 a move toward completing the Tigard community. The plan provides a proposal for Tigard to annex all areas of Bull Mountain in 2005.

Using existing service agreements among agencies and cost-benefit analyses, the plan is grounded solidly on state law ORS195.220 and addresses all the ORS195.220 criteria: 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 complies with state and Metro criteria. It also complies with the applicable City of Tigard Community Development Code and Comprehensive Plan policies. The annexation plan provides a blueprint for annexation, and for constructing an united Tigard and Bull Mountain community.

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, 2005).

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 area proposed to be annexed, as shown on **Map 1, page 4**.

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.

USIGA: Urban Services Intergovernmental Agreement. An agreement between Washington County and the City of Tigard in which the City of Tigard agreed to provide certain urban services to unincorporated areas (including Bull Mountain). It was signed in 2002.

Appendix B

Bull Mountain Annexation Plan
Fiscal Analysis Update
November 2003

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 jurisdictions, 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. (Note: Council has since approved Ordinance 3-10 on Nov. 18, 2003 to establish and impose the fee; passed Resolution 4-12 on Feb. 24, 2004, which established the rates; and implementation began April 1, 2004. Appendix C, the Tax Rate Table, includes the residential Street Maintenance Fee rate in its calculations.)

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/	One-Time Capital	Balance

	Capital Revenue	Cost	
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 and General Purpose Fees 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		Incr. or (Decr.) With Annexation	Unincorporated Washington County Tax Area 51.78		Incr. or (Decr.) 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	1.8949	$473.73	1.8949	$473.73	$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	2.8793	$719.83	2.7143	$678.58	$41.25	2.6366	$659.15	$41.25
Street Maintenance Fee		$26.16		$0.00	$26.16		$0.00	$26.16
Grand Total	16.4177	$4,130.59	15.1502	$3,822.55	$308.04	15.2763	$3,854.08	$308.04
Percent Change					8.1%			8.0%

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 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.

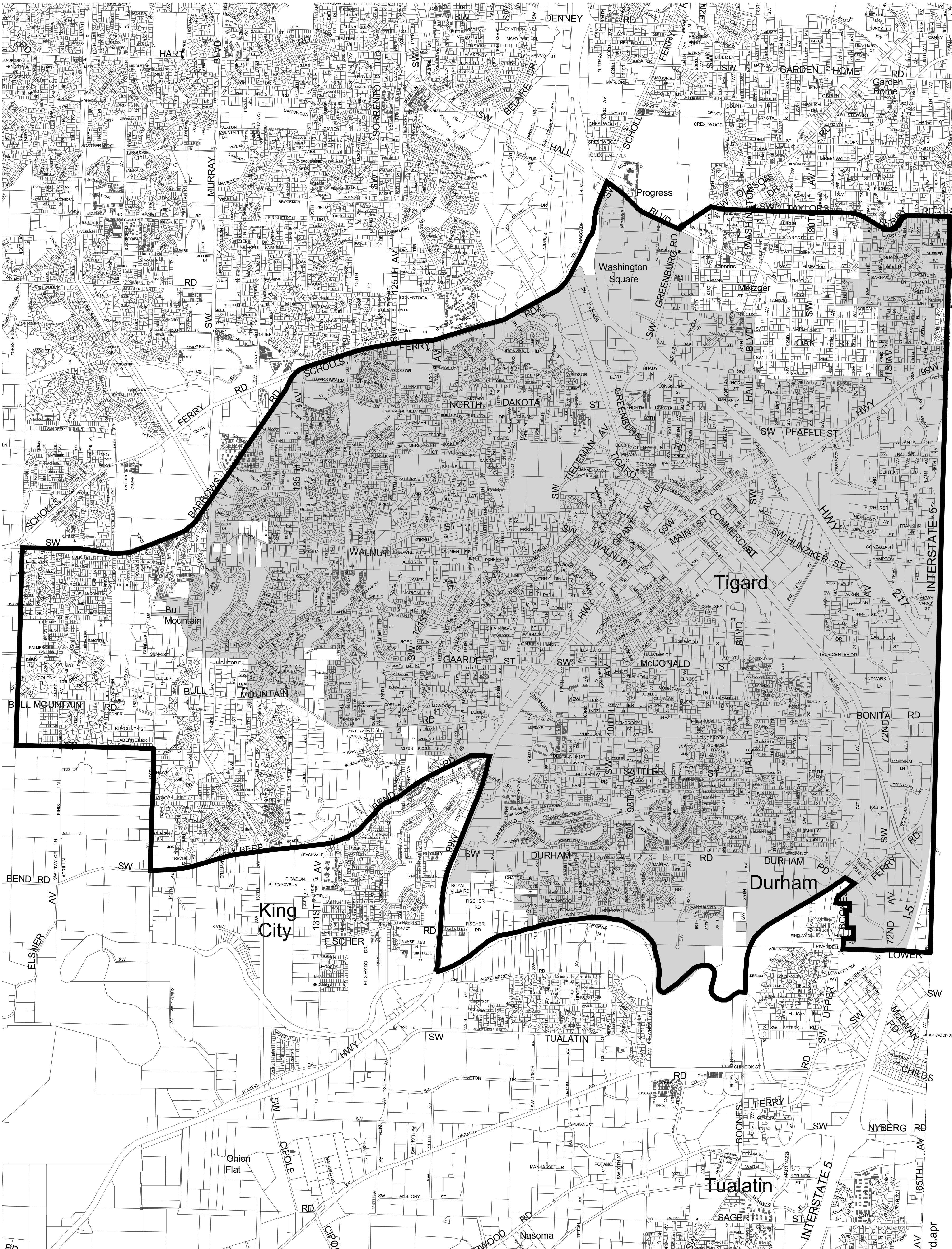
4. Withdrawal/Annexation/Merger:

   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.



MAP A
Tigard Urban Service Area Boundary

November 2002

Tigard Urban Service Area Boundary

City of Tigard

N

2000 0 2000 4000 Feet

/arc8/area1/doriam/joanne/sb122/tigard.apr
Tigard 11x17
DM 11/02

(Please print this map on 11" x 17" paper for maximum readability)

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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

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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: _____ 12.10.02
James E. Griffith, Mayor Date

Approved as to Form:

By: _____
City Attorney

TUALATIN VALLEY FIRE AND RESCUE DISTRICT

By: _____ 12/17/02
Chairman, Board of Directors Date

Approved as to Form:

By: _____
District Counsel

TUALATIN HILLS PARK AND RECREATION DISTRICT

By: _____ February 3, 2003
President, Board of Directors Date

Approved as to Form:

By: _____
District Counsel

TRI-MET

By: _____ 12/16/02
General Manager Date

Approved as to Form:

By: _____
District Counsel

CLEAN WATER SERVICES

By: Tom Brian
Tom Brian, Chair
Board of Directors

12-17-02
Date

Approved as to Form:

By:
District Counsel

APPROVED CLEAN WATER SERVICES
BOARD OF DIRECTORS
MINUTE ORDER # CWS 02-119
DATE 12-17-02
BY Barbara Hejtmanek
CLERK OF THE AGENCY

TIGARD WATER DISTRICT

By: _____ 12/19/02
Chairman, Board of ~~Directors~~ COMMISSIONERS — Date

Approved as to Form:

By: _____
District Counsel

TUALATIN VALLEY WATER DISTRICT

By: _____ 12-18-02
Chairman, Board of Directors Date
Richard P. Burke

Approved as to Form:

By: _____
District Counsel

Clark Balfour

WASHINGTON COUNTY

By: Tom Brian
Tom Brian, Chair
Board of Commissioners

12-17-02
Date

Approved as to Form:

By: [illegible]
County Counsel

APPROVED WASHINGTON COUNTY
BOARD OF COMMISSIONERS
MINUTE ORDER # 02-417
DATE 12-17-02
BY Barbara Hejtmanek
CLERK OF THE BOARD

METRO

By: _____ 12/3/2002
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.

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

ROADS THAT AUTOMATICALLYCOME UNDER THE CITY'S JURISIDICTION WITH THE BULL MOUNTAIN ANNEXATION

1. SW. AUTUMNVIEW ST.
2. SW. TURNAGAIN DR.
3. SW. 122ND AVE. OFF BEEF BEND RD.
4. SW. THORNWOOD DR
5. SW. ASPEN RIDGE DR.
6. SW. WINTERVIEW DR.
7. SW. TERRAVIEW SR.
8. SW. SUMMERVIEW DR.
9. SW. SUMMERVIEW CT.
10. SW SUMMERVIEW ST.
11. SW. 133RD AVE.
12. SW. EAGLES VIEW LN.
13. SW 141ST AVE (WOODHUE TO EAGLES VIEW)
14. SW WOODHUE ST.
15. SW. COLYER WAY
16. SW VIEWPOINT CT.
17. SW TEWKESBURY DR
18. SW 144TH TERRACE
19. SW 145TH TERRACE
20. SW. 144TH PL.
21. SW. 141ST AVE. (NORTH OF BULLMT.RD.)
22. SW. 144TH AVE. (NORTH OF BULL MT. RD.)
23. SW. HIGH TOR DR.
24. SW SUNRISE LN.
25. SW. 153RD AVE.
26. SW. 148TH TERRACE
27. SW SOPHIA LN.
28. SW. BURGUNDY ST.
29. SW. JULIET TERRACE
30. SW. RASK TERRACE
31. SW. DEKALB ST.
32. SW. POLLARD LN.
33. SW 161ST AVE (SOUTH OF BULL MT. RD.)
34. SW. COOPER LN.
35. SW. BRAY LN.
36. SW. KESSLER LN.
37. SW. HAZELTINE LN.
38. SW. 164TH AVE.
39. SW. WOOD PL.
40. SW. COLONY PL.
41. SW. 162ND AVE
42. SW. PALERMO LN.

43. SW. FLORENTINE AVE.
44. SW. TUSCANY ST.
45. SW. MILAN ST.
46. SW. LORENZO LN.
47. SW VENEZIA TERRACE
48. SW 163RD PL.
49. SW. STAAHL DR.
50. SW CATTAIL CT.
51. SW. LEEDING LN.
52. SW. SNAPDRAGON LN.
53. SW ROSHAK RD.
54. SW. DEWBERRY LN.
55. SW CROMWELL CT.
56. SW. KERRINS CT.
57. SW. GEARIN CT.
58. SW. HOOPS CT.
59. SW. DAHLIA CT.
60. SW. 153RD TERRACE
61. SW. MENLOR LN.
62. SW. MAYVIEW WAY
63. SW. 152ND TERRACE
64. SW. KAMERON WAY
65. SW. BRIANNE WAY
66. SW.CATALINA DR.
67. SW 148TH AVE.
68. SW. RHUS CT.
69. SW 145TH TERRACE
70. SW PEACHTREE DR.
71. SW FIRTREE DR.
72. SW ROUNDTREE DR.
73. SW FERN ST.

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ROADS THAT WILL NEED TO BE TRANSFERRED FROM WASHINGTON COUNTY TO THE CITY OF TIGARD

1. SW 119TH AVE	CR 2131
2. SW BULL MOUNTAIN RD.	CR 147 ½
3. SW ASHLEY DR.	CR 2786 & CR 2858
4. SW CHARLSTON LN.	CR 2876
5. SW SCARLET DR.	CR 2786 & CR 2711
6. SW PEACHTREE DR.	CR 2786, CR 2858, & CR 2711
7. SW CAROLINA CT.	CR 2786
8. SW RHETT CT.	CR 2786
9. SW 136TH PLACE	CR 2786
10. SW 137TH PLACE	CR 2786
11. SW 139TH AVE.	CR 2831
12. SW 141ST AVE.	CR 2011 , CR 2689 & CR 2209
13. SW 144TH AVE.	CR 2207
14. SW TEWKESBURY DR.	CR 2820
15. SW WINDHAM TERRACE	CR 2820
16. SW HAMPSHIRE TERRACE	CR 2820
17. SW BARRINGTON TERRACE	CR 2820
18. SW GLASTONBURY LN.	CR2820
19. SW AYNSLEY WAY	CR 2820
20. SW WESTMINSTER DR.	CR 2820 & CR 2766
21. SW CHESTERFIELD LN.	CR 2766 & CR 2720
22. SW BARRINGTON PLACE	CR 2766
23. SW CHARDONNAY AVE	CR 2700
24. SW MOET CT.	CR 2700
25. SW PINOT CT.	CR 2700
26. SW 144TH AVE.	CR 2700
27. SW CABERNET CT.	CR 2700
28. SW 148TH PLACE	CR 2947
29. SW CRESTRIDGE CT.	CR 2927
30. SW 150TH AVE	CR 378
31. SW GRANDVIEW LN	CR 2867
32. SW 147TH TERRACE	CR 2867
33. SW PEAK CT.	CR 2867
34. SW 152ND PLACE	CR 2475
35. SW BURGUNDY ST.	CR 2826
36. SW 154TH TERRACE	CR 2826
37. SW CABERNET DR.	CR 2826
38. SW WOODHUE ST	CR 2871 & CR 2803
39. SW SHOUE DR.	CR 2871 & CR 2720
40. SW 147TH AVE.	CR 2871 & CR 2720
41. SW HAWK RIDGE RD.	CR 2295
42. SW CHARDONAY AVE.	CR 2926

43. SW 149TH PLACE	CR 2803
44. SW 146TH AVE.	CR 2720
45. SW ROSARIE LN.	CR 2716
46. SW ROSHAK RD.	CR 147 ½
47.	CR 821
48. SW COLONY DR.	CR 2101 & CR 2252
49. SW COLONY PLACE	CR 2101 & CR 2252
50. SW 161ST AVE	CR 2101 & CR 2252
51. SW COLONY CT.	CR 2101
52. SW 157TH PLACE	CR 2538
53. SW BAKER LN.	CR 2538
54. SW 158TH TERRACE	CR 2538
55. SW BULL MOUNTAIN RD.	CR 262
56. SW PALERMO LN.	CR 3070
57. SW MILAN LN.	CR 3070
58. SW 159TH TERRACE	CR 3070 & CR 2961
59. SW TUSCANY ST.	CR 3070
60. SW 162ND TERRACE	CR 3070
61. SW PALMERO LN.	CR 3070
62. SW UPLANDS DR.	CR 3070 & CR 2961
63. SW ROSHAK RD.	CR 3070 & CR 2891
64. SW SNAPDRAGON LN.	CR 2961
65. SW BRISTLECONE WAY	CR 2961
66. SW SUNDEW DR.	CR 2961
67. SW 161ST PLACE	CR 2917
68. SW TEAROSE WAY	CR 2917
69. SW DEWBERRY LN.	CR 2917
70. SW BULLRUSH LN	CR 2917 & CR 2873
71. SW 160TH AVE	CR 2917
72. SW ROCKROSE LN	CR 2917 & CR 2900
73. SW WINTERGREEN ST.	CR 2917, CR 2873 & CR 2948
74. SW YARROW WAY	CR 2900
75. SW 154TH AVE.	CR 2948
76. SW FIRTREE DR.	CR 2948
77. SW ROUNDTREE DR.	CR 2948
78. SW O'NEIL COURT	CR 2891
79. SW FERN ST.	CR 3071
80. SW CREEKSHIRE DR.	CR 3071
81. SW JENSHIRE LN.	CR 3071
82. SW HORIZON BLVD.	CR 3071
83. SW 147TH PLACE	CR 3071
84. SW COLYER WAY	CR 3074
85. SW TARLETON CT.	CR 2711
86. SW ASHLEY CT.	CR 2711
87. SW SCARLET PLACE	CR 2711
88. SW GLASTONBURY LN.	CR 2820

89. SW 157TH AVE	CR 2873 & CR 2900
90. SW LUKE LN.	CR 2891
91. SW BECKY LAUNG CT.	CR 2891

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Appendix G

Change in Service Levels Between County and City For Services Where Provider and Service Changes Upon Annexation

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). Response Times: Average response times to Priority 1 calls (4 minutes, 30 seconds) and Priority 2 calls (6 minutes, 7 seconds). (2002 data from Washington County Consolidated Communications Agency Calls for Service Database)	The City of Tigard would provide 1.5 officers/1000 people. Response Times: Average response times to Priority 1 calls (1 minute, 36 seconds) and Priority 2 calls (3 minutes, 59 seconds). (2002 data from Washington County Consolidated Communications Agency Calls for Service Database)	Yes There would be an increase of approximately .5 officers/1000 people
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.
Long Range Planning	Washington County. 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. **Miles Population Planners** 727 sq.m. 463,050 8.5 (2002 estimate)	City of Tigard. Annexation will allow the City to plan for growth on Bull Mountain with an updated comprehensive plan for the entire community. **Miles Population Planners** 11.5 sq.m. 44,070 4 (2002) **With annexation:** 13.5 sq.m. 51,692 4	Yes. Annexation will allow the City to plan for growth on Bull Mountain with an updated comprehensive plan for the entire community.

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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Appendices
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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
13125 SW HALL BLVD.
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 <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.

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.

** Map based on 2001 City limits

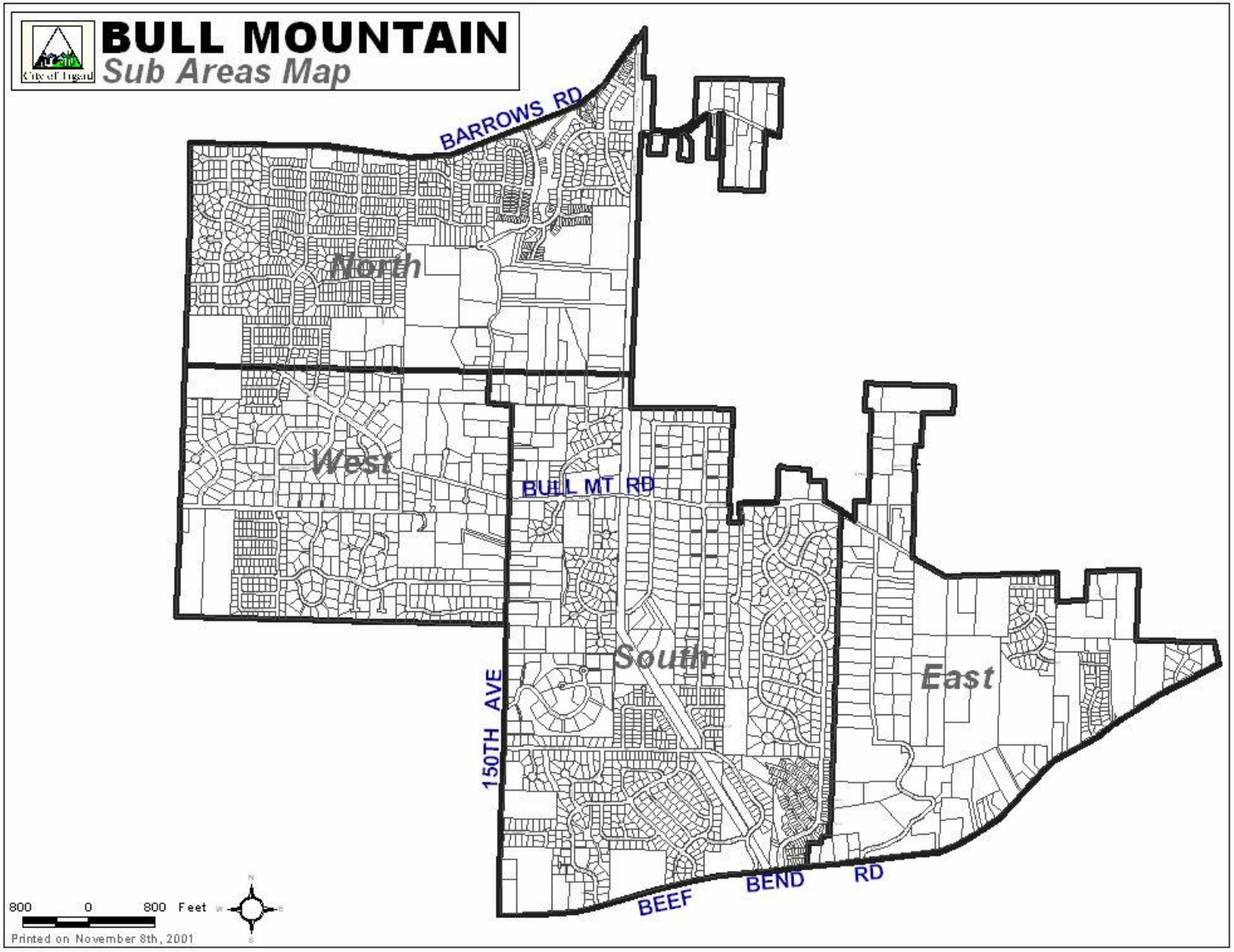


Figure 1

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

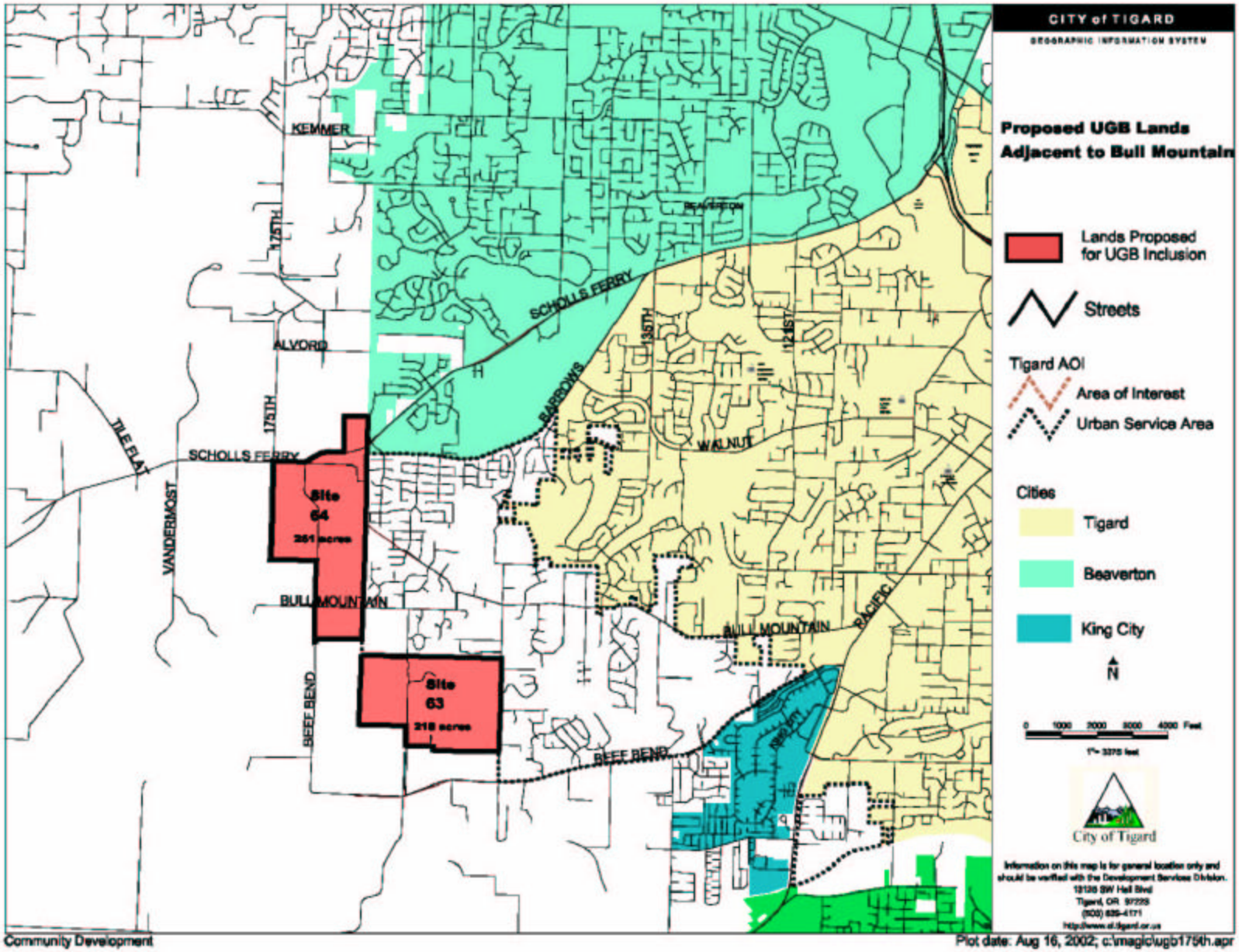
a. Time and sequence

- 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
City of Tigard
KEMMER
ALVORD
SCHOLLS FERRY
TILE FLAT
VANDERMOST
BULL MOUNTAIN
BEEF BEND
BARROWS
WALNUT
PACIFIC
Site 64
Site 63
Community Development
Plot date: Aug 16, 2002; c:\magic\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

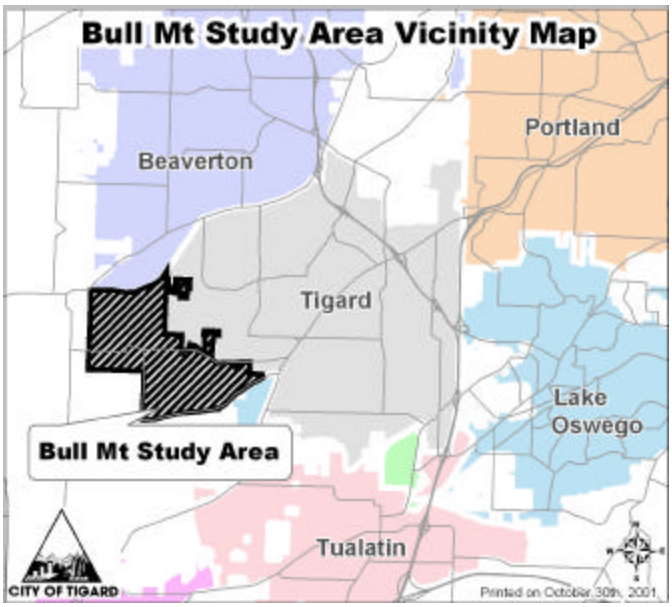
Draft

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:
THE CITY OF TIGARD COMMUNITY DEVELOPMENT DEPARTMENT
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NOVEMBER 27, 2001

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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.

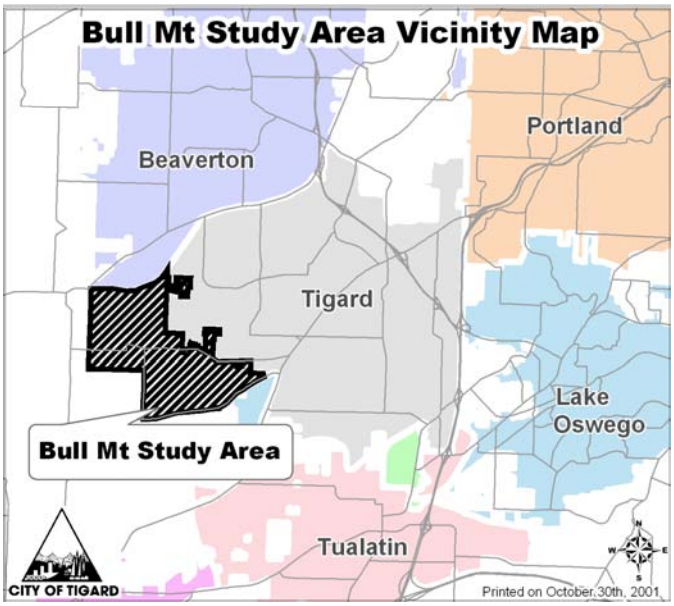
Section 6 summarizes the findings and raises key policy issues for Council to consider.

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.

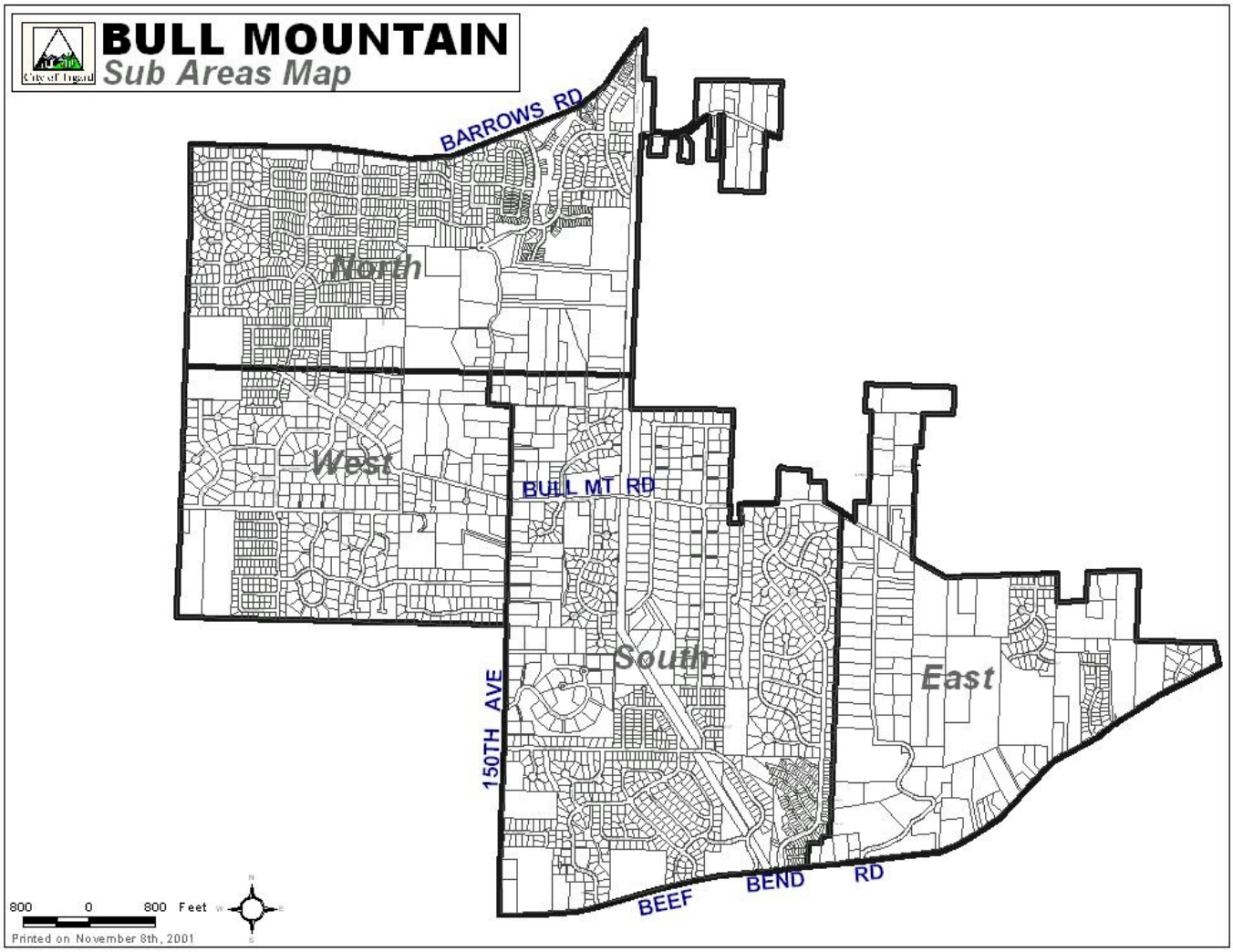
The land in the Study Area is sloped—steeply in some areas—allowing for views at higher elevations. Traditionally a farming area, the last decade brought additional home developments to the area. Today, both farms and subdivisions co-exist here. Although the identified area is now outside the City limits, 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 Light 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 dtata rpesented 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.

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.
Tigard, OR 97223

OWNER: Multiple owners. List is available for review at Tigard, City Hall.

PROPOSAL: The applicant (City of Tigard) originally proposed to annex 1,378 acres of Washington County known as Bull Mountain through the annexation plan process. Due to a recent annexation, the applicant is now proposing to annex approximately 1,376 acres of 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 November 2, 2004, 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 (355.44 acres), and West (251.23). The Plan proposes to annex all areas in July 2005.

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 and is consistent with the statewide land use planning goals and relevant provisions of the Comprehensive Plan. 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 1,376 acres. 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. Map 1 on p. 4 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 (355.44 acres), and West (251.23). These subarea boundaries were based on development patterns, topography, and major roads.

Case History

The applicant submitted the proposal in October 2003. The Tigard City Council held a public hearing on the proposal (ZCA2003-00003, ZCA2003-00004, ZCA2003-00005, ZCA2003-00006) on December 2, 2003, and December 16, 2003. The City Council reviewed and discussed the proposal. The Council determined that the proposal meets the approval criteria as identified in ORS195, ORS222, Metro Code Chapter 3.09, and Tigard Community Development Code Chapter 18, but did not adopt findings at that time. The Council determined that additional time was needed to work with Washington County and the public to allow for public discussion and a review of the Annexation Plan's key benefits. On December 16, 2003, the Council adopted a resolution (Appendix A to the Staff Report) that directed staff to hold a public hearing on the proposal (ZCA2003-00003, ZCA2003-00004, ZCA2003-00005, ZCA2003-00006) in July 2004 and consider placing the plan on the November 2004 ballot, and directed staff to form subcommittees of Washington County representatives, and Bull Mountain and Tigard residents.

The December 16, 2003, resolution addressed three different elements of this Annexation Plan process: the land-use component (hearing in July 2004); the ballot; and the subcommittees (which produced white papers). The applicant's proposal (ZCA2003-00003, ZCA2003-00004, ZCA2003-00005, ZCA2003-00006) and corresponding staff report will address only the land-use component, following the process for land-use decisions. The ballot and subcommittees are outside the scope of this land-use decision.

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 1,376 acres, which includes approximately 7,600 residents living in 2,600 homes (2003 data). 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 1,376 acres of land into the City of Tigard with a 2003 assessed value of $605,504,640 (North: $193,059,240; East: $52,016,420; South: $251,261,770; West: $109,167,210). The Plan proposes to annex All Areas on July 1, 2005.

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 D) 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. Consistency with applicable statewide land use planning goals and applicable Comprehensive Plan provisions.

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. 4). The Tigard City Council will consider for adoption the land-use application for the proposed *The Bull Mountain Annexation Plan* on July 27, 2004.

(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. 21). 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. 21 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 2003-04 was $6.0101 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 $7.1126 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. 21). 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 July 27, 2004, 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 July 27, 2004, 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: July 8th and July 15th in the *Tigard Times*, and July 15th and 22nd 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 July 27, 2004, public hearing, it may choose to place the Plan on the November 2, 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. 13) 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* proposes that the entire Plan Area be annexed effective July 1, 2005, conditioned on voter approval. The plan proposes 2005 in order to fund future capital improvements.

Except for maintenance of County-numbered roads, Tigard will assume responsibility for sanitary and storm sewer, water, parks and open space, road quality maintenance, street maintenance, building and development services, street light maintenance, police and long-range planning upon annexation. Tualatin Valley Fire and Rescue and TriMet will continue to provide fire protection and mass transit services.

If voters approve the plan, the City will hire additional personnel and obtain additional equipment needed to maintain service standards for Public Works (Streets). Tigard will assume responsibility for County-numbered roads by agreement with the County, with the transfer of jurisdiction over those roads to occur within one year of annexation. Police can serve the area without a significant reduction in service, due to internal adjustments until additional police officers can be hired. The City will initiate the 6-month hiring/training process prior to annexation. This schedule demonstrates that the City will maintain existing levels of service within the City and will maintain or improve levels of service within the area to be annexed.

The Bull Mountain Annexation Plan proposal complies with 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* addresses all of these urban services in Table 4 (p. 9) and identifies local standards of urban service availability.

The Bull Mountain Annexation Plan concludes in Section II.A. (p. 8) that all services except recreation are available to the Plan Area. Upon annexation, the City of Tigard will be the service provider to the annexed territory for the following services: sanitary and storm sewer, water, parks and open space, road quality maintenance, street maintenance, building and development services, street light maintenance, police and long-range planning. Tualatin Valley Fire and Rescue will continue as the fire protection and emergency service provider, TriMet will continue as the mass transit provider, and school district boundaries will remain the same. Neither Washington County nor the City of Tigard provide recreation services.

All urban services providers are established, per the Tigard Urban Service Agreement (TUSA, Appendix D). *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; establish parks system development charges (SDCs) for new development prior to annexation.

The Bull Mountain Annexation Plan proposal complies with ORS195.220.1.b.

(c) The planned schedule for providing urban services to the annexed territory.

The *Bull Mountain Annexation* Plan is based on supporting analysis from the *Public Facilities and Assessment Report (Technical Document B)*. The assessment report 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.

Based on this analysis, *The Bull Mountain Annexation Plan* concluded that the City of Tigard can serve the entire Bull Mountain area without a significant reduction in service to Tigard residents (Section IIB, p. 12). *The Bull Mountain Annexation Plan* states that those services transferring to Tigard, per the TUSA (Appendix D), 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 January 1, 2005), street light maintenance,

road quality maintenance and street maintenance for non-County number roads, and water. This is consistent with the TUSA. Tualatin Valley Fire and Rescue will continue as the fire protection and emergency service provider, TriMet will continue as the mass transit provider, and school district boundaries will remain the same.

The Bull Mountain Annexation Plan also states that three services would have the following schedules: The City of Tigard will initiate transfer of county-number roads and streets within 30 days of annexation, providing Road Quality and Street Maintenance for county number roads within 1 year. 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.

To serve the entire area, Public Works will acquire additional staff and equipment prior to the annexation effective date. Police can serve the area without a significant reduction in service, due to internal adjustments until additional police officers can be hired. The City will initiate the 6-month hiring/training process prior to annexation.

The Bull Mountain Annexation Plan proposal complies with 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. 16). *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 January 1, 2005, regardless of annexation; thus, the annexation is anticipated to have no effect on Clean Water Services.

The Bull Mountain Annexation Plan proposal complies with 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. 19-20: 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 complies with ORS195.220.1.e.

(2) An annexation plan shall be consistent with all applicable comprehensive plans. [1993 c.804 §16; 1997 c.541 §341]
The Bull Mountain Annexation Plan is consistent with the relevant policies of the Comprehensive Plan as shown in Section IV.C. of this report.

1. ORS Chapter 222: City Boundary Changes; Mergers; Consolidations; Withdrawals.
This chapter applies to some annexation decisions. 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]. ORS Chapter 222 is not applicable to annexations under ORS Chapter 195.

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 (July 12, 2004, for a July 27, 2004, 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.

Tigard's Comprehensive Plan policies require a review to determine that adequate capacity will be available to serve the parcels and will not significantly reduce the level of services available to the City of Tigard for the following services: sewer, water, drainage, fire protection, streets, and police. Based on the City's Comprehensive Plan requirements, *The Bull Mountain Annexation Plan* considers police, and sanitary and storm sewer services as urban services and addresses their provision. The Plan also addresses building and development services, and street light maintenance. Building and development services are included because of an existing County-City intergovernmental agreement which would be affected by annexation. Street light maintenance and long-range planning have been included because annexation would change service providers.

The Bull Mountain Annexation Plan addresses all of these urban services in Table 4 (p. 9) and identifies local standards of urban service availability. *The Bull Mountain Annexation Plan* concludes in Section II.A. (p. 8) that all services except recreation are available to the Plan Area. Upon annexation, the City of Tigard will be the service provider to the annexed territory for the following services: sanitary and storm sewer, water, parks and open space, road quality maintenance, street maintenance, building and development services, street light maintenance, police and long-range planning. Tualatin Valley Fire and Rescue will continue as the fire protection and emergency service provider, TriMet will continue as the mass transit provider, and school district boundaries will remain the same. Neither Washington County nor the City of Tigard provide recreation services.

All urban services providers are established, per the Tigard Urban Service Agreement (TUSA, Appendix D). *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; establish parks system development charges (SDCs) for new development prior to annexation.

If voters approve the plan, the City will hire additional personnel and obtain additional equipment needed to maintain service standards for Public Works (Streets). Tigard will assume responsibility for

County-numbered roads by agreement with the County, with the transfer of jurisdiction over those roads to occur within one year of annexation. Police can serve the area without a significant reduction in service, due to internal adjustments until additional police officers can be hired. This schedule demonstrates that the City will maintain existing levels of service within the City and will maintain or improve levels of service within the area to be annexed.

The Bull Mountain Annexation Plan proposal including the plan and this report complies with 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 D). 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 TUSA terms for road transfer, initiating the transfer of County numbered roads 30 days following annexation and completing the process within one year (road inventory is Plan Appendix F). *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 including the plan and this report complies with 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 staff report also addresses state planning goals.

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 Service Agreement (Appendix D) applies to the proposed annexation Plan Area.

The Bull Mountain Annexation Plan proposal including the plan and this report complies with 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. *The Bull Mountain Annexation Plan* proposal including the plan and this report complies with Metro Code 3.09.050 (b) 4.

and (5) The proposed effective date of the decision.

The public hearing will take place on July 27, 2004. If the Council adopts findings to approve *The Bull Mountain Annexation Plan*, the effective date of the annexation will be July 1, 2005. *The Bull Mountain Annexation Plan* proposal including the plan and this report complies with Metro Code 3.09.050 (b) 5.

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's decision will include findings and conclusions, and may include the following, which are recommended by staff:

(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 D). 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 transferring County numbered roads, 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 statewide land use planning goals, 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 Process and Standards.

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. on p. 22 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 (Section G). This report will address each of the five considerations in **Section G: Decision-Making 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 original proposal, 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.

This policy requires an ongoing citizen involvement program. On May 20, 2004, the Committee for Citizen Involvement met and reviewed the communications plan for *The Bull Mountain Annexation Plan* and provided comments to enhance the 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 July 8th and July 15th, and the *Oregonian* on July 15th and July 22nd. The Plan Area was posted in 13 locations on June 11, 2004.

There also will be a public hearing during the Type IV processing of this application and petition. The proposed annexation, including the process, is consistent with Goal 1.

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. The proposed annexation and process is consistent with Goal 2.

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.

The proposed annexation will allow Goal 5 to continue to be complied with within the proposed annexation area.

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. The proposed annexation would allow Goal 6 to continue to be complied with within the proposed annexation area.

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. The proposed annexation would allow Goal 7 to continue to be complied with within the proposed annexation area.

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, p. 9.) The City's Comprehensive Plan update would address recreational needs. The proposed annexation would allow Goal 8 to continued to be complied with within the annexation area.

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. The proposed annexation would allow Goal 9 to continued to be complied with within the annexation area.

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 1,376 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. The proposed annexation would allow Goal 8 to continued to be complied with within the annexation area.

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.

Tigard's Comprehensive Plan policies require a review to determine that adequate capacity will be available to serve the parcels and will not significantly reduce the level of services available to the City of Tigard for the following services: sewer, water, drainage, fire protection, streets, and police. Based on the City's Comprehensive Plan requirements, *The Bull Mountain Annexation Plan* considers police, and sanitary and storm sewer services as urban services and addresses their provision. The Plan also addresses building and development services, and street light maintenance. Building and development services are included because of an existing County-City intergovernmental agreement which would be affected by annexation. Street light maintenance and long-range planning have been included because annexation would change service providers.

The Bull Mountain Annexation Plan addresses all of these urban services in Table 4 (p. 9) and identifies local standards of urban service availability. *The Bull Mountain Annexation Plan* concludes in Section II.A. (p. 8) that all services except recreation are available to the Plan Area. Upon annexation, the City of Tigard will be the service provider to the annexed territory for the following services: sanitary and storm sewer, water, parks and open space, road quality maintenance, street maintenance, building and development services, street light maintenance, police and long-range planning. Tualatin Valley Fire and Rescue will continue as the fire protection and emergency service provider, TriMet will continue as the mass transit provider, and school district boundaries will remain the same. Neither Washington County nor the City of Tigard provide recreation services.

All urban services providers are established, per the Tigard Urban Service Agreement (TUSA, Appendix D). *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; establish parks system development charges (SDCs) for new development prior to annexation.

If voters approve the annexation plan, the City will hire additional personnel and obtain additional equipment needed to maintain service standards for Public Works (Streets). Tigard will assume responsibility for County-numbered roads by agreement with the County, with the transfer of jurisdiction over those roads to occur within one year of annexation. Police can serve the area without a significant reduction in service, due to internal adjustments until additional police officers can be hired. This schedule demonstrates that the City will maintain existing levels of service within the City and will maintain or improve levels of service within the area to be annexed.

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. The proposed annexation is consistent with Goal 11.

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, p.11.)

The Comprehensive Plan has been acknowledged to be consistent with Goal 12, and the proposed annexation is consistent with the Comprehensive Plan. The proposed annexation would allow Goal 12 to continued to be complied with within the annexation area.

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. The proposed annexation would allow Goal 13 to continued to be complied with within the annexation area.

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, p. 1.) The territory to be annexed is entirely inside the UGB. (See Map 1, Annexation Plan, p. 4.) 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 Service 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 1,376 unincorporated acres (2003 estimates). Development of the remaining land 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 extending urban services and transferring 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.

The proposed annexation is consistent with Goal 14.

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 complies with 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 complies with Metro Code Chapter 3.09, 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 City maintains an ongoing citizen involvement program. Notice of the public hearing was mailed to all CIT facilitators, the Washington County CPO coordinator, CPO4B, 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 July 8th and July 15th, and the *Oregonian* on July 15th and July 22nd. The Plan Area was posted in 13 locations on June 11, 2004.

The City established a communications approach prior to finalizing the original proposal, 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. In order to facilitate the public hearing proceedings, inform the public, and aid the public in navigating the process, the *Bull Mountain Communications Plan* was developed and presented to City Council on April 20, 2004. Council agreed to proceed as outlined in the plan.

On May 20, 2004, the Committee for Citizen Involvement met and reviewed the *Bull Mountain Communications Plan* for *The Bull Mountain Annexation Plan* and provided comments to enhance the program.

The Bull Mountain Annexation Plan complies with 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 4, p. 9). 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.

If the annexation is approved, all listed services will be provided throughout the entire expanded city without significant reduction in the level of services provided to developed and undeveloped land within the City of Tigard.

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 Service 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 County numbered roads and streets within 30 days of annexation, completing the transfer 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 five islands of unincorporated territory (Map 1, p. 4). *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

If the annexation is approved, it will not create an irregular boundary and will simplify boundary lines and result in more regular boundaries, which will make it easier to determine which properties are within the City. *The Bull Mountain Annexation Plan* complies with Policy 10.1.2. (b).

c) The Police Department has commented upon the annexation.
The Police Department commented on *The Bull Mountain Annexation Plan*, concluding that it can provide service 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). The Plan Area is contiguous to the City limits. *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 could 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 for County numbered roads would be initiated 30 days following annexation and completed within one year, with Washington County to continue to provide maintenance in the interim. *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, Tualatin Hills Park and Recreation District, Clean Water Services, and the Tualatin Valley Fire and Rescue all received the annexation request and did not object to the proposal. The Tigard-Tualatin School District emphasized that the annexation proposal would not affect school district boundaries. The Department of Environmental Quality commented that it recommends that agricultural lands being converted to residential or commercial uses be evaluated for pesticides prior to conversion, if it is suspected they have residuals. This is not applicable to this annexation, as the plan area is already part of the urban planning area and has already been converted to residential use.

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.

Beth St. Amand

PREPARED BY: Beth St. Amand
Associate Planner

July 11, 2004
DATE

Barbara Shields

APPROVED BY: Barbara Shields
Long-Range Planning Manager

July 11, 2004
DATE

Appendix A

CITY OF TIGARD, OREGON

RESOLUTION NO. 03-66

A RESOLUTION DIRECTING STAFF TO HOLD A PUBLIC HEARING IN JULY, 2004 ON THE BULL MOUNTAIN ANNEXATION PLAN AND PLACE THE BALLOT MEASURE BEFORE THE ELECTORATE IN NOVEMBER, 2004.

WHEREAS, for over 20 years, the City of Tigard and Washington County have recognized that Bull Mountain and its citizens would be best served by the City of Tigard; and

WHEREAS, one of Council's goals is to establish an annexation policy for unincorporated non-island areas; and

WHEREAS, the City of Tigard, along with Washington County began looking at the benefits and costs of annexing the Bull Mountain area in March 2001; and

WHEREAS, the Bull Mountain Annexation study was completed in 2002, after input from Bull Mountain residents, which identifies potential costs and revenues for the area; and

WHEREAS, in order to gage the public support for a potential annexation, a survey was conducted of registered voters in the unincorporated Bull Mountain area and the City of Tigard; and

WHEREAS, the Draft Facilities and Services Assessment Report for the Bull Mountain Area was presented to Council in June and July 2003; and

WHEREAS, ORS 195.220 authorizes "annexation plan" type annexations which allows territory to be annexed if a majority of all of the votes cast in the territory and the city favor the annexation plan; and

WHEREAS, there are several steps leading up to an election on an annexation plan, including preparation of an annexation plan, public outreach, public hearing, preparation of ballot title, election, etc.; and

WHEREAS, Council has considered the alternatives and determined that an annexation plan type of annexation is the most efficient and effective means to provide unincorporated Bull Mountain and Tigard residents the opportunity to decide on the issue of annexation while also addressing the City of Tigard and Washington County goals of annexing the unincorporated Bull Mountain area; and

WHEREAS, per the Urban Service Intergovernmental Agreement between the City of Tigard and Washington County, the County shall allow the City to collect a Park System Development Charge (SDC) for new development for the period between the approval date of the Annexation Plan and the effective date of the annexation;

WHEREAS, Council reviewed and discussed the Bull Mountain Annexation Plan at the Dec. 2 and Dec. 16, 2003 and determined that the Plan meets the approval criteria as identified in ORS 195 and 222, Metro Code Chapter 3.09; Tigard Community Code Chapter 18;

WHEREAS, after receiving public testimony and submittals at the December 2, 2003 public hearing, Council determined that additional time is needed to work with Washington County and the public to communicate the benefits of the Bull Mountain Annexation Plan recommendations and to place the Plan before the voters.

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

SECTION 1: Council directs staff to form appropriate subcommittees, consisting of Washington County representatives, Tigard residents, and unincorporated Bull Mountain residents to provide additional time for public discussion and review of key benefits of the Bull Mountain Annexation Plan;

SECTION 2: Council will review subcommittee work by July 2004 and consider placing the Bull Mountain Annexation Plan on the November 2004 ballot with a July 1, 2005 annexation date;

SECTION 3: Council requests that the Washington County Board of Commissioners accept this resolution as a commitment from the Tigard City Council and begin collecting parks System Development Charges in the unincorporated area to set the funds aside until the effective annexation date;

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This 16th day of December, 2003.

~~Mayor - City of Tigard~~
Mayor Pro Tem – City of Tigard

ATTEST:

~~City Recorder - City of Tigard~~
Greer A. Gaston, Deputy City Recorder

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