

AGENDA

Thursday, September 24, 2015 – 6:00 PM
BOARD OF COUNTY COMMISSIONERS

Beginning Board Order No. 2015-93

CALL TO ORDER

- Roll Call
- Pledge of Allegiance

I. CITIZEN COMMUNICATION *(The Chair of the Board will call for statements from citizens regarding issues relating to County government. It is the intention that this portion of the agenda shall be limited to items of County business which are properly the object of Board consideration and may not be of a personal nature. Persons wishing to speak shall be allowed to do so after registering on the blue card provided on the table outside of the hearing room prior to the beginning of the meeting. Testimony is limited to three (3) minutes. Comments shall be respectful and courteous to all.)*

II. PUBLIC HEARINGS *(The following items will be individually presented by County staff or other appropriate individuals. Persons appearing shall clearly identify themselves and the department or organization they represent. In addition, a synopsis of each item, together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

1. Board Order No. _____ Boundary Change No. CL 15-003 Annexation to Sunrise Water Authority (Chris Storey, County Counsel and Ken Martin, Boundary Change Consultant)
2. Board Order No. _____ Boundary Change No. CL 15-004 Annexation to Clackamas County Service District No. 1 (Chris Storey, County Counsel and Ken Martin, Boundary Change Consultant)
3. Board Order No. _____ Boundary Change No. CL 15-005 Annexation to Clackamas County Service District No. 1 (Chris Storey, County Counsel and Ken Martin, Boundary Change Consultant)

III. PUBLIC DISCUSSION ITEM *(The following items will be individually presented by County staff or other appropriate individuals. Citizens wishing to comment on a discussion item must fill out a blue card provided on the table outside of the hearing room prior to the beginning of the meeting.)*

Department of Transportation & Development

1. Marijuana Land Use Issues Discussion (Dan Chandler, Mike McCallister)

IV. CONSENT AGENDA *(The following Items are considered to be routine, and therefore will not be allotted individual discussion time on the agenda. Many of these items have been discussed by the Board in Work Sessions. The items on the Consent Agenda will be approved in one motion unless a Board member requests, before the vote on the motion, to have an item considered at its regular place on the agenda.)*

A. Elected Officials

1. Approval of Previous Business Meeting Minutes – *BCC*

B. Community Corrections

1. Approval of a Contract Amendment No. 4 with Bridges to Change Inc. for Women’s Mental Health Housing and Mentoring Services - *Purchasing*

C. Business & Community Services

1. Approval of an Intergovernmental Agreement (License Agreement) between Clackamas County Business and Community Services and the Northwest Economic Research Center (NERC) at Portland State University for Access to the Portland Metro Regional Population and Economic Forecast Reports and Acceptance of a License Agreement to Copy, Display and Distribute the Forecast Reports

V. DEVELOPMENT AGENCY

1. Approval of a Contract with Haper Houf Peterson Righellis, Inc. for Consulting Services for Engineering Design and Construction Plans for the Southwest Connector Project - *Purchasing*

VI. COUNTY ADMINISTRATOR UPDATE

VII. COMMISSIONERS COMMUNICATION

NOTE: *Regularly scheduled Business Meetings are televised and broadcast on the Clackamas County Government Channel. These programs are also accessible through the County’s Internet site. DVD copies of regularly scheduled BCC Thursday Business Meetings are available for checkout at the Clackamas County Library in Oak Grove. You may also order copies from any library in Clackamas County or the Clackamas County Government Channel.* www.clackamas.us/bcc/business.html



September 24, 2015

Board of County Commissioners
Clackamas County

Members of the Board:

Consideration of Boundary Change Proposal No. CL-15-003,
Annexation into Sunrise Water Authority

Stephen L. Madkour
County Counsel

Kimberley Ybarra
Kathleen Rastetter
Chris Storey
Scott C. Ciecko
Alexander Gordon
Amanda Keller
Nathan K. Boderman
Christina Thacker
Assistants

Purpose/Outcomes	Conduct Public Hearing/Consider Order
Dollar Amount and Fiscal Impact	None
Funding Source	Not Applicable
Safety Impact	Not Applicable
Duration	Perpetual
Previous Board Action	None
Contact Person	Chris Storey, Assistant County Counsel Ken Martin, Boundary Change Consultant - 503 222-0955
Contract No.	Not Applicable

BACKGROUND:

The County Board is charged with making boundary change decisions (annexations, withdrawals, etc.) for many types of special districts (water, sanitary sewer, rural fire protection, etc.) within the County. One type of special district over which the Board has jurisdiction is a water authority. Sunrise Water Authority is such a district.

Proposal No. CL 15-003 is a proposed annexation to Sunrise Water Authority.

State statute and the Metro Code require the Board to hold a public hearing on the proposed annexation. Notice of this hearing invited testimony from any interested party. Notice consisted of: 1) Posting three notices near the territory and one notice near the County hearing room 20 days prior to the hearing; 2) Published notice twice in the Clackamas County Review; 3) Mailed notice sent to affected local governments and all property owners within 100 feet of the area to be annexed.

As required by statute the Board of the District has endorsed the proposed annexation. Also as required by statute (ORS 198.720(1)) the City of Happy Valley has approved this petition.

This proposal was initiated by a consent petition of the owners of all of the property to be annexed. The petition meets the requirement for initiation set forth in ORS 198.857, ORS

198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040(a) (lists Metro's minimum requirements for petition). If the Board approves the proposal the boundary change will become effective immediately.

The territory to be annexed is located generally on the eastern edge of the District within the City of Happy Valley. The territory contains 28.42 acres, four single family dwellings, and is valued at \$867,988.

REASON FOR ANNEXATION:

The property owners desire annexation to provide water service to facilitate development of three single family subdivisions totaling 150 units.

CRITERIA:

Oregon Revised Statute 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

Sunrise Water Authority is the provider of water service to the City of Happy Valley.

Additional criteria can be found in the Metro Code. The code requires a report which addresses the criteria listed below and which includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;
2. Whether the proposed boundary change will result in the withdrawal of territory from the legal boundary of any necessary party¹; and
3. The proposed effective date of the boundary change.

HAPPY VALLEY PLANNING

Following Comprehensive Plan amendments, zone changes and Environmental Permit approvals the City of Happy Valley has zoned the area Mixed Use Residential – single Family (TL's 700, 2400, 2000, 2002 & 2003) and R-5 and R-7 residential (TL 301). The proposed development can be accomplished under these designations.

RECOMMENDATION:

Based on the attached Order and proposed Findings, Staff recommends approval of Proposal No. CL-15-003, annexation to Sunrise Water Authority.

Respectfully submitted,



Chris Storey

¹ A "necessary party" is another governmental entity which includes the same area or provides an urban service to the area.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Approving
Boundary Change Proposal
No. CL 15-003



ORDER NO.

WHEREAS, this matter coming before the Board at this time, and it appearing that all of the owners of the land in the territory to be annexed have petitioned to annex the territory to Sunrise Water Authority;

WHEREAS, it further appearing that this Board is charged with deciding this proposal for a boundary change pursuant to ORS Chapters 198 and Metro Code 3.09; and

WHEREAS, it further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050(b); and

WHEREAS, it further appearing that this matter came before the Board for public hearing on September 24, 2015 and that a decision of approval was made on September 24, 2015;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL 15-003 is approved for the reasons stated in attached Exhibit A and the territory described in Exhibit B and depicted on Exhibit C is annexed to Sunrise Water Authority as of September 24, 2015.

DATED this 24th day of September, 2015.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

FINDINGS

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

1. The territory to be annexed contains 28.42 acres, four single family dwellings, and is valued at \$867,988.
2. The property owners desire annexation to provide water service to facilitate development of three single family subdivisions totaling 150 units.
3. Oregon Revised Statute 198 directs the Board to “consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.”

Sunrise Water Authority is the provider of water service to the City of Happy Valley.

Additional criteria can be found in the Metro Code. The code requires a report which addresses the criteria listed below and which includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;
2. Whether the proposed boundary change will result in the withdrawal of territory from the legal boundary of any necessary party¹; and
3. The proposed effective date of the boundary change.

Service availability is covered in the findings below. Staff has examined the statutes and determined that approval of this annexation will not cause the withdrawal of the affected territory from the boundary of any necessary party. The proposed effective date is immediately upon adoption.

To approve a boundary change, the reviewing entity [the County Board] must apply the following criteria:

To approve a boundary change the County must:

- (1) Find that the change is consistent with expressly applicable provisions in:
 - (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;

¹ A “necessary party” is another governmental entity which includes the same area or provides an urban service to the area.

- (B) Any applicable annexation plan adopted pursuant to ORS 195.205;
 - (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;
 - (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and
 - (E) Any applicable comprehensive plan;
 - (F) Any applicable concept plan; and
- (2) Consider whether the boundary change would:
- (A) Promote the timely, orderly and economic provision of public facilities and services;
 - (B) Affect the quality and quantity of urban services; and
 - (C) Eliminate or avoid unnecessary duplication of facilities and services.

There are no cooperative agreements, urban service agreements or annexation plans specifically adopted pursuant to ORS 195 in effect in this area. The proposal is consistent with the Comprehensive Plan as stated in Finding 6 below. No concept plans cover this area.

4. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

The law that requires Metro to adopt criteria for boundary changes specifically states that Metro shall " . . . ensure that a boundary change is in compliance with the Metro regional framework plan as defined in ORS 197.015 and cooperative agreements and urban service agreements adopted pursuant to ORS chapter 195." ORS 197.015 says "Metro regional framework plan means the regional framework plan required by the 1992 Metro Charter or its separate components." The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan, which were examined and found not to contain any directly applicable standards and criteria for boundary changes.

5. The PUBLIC FACILITIES AND SERVICES Element of the Comprehensive Plan contains the following Goal:

POLICIES

Water

* * *

- 15.0 Require water purveyors in urban areas to coordinate the extension of water services with other key facilities, i.e., transportation, sanitary sewers, and storm drainage facilities, necessary to serve additional lands.
6. Following Comprehensive Plan amendments, zone changes and Environmental Permit approvals the City of Happy Valley has zoned the area Mixed Use Residential – single Family (TL’s 700, 2400, 2000, 2002 & 2003) and R-5 and R-7 residential (TL 301). The proposed development can be accomplished under these designations.
7. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. There are no urban service agreements under ORS 195 relative to water service in this area of Clackamas County.
8. Clackamas County Service District No. 1 has an 8 inch sewer line available to serve the area in SE 172nd Avenue. Annexation to that district is proposed under a separate proceeding.
9. The territory to be annexed is adjacent to the Sunrise Water Authority and the Authority has an 8-inch water line in SE 172nd Avenue which can serve the site.
10. The area receives police service from the City of Happy Valley which contracts with the Clackamas County Sheriff’s Department.
11. The territory is within the Clackamas County R.F.P.D. #1. This service will not be affected by annexation to the Water Authority.
12. The area to be annexed is within the North Clackamas County Parks & Recreation District.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Board determined:

1. The Metro Code requires the boundary change decision to be consistent with expressly applicable provisions in any urban service provider agreements, cooperative agreements and annexation plans adopted pursuant to ORS 195. As noted in Findings 3 & 7 there are no such agreements or plans in place in this area. The Board concludes that its decision is not inconsistent with any such agreements and plans.
2. The Metro Code calls for consistency between the Board decision and any "applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services." The Board notes that the balance of the City of Happy Valley is served by the Sunrise Water Authority and no other entity has the capability of serving this site.
3. ORS 198 requires consideration of the comprehensive plan and any service agreements affecting the area. The Board has reviewed the applicable comprehensive plans (Clackamas County's Comprehensive Plan and Happy Valley's Comprehensive Plan) and concludes this proposal complies with them. All other necessary urban services can be made available.
4. The Board considered the timing & phasing of public facilities to this area, the quantity and quality of services available and the potential for duplication of services. The District has service available to the area to be annexed as noted in Finding No. 9. The Board concludes this annexation is timely, the District has an adequate quantity and quality of services available and that the services are not duplicative.
5. The Metro Code at 3.09.050 (B) (2) requires a determination of whether the boundary change will cause withdrawal of the territory from the boundary of any necessary party. An examination of this issue found that no such withdrawals would be caused by approval of this annexation.



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #4008

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

EXHIBIT B Page 1 of 2

Section 30 Annexation Description

A tract of land located in the Southwest One-Quarter and the Southeast One-Quarter of Section 30, Township 1 South, Range 3 East, Willamette Meridian, City of Happy Valley, Clackamas County, Oregon and being more particularly described as follows:

Beginning at the South One-Quarter corner to said Section 30, being a point on the centerline of SE 172nd Avenue, thence along the south line of said Section 30 and Sunrise Water District Boundary, North 89°09'59" West 30.00 feet to a point on the westerly right-of-way line of SE 172nd Avenue (30.00 feet perpendicular to said centerline); thence along said westerly right-of-way line North 01°23'14" East 439.55 feet to a point on the south line of Deed Document Number 2014-052446; thence along said south line North 89°11'01" West 991.27 feet to the southwest corner of said Deed; thence along the west line of said Deed North 01°23'14" East 280.49 feet to the northwest corner of said Deed; thence along the north line of said Deed South 89°12'44" East 991.28 feet to a point on said westerly right-of-way line of SE 172nd Avenue (30.00 feet perpendicular to said centerline); thence along said westerly right-of-way line North 01°23'14" East 305.86 to the intersection of said westerly Right-of-Way line and the south line of Deed Document Number 92-73809; thence along the southerly line of said Deed North 83°53'46" West 697.40 feet; thence continuing along said south line South 87°40'37" West 343.10 feet; thence continuing along said south line North 88°21'54" West 305.16 feet to the southwest corner of said Deed; thence along the west line of said Deed North 01°06'43" East 553.62 feet to the northwest corner of said Deed; thence along the north line of said Deed and the easterly extension thereof South 89°42'14" East 1405.49 feet a point on the easterly right-of-way line of SE 172nd Avenue (30.00 feet perpendicular to said centerline); thence along said easterly right-of-way line South 01°23'14" West 25.22 feet to a point on the easterly extension of the north line of Deed Document Number 2009-062184; thence along said easterly extension and the north line of said Deed North 89°42'14" West 352.35 feet to the northwest corner of said Deed; thence along the west line of said Deed South 01°23'14" West 296.90 feet to the southwest corner of said Deed; thence along the south line of said Deed and the easterly extension thereof South 89°35'58" East 352.34 feet to a point on the easterly right-of-way line of SE 172nd Avenue (30.00 feet perpendicular to said centerline); thence along said easterly right-of-way line South 01°23'14" West 1320.01 feet to a point on the centerline of SE Hemrick Road (County Road No. 494) ; thence along said centerline North 88°57'05" West 30.00 feet to the **Point of Beginning of the Herein-Described Annexation Tract.**

The above described Annexation Tract of land containing 23.77 acres, more or less.

08/28/2015

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 16, 1987
THEODORE G. LAMBERT
2294

RENEWS: 12/31/16



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
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AKS Job #4008

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

EXHIBIT B Page 2 of 2

Section 31 Annexation Description

A portion of Document Number 2014-050385, located in the Northwest One-Quarter of Section 31, Township 1 South, Range 3 East, Willamette Meridian, City of Happy Valley, Clackamas County, Oregon and being more particularly described as follows:

COMMENCING at the North One-Quarter corner of Section 31, being a point on the centerline of SE 172nd Avenue, thence along said centerline South 01°35'53" West 511.45 feet to a point on the easterly extension of the northerly line of Parcels 2 and 3 of Document Number 2014-050385 and the **Point of Beginning of the Herein-Described Annexation Tract**; thence along said easterly extension and the northerly line of said Parcels 2 and 3, said line also being the existing boundary of Sunrise Water District as it exists April 27, 2015 North 89°09'08" West 1320.17 feet to the northwest corner of said Parcels 2 and 3; thence along the west line of said Parcels 2 and 3, said line also being said Water District Boundary South 01°33'47" West 150.05 feet to the southwest corner of said Parcels 2 and 3; thence along the south boundary of said parcels 2 and 3, said line also being said Water District Boundary; thence along the south boundary of said Parcels 2 and 3, said line also being the boundary of said Water District South 89°09'05" East 1350.08 to a point on the easterly right-of-way line of SE 172nd Avenue (30.00 feet perpendicular to said centerline); thence along said easterly right-of-way line North 01°35'53" East 150.07 feet to a point on the easterly extension of the northerly line of said Parcels 2 and 3, said line also being said Water District Boundary; thence along said easterly extension and said Water District Boundary North 89°09'08" West 30.00 feet to the **Point of Beginning of the Herein-Described Annexation Tract**.

The above described Annexation Tract of land containing 4.65 acres, more or less.

08/28/2015

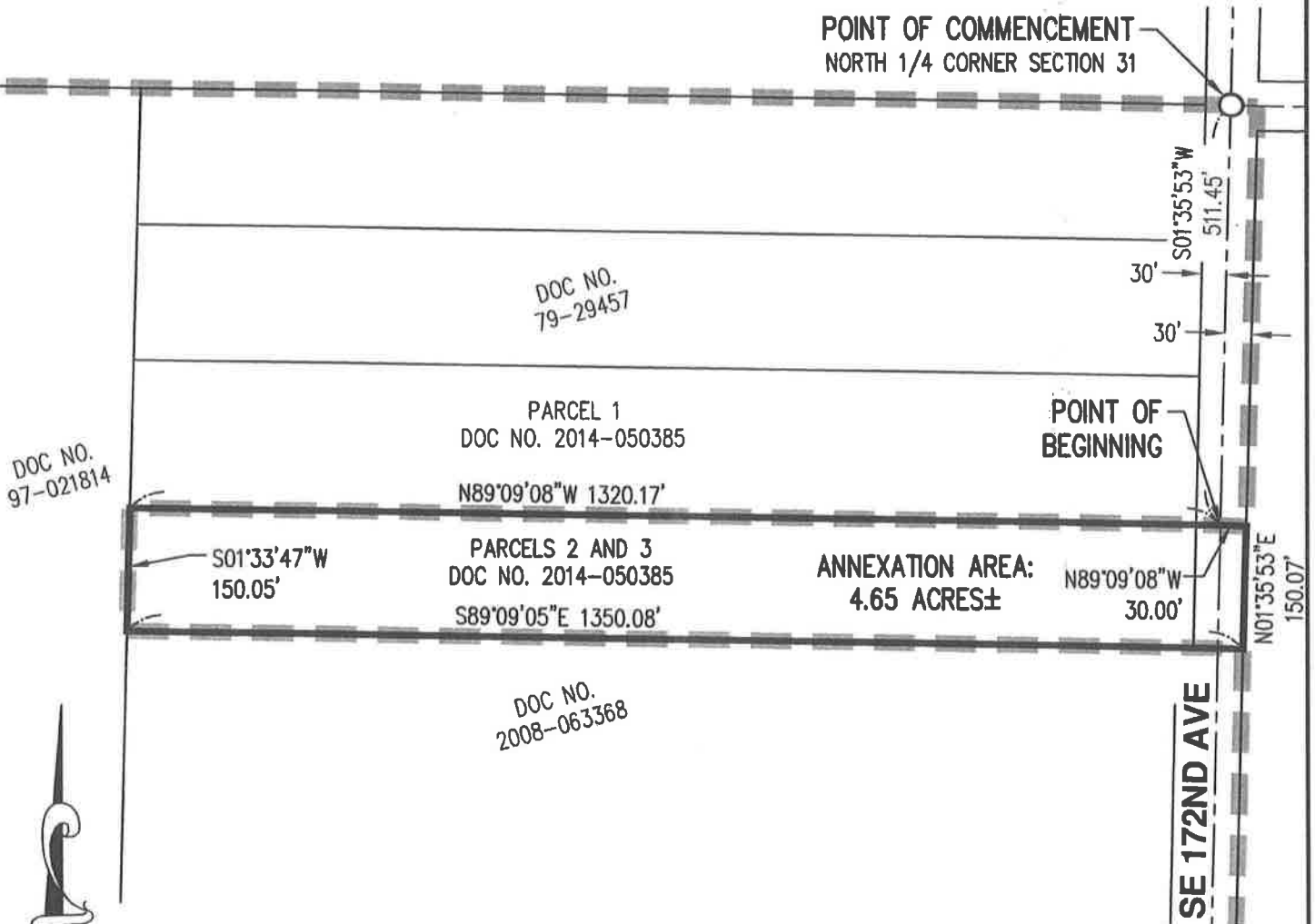


EXHIBIT C Page 1 of 2

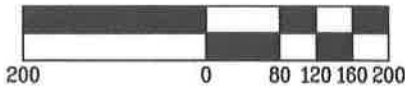
MAP OF ANNEXATION

A PORTION OF DOC. NO. 2014-050385, LOCATED IN THE NW 1/4 OF SEC. 31, T1S, R3E, W.M., CITY OF HAPPY VALLEY, CLACKAMAS COUNTY, OREGON

POINT OF COMMENCEMENT
NORTH 1/4 CORNER SECTION 31



SCALE 1" = 200 FEET



08/28/15

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Theodore G. Lambert

OREGON
JULY 16, 1987
THEODORE G. LAMBERT
2294
RENEWS: 12/31/16

LEGEND

— SUNRISE WATER DISTRICT BOUNDARY

PREPARED FOR
THE HOLT GROUP, INC.
PO BOX 87970
VANCOUVER, WA 98687

SCOUTER'S MEADOW SUNRISE WATER AUTHORITY ANNEXATION		EXHIBIT C
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD SUITE 100 TUALATIN, OR 97062 www.aks-eng.com PHONE: 503.563.6151 FAX: 503.563.6152		DRWN: MSK CHKD: TGL AKS JOB: 4008

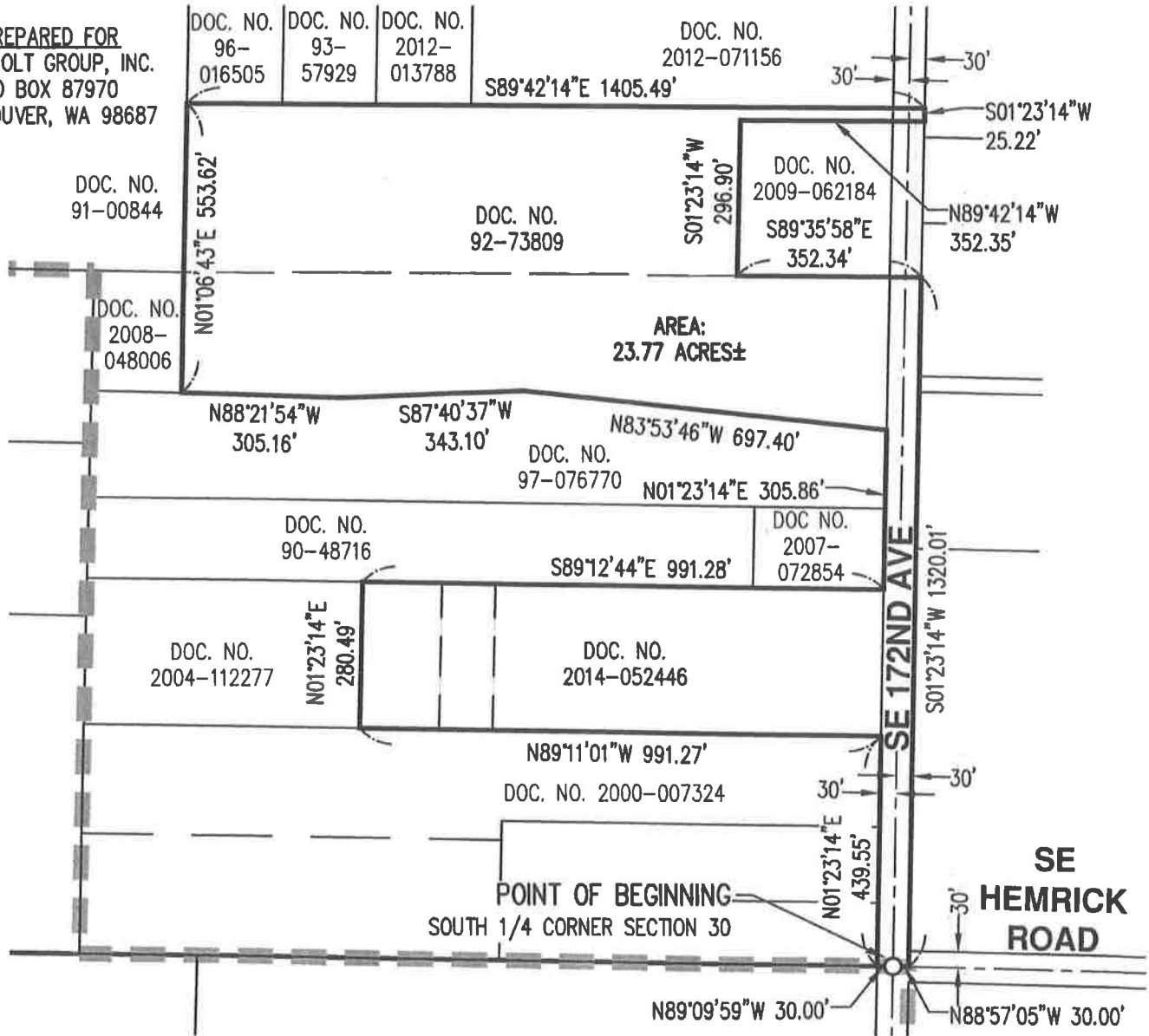


EXHIBIT C Page 2 of 2

MAP OF ANNEXATION

A PORTION OF DOC. NO. 2014-050385, LOCATED IN THE SW 1/4 AND THE SE 1/4 OF SEC. 30, T1S, R3E, W.M., CITY OF HAPPY VALLEY, CLACKAMAS COUNTY, OREGON

PREPARED FOR
THE HOLT GROUP, INC.
PO BOX 87970
VANCOUVER, WA 98687



08/28/15

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Theodore G. Lambert

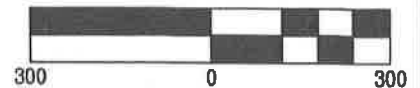
OREGON
JULY 16, 1987
THEODORE G. LAMBERT
2294

RENEWS: 12/31/16

LEGEND

— SUNRISE WATER DISTRICT BOUNDARY

SCALE 1" = 300 FEET



SE 172ND AVENUE SUNRISE WATER AUTHORITY ANNEXATION		EXHIBIT C
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD SUITE 100 TUALATIN, OR 97062 www.aks-eng.com PHONE: 503.563.6151 FAX: 503.563.6152		DRWN: MSK CHKD: TGL AKS JOB: 4008





OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
2051 KAEN ROAD OREGON CITY, OR 97045

September 24, 2015

Stephen L. Madkour
County Counsel

Board of County Commissioners
Clackamas County

Kimberley Ybarra
Kathleen Rastetter
Chris Storey
Scott C. Ciecko
Alexander Gordon
Amanda Keller
Nathan K. Boderman
Christina Thacker
Assistants

Members of the Board:

Consideration of Boundary Change Proposal No. CL-15-004,
Annexation to Clackamas County Service District No. 1

Purpose/Outcomes	Conduct Public Hearing/Approve Order
Dollar Amount and Fiscal Impact	None
Funding Source	Not Applicable
Safety Impact	Not Applicable
Duration	Perpetual
Previous Board Action	None
Contact Person	Chris Storey, Assistant County Counsel Ken Martin, Boundary Change Consultant - 503 222-0955
Contract No.	Not Applicable

BACKGROUND:

The County Board is charged with making boundary change decisions (annexations, withdrawals, etc.) for many types of special districts (water, sanitary sewer, rural fire protection, etc.) within the County. One type of special district over which the Board has jurisdiction is a county service district and Clackamas County Service District No. 1 is such a district.

Proposal No. CL 15-004 is a proposed annexation to Clackamas County Service District No. 1.

State statute and the Metro Code require the Board to hold a public hearing on the proposed annexation. Notice of this hearing invited testimony from any interested party. Notice consisted of: 1) Posting three notices near the territory and one notice near the County hearing room 20 days prior to the hearing; 2) Published notice twice in the Clackamas County Review; 3) Mailed notice sent to affected local governments and all property owners within 100 feet of the area to be annexed.

As required by statute the Board of the District has endorsed the proposed annexation. Also as required by statute (ORS 198.720(1)) the City of Happy Valley has approved this petition.

This proposal was initiated by a consent petition of the owners of all of the property to be annexed. The petition meets the requirement for initiation set forth in ORS 198.855, ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040(a) (lists Metro's minimum requirements for petition). If the Board approves the proposal the boundary change will become effective immediately.

The territory to be annexed is located generally on the eastern edge of the District within the City of Happy Valley. The territory contains 5.22 acres, one vacant single family dwelling and is valued at \$299,762.

REASON FOR ANNEXATION:

The property owners desire annexation to provide sewer service to facilitate development of a 22 lot family subdivision.

CRITERIA:

Oregon Revised Statute 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

Clackamas County Service District No. 1 and the City of Happy Valley do have an agreement calling for the District to be the provider of sewers inside the City.

Additional criteria can be found in the Metro Code. The code requires a report which addresses the criteria listed below and which includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;
2. Whether the proposed boundary change will result in the withdrawal of territory from the legal boundary of any necessary party¹; and
3. The proposed effective date of the boundary change.

HAPPY VALLEY PLANNING

The Happy Valley Comprehensive Plan identifies this area as R-7, single Family Residential and the City has approved the proposed 22 lot subdivision.

RECOMMENDATION:

Based on the attached Order and proposed Findings, Staff recommends approval of Proposal No. CL-15-004, annexation to Clackamas County Service District No. 1.

Respectfully submitted,


Chris Storey

¹ A "necessary party" is another governmental entity which includes the same area or provides an urban service to the area.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Approving
Boundary Change Proposal
No. CL 15-004



ORDER NO.

WHEREAS, this matter coming before the Board at this time, and it appearing that all of the owners of the land in the territory to be annexed have petitioned to annex the territory to Clackamas County Service District No. 1;

WHEREAS, it further appearing that this Board is charged with deciding this proposal for a boundary change pursuant to ORS Chapters 198 and Metro Code 3.09; and

WHEREAS, it further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050(b); and

WHEREAS, it further appearing that this matter came before the Board for public hearing on September 24, 2015 and that a decision of approval was made on September 24, 2015;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL 15-004 is approved for the reasons stated in attached Exhibit A and the territory described in Exhibit B and depicted on Exhibit C is annexed to Clackamas County Service District No. 1 as of September 24, 2015.

DATED this 24th day of September, 2015.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

FINDINGS

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

1. The territory to be annexed contains 5.22 acres, one vacant single family dwelling and is valued at \$299,762.
2. The property owners desire annexation to provide sewer service to facilitate development of a 22 lot family subdivision.
3. Oregon Revised Statute 198 directs the Board to “consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.”

Clackamas County Service District No. 1 and the City of Happy Valley do have an agreement calling for the District to be the provider of sewers inside the City.

Additional criteria can be found in the Metro Code. The code requires a report which addresses the criteria listed below and which includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;
2. Whether the proposed boundary change will result in the withdrawal of territory from the legal boundary of any necessary party¹; and
3. The proposed effective date of the boundary change.

Service availability is covered in the findings below. Staff has examined the statutes and determined that approval of this annexation will not cause the withdrawal of the affected territory from the boundary of any necessary party. The proposed effective date is immediately upon adoption.

To approve a boundary change, the reviewing entity [the County Board] must apply the following criteria:

To approve a boundary change the County must:

- (1) Find that the change is consistent with expressly applicable provisions in:
 - (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;

¹ A “necessary party” is another governmental entity which includes the same area or provides an urban service to the area.

- (B) Any applicable annexation plan adopted pursuant to ORS 195.205;
 - (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;
 - (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and
 - (E) Any applicable comprehensive plan;
 - (F) Any applicable concept plan; and
- (2) Consider whether the boundary change would:
- (A) Promote the timely, orderly and economic provision of public facilities and services;
 - (B) Affect the quality and quantity of urban services; and
 - (C) Eliminate or avoid unnecessary duplication of facilities and services.

There are no cooperative agreements, urban service agreements or annexation plans specifically adopted pursuant to ORS 195 in effect in this area. The original public facility plan for this area does call for service by the District. The proposal is consistent with the Comprehensive Plan as stated in Finding 6 below. No concept plans cover this area.

4. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

The law that requires Metro to adopt criteria for boundary changes specifically states that Metro shall “. . . ensure that a boundary change is in compliance with the Metro regional framework plan as defined in ORS 197.015 and cooperative agreements and urban service agreements adopted pursuant to ORS chapter 195.” ORS 197.015 says “Metro regional framework plan means the regional framework plan required by the 1992 Metro Charter or its separate components.” The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan, which were examined and found not to contain any directly applicable standards and criteria for boundary changes.

5. The PUBLIC FACILITIES AND SERVICES Element of the Comprehensive Plan contains the following Goal:

POLICIES

Sanitary Sewage Disposal

* * *

- 6.0 Require sanitary sewerage service agencies to coordinate extension of sanitary services with other key facilities, i.e., water, transportation, and storm drainage systems, which are necessary to serve additional lands.
6. The Happy Valley Comprehensive Plan identifies this area as R-7, single Family Residential and the City has approved the proposed 22 lot subdivision.
 7. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. There are no urban service agreements under ORS 195 relative to sewer service in this area of Clackamas County.
 8. The District has an 8 inch sewer line available to serve the area in SE 172nd Avenue.
 9. The territory to be annexed is within the Sunrise Water Authority. The Authority has an 8 inch water line in S.E. 172nd Avenue which can serve the site.
 10. The area receives police service from City of Happy Valley which contracts with the Clackamas County Sheriff's Department.
 11. The territory is within the Clackamas County R.F.P.D. #1. This service will not be affected by annexation to the County Service District for sanitary sewers.
 12. The area to be annexed is within the North Clackamas Parks & Recreation District.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Board determined:

1. The Metro Code requires the boundary change decision to be consistent with expressly applicable provisions in any urban service provider agreements, cooperative agreements and annexation plans adopted pursuant to ORS 195. As noted in Findings 3 & 7 there are no such agreements or plans in place in this area. The Board concludes that its decision is not inconsistent with any such agreements and plans.
2. The Metro Code calls for consistency between the Board decision and any "applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services." The Board notes the original public facility plan for this area does call for sewer service by the District.
3. ORS 198 requires consideration of the comprehensive plan and any service agreements affecting the area. The Board has reviewed the applicable comprehensive plans (Clackamas County's Comprehensive Plan and Happy Valley's Comprehensive Plan) and concludes this proposal complies with them. All other necessary urban services can be made available.
4. The Board considered the timing & phasing of public facilities to this area, the quantity and quality of services available and the potential for duplication of services. The District has service available to the area to be annexed as noted in Finding No. 8. The Board concludes this annexation is timely, the District has an adequate quantity and quality of services available and that the services are not duplicative.
5. The Metro Code at 3.09.050 (B) (2) requires a determination of whether the boundary change will cause withdrawal of the territory from the boundary of any necessary party. An examination of this issue found that no such withdrawals would be caused by approval of this annexation.



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #4072

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

EXHIBIT B

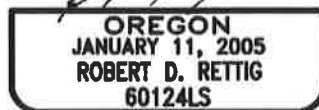
Annexation Description

A tract of land located in the Southeast One-Quarter of Section 6, Township 2 South, Range 3 East, Willamette Meridian, Clackamas County, Oregon and being more particularly described as follows:

Beginning at the northwest corner of Lot 10 of the Plat of "Sun Valley Estates", thence along the west line of said Lot 10 and the west line of Lot 9 of said plat South 01°21'02" West 644.35 feet to the southwest corner of said Lot 9, being the north line of Document Number 80-36009 and the north line of the Clackamas County Service District #1 Boundary; thence along said north line North 88°20'58" West 64.44 feet to the southeast corner of Document Number 2006-074491 and an angle point in said Service District Boundary; thence along the east line thereof North 01°21'02" East 180.00 feet to the northeast corner of said Deed and an angle point in said Service District Boundary; thence along the north line of said Deed and the westerly extension thereof North 88°20'58" West 378.78 feet to a point on the centerline of SE 172nd Avenue; thence along said centerline, along a non-tangent curve to the left with a Radius of 5001.35 feet, Delta of 0°31'44", Length of 46.15 feet, and a Chord of North 3°42'46" West 46.15 feet to a point; thence North 03°58'38" West 396.33 feet to a point; thence along a curve to the right with a Radius of 2000.00 feet, Delta of 0°41'51", Length of 24.35 feet, and a Chord of North 3°37'43" West 24.34 feet to a point on the westerly extension of the south line of the Plat of "Golden Horseshoe Estates"; thence along said south line and the westerly extension thereof South 88°19'03" East 486.21 feet to the Point of Beginning.

The above described tract of land contains 5.22 acres, more or less.

9/15/2015

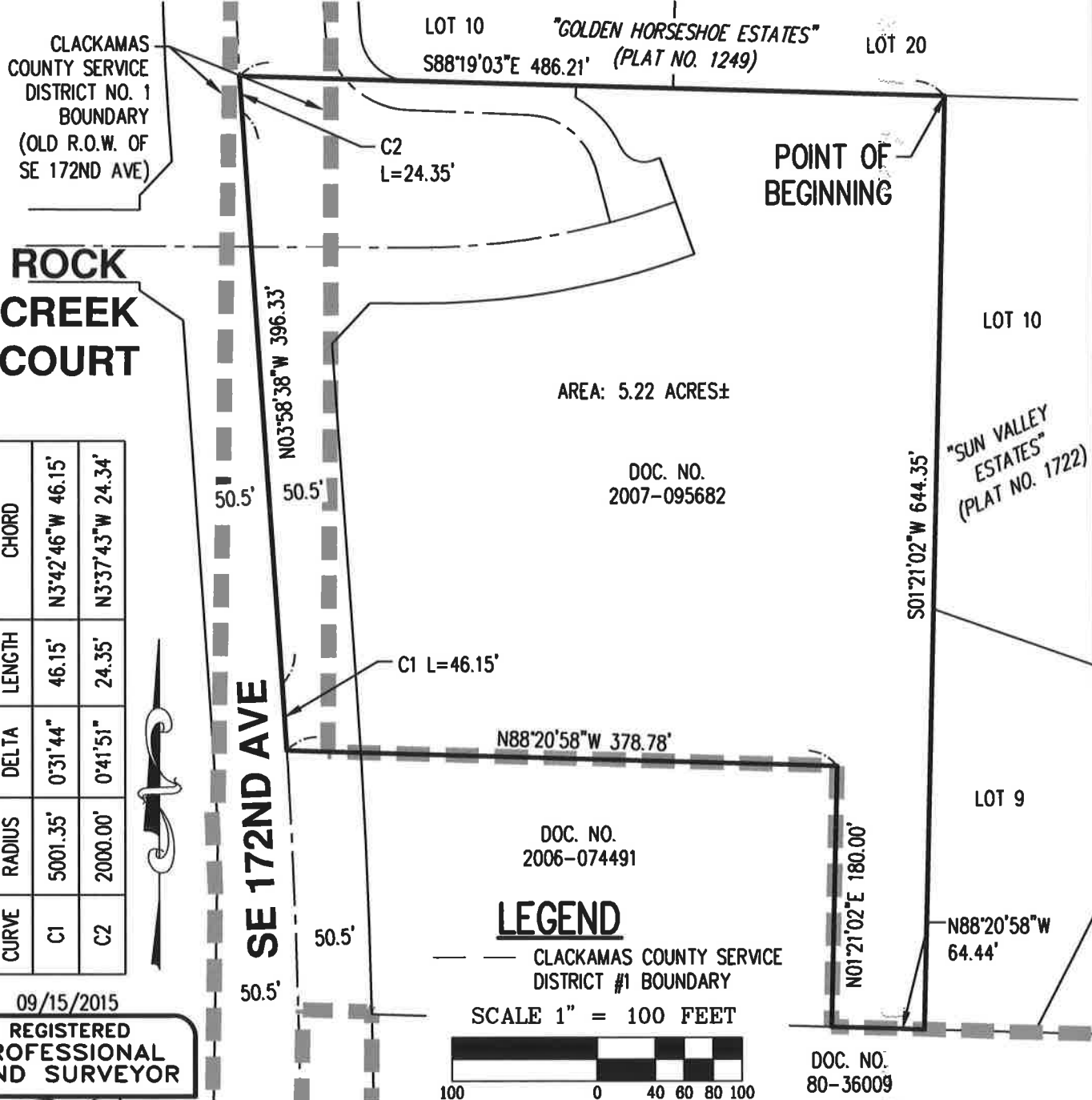


RENEWS: 12/31/16

EXHIBIT C

MAP OF ANNEXATION

A TRACT OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF HAPPY VALLEY, CLACKAMAS COUNTY, OREGON



CURVE TABLE			
CURVE	RADIUS	DELTA	CHORD
C1	5001.35'	0°31'44"	N3°42'46"W 46.15'
C2	2000.00'	0°41'51"	N3°37'43"W 24.34'

09/15/2015

REGISTERED PROFESSIONAL LAND SURVEYOR

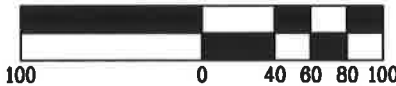
Robert D. Rettig
OREGON
 JANUARY 11, 2005
ROBERT D. RETTIG
 60124LS
 RENEWS: 12/31/16

PREPARED FOR
TIM ALDINGER & ASSOCIATES, INC.
 2655 SW MACADAM AVE
 PORTLAND, OR 97239

LEGEND

— CLACKAMAS COUNTY SERVICE DISTRICT #1 BOUNDARY

SCALE 1" = 100 FEET



QUAIL HILL		EXHIBIT B
CLACKAMAS COUNTY SERVICE DISTRICT NO. 1 ANNEX		
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD SUITE 100 TUALATIN, OR 97062 www.aks-eng.com PHONE: 503.563.6151 FAX: 503.563.6152		DRWN: MSK CHKD: RDR AKS JOB: 4072



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
2051 KAEN ROAD OREGON CITY, OR 97045

September 24, 2015

Board of County Commissioners
Clackamas County

Members of the Board:

Stephen L. Madkour
County Counsel

Kimberley Ybarra
Kathleen Rastetter
Chris Storey
Scott C. Ciecko
Alexander Gordon
Amanda Keller
Nathan K. Boderman
Christina Thacker
Assistants

Consideration of Boundary Change Proposal No. CL-15-005,
Approval of Annexation to Clackamas County Service District No. 1

Purpose/Outcomes	Conduct Public Hearing/Approve Order
Dollar Amount and Fiscal Impact	None
Funding Source	Not Applicable
Safety Impact	Not Applicable
Duration	Perpetual
Previous Board Action	None
Contact Person	Chris Storey, Assistant County Counsel Ken Martin, Boundary Change Consultant - 503 222-0955
Contract No.	Not Applicable

BACKGROUND:

The County Board is charged with making boundary change decisions (annexations, withdrawals, etc.) for many types of special districts (water, sanitary sewer, rural fire protection, etc.) within the County. One type of special district over which the Board has jurisdiction is a county service district and Clackamas County Service District No. 1 is such a district.

Proposal No. CL 15-005 is a proposed annexation to Clackamas County Service District No. 1.

State statute and the Metro Code require the Board to hold a public hearing on the proposed annexation. Notice of this hearing invited testimony from any interested party. Notice consisted of: 1) Posting three notices near the territory and one notice near the County hearing room 20 days prior to the hearing; 2) Published notice twice in the Clackamas County Review; 3) Mailed notice sent to affected local governments and all property owners within 100 feet of the area to be annexed.

As required by statute the Board of the District has endorsed the proposed annexation. Also as required by statute (ORS 198.720(1)) the City of Happy Valley has approved this petition.

This proposal was initiated by a consent petition of the owners of all of the property to be annexed. The petition meets the requirement for initiation set forth in ORS 198.855, ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040(a)

(lists Metro's minimum requirements for petition). If the Board approves the proposal the boundary change will become effective immediately.

The territory to be annexed is located generally on the eastern edge of the District within the City of Happy Valley. The territory contains 34.48 acres, four vacant single family dwellings and is valued at \$1,917,593.

REASON FOR ANNEXATION:

The property owners desire annexation to provide sewer service to facilitate development of three single family subdivisions totaling 150 units.

CRITERIA:

Oregon Revised Statute 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

Clackamas County Service District No. 1 and the City of Happy Valley do have an agreement calling for the District to be the provider of sewers inside the City.

Additional criteria can be found in the Metro Code. The code requires a report which addresses the criteria listed below and which includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;
2. Whether the proposed boundary change will result in the withdrawal of territory from the legal boundary of any necessary party¹; and
3. The proposed effective date of the boundary change.

HAPPY VALLEY PLANNING

Following Comprehensive Plan amendments, zone changes and Environmental Permit approvals the City of Happy Valley has zoned the area Mixed Use Residential – single Family (TL's 700, 2400, 2000, 2002 & 2003) and R-5 and R-7 residential (TL 300, 301). The proposed development can be accomplished under these designations.

RECOMMENDATION:

Based on the attached Order and proposed Findings, Staff recommends approval of Proposal No. CL-15-005, annexation to Clackamas County Service District No. 1.

Respectfully submitted,



Chris Storey

¹ A "necessary party" is another governmental entity which includes the same area or provides an urban service to the area.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Approving
Boundary Change Proposal
No. CL 15-005



ORDER NO.

WHEREAS, this matter coming before the Board at this time, and it appearing that all of the owners of the land in the territory to be annexed have petitioned to annex the territory to Clackamas County Service District No. 1;

WHEREAS, it further appearing that this Board is charged with deciding this proposal for a boundary change pursuant to ORS Chapters 198 and Metro Code 3.09; and

WHEREAS, it further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050(b); and

WHEREAS, it further appearing that this matter came before the Board for public hearing on September 24, 2015 and that a decision of approval was made on September 24, 2015;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL 15-005 is approved for the reasons stated in attached Exhibit A and the territory described in Exhibit B and depicted on Exhibit C is annexed to Clackamas County Service District No. 1 as of September 24, 2015.

DATED this 24th day of September, 2015.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

FINDINGS

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

1. The territory to be annexed contains 34.48 acres, four vacant single family dwellings and is valued at \$1,917,593.
2. The property owners desire annexation to provide sewer service to facilitate development of three single family subdivisions totaling 150 units.
3. Oregon Revised Statute 198 directs the Board to “consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.”

Clackamas County Service District No. 1 and the City of Happy Valley do have an agreement calling for the District to be the provider of sewers inside the City:

Additional criteria can be found in the Metro Code. The code requires a report which addresses the criteria listed below and which includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;
2. Whether the proposed boundary change will result in the withdrawal of territory from the legal boundary of any necessary party¹; and
3. The proposed effective date of the boundary change.

Service availability is covered in the findings below. Staff has examined the statutes and determined that approval of this annexation will not cause the withdrawal of the affected territory from the boundary of any necessary party. The proposed effective date is immediately upon adoption.

To approve a boundary change, the reviewing entity [the County Board] must apply the following criteria:

To approve a boundary change the County must:

- (1) Find that the change is consistent with expressly applicable provisions in:
 - (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;

¹ A “necessary party” is another governmental entity which includes the same area or provides an urban service to the area.

- (B) Any applicable annexation plan adopted pursuant to ORS 195.205;
 - (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;
 - (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and
 - (E) Any applicable comprehensive plan;
 - (F) Any applicable concept plan; and
- (2) Consider whether the boundary change would:
- (A) Promote the timely, orderly and economic provision of public facilities and services;
 - (B) Affect the quality and quantity of urban services; and
 - (C) Eliminate or avoid unnecessary duplication of facilities and services.

There are no cooperative agreements, urban service agreements or annexation plans specifically adopted pursuant to ORS 195 in effect in this area. The original public facility plan for this area does call for service by the District. The proposal is consistent with the Comprehensive Plan as stated in Finding 6 below. No concept plans cover this area.

4. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

The law that requires Metro to adopt criteria for boundary changes specifically states that Metro shall “. . . ensure that a boundary change is in compliance with the Metro regional framework plan as defined in ORS 197.015 and cooperative agreements and urban service agreements adopted pursuant to ORS chapter 195.” ORS 197.015 says “Metro regional framework plan means the regional framework plan required by the 1992 Metro Charter or its separate components.” The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan, which were examined and found not to contain any directly applicable standards and criteria for boundary changes.

5. The PUBLIC FACILITIES AND SERVICES Element of the Comprehensive Plan contains the following Goal:

POLICIES

Sanitary Sewage Disposal

* * *

- 6.0 Require sanitary sewerage service agencies to coordinate extension of sanitary services with other key facilities, i.e., water, transportation, and storm drainage systems, which are necessary to serve additional lands.
6. Following Comprehensive Plan amendments, zone changes and Environmental Permit approvals the City of Happy Valley has zoned the area Mixed Use Residential – single Family (TL's 700, 2400, 2000, 2002 & 2003) and R-5 and R-7 residential (TL 300, 301). The proposed development can be accomplished under these designations:
 7. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. There are no urban service agreements under ORS 195 relative to sewer service in this area of Clackamas County.
 8. The District has an 8 inch sewer line available to serve the area in SE 172nd Avenue.
 9. The bulk of the territory to be annexed is adjacent to the Sunrise Water Authority and a separate annexation to that entity is being pursued. One tax lot (300) is already within the Sunrise Water Authority. The Authority has an 8 inch water line in S.E. 172nd Avenue which can serve the site.
 10. The area receives police service from City of Happy Valley which contracts with the Clackamas County Sheriff's Department.
 11. The territory is within the Clackamas County R.F.P.D. #1. This service will not be affected by annexation to CCSD#1 for sanitary sewer service.
 12. The area to be annexed is within the North Clackamas Parks & Recreation District.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Board determined:

1. The Metro Code requires the boundary change decision to be consistent with expressly applicable provisions in any urban service provider agreements, cooperative agreements and annexation plans adopted pursuant to ORS 195. As noted in Findings 3 & 7 there are no such agreements or plans in place in this area. The Board concludes that its decision is not inconsistent with any such agreements and plans.
2. The Metro Code calls for consistency between the Board decision and any "applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services." The Board notes the original public facility plan for this area does call for sewer service by the District.
3. ORS 198 requires consideration of the comprehensive plan and any service agreements affecting the area. The Board has reviewed the applicable comprehensive plans (Clackamas County's Comprehensive Plan and Happy Valley's Comprehensive Plan) and concludes this proposal complies with them. All other necessary urban services can be made available.
4. The Board considered the timing & phasing of public facilities to this area, the quantity and quality of services available and the potential for duplication of services. The District has service available to the area to be annexed as noted in Finding No. 8. The Board concludes this annexation is timely, the District has an adequate quantity and quality of services available and that the services are not duplicative.
5. The Metro Code at 3.09.050 (B) (2) requires a determination of whether the boundary change will cause withdrawal of the territory from the boundary of any necessary party. An examination of this issue found that no such withdrawals would be caused by approval of this annexation.



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #4004

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

EXHIBIT B

Sections 30 and 31 Annexation Description

A tract of land located in the Southwest One-Quarter and the Southeast One-Quarter of Section 30 and in the Northwest One-Quarter and the Northeast One-Quarter off Section 31, Township 1 South, Range 3 East, Willamette Meridian, City of Happy Valley, Clackamas County, Oregon and being more particularly described as follows:

COMMENCING at the One-Quarter corner common to said Sections 30 and 31, being a point on the centerline of SE 172nd Avenue, thence along the south line of said Section 30, North 89°09'59" West 30.00 feet to a point on the westerly right-of-way line of SE 172nd Avenue (30.00 feet perpendicular to said centerline), said point being the **Point of Beginning of the Herein-Described Annexation Tract;**

Thence along said westerly right-of-way line North 01°23'14" East 439.55 feet to a point on the south line of Deed Document Number 2014-052446; thence along said south line North 89°11'01" West 991.27 feet to the southwest corner of said Deed; thence along the west line of said Deed North 01°23'14" East 280.49 feet to the northwest corner of said Deed; thence along the north line of said Deed South 89°12'44" East 991.28 feet to a point on said westerly right-of-way line of SE 172nd Avenue (30.00 feet perpendicular to said centerline); thence along said westerly right-of-way line North 01°23'14" East 305.86 to the intersection of said westerly Right-of-Way line and the south line of Deed Document Number 92-73809; thence along the southerly line of said Deed North 83°53'46" West 697.40 feet; thence continuing along said south line South 87°40'37" West 343.10 feet; thence continuing along said south line North 88°21'54" West 305.16 feet to the southwest corner of said Deed; thence along the west line of said Deed North 01°06'43" East 553.62 feet to the northwest corner of said Deed; thence along the north line of said Deed and the easterly extension thereof South 89°42'14" East 1405.49 feet a point on the easterly right-of-way line of SE 172nd Avenue (30.00 feet perpendicular to said centerline); thence along said easterly right-of-way line South 01°23'14" West 25.22 feet to a point on the easterly extension of the north line of Deed Document Number 2009-062184; thence along said easterly extension and the north line of said Deed North 89°42'14" West 352.35 feet to the northwest corner of said Deed; thence along the west line of said Deed South 01°23'14" West 296.90 feet to the southwest corner of said Deed; thence along the south line of said Deed and the easterly extension thereof South 89°35'58" East 352.34 feet to a point on the easterly right-of-way line of SE 172nd Avenue (30.00 feet perpendicular to said centerline); thence along said easterly right-of-way line South 01°23'14" West 1320.01 feet to a point on the centerline of SE Hemrick Road, said point bearing South 88°57'05" East 30.00 feet from said One-Quarter Corner common to Sections 30 and 31; thence continuing along said easterly right-of-way line South 01°35'53" West 661.41 feet to a point on the easterly extension of the south line of Deed Document Number 2014-050385; thence along said easterly extension and the south line of said Deed North 89°09'05" West 1350.08 feet to the southwest corner of said Deed; thence along the west line of said Deed North 01°33'47" East 330.49 feet to the northwest corner of said Deed; thence along the north line of said Deed South 89°09'44" East 1290.28 feet to a point on the

westerly right-of-way line of SE 172nd Avenue (30.00 feet perpendicular to said centerline);
thence along said westerly right-of-way line North 01°35'53" East 330.77 feet to the **Point of
Beginning of the Herein-Described Annexation Tract.**

The above described Annexation Tract of land contains 34.48 acres, more or less.

09/15/2015

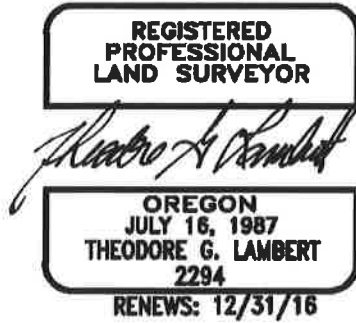
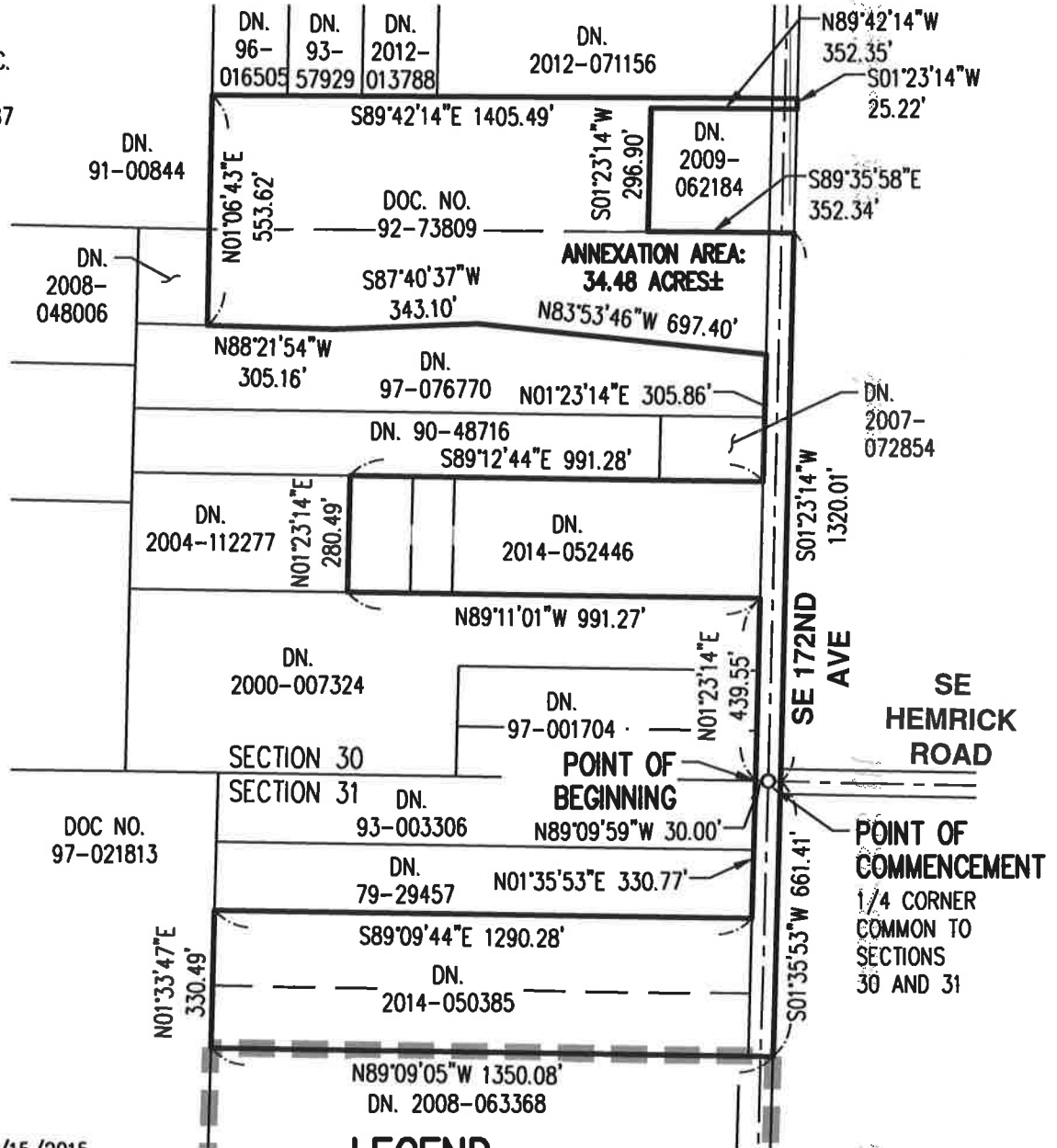


EXHIBIT C

MAP OF ANNEXATION

LOCATED IN THE SW 1/4 AND THE SE 1/4 OF SEC. 30 AND
THE NW 1/4 AND NE 1/4 OF SEC. 31 T1S, R3E, W.M.,
CITY OF HAPPY VALLEY, CLACKAMAS COUNTY, OREGON

PREPARED FOR
THE HOLT GROUP, INC.
PO BOX 87970
VANCOUVER, WA 98687



09/15/2015


REGISTERED
PROFESSIONAL
LAND SURVEYOR

Theodore G. Lambert

OREGON
JULY 16, 1987
THEODORE G. LAMBERT
2294

RENEWS: 12/31/16

LEGEND

-  CLACKAMAS COUNTY SERVICE DISTRICT #1 BOUNDARY
- DN DEED DOCUMENT NUMBER

SCALE 1" = 400 FEET



SE 172ND AVENUE CLACKAMAS COUNTY SERVICE DISTRICT NO. 1		EXHIBIT C
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD SUITE 100 TUALATIN, OR 97062 www.aks-eng.com PHONE: 503.563.6151 FAX: 503.563.6152		DRWN: MSK CHKD: TGL AKS JOB: 4008





September 24, 2015

Board of County Commissioners
Clackamas County

Members of the Board:

Marijuana Land Use Issues Discussion

Purpose/Outcomes	Present information about the status of the marijuana land use issues process in Clackamas County and give the Board of County Commissioners an opportunity to hear from the public.
Fiscal Impact	Current: None Future: Potential for additional costs related to enforcement; potential for additional revenue from the county's share of tax revenue from marijuana sales
Funding Source	To be determined
Safety Impact	---
Duration	Ongoing regulations
Previous Action	<ul style="list-style-type: none"> • On April 16, 2015, the Board of County Commissioners adopted a time/place/manner ordinance for marijuana retail dispensaries in the county • At a July 21, 2015 study session, the County Commission agreed to: <ul style="list-style-type: none"> • Proceed with the process of considering new or amended land use regulations for recreational and medical marijuana facilities, to be effective by January 2016, and • Establish an advisory task force of people representing various stakeholder interests to review and discuss key land use issues related to marijuana
Contact Person	Mike McCallister, County Planning Director, 503-742-4422

BACKGROUND

State Laws and Regulations: In November 2014, Oregon voters approved [Measure 91](#), legalizing marijuana for personal recreational use. In 2015, the State Legislature approved five bills that amend and provide regulations related to recreational and medical marijuana, two of which have provisions related to land use. Recreational marijuana became legal for personal use in Oregon on July 1, 2015.

Medical marijuana is and will continue to be regulated by the [Oregon Health Authority](#) (OHA); recreational marijuana will be regulated by the [Oregon Liquor Control Commission](#) (OLCC). The OLCC is required to adopt administrative rules by Jan. 1, 2016, to administer and implement the law to regulate recreational marijuana purchase, sale, production, processing, transportation and delivery. The OLCC is required to begin accepting license applications to produce, process, wholesale and retail recreational marijuana by Jan. 4, 2016.

County Options: State law gives the county three options for responding to the legalization of recreational marijuana, which are not mutually exclusive.

1. **Opt out** of one or more of the six categories of the marijuana business – producer (grow), processor, wholesaler and retailer (dispensary) categories for recreational operations; processor and retailer (dispensary) for medical operations. If the county chose to opt out of one or more of the six categories, the following would apply:
 - a) There would be a temporary moratorium on the licensing or registration of new marijuana facilities that were included in the opt-out until the date of the next statewide general election. (In order for an election to take place in November 2016, the ordinance would have to be adopted no later than August 2016.)
 - b) It would not affect the personal grow, use and possession allowances set forth in state law.
 - c) It would not affect existing medical marijuana processors and dispensaries that have successfully completed local land use processes and are registered prior to the adoption date of the ordinance.
 - d) The county would be prohibited from imposing a local tax on the sale of marijuana, as provided for in the state law, and would be disqualified from receiving its share of the shared state tax revenue on marijuana sales.
2. **Take no action** and apply existing land use, building code and other regulations and standards to the marijuana business as would be applied to the same category (growing, processing, wholesaling and/or retailing) of any other business.
 - a. Current regulations related to growing/producing, processing, wholesaling and retailing/dispensaries would apply to the marijuana industry.
 - b. The time/place/manner ordinance adopted by the Board in April 2015 would still have to be amended to conform with state law regarding buffer distances between medical and recreational marijuana dispensaries.
3. **Adopt** new land use ordinances regarding regulating recreational marijuana land uses.
 - a. The county has the authority to establish “reasonable regulations” related to impacts and issues of concern such as location, set-backs, security, noise, odor, building size, traffic, etc.
 - b. It would be beneficial to have any new regulations in place by January 2016 when the state will begin accepting applications for licenses for marijuana businesses.

County Process to Date: On July 21, the Board of County Commissioners agreed to proceed with considering new or amended land use regulations for marijuana and also approved the establishment of a community/business task force to review and comment on some of the major policy issues.

Since then the following activities have taken place:

- July 27 - The BCC and Planning Commission met together to discuss policy issues related to marijuana land use issues.
- Aug. 17 - Several commissioners and staff visited two marijuana grow sites to learn more about how the growing process works.
- Aug. 12, 19 and 25 - the Marijuana Land Use Regulations Advisory Task Force met to learn about and discuss marijuana land use policy issues
- Aug. 24 - The Planning Commission held a work session to learn more about marijuana land use legislation and related policy issues.

- Sept. 9 - The BCC held a policy session to discuss marijuana land use issues and determine whether it would be appropriate for the county to send out a notice to property owners about a possible change in land use regulations that could affect them.
- Sept. 17 – Several members of the Planning Commission and staff visited a medical marijuana dispensary.
- Sept. 21 – The Planning & Zoning Division sent draft marijuana land use regulations to the Oregon Department of Land Conservation and Development, as required by law, in preparation for future Planning Commission public hearings; draft regulations posted on county website and available from www.clackamas.us/planning/marijuana.html.
- Sept. 21 – The Marijuana Land Use Issues Advisory Task Force and Planning Commission members were presented information about the draft regulations that had been written by Planning & Zoning Division staff.

The following meetings are scheduled in the coming months:

- Oct. 12: Planning Commission study session (no public testimony) -- 6:30 p.m., Development Services Building, Oregon City)
- Oct. 26 and, if needed, Nov. 2: Planning Commission public hearing (public testimony permitted) – 6 p.m., Abernethy Center, Oregon City
- Nov. 10: Board of County Commissioners planning session (no public testimony) -1:30-3:30 p.m., Public Services Building, Oregon City)
- Nov. 23 and Dec. 2: Board of County Commissioners public hearings (public testimony permitted) - 9:30 a.m., Public Services Building, Oregon City

RECOMMENDATION

Staff respectfully recommends that the Board of County Commissioners:

- listen to public comment on marijuana land use issues at the BCC Business Meeting on September 24 and
- invite anyone who wishes to give public testimony on the draft regulations to do so either in writing (by email to sharig@clackamas.us or by mail to Shari Gilevich, Planning & Zoning Division, 150 Beaver Creek Road, Oregon City, OR 97045) or in person at one of the upcoming Planning Commission and/or Board of County Commissioners public hearings.

Respectfully submitted,

Mike McCallister
Planning Director

DRAFT

Approval of Previous Business Meeting Minutes:

September 10, 2015

(draft minutes attached)

BOARD OF COUNTY COMMISSIONERS BUSINESS MEETING MINUTES

A complete video copy and packet including staff reports of this meeting can be viewed at

<http://www.clackamas.us/bcc/business.html>

Thursday, September 10, 2015 – 10:00 AM

Public Services Building

2051 Kaen Rd., Oregon City, OR 97045

**PRESENT: Commissioner John Ludlow, Chair
Commissioner Jim Bernard
Commissioner Paul Savas
Commissioner Martha Schrader
Commissioner Tootie Smith**

CALL TO ORDER

- Roll Call
- Pledge of Allegiance

I. CITIZEN COMMUNICATION

<http://www.clackamas.us/bcc/business.html>

1. Steve Bates, Boring – request that Boring be removed from the urban reserves designation.
2. Michael Fitz, Chair of Boarding CPO - request that Boring be removed from the urban reserves designation – submitted letter.

~Board Discussion~

II. PUBLIC HEARING

1. Request For An Exemption And Authorization To Use The Request For Proposals Method for the Membrane Roofing System and HVAC Replacement at the Clackamas County Jail Facility Project

Lane Miller, Purchasing presented the staff report.

~Board Discussion~

Chair Ludlow opened the public hearing and asked if anyone wishes to speak, seeing none he asked for a motion.

MOTION:

Commissioner Bernard: I move we approve the Request for an Exemption and Authorization to use the Request for Proposals Method for the Membrane Roofing System and HVAC Replacement at the Clackamas County Jail Facility Project

Commissioner Schrader: Second.

Clerk calls the poll.

Commissioner Bernard: Aye.

Commissioner Smith: Aye.

Commissioner Schrader: Aye.

Commissioner Savas: Aye.

Chair Ludlow: Aye – the motion passes 5-0.

III. CONSENT AGENDA

Chair Ludlow asked the Clerk to read the consent agenda by title – he then asked for a motion.

MOTION:

Commissioner Smith: I move we approve the consent agenda.

Commissioner Bernard: Second.

Clerk calls the poll.

Commissioner Smith: Aye.
Commissioner Schrader: Aye.
Commissioner Savas: Aye.
Commissioner Bernard: Aye.
Chair Ludlow: Aye – the motion passes 5-0.

A. Health, Housing & Human Services

1. Approval of a Construction Agreement between the Department of Health, Housing and Human Services and Par-Tech Construction for the West Linn Senior Center Expansion Project – *Housing & Community Development*
2. Approval of an Intergovernmental Agreement with the Multnomah County Department of Community Justice – Safety First for the Home Visitation Program – *Children, Youth & Families*
3. Approval of a Revenue Intergovernmental Agreement with Mid-Columbia Center for Living for Cost Reimbursement from the Upgrade and Implementation of the Measures and Outcomes Tracking System (MOTS) Module for the Cerner Electronic Health Record Software – *Health Centers*
4. Approval for a Revenue Agreement with CareOregon for the Behavioral Health Clinics Integration to the EPIC Electronic Health Record (HER) System – *Health Centers*
5. Approval of a Revenue Single Case Provider Agreement with Managed Health Network, Inc. (MHN) to Provide Primary and Behavioral Health Services to an Assigned Member at the Clackamas County Health Center Division Clinics – *Health Centers*

B. Department of Transportation & Development

1. Approval of Addendum to Intergovernmental Agreement 2011-4793 with the City of Canby for Grading, Building Inspection, Plan Review and Permitting Services - *DTD*

C. Elected Officials

1. Approval of Previous Business Meeting Minutes – *BCC*

D. Department of Emergency Management

1. Approval of FY2014 Emergency Management Performance Grant Amendment #1 between Clackamas County and the State of Oregon - *EOC*

E. Juvenile Department

1. Approval of Intergovernmental Agreement between City of Oregon City and Clackamas County for Oregon City Enhancement Grant Funds- *Juvenile*

F. Business & Community Services

1. Board Order No. **2015-91** Approving the Clackamas County Public Oral Auction to Disperse Tax Foreclosed and Surplus Properties October 21, 2015 and the Government Distribution to Clackamas County DTD Road Maintenance

IV. DEVELOPMENT AGENCY

1. Approval of the First Amendment to the Disposition & Development Agreement with A4RK, LLC

V. WATER ENVIRONMENT SERVICES

(Service District No. 1, Tri-City Service District & Surface Water Management Agency of Clackamas County)

1. Approval of Intergovernmental Agreement Between Clackamas County Service District No. 1 and Clackamas County for Work on the Tolbert Street – SE 82nd Drive to SE Minuteman Way Project
2. Approval of Intergovernmental Agreement Amendment between Clackamas County Service District No. 1 and Surface Water Management Agency of Clackamas County, and the Regional Coalition for Clean Rivers and Streams to Provide Community Education about Reducing Impacts of Polluted Storm Runoff

VI. COUNTY ADMINISTRATOR UPDATE

<http://www.clackamas.us/bcc/business.html>

The following items were signed by Don Krupp, County Administrator during the two week recess/break, August 24 – September 8, 2015 – as authorized by Board Order No. 2015-87:

	DEPARTMENT	ITEM
1	District Attorney’s Office	Approval to Apply for 2015-2017 Victims of Crime Act & Criminal Fine Account Non-Competitive Program Grant
2	Juvenile Department	Approval of Award for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year 2015 Local Solicitation
3	H3S Housing & Community Development	Approval of a Cooperation Agreement between the Department of Health, Housing & Human Services and Colton Helping Hands for the Colton Foodbank Acquisition and Rehabilitation Project
4	H3S Social Services Division	Approval of Tri-County Metropolitan Transportation District of Oregon (Tri-Met) Agreement No. 16-0804 for Mt. Hood Express Bus Service
5	H3S Social Services Division	Approval of an Intergovernmental Agreement, Amendment No. 2 with Multnomah County Dept. of Human Services, Aging and Disability Services for Options Counseling, Gatekeeper Service and Dementia-Capability Training

VII. COMMISSIONERS COMMUNICATION

<http://www.clackamas.us/bcc/business.html>

MEETING ADJOURNED – 11:01 AM

NOTE: *Regularly scheduled Business Meetings are televised and broadcast on the Clackamas County Government Channel. These programs are also accessible through the County’s Internet site. DVD copies of regularly scheduled BCC Thursday Business Meetings are available for checkout at the Clackamas County Library in Oak Grove. You may also order copies from any library in Clackamas County or the Clackamas County Government Channel.* www.clackamas.us/bcc/business.html



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CLACKAMAS COUNTY COMMUNITY CORRECTIONS
 1024 MAIN STREET • OREGON CITY • OREGON • 97045
 TELEPHONE 503-655-8603 • • • FAX 503-650-8942

Board of County Commissioners
 Clackamas County

Members of the Board:

**Approval of Contract Amendment #4 with Bridges to Change Inc for Women's
 Mental Health Housing and Mentoring Services for Department of Community Corrections**

Purpose/Outcomes	Request the approval of Contract Amendment #4 with Bridges to Change for the provision of additional Mental Health housing and mentoring services.
Dollar Amount and Fiscal Impact	The total amount of the amendment is \$140,000, bringing the contract total to \$817,799.
Funding Source	CCA Grant-in Aid funding.
Safety Impact	Additional mental health housing for female clients.
Duration	September 24, 2015 through June 30, 2016
Previous Board Action	Contract renewed annually.
Contact Person	Captain Chris Hoy, Director - 503-655-8866
Contract No.	2015-0741


Background:

Bridges to Change has been providing transitional housing and mentoring services to offenders releasing from custody into the community for Clackamas County Community Corrections since 2006. This program has evolved from providing 28 beds, one male and one female mentor to 41 beds, six male and two female mentors which includes the Haven House for male mental health clients. We would now like to add mental health housing and mentoring services for our female clients. This amendment will add eight beds, one female house manager/case manager and 0.5 female mentor.

Recommendation:

Staff respectfully recommends the Board of County Commissioners approves this contract amendment with Bridges to Change, allowing for housing and mentoring services to female offenders with mental health diagnoses in Clackamas County.

Respectfully submitted,


 Captain Chris Hoy, Director
 Community Corrections

Placed on the Board Agenda of Sept. 24, 2015 by the Procurement Division.



LANE MILLER
MANAGER

PURCHASING DIVISION

PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

September 24, 2015

MEMORANDUM TO THE BOARD OF COUNTY COMMISSIONERS

Please place on the Board Agenda of **September 24, 2015**, this Amendment #4 to the contract with Bridges to Change Inc for **transitional housing and mentoring services for the Department of Community Corrections**. This amendment was requested by Nora Jones, Community Corrections. The original contract amount was \$580,476.00. Amendment #1 increased the contract amount by \$97,323.00 and added services; Amendment #2 increased the contract amount by \$11,724.00 through December 31, 2013 only; Amendment #3 included a language change and Contract Renewal #1; Renewal #2 renewed the contract for the annual amount of \$677,799.00. Amendment #4 will increase the contract amount by \$140,000.00 and add additional services per Attachment "B". The new total annual contract amount is not to exceed \$817,799.00. This amendment is in compliance with LCRB Rule C047-0800 and has been reviewed and approved by County Counsel. Funds are available in account line 219-1320-06217-431900 for fiscal year 2015/2016.

Respectfully Submitted,

Kathryn M. Holder
Purchasing Staff



Laura Zentner, CPA

Deputy Director

BUSINESS AND COMMUNITY SERVICES

Development Services Building

150 Beaver Creek Road, Oregon City, OR 97045

September 24, 2015

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of an Intergovernmental Agreement (License Agreement) between Clackamas County Business and Community Services and the Northwest Economic Research Center (NERC) at Portland State University for access to the Portland Metro Regional Population and Economic Forecast reports and acceptance of a License Agreement to copy, display and distribute the forecast reports.

Purpose/Outcomes	Access to a forecasting model that will provide unbiased forecasts of population and demographics, economics, employment and income, and housing at the County level which can guide future policy decisions of the Board and cities in Clackamas County.
Dollar Amount and Fiscal Impact	\$50,000
Funding Source	BCS Economic Development Lottery Fund – approved as part of fiscal year 2015/2016 budget.
Safety Impact	None
Duration	The forecast report/reports will be available for two years from the effective date of License Agreement. The first forecasts are expected to be available in October 2015.
Previous Board Action/Review	Reviewed and approved by County Counsel
Contact Person	Gary Barth, Director, Business and Community Development, 503-742-4299

BACKGROUND:

The Northwest Economic Research Center at Portland State University has been working with Clackamas County Business and Community Services as well as several other partners in the region to build forecasting model/models and execute a License Agreement which would provide unbiased forecasts of population and demographics, economics, employment and income, and housing at the County level. These forecast models can be used to guide future policy decisions of the Board and cities within Clackamas County. The License Agreement also provides for custom analysis of economic, population and housing data for Clackamas County.

The attached License Agreement has been reviewed and approved the County Counsel and the payment for the project has been approved as part of the fiscal year 2015/2016 budget process.

RECOMMENDATION:

Staff respectfully recommends approval and execution of the attached Intergovernmental Agreement (License Agreement) between Clackamas County and Portland State University.

Respectfully submitted,


Laura Zentner
BCS Deputy Director

**Portland Metro Region Population and Economic Forecast
License Agreement**

This "Agreement" is between Clackamas County, a political subdivision of the State of Oregon having a principal place of business at 2051 Kaen Road, Oregon City, Oregon, hereafter referred to as "Partner", and Portland State University, an institution of higher education in the State of Oregon, located in Portland, Oregon, hereafter referred to as "University". The parties agree as follows:

Background

University owns or will own the copyright in Portland Metro Regional Population and Economic Development Forecast reports produced by University's Northwest Economic Research Center (the "Work" or "Works"), with exclusive right to use and license thereof, in the course of their academic and community mission.

University desires to promote the use of these reports and increase the impact of the mission of Northwest Economic Research Center ("NERC"), and to allow use of the Work under certain terms and conditions for the benefit of the community and public.

Partner is an organization desiring access to a Portland Metro Regional Population and Economic Development Forecast report and desires to accept a license to certain rights in the Works in connection with fulfilling their mission.

Partner recognizes the value of the goodwill associated with the NERC and Portland Metro Regional Population and Economic Development Forecast trademark and the need for adherence by Partner to the Quality Control Standards outlined in this Agreement.

Definitions

"Administrative Contact" means an individual authorized by Partner to receive access to the Work and notices from University.

"Agreement" means this License Agreement, with attached Schedules.

"Effective Date" shall be the last signed date of this Agreement.

"Know-How" means interpretation of the content of the Works and training on how to utilize the content of the Works.

"License Fee(s)" shall mean the amount due from Partner for the permissions and grants provided by this Agreement, as set forth on Schedule B.

"Quality Control Standards" means the standards listed in Schedule C.

"Territory" shall mean the Portland, Oregon metro region.

"Trademark" means the trademarks "Portland Metro Region Population and Economic Forecast" and "Metro Outlook".

“Work(s)” means the report or reports provided by University to Partner under this agreement, as described in Schedule A.

Works Grant

Beginning on the Effective Date, and subject to and conditioned upon Partner’s performance and satisfaction of the conditions set forth in this Agreement, University hereby grants to Partner, and Partner accepts, a limited, non-transferable, non-exclusive license to copy, display, and distribute Works in the Territory or online.

Partner may also make derivatives of the Works solely to the extent necessary to add Partner’s own brand or mark to the Works prior to internal distribution.

Partner acquires no proprietary interest in Work. Partner shall not remove or obscure rights management markings, such as copyright and trademark notices, from Works or printouts from Works.

Partner shall not sublicense, sell, display, lend, rent, lease or otherwise transfer all or any of Works without prior permission.

University reserves the right to use the Works internally for research and educational purposes.

Know How Grant

Additionally, University agrees to grant Partner access to Know How in relation to certain Works. Access to Know How shall be provided to Partner on an as-needed, no obligation, hourly basis and shall consist of interpretation of Works and training on using the content of Works.

Communications

University may provide certain instruction to Partner in regard to the interpretation and presentation of the Works, in order to enable Partner’s optimal use of the Work.

Notices to Partner shall be sent to the Administrative Contact. .

Confidentiality

“Proprietary Information” means information of any form or format disclosed by University to Partner pertaining to the Work and identified by University at the time of disclosure as not for public release, or if orally disclosed, identified orally as confidential and immediately reduced to written form and identified by University as not for public release within thirty (30) days of disclosure. Proprietary Information does not include information which (i) Partner can demonstrate was previously known to Partner, or (ii) has been independently developed by Partner by those without access to Proprietary Information, or (iii) has been obtained by Partner from sources not breaching any obligation to University, or (iv) which is or in the future becomes public knowledge other than through acts or omissions of Partner, or (v) is required to be disclosed by operation of law, including but not limited to Oregon Public Records Law, or the action of a court of competent jurisdiction.

Partner shall hold Proprietary Information in confidence for ten (10) years from date of disclosure, using safeguards at least comparable to those by which Partner handles its own similar proprietary information,

but in any case not less than reasonable safeguards. Partner shall not disclose Proprietary Information to any third party, including without limitation any patent or copyright office without prior permission unless otherwise required by applicable law.

Request and Delivery Works are expected to be delivered by October 1, 2015.

Payment Partner shall pay to University License Fees for both Copyright grants and Know How grants in the amounts and according to the schedule as set forth on Schedule B. Should payment not be received from Partner within thirty (30) days of the scheduled date, University, at its sole discretion, may end Partner's access to Work and terminate this Agreement.

Term Partner's right to request Works shall expire two years after the Effective Date. Partner's rights under the copyright grant shall last for the life of the copyright unless other terms of this Agreement are breached.

Notices All notices to University regarding this license agreement and payment hereunder shall be sent by U.S. mail or email per the following:

Portland State University
PO Box 751, Mailcode RSP
Portland, OR 97207
Attention: Director, Innovation & Intellectual Property
Telephone: 503.725.8454
Email: iip@pdx.edu

All notices to University regarding the delivery and preparation of Works shall be sent by U.S. mail or email per the following:

Portland State University
Tom Potiowsky
NERC Urban Center
PO Box 751
Portland, OR 97207

All notices to Partner shall be sent by U.S. mail or email to the Administrative Contact listed in Schedule B of this Agreement.

Termination Partner may terminate this Agreement at any time upon thirty (30) days written notice to University.

University may terminate this Agreement upon notice if Partner is in breach of this Agreement and fails within thirty (30) days of a written demand for performance to cure such breach. After notice period elapses, access and grants to Works will be immediately terminated.

The provisions under which this Agreement may be terminated shall be in addition to any and all other legal remedies which either party may

have for the enforcement of any and all terms hereof, and do not in any way limit any other legal remedy such party may have.

Termination of this Agreement shall terminate all rights and permissions granted to Partner relating to Work. The obligation to pay any required License Fee due within sixty (60) days of the date of termination survives termination of this Agreement.

Disclaimers

The Works have been developed as part of research conducted at Portland State University. The Works are experimental in nature and is made available "AS IS," without obligation by University to provide accompanying services or support except as specified in this Agreement. The entire risk as to the quality and performance of the Work is with Partner.

UNIVERSITY EXPRESSLY DISCLAIMS ANY AND ALL WARRANTIES, WHETHER EXPRESS OR IMPLIED, PERTAINING TO THE MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF WORK OR ANY SUBJECT MATTER OTHERWISE PROVIDED TO PARTNER UNDER THIS AGREEMENT.

The Works may contain links to third-party websites that are not owned or controlled by University. University has no control over, and assumes no responsibility for, the content, privacy policies, or practices of any third party websites. In addition, University will not and cannot censor or edit the content of any third-party site. By using the Works, Partner expressly agrees that University has no liability arising from Partner's use of any third-party website.

Indemnification

Partner shall save, hold harmless and indemnify the State of Oregon, the State Board of Higher Education, University, and their agencies, subdivisions, officers, employees and agents from and against any and all claims, suits, actions, losses, demands, damages, costs, expenses (including, but not limited to, those arising out of personal injuries, wrongful death or property damage suffered by any third party) incurred by University, arising out of or relating to the negligent or willful misuse of Works, Trademarks, or any other activities of Partner or its officers, employees, subcontractors or agents under this Agreement.

General

Partner may not assign any of its rights under this Agreement without the prior written consent of the University. The failure of either party to assert a right hereunder or to insist upon compliance with any term or condition of the Agreement shall not constitute a waiver of that right or excuse a similar subsequent failure to perform any such term or condition by the other party. In the event that any provision hereof is found to be invalid or unenforceable pursuant to a final judgment or decree, the remainder of this Agreement shall remain valid and enforceable according to its terms. Nothing contained in this Agreement shall be construed as creating a joint venture, partnership or employment relationship between the parties hereto. Except as specified herein,

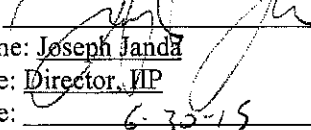
neither party shall have the right, power or implied authority to create any obligation or duty, express or implied, on behalf of the other party hereto. Partner and University are the only parties to this Agreement and are the only parties entitled to enforce its terms; nothing in this Agreement gives or is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to any third persons. Partner agrees not to use the name of University or any of its employees, in any advertisement or sales promotion relating to any Work without prior written approval by University. This document represents the entire Agreement between the parties as to the matters set forth and integrates all prior discussions or understandings between them. This Agreement may only be modified or amended in writing by a document signed by an authorized representative of University and Partner.

“Partner”

By: _____
Name: _____
Title: _____
Date: _____

“University”

Portland State University

By: 
Name: Joseph Janda
Title: Director, IP
Date: 6-30-15



8

DAN JOHNSON
MANAGER

DEVELOPMENT AGENCY

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Contract with Harper Houf Peterson Righellis, Inc. for Consulting Services for Engineering Design and Construction Plans for the Southwest Connector Project

Purpose/Outcomes	This contract will provide funding for preliminary design of improvements in the vicinity of SE 82 nd Avenue and Sunnyside Road.
Dollar Amount and Fiscal Impact	The maximum contract value is \$981,673.86, which includes a \$728,004.36 base fee and a contingency of \$253,669.50 in the event more detailed analysis is required.
Funding Source	Clackamas County Development Agency: Clackamas Town Center Urban Renewal District - no County General Funds are involved.
Safety Impact	This project will focus on improvements that reduce congestion and enhance safety and connections for all modes of travel in the vicinity of 82 nd Avenue and Sunnyside Road.
Duration	The contract will terminate on June 30, 2016.
Previous Board Action	The Board of County Commissioners previously approved moving forward with this project, as recommended by the Clackamas Regional Center Working Group, at a Study Session on February 3, 2014.
Contact Person	David Queener, Senior Project Planner, Clackamas County Development Agency – (503) 742-4322

BACKGROUND

Harper Houf Peterson Righellis, Inc. (HHPR) has been selected to develop and refine conceptual improvements and prepare construction plans for the Southwest Connector project. While the focus of this project is in the vicinity of SE 82nd Avenue and Sunnyside Road, potential improvements could extend from Fuller Road to 97th Avenue and from Southgate Street to Sunnybrook Boulevard.

The Scope of Work has been divided into three phases. The first phase, which will be the basis for this contract, will develop conceptual improvements that address issues surrounding congestion, safety and connections. The concepts will be vetted through a process that includes technical analysis and input from the various stakeholders and the general public. Phase one will generate a list of improvements that should move forward into the next phase.

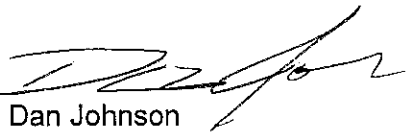
The second phase will take the preferred improvements and further evaluate them as needed in order to determine the final list of improvements that should be constructed. The scope and fee for phase two will be determined at the conclusion of phase one. Phase three will develop construction plans, specifications and estimates of the selected improvements.

Following selection of HHPR through a competitive process, the Scope of Work was refined and a fee negotiated with HHPR. Their fee of \$728,004.36 is approximately 4.8% of the total project budget of \$15,000,000. The total contract amount, including contingencies, is \$981,673.86 or 6.5% of the total project budget. The contract was reviewed and approved by County Counsel.

RECOMMENDATION:

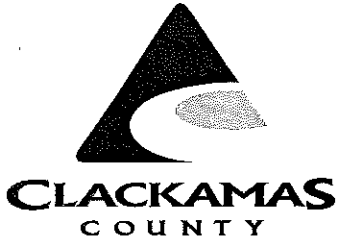
Staff recommends the Board approve and sign the contract with Harper Houf Peterson Righellis, Inc. for consulting services for engineering design and construction plans for the Southwest Connector project.

Respectfully submitted,



Dan Johnson
Development Agency Manager

Placed on the Sept. 04, 2015 Agenda by the Purchasing Division



LANE MILLER
MANAGER

PURCHASING DIVISION

PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

September 24, 2015

MEMORANDUM TO THE BOARD OF COUNTY COMMISSIONERS

Please place on the Board Agenda of **September 24, 2015**, this contract with Harper Houf Peterson Righellis Inc. for **Consulting Services for Engineering Design and Construction Plans for the Southwest Connector Project**. This project was requested by David Queener, Project Manager and was publicly advertised in accordance with ORS 279. Twenty-two proposal packets were requested and sent out with two proposal responses received: Harper Houf Peterson Righellis and HDR Engineering. A selection panel reviewed and evaluated the Request for Qualifications based on the selection criteria outlined in the RFQ documents. Harper Houf Peterson Righellis Inc was the highest ranking firm and was selected to enter into contract. The contract amount is not to exceed \$981,673.86. The contract term is from contract execution through June 30, 2016. This contract has been reviewed and approved by County Counsel. Funds for this project are budgeted under account line 450-7432-00-481200-30003 for fiscal year 2015/2016.

Respectfully Submitted,

Kathryn M. Holder
Purchasing Staff