

AGENDA

Thursday May 11, 2017 - 10:00 AM
BOARD OF COUNTY COMMISSIONERS

Beginning Board Order No. 2017-39

CALL TO ORDER

- Roll Call
- Pledge of Allegiance

I. PRESENTATION *(Following are items of interest to the citizens of the County)*

1. Recognition of WES Tri-City Waste Water Treatment Plant for Energy Conservation Achieved through Strategic Energy Management (Greg Eyerly, Water Environment Services)

II. 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.)*

III. 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. Approval of an Intergovernmental Agreement with Metro, the City of Lake Oswego, the City of Tualatin and the City of West Linn Related to the Designation of Urban Reserves in the Stafford Area (Nate Boderman, County Counsel)
2. Adoption of Ordinance No. _____ to Accept Revised Findings that Affirm the Designation of Urban and Rural Reserves in the Metro Region in Response to the Remand by the Oregon Court of Appeals and the Oregon Land Conservation and Development Commission (LCDC) (Nate Boderman, County Counsel)

SERVICE DISTRICT NO. 5 (Street Lighting)

(Wendi Coryell, Department of Transportation & Development, will present the following 10 Assessment Areas together)

3. Board Order No. _____ Forming a Three Lot Assessment Area within Clackamas County Service District No. 5, Assessment 01-16 Three Lot Partition
4. Board Order No. _____ Forming a Three Lot Assessment Area within Clackamas County Service District No. 5, Assessment 33-16 Three Lot Partition
5. Board Order No. _____ Forming a 62-Lot Assessment Area within Clackamas County Service District No. 5, Assessment 11-17 Jennings Lodge Estates 62-Lot Subdivision

6. Board Order No. _____ Forming a 10-Lot Assessment Area within Clackamas County Service District No. 5, Assessment 17-17 Garland Estates 10-Lot Subdivision
7. Board Order No. _____ Forming a One Lot Assessment Area within Clackamas County Service District No. 5, Assessment 05-16 Rosewood Terrace 203-Unit Apartment Building
8. Board Order No. _____ Forming a One Lot Assessment Area within Clackamas County Service District No. 5, Assessment 34-16 Two Metal Storage Buildings
9. Board Order No. _____ Forming a 4-Lot Assessment Area within Clackamas County Service District No. 5, Assessment 45-16 Christilla Commons 4-Lot Commercial Subdivision
10. Board Order No. _____ Forming a One Lot Assessment Area within Clackamas County Service District No. 5, Assessment 63-16 Taco Bell Restaurant
11. Board Order No. _____ Forming a 30-Lot Assessment Area within Clackamas County Service District No. 5, Assessment 51-16 Addison Meadows 30-Lot Subdivision
12. Board Order No. _____ Forming a 7-Lot Assessment Area within Clackamas County Service District No. 5, Assessment 41-16 Mitchell Park 7-Lot Subdivision

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. Health, Housing & Human Services

1. Approval of the Final 2017-2021 Housing and Community Development Consolidated Plan and Proposed 2017 Acton Plan – *Housing & Community Development*
2. Authorization to Sign Grant Award Documents with the US Department of Housing and Urban Development for Continuum of Care Program Funds – *Housing & Community Development*
3. Approval for Amendment No.1 of the Intra-Agency Agreement with Clackamas County Health Centers Division, to Provide Shared Services – *Health Centers*
4. Approval of a Professional, Technical, and Personal Services Agreement with the Mental Health Association of Oregon for Peer Support Services in Collaboration with Clackamas County Sherriff's Office Behavioral Health Unit and Riverstone – *Behavioral Health*
5. Approval of Amendment No.2 to the Professional Services Agreement with CompHealth Locum Tenens for Temporary Physician Staff – *Health Centers*
6. Approval of a Grant Agreement from the US Department of Housing and Urban Development, Supportive Housing Program for the Housing Our Heroes Project – *Social Services*

B. Finance Department

1. Approval of Amendment No. 1 to the Agreement Documents with Piper, Jaffray & Co. for Financial Services

2. Approval for Clackamas County Public Health Division to Purchase Video Laryngoscopes from Physio-Control, Inc. - *Procurement*

C. Technology Services

1. Approval to Enter into a Service Level Agreement with the North Clackamas School District for a Dark Fiber Network

V. DEVELOPMENT AGENCY

1. Granting of a Permanent Right of Way Easement for Road Purposes and a Permanent Public Utility Easement

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



May 11, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Recognition of WES Tri-City WWTP
For Energy Conservation Achieved through Strategic Energy Management

Purpose/Outcomes	Recognition of Tri-City Plant Energy Team
Dollar Amount and Fiscal Impact	N/A
Funding Source	Energy Trust of Oregon
Duration	N/A
Previous Board Action/Review	N/A
Strategic Plan Alignment	N/A
Contact Person	Greg Eyerly (503) 557-2802
Contract No.	N/A

BACKGROUND:

In October, 2015, the Tri-City Resource Recovery Facility joined Energy Trust of Oregon's Strategic Energy Management Program (SEM). This program brings together a cohort of public, for-profit, and non-profit agencies and businesses to learn from each other about the principles and practices of strategic energy management. The program not only lowers district utility costs, it also reduces the demand on systems that serve entire communities, which benefits ratepayers and the environment. Through this program, the Tri-City Energy Team identified 104 potential energy saving projects and opportunities, both big and small, to reduce energy usage at the Tri-City facility. From optimizing blower usage and raising wet well levels to turning off computers and lights when not in use, the Tri-City Energy Team was able to reduce energy usage by 12.6%, which far exceeded the original goal of 5%. The reduction of 1,816,819 kWh kilowatt hours equates to over \$88,000 in avoided costs. Additionally, incentives were earned for both energy savings and providing data totaling \$28,312. This equates a net gain of more than \$119,841 to date.

WES was chosen for Energy Trust's "Continuous SEM" program, which began in January, 2017. The SEM program will be expanded to WES' pump stations in 2017, the Hoodland treatment facility in 2018, and the Kellogg Water Resource Recovery Facility in 2019.

RECOMMENDATION:

WES Staff respectfully recommends that the Board of County Commissioners of Clackamas County, acting as the governing body of the Water Environment Services Partnership, formally recognize and congratulate the Tri-City Energy Team and the entire plant staff for its achievement.

Respectfully submitted,

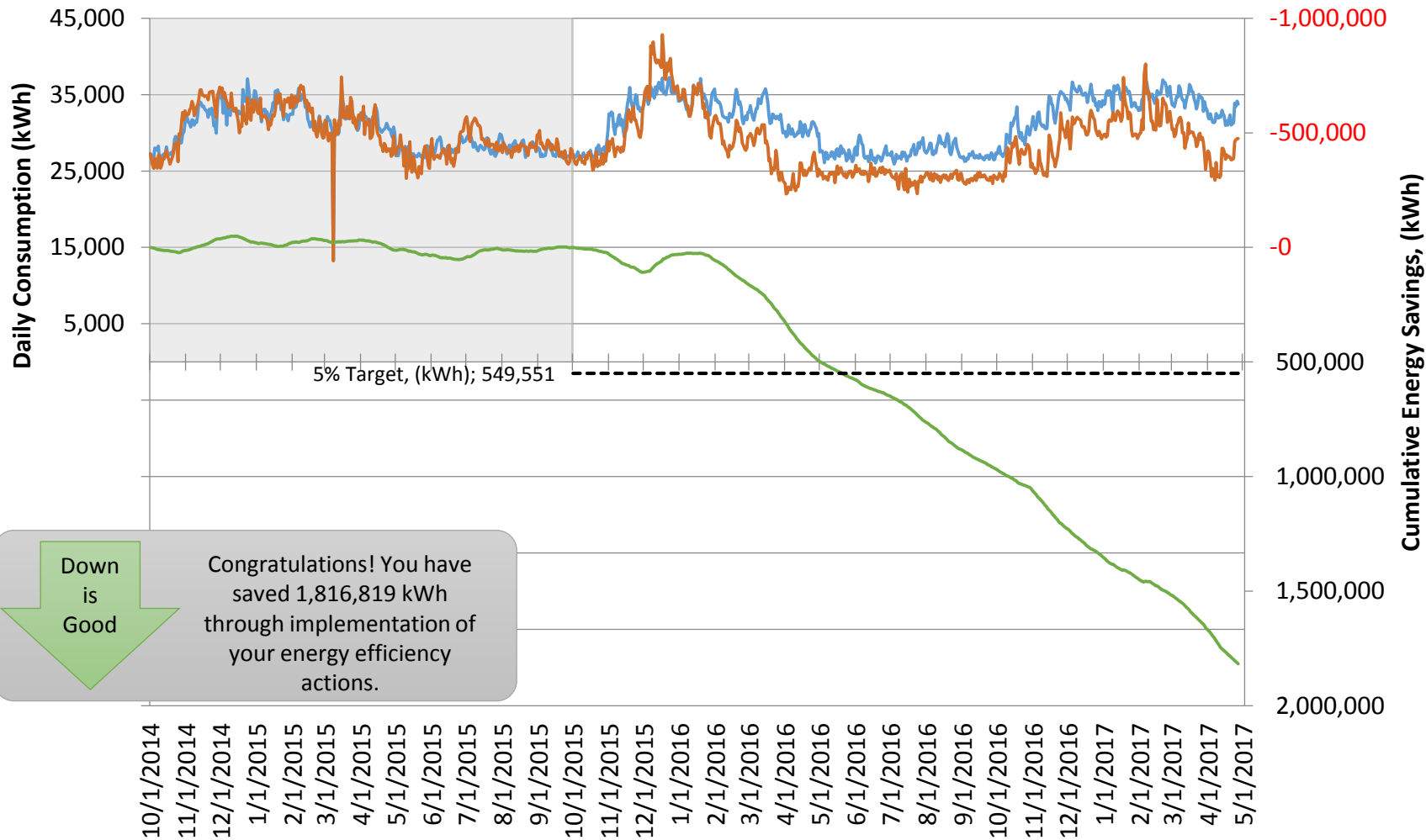
Greg Eyerly, WES Water Quality Services Manager

Strategic Energy Management

- Reduction in usage of 1,816,819 kWh kilowatt hours at Tri-City plant. We will exceed 2 million before the end of the month
- Total savings of \$119,841 to date
- 104 different energy savings projects identified
- WES chosen for “Continuous SEM” - Expanding to pump stations in 2017, Hoodland in 2018, and Kellogg in 2019
- Ratepayers and environment benefit from SEM



Clackamas WES - Energy Performance



- Baseline Period
- Program Start
- Predicted Energy w/ no Action, (kWh)
- Actual Energy, (kWh)
- Cumulative Savings, (kWh)
- 5% Target, (kWh)





May 11, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Stephen L. Madkour
County Counsel

Kathleen Rastetter
Chris Storey
Scott C. Ciecko
Alexander Gordon
Amanda Keller
Nathan K. Boderman
Christina Thacker
Shawn Lillegren
Jeffrey D. Munns
Assistants

Approval of an Intergovernmental Agreement with Metro, the City of Lake Oswego, the City of Tualatin and the City of West Linn Related to the Designation of Urban Reserves in the Stafford Area

Purpose/Outcomes	Approve an Intergovernmental Agreement (IGA) addressing potential future urbanization of the Stafford Area.
Dollar Amount and Fiscal Impact	None
Funding Source	Not applicable
Duration	December 31, 2060
Previous Board Action	Board of County Commissioners held a policy session on March 28, 2017. The IGA was discussed in connection with the remand findings at public hearings on April 12, 19 and 26, 2017.
Strategic Plan Alignment	Build public trust through good government.
Contact Person	Nate Boderman, 503-655-8364
Contract No.	None

BACKGROUND:

The City of Tualatin and the City of West Linn were two of the appellants in the 2014 Oregon Court of Appeal case that remanded the urban and rural reserve designations back to the Oregon Land Conservation and Development Commission, which in turn further remanded the matter back to Metro and Clackamas County to take action consistent with the Court's opinion. Those two cities persuaded the Court that the original urban reserve designation in the Stafford area did not adequately consider potential future traffic impacts. Those two cities and the City of Lake Oswego remain concerned about the designation of Stafford as an urban reserve.

On February 22, 2017, Clackamas County Administrator, Don Krupp, and Metro Chief Operating Officer, Martha Bennett, issued a letter describing the components of a proposed Memorandum of Understanding (MOU) between the County and Metro that identify certain issues which should be addressed prior to any decision to expand the urban growth boundary into the Stafford area. Since then, in response to input from stakeholders and the community, discussions have resulted in a revised proposal for an IGA between Metro and Clackamas County, with the cities of West Linn, Lake Oswego and Tualatin joining as potential parties to the agreement.

The draft of the IGA, attached to this staff report, is the result of negotiations between Metro, Clackamas County, and the cities of West Linn, Lake Oswego and Tualatin. Elected officials from all involved jurisdictions have been instrumental in these negotiations. The attached IGA, dated 4-25-17, remains in draft form because negotiations are ongoing. In the event the terms of the draft IGA are revised, an updated agreement will be provided at the hearing for consideration by the Board.

RECOMMENDATION:

Staff recommends the Board approve the attached Intergovernmental Agreement.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Nate Boderman", is written over the printed name.

Nate Boderman
Assistant County Counsel

**INTERGOVERNMENTAL AGREEMENT
STAFFORD URBAN RESERVE AREAS**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made this ____ day of May 2017, by Clackamas County ("County"), Metro, the City of Lake Oswego, the City of Tualatin, and the City of West Linn (individually a "City", collectively the "Cities") (together the "Parties"). This is an addendum to the Intergovernmental Agreement between Metro and Clackamas County To Adopt Urban and Rural Reserves entered into pursuant to ORS 195.141 and ORS 190.010 to 190.110 and dated March 3, 2010 ("Reserves IGA").

RECITALS

1. The Metro Council and the Clackamas County Commission are working together to finalize the designation of urban and rural reserves by adopting findings in support of the decisions made by the Metro, Clackamas County, Multnomah County, and Washington County in 2010;
2. Under state law, Metro and the three counties in the region are tasked with identifying those areas adjacent to the existing urban growth boundary (UGB) that are best suited for providing land to accommodate urban growth in the region over the next 40 to 50 years;
3. The Cities have long opposed the designation of Metro study areas 4A, 4B, 4C and 4D ("Stafford") as urban reserve because of concerns with regard to efficient use of existing and currently planned future public infrastructure investments and whether urban level public services can be efficiently and cost-effectively provide by appropriate and financially capable service providers;
4. The Parties recognize that resolving the dispute over the designation of Stafford will enable the parties to focus collaboratively on planning for and providing urban services and prioritizing the needed regional improvements to the transportation system, such the widening of I-205 from Oregon City to Stafford Road;
5. The Parties enter into this IGA in order to alleviate the concerns of the Cities and better support the designation of Stafford under the Factors by ensuring an orderly process for the urbanization of Stafford where the Cities will have control over the planning, process and timing for the urbanization of Stafford, that the Parties will coordinate with one another and with any affected special districts serving Stafford on the effective date of this Agreement, and that Stafford will not be urbanized before appropriate urban services will be available; and
6. The Parties also desire to recognize that the Stafford Hamlet and surrounding area is a unique enclave in Clackamas County that has a long standing agricultural heritage, significant environmental assets, and valued open space that should be preserved through the concept planning process;

NOW, THEREFORE, it is mutually agreed that the Parties voluntarily enter into this Intergovernmental Agreement addressing issues and concerns raised by the Cities regarding the designation of Stafford as an urban reserve. Specifically, the Parties agree as follows:

1. **City Governance.** The Parties agree that Stafford will be governed by one or more the Cities upon expansion of the urban growth boundary and annexation. The governing City will have the authority to decide what land uses should be planned for, and when and how municipal services will be provided. Notwithstanding anything to the contrary in the Reserves IGA, Exhibit B, Section 4, or Metro Code Sections 3.07.1105 to 3.07.1130 ("Title 11"), Metro and the County will oppose any future effort to incorporate a new city or create service districts to provide water or sanitary sewer services in Stafford outside of a city, unless there is no practicable alternative to creation or expansion of a sewer district in order to remediate a health hazard created by development in existence on the effective date of this IGA.
2. **Completion of a City Concept Plan.**
 - a. The Parties recognize that the Cities will be the public bodies that have the responsibility to plan for any future urbanization of Stafford and that the urbanization of Stafford will only occur upon annexation to one or more of the Cities. Prior to adding any part of Stafford to the UGB, the City that will be responsible for annexing that part of Stafford must first have developed a concept plan for the area describing how the area will be planned and developed after inclusion in the UGB. The timing for commencement and completion of a concept plan will be up to the City.
 - b. The Cities will coordinate concept planning with one another and with the County and special districts serving Stafford on the effective date of this Agreement to determine which City or special district is the appropriate urban services provider for each part of Stafford. The Parties agree to develop a preliminary concept plan to address transportation, density, community character, and infrastructure issues to help ensure that future, more detailed sub-area "concept plans" can be developed and coordinated. The parties agree to participate in good faith in future planning efforts for the Stafford Basin, in coordination with each other and other public, private, and community stakeholders.
 - c. Each governing City will be responsible for determining the pace and timing of future development within an area to be incorporated into the UGB. The form and character of development will be determined through the concept planning process under Title 11 and Section 2 of this Agreement, and will be consistent with community values and environmental requirements.
 - d. The County shall not amend the Comprehensive Plan or Zoning and Development Ordinance or the Comprehensive Plan Map or zoning designations:

- i. To allow within Urban Reserve areas, new uses that were not allowed on the date the Urban Reserve areas were designated, except those uses mandated by amendments to the Oregon Revised Statutes or Oregon Administrative Rules enacted after designation of Urban Reserves.
 - ii. To allow within Urban Reserve areas, the creation of new lots or parcels smaller than allowed on the date Urban Reserve areas were designated, except as mandated by amendments to the Oregon Revised Statutes or Oregon Administrative Rules enacted after designation of Urban Reserves. The purpose of the designation is to preserve lands for potential future urban development, not to facilitate or expedite their development under County zoning.
 - e. Notwithstanding anything to the contrary in Metro Code 3.07.1110(d), Metro agrees that the concept plan or plans developed pursuant to Section 2 of this Agreement will be used to designate 2040 design types for Stafford and to develop conditions in the Metro ordinance that adds any Stafford territory to the UGB. The Parties agree that the concept plans will govern amendments to the Cities and County comprehensive plans and land use regulations following addition of the area to the UGB.
3. **Citizen Involvement.** The Parties agree that future decision-making regarding the timing and content of concept planning and the expansion of the UGB must involve the participation of citizens from the Stafford community, as well as other stakeholders, and will take into account public testimony about desired community character, preservation of natural features, and other community concerns when developing the concept plans.
 4. **Urban Services Agreements.** At such point in time than any portion of Stafford is included within the UGB, the City that is responsible for urbanization of that area will negotiate an enter into an urban services agreement pursuant to ORS 195.065 with any special district that is providing services to that area of Stafford on the effective date of this Agreement or that may be created thereafter pursuant to Section 1 of this Agreement.
 5. **Grant Funding for Transportation Planning.** Metro and the County will undertake a transportation planning project using the \$170,000 Community Planning and Development Grant from Metro to the County to study and plan for transportation and other public infrastructure in the Stafford area. Work on this planning project will begin once Metro and the County have finalized the decision on urban reserves.
 6. **Support for Widening I-205.** The Parties agree to continue to support the Joint Policy Advisory Committee on Transportation's decision to make widening I-205 from Oregon City to Stafford Road a top priority for regional transportation projects

in order to help address the significant transportation infrastructure issues related to future urbanization of Stafford as well as other regional transportation needs.

7. **Transportation and Infrastructure Improvements.** Urbanization and urban development will be planned to coincide with transportation and infrastructure improvement necessary to serve such development.
8. **The Findings.** This IGA will be entered into the record of the Metro and Clackamas County proceedings on the remand of the 2010 Stafford urban reserve designation. The Metro and County remand findings will cite this IGA as evidence necessary to meet the designation requirement under ORS 195.145(5)(c) and OAR 660-027-0050(3) that the Stafford area can be served by urban level public facilities and services efficiently and cost-effectively by appropriate and financially capable service providers.
9. **No Appeal by the Cities.** In consideration for the promises and commitments made herein, the Cities agree that the Cities will not challenge the designation of Stafford as Urban Reserve either before the State of Oregon Land Conservation and Development Commission or by appeal to the Oregon Court of Appeals.
10. **Governing Law.** The laws of the State of Oregon will govern this Agreement and the Parties will submit to the jurisdiction of the courts of the State of Oregon.
11. **Amendments.** This Agreement may be amended at any time with the written consent of all Parties.
12. **Severability.** If any covenant or provision of this Agreement is adjudged void, such adjudication will not affect the validity, obligation, or performance of any other covenant or provision which in itself is valid if such remainder would then continue to conform with the terms and requirements of applicable law and the intent of this Agreement.
13. **Term.** This Agreement will terminate on the same date as the Reserves IGA, December 31, 2060, unless terminated earlier by agreement of the Parties. If during the term of this Agreement there is a change in applicable law or other circumstance that materially affects compliance with one or more provisions of this Agreement, the Parties agree to negotiate in a good faith a revision to this Agreement to address such law or circumstance in manner consistent with the intent of this Agreement.

IN WITNESS WHEREOF, each party has caused this Intergovernmental Agreement to be executed by its duly authorized representative on the date first mentioned above.

Metro Council

Dated: May __, 2017

Clackamas County

Dated: May ____, 2017

City of Lake Oswego

Dated: May ____, 2017

City of Tualatin

Dated: May ____, 2017

City of West Linn

Dated: May ____, 2017



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
2051 KAEN ROAD OREGON CITY, OR 97045

Stephen L. Madkour
County Counsel

May 11, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Kathleen Rastetter
Chris Storey
Scott C. Ciecko
Alexander Gordon
Amanda Keller
Nathan K. Boderman
Christina Thacker
Shawn Lillegren
Jeffrey D. Munns
Assistants

Adoption of an Ordinance to Accept Revised Findings that Affirm the Designation of Urban and Rural Reserves in the Metro Region in Response to the Remand by the Oregon Court of Appeals and the Oregon Land Conservation and Development Commission (LCDC)

Purpose/Outcome	Adopt an ordinance for purposes of responding to Oregon Land Conservation and Development Commission (LCDC) Remand Order 14-ACK-001867.
Dollar Amount and Fiscal Impact	None
Funding Source	Not applicable
Safety Impact	None anticipated
Duration	Indefinite
Previous Board Action/Review	Board of County Commissioners held a policy session on March 28, 2017 and public hearings on April 12, 19 and 26, 2017.
Contact Person	Nate Boderman, 503-655-8364
Contract No.	None

BACKGROUND:

The Board's adoption of an ordinance is necessary to accept the revised findings that support the designation of urban and rural reserves in the Metro region. The revised findings to be adopted by ordinance are responsive to the remand by the Oregon Court of Appeals and the Land Conservation and Development Commission (LCDC) resulting from the 2011 appeal of the original reserve designations. *Barkers Five, LLC v. LCDC*, 261 Or App 259, 323 P3d 368 (2014).

In February 2016, Metro adopted Ordinance 16-1368 which contained revised findings to address the issues on remand for Urban Reserve areas 4A, 4B, 4C, and 4D (collectively termed "Stafford"). On March 2 and March 16, 2017, Metro held two separate public hearings to consider additional findings in response to the remand by the Oregon Court of Appeals and LCDC. Metro formally adopted the additional findings on April 13, 2017 as Ordinance 17-1397.

Oregon Administrative Rule 660-027-0040 requires Clackamas County and Metro to adopt a single, joint set of findings of fact, statements of reasons and conclusions that explain why the urban and rural reserve designations are consistent with state law. Clackamas County held public hearings on April 12, 2017 and April 19, 2017 at which time the Clackamas County Board of County Commissioners accepted testimony related to the findings of fact, statements of reasons and conclusions adopted by Metro in Ordinance 16-1368 and Ordinance 17-1397. The revised findings focus on three primary issues:

- 1) Whether the Stafford Area designation as urban reserve is supported by substantial evidence, particularly in light of evidence in the record suggesting that primary transportation facilities currently serving the area will be failing by 2035, and in light of claims made that sewer and water service cannot be efficiently and cost-effectively provided to the Stafford Area;
- 2) Whether the proposed region-wide urban reserve designations continue to meet the "amount of land" standard; and
- 3) Whether the proposed region-wide urban reserve designations continue to meet the "best achieves" standard.

Clackamas County held an additional public hearing on April 26, 2017 at which time the Clackamas County Board of County Commissioners voted 5-0 to direct staff to draft an ordinance adopting findings of fact, statements of reasons and conclusions, and to add language to the findings referencing an intergovernmental agreement between Clackamas County, Metro and the cities of Lake Oswego, Tualatin and West Linn as evidence that the Stafford area can be served by urban level public facilities and services efficiently and cost-effectively, as required by state law.

The findings attached to the ordinance have been updated to include a reference to the intergovernmental agreement as directed by the Board, and to correct a typographical error on page 62 of the findings. The following finding has been added to page 41 of the findings attached to the ordinance:

- 8) The Cities of Lake Oswego, Tualatin, and West Linn have testified extensively regarding their concern that designation of Stafford as urban reserve will create pressures for urbanization before the required public facilities, particularly with regard to transportation, are planned for and can support urban development. This concern is based upon the fact that designation of Stafford as urban reserve

will make it first priority for inclusion in the Metro UGB under ORS 192.298 and the fact that Metro must consider expansion of the Metro UGB every six years under ORS 197.299. So even though the planning period for urban reserves is twenty to fifty years into the future, Stafford will become eligible for inclusion each time Metro considers an urban growth boundary expansion. To alleviate these concerns Metro, Clackamas County, and the three Cities have entered into a five-party intergovernmental agreement ("IGA") that provides for governance of Stafford by the cities, requires concept planning and public facilities planning prior to the addition of Areas 4A, 4B and/or 4C to the urban growth boundary, and a requirement for robust citizen involvement and preservation of community character pursuant to the concept planning process. This IGA, which is incorporated into the record, will ensure that Stafford "can be developed at urban densities in a way that makes efficient use of existing and future public infrastructure investments," "can be served by . . . urban level public facilities and services efficiently and cost-effectively by appropriate and financially capable service providers," and "can be designed to preserve and enhance natural ecological systems" and "important natural landscape features." Acknowledging the constraints to urbanization discussed above, the existence of the IGA and the promises contained therein support the determination by Metro and Clackamas County that the designation of Stafford Areas 4A, 4B and 4C as urban reserve is, on balance, supportable under the urban reserve factors contained in ORS 195.145(5) and OAR 660-027-0050.

The following finding has been added to page 44 of the findings attached to the ordinance:

- 9) The Cities of Lake Oswego, Tualatin, and West Linn have testified extensively regarding their concern that designation of Area 4D, in conjunction with Areas 4A, 4B, and/or 4C, as urban reserve will create pressures for urbanization before the required public facilities, particularly with regard to transportation, are planned for and can support urban development. For the same reasons as expressed under Finding 8 for Areas 4A, 4B and 4C, the execution of the of the five-party IGA and the promises contained therein support the determination by Metro and Clackamas County that the designation of Area 4D as Urban Reserve is, on balance, supportable under the urban reserve factors contained in ORS 195.145(5) and OAR 660-027-0050.

As mentioned previously, the ordinance specifically incorporates the findings that the Board considered at its prior public hearings with the inclusion of the two additional findings set forth above. The ordinance also acknowledges Multnomah County's revised findings, which are attached to this staff report. This acknowledgment is for the purpose of complying with Oregon Administrative Rule 660-027-0040, which requires Metro and the affected counties to adopt a single, joint set of findings. Oregon Administrative Rule 660-027-0080 separately requires Metro and the applicable counties to jointly and concurrently submit their adopted ordinances implementing the urban and rural reserve designations to the Oregon Land Conservation and Development Commission for

review. For purposes of fulfilling the requirements of that particular administrative rule, the ordinance specifically authorizes Metro to assemble the adopted findings and make the joint submittal to LCDC on behalf of Clackamas County.

RECOMMENDATION: Staff recommends the Board adopt the attached ordinance.

Respectfully submitted,

Nate Boderman
Assistant County Counsel

Attachments: Clackamas County Ordinance No. 06-2017

 Public Hearing Staff Report to the Board of County Commissioners

 Intergovernmental Agreement with Metro, and the cities of Tualatin,
 Lake Oswego and West Linn

 Multnomah County's findings of fact, statements of reasons and
 conclusions.

ORDINANCE NO. _____

An Ordinance for the Purpose of Responding to the Remand from the Oregon Court of Appeals and the Land Conservation and Development Commission Regarding the Designation of Urban and Rural Reserves in the Metro Region

WHEREAS, in 2007 the Oregon Legislative Assembly enacted SB 1011, authorizing Clackamas County, Multnomah County, Washington County and Metro to designate urban and rural reserves; and

WHEREAS, between 2008 and 2010 Metro and the three counties conducted an extensive public process bringing together citizens, stakeholders, local governments and state agencies to consider and apply the urban and rural reserve factors to land surrounding the Metro urban growth boundary (UGB); and

WHEREAS, in 2010 Metro and each of the three counties entered into intergovernmental agreements mapping the areas that were determined to be most appropriate as urban and rural reserves under the applicable factors; and

WHEREAS, in 2011 Metro and the three counties submitted ordinances and findings formally adopting the urban and rural reserve designations to LCDC for acknowledgement, and those designations were approved and acknowledged by LCDC in 2012; and

WHEREAS, in 2014 the LCDC acknowledgement order was remanded by the Oregon Court of Appeals, and the Oregon Legislative Assembly enacted HB 4078, which legislatively designated a revised map of urban and rural reserve areas in Washington County; and

WHEREAS, in 2015 LCDC issued an order remanding the remaining urban and rural reserve designations to Metro, Multnomah County, and Clackamas County for further review consistent with the Court of Appeals opinion; and

WHEREAS, in 2016 the Metro Council addressed the remand issues arising out of Clackamas County via Ordinance No. 16-1368, which adopted findings concluding that the urban reserve study areas identified as areas 4A, 4B, 4C, and 4D (generally referred to as "Stafford") were correctly designated as urban reserve areas; and

WHEREAS, in April 2017, Metro adopted additional findings addressing two state rule requirements that apply to the designation of urban and rural reserves across the entire region, in light of (a) the Metro Council's adoption of newer regional urban growth projections in the 2014 Urban Growth Report, and (b) the reduction of urban reserve acreage in Washington County via HB 4078; and

WHEREAS, Clackamas County held public hearings on April 12, 2017 and April 19, 2017 at which time the Clackamas County Board of County Commissioners accepted testimony related to the findings of fact, statements of reasons and conclusions that address the remand issues arising out of the Court of Appeals opinion and other issues associated with the urban and rural reserve designations in the Metro Region; and

WHEREAS, Clackamas County held an additional public hearing on April 26, 2017 at which time the Clackamas County Board of County Commissioners voted 5-0 to direct staff to draft an ordinance adopting findings of fact, statements of reasons and conclusions, and to add language to the findings referencing an intergovernmental agreement between Clackamas County, Metro and the cities of Lake Oswego, Tualatin and West Linn as evidence that the Stafford area can be served by urban level public facilities and services efficiently and cost-effectively, as required by state law; and

WHEREAS, the Clackamas County Board of County Commissioners has reviewed the staff report, the testimony submitted by interested parties, and all other materials in the record, and now concludes that the findings of fact, statements of reasons and conclusions attached as Exhibit A are sufficient to respond to the remand issues arising out of the Court of Appeals and demonstrate that the urban and rural reserve designations adopted in 2011 by Clackamas County Ordinance No. ZDO-223, as modified by the 2014 Oregon legislature in House Bill 4078, are consistent with state law; and

WHEREAS, Oregon Administrative Rule 660-027-0040 requires Clackamas County and Metro to adopt a single, joint set of findings of fact, statements of reasons and conclusions that explain why the urban and rural reserve designations are consistent with state law; and

WHEREAS, Oregon Administrative Rule 660-027-0080 requires Metro and the applicable counties to jointly and concurrently submit their adopted ordinances implementing the urban and rural reserve designations to the Oregon Land Conservation and Development Commission for review; now therefore,

The Board of Commissioners of Clackamas County ordains as follows:

Section 1: Clackamas County Ordinance No. ZDO-223, which includes the revised findings of fact, statements of reasons and conclusions dated April 21, 2011, previously adopted by the Clackamas County Board of County Commissioners, is hereby re-affirmed, continued, and, to the extent necessary to maintain uninterrupted continuity in the effectiveness of such ordinance and for any other reason, re-adopted.

Section 2: The findings of fact, statements of reasons and conclusions in Exhibit A, attached and incorporated into this ordinance, explain how the urban and rural reserve designations adopted by Clackamas County Ordinance No. ZDO-223, as modified by the 2014 Oregon legislature in House Bill 4078, are consistent with state law.

Section 3: The findings of fact, statements of reasons and conclusions set forth in Metro Ordinance Nos. 16-1368 and 17-1397 are adopted.

Section 4: The findings of fact, statements of reasons and conclusions set forth in Multnomah County Ordinance No. 1246 are adopted.

Section 5: Metro is authorized to compile, as necessary, all adopted findings of fact, statements of reasons and conclusions, and conclusions of law relating to this matter of Urban and Rural Reserve Designations and file the same with the

Oregon Land Conservation and Development Commission on Clackamas
County's behalf.

ADOPTED and EFFECTIVE this 11th day of May, 2017.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

Ordinance 06-2017

Exhibit A

REASONS FOR DESIGNATION OF URBAN AND RURAL RESERVES IN CLACKAMAS COUNTY

The Metro Council adopts these findings for the purpose of responding to the decision of the Oregon Court of Appeals in *Barkers Five LLC v. Land Conservation and Development Commission*, 261 Or App 259 (2014) and LCDC's Remand Order 14-ACK-001867 regarding certain urban reserve designations in Clackamas County. These findings include the original findings adopted by the Metro Council in 2011 providing the reasons for designating urban and rural reserves, as well as new and supplemental findings that address the issues identified by the Court of Appeals regarding designation of the Stafford area in Clackamas County as urban reserve. These findings also include supplemental findings regarding the supply of urban reserves in the entire region and the regionwide balance findings required under OAR 660-027-0040(10).

Metro's supplemental findings regarding the supply of urban reserves and the regionwide balance requirements are set forth below in Section V. Metro's supplemental findings regarding the Stafford urban reserve designation are set forth below in Section VIII. To the extent any of the new supplemental findings in Sections V and VIII are inconsistent with other findings in this document that were previously adopted in 2011, the supplemental findings shall govern.

Those portions of Metro's original 2011 findings providing reasons for designation of urban and rural reserves in Washington County have been removed from this document, because the Washington County reserve areas were established and acknowledged by the Oregon Legislature in 2014 via House Bill 4078. Portions of the 2011 findings providing reasons for designation of urban and rural reserves in Multnomah County have also been removed, because Multnomah County is undertaking its own process to address the Court of Appeals remand regarding rural reserve designations in that county.

I. BACKGROUND

The 2007 Oregon Legislature authorized Metro and Clackamas, Multnomah and Washington Counties ("partner governments") to designate urban reserves and rural reserves following the process set forth in ORS 195.137 – 195.145 (Senate Bill 1011) and implementing rules adopted by the Land Conservation and Development Commission (LCDC) (OAR 660 Division 27). The Legislature enacted the new authority in response to a call by local governments in the region to improve the methods available to them for managing growth. After the experience of adding over 20,000 acres to the regional urban growth boundary (UGB) following the soil-capability-based priority of lands in ORS 197.298, cities and the partner governments wanted to place more emphasis on the suitability of lands for sustainable urban development, longer-term security for agriculture and forestry outside the UGB, and respect for the natural landscape features that define the region.

The new statute and rules make agreements among the partner governments a prerequisite for designation of urban and rural reserves. The remarkable cooperation among the local governments of the region that led to passage of Senate Bill 1011 and adoption of LCDC rules continued through the process of designation of urban reserves by Metro and rural reserves by Clackamas, Multnomah and Washington Counties. The partners' four ordinances are based upon the separate, formal intergovernmental agreements between Metro and each county that are part of our record, developed simultaneously following long study of potential reserves and thorough involvement by the public.

The four governments submitted their ordinances with designated reserves to LCDC in periodic review on June 23, 2010. On October 29, 2010, the Commission gave its oral approval to the reserves designated in Clackamas and Multnomah Counties and to the rural reserves and most of the urban reserves in Washington County. The Commission, however, rejected the designation of Urban Reserve 7I, north of Cornelius, and directed reconsideration of Urban Reserve 7B, north of Forest Grove. The Commission authorized Metro and Washington County to consider designating as urban reserve, or leaving undesignated, land the County had previously designated rural reserve or left undesignated. In order to provide flexibility, the Commission also returned the rural reserves in Washington County for further consideration.

Washington County and Metro responded to LCDC's oral decision by revising the intergovernmental agreement between them and adopting ordinances amending their respective comprehensive plan and regional framework plan maps (Washington County Ordinance No. 740; Metro Ordinance No. 11-1255). The ordinances made the following changes:

- The designation of Area 7I as urban reserve (623 acres) was removed
- 263 acres of Area 7I were designated rural reserves
- 360 acres of Area 7I were left undesignated
- The urban reserve designation of the 28-acre portion of Area 7B that lies east and north of Council Creek was removed; the portion was left undesignated
- 352 acres of undesignated land north of Highway 26, south of West Union Road, east of Groveland Road and west of Helvetia Road were designated urban reserve
- The rural reserve designation of 383 acres of Rural Reserve 6E south of Rosedale Road, west of 209th Avenue and north of Farmington Road was removed; the portion was left undesignated.

Metro Supp Rec. 798.

These revisions reduced the acres of urban reserves in Washington County by 299 acres, reduced the acres of rural reserves by 120 acres and increased the acres adjacent to the UGB left undesignated by 391 acres, all compared with the reserves submitted to LCDC in June, 2010. Overall, there are 13,525 acres of urban reserves and 151,209 acres of rural reserves in Washington County, in part reflecting refinements of boundaries as they relate to street rights-of-way, floodplains and improved tax lot alignments. Metro Supp Rec. 799.

II. OVERALL CONCLUSIONS

With adoption of Metro Ordinance No. 11-1255, Metro has designated 28,256 gross acres as urban reserves, including urban reserves in each county. Metro Supp Rec. 799. These lands are now first priority for addition to the region's UGB when the region needs housing or employment capacity. As indicated in new policy in Metro's Regional Framework Plan in Exhibit A to Ordinance No. 10-1238A, the urban reserves are intended to accommodate population and employment growth for 50 years, to year 2060.

Clackamas County Ordinance No. ZDO-233 designates 68,713 acres as rural reserves in Clackamas County. Multnomah County Ordinance No. 2010-1161 designates 46,706 acres as rural reserves in Multnomah County. Washington County Ordinance No. 740, which revised the county's designation of rural reserves following LCDC's remand of urban and rural reserves in the county, designates 151,209 acres of rural reserves. Metro Supp Rec. 798. As indicated in new policies in the Regional Framework Plan and the counties' comprehensive plans, these rural reserves – 266,628 acres in total – are now protected from urbanization for 50 years. Metro Supp. Rec. 798. The governments of the region have struggled with the urban-farm/forest interface, always searching for a “hard edge” to give farmers and foresters some certainty to encourage investment in their businesses. No road, stream or floodplain under the old way of expanding the UGB offers the long-term certainty of the edge of a rural reserve with at least a 50-year lifespan. This certainty is among the reasons the four governments chose the longer, 50-year, reserves period.

The region's governments have also debated how best to protect important natural landscape features at the edges of the urban area. The partners' agreements and these ordinances now identify the features that will define the extent of outward urban expansion.

The region's urban and rural reserves are fully integrated into Metro's Regional Framework Plan and the Comprehensive Plans of Clackamas, Multnomah and Washington counties. Metro's plan includes a map that shows urban and rural reserves in all three counties. Each of the county plans includes a map that shows urban and rural reserves in the county. The reserves shown on each county map are identical to the reserves shown in that county on the Metro map. Each of the four plans contains new policies that ensure accomplishment of the goals for the reserves set by the four local governments and by state law. These new policies are consistent with, and carry out, the intergovernmental agreements between Metro and the three counties signed in February, 2010, and the supplemental agreement between Metro and Washington County signed on March 15, 2011. Metro Supp. Rec. 285.

Together, these reserves signal the region's long-term limits of urbanization, its commitment to stewardship of farmland and forests, and its respect for the natural landscape features that give the people of the region their sense of place. Urban reserves, if and when added to the UGB, will take some land from the farm and forest land base. But the partners understood from the beginning that some of the very same characteristics that make an area suitable for agriculture also make it suitable for industrial uses and compact, mixed-use, pedestrian and transit-supportive urban development. The most difficult decisions made by the four governments

involved Foundation Agricultural Land¹ near the existing UGB and the circumstances in which this land should be designated as urban reserve to accommodate growth in a compact form and provide opportunities for industrial development, difficult or impossible on steep slopes. Metro designated 15 areas composed predominantly of Foundation Land as urban reserve, totaling 11,551 acres.²

Some important numbers help explain why the partners came to agree that the adopted system, in its entirety, best achieves this balance. Of the total 28,256 acres designated urban reserves, approximately 13,624 acres are Foundation (11,551 acres) or Important (2,073 acres) Agricultural Land. This represents only four percent of the Foundation and Important Agricultural Land studied for possible urban or rural reserve designation. If all of this land is added to the UGB over the next 50 years, the region will have lost four percent of the farmland base in the three-county area. Metro Supp.Rec. 799; 804-05.

There is a second vantage point from which to assess the significance for agriculture of the designation of urban reserves in the three-county region: the percentage of land zoned for exclusive farm use in the three counties that is designated urban reserve. Land zoned EFU³ has emerged over 35 years of statewide planning as the principal land base for agriculture in the counties, and is protected for that purpose by county zoning. The inventory of Foundation and Important Agricultural Lands includes land that is “exception land,” no longer protected for agriculture for farming. Of the 28,256 acres designated urban reserves, some 13,746 acres are zoned EFU. Even including the 3,532 acres of these EFU lands that are classified by ODA as “conflicted”, these 13,746 acres represent slightly more than five percent of all land zoned EFU (266,372 acres) in the three counties. If the “conflicted” acres are removed from consideration, the percentage drops to less than four percent. Metro Supp.Rec. 799; 804-05.

A third vantage point adds perspective. During an approximately 30-year period leading to establishment of the statewide planning program and continuing through the acknowledgement and early implementation of county comprehensive plans, the three counties lost more than 150,000 acres of farmland. Metro Supp. Rec. 799; 804-05. By contrast, if all the zoned farmland that is designated urban reserve is ultimately urbanized, the regional will have lost only 13,746 acres over 50 years.

If the region’s effort to contain urban development within the existing UGB and these urban reserves for the next 50 years is successful, the UGB will have accommodated an estimated 74 percent increase in population on an 11-percent increase in the area within the UGB. No other

¹ Those lands mapped as Foundation Agricultural Land in the January, 2007, Oregon Department of Agriculture report to Metro entitled “Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands.”

² 1C (East of Gresham, portion); 1F (Boring); 5A (Sherwood North); 5B (Sherwood West); 6A (Hillsboro South, portion); 6B (Cooper Mt. Southwest); 6C (Roy Rogers West); 6D (Beef Bend South); 7B (Forest Grove North); 7C (Cornelius East); 7D (Cornelius South); 7E (Forest Grove South); 8A (Hillsboro North); 8B (Shute Road Interchange and new Area D); 8C (Bethany West)

³ Includes all farm zones acknowledged to comply with statewide planning Goal 3, including Washington County’s AF-20 zone.

region in the nation can demonstrate this growth management success. Most of the borders of urban reserves are defined by a 50-year “hard edge” of 266,628 acres designated rural reserves, nearly all of which lies within five miles of the existing UGB. Of these rural reserves, approximately 248,796 acres are Foundation or Important Agricultural Land. Metro Supp. Rec. 799; 804-05.

Why did the region designate *any* Foundation Agricultural Land as urban reserve? The explanation lies in the geography and topography of the region, the growing cost of urban services and the declining sources of revenues to pay for them, and the fundamental relationships among geography and topography and the cost of services. The region aspires to build “great communities.” Great communities are those that offer residents a range of housing types and transportation modes from which to choose. Experience shows that compact, mixed-use communities with fully integrated street, pedestrian, bicycle and transit systems offer the best range of housing and transportation choices. *State of the Centers: Investing in Our Communities*, January, 2009. Metro Rec. 181-288. The urban reserves factors in the reserves rules derive from work done by the region to identify the characteristics of great communities. Urban reserve factors (1), (3), (4), and (6)⁴ especially aim at lands that can be developed in a compact, mixed-use, walkable and transit-supportive pattern, supported by efficient and cost-effective services. Cost of services studies tell us that the best landscape, both natural and political, for compact, mixed-use communities is relatively flat, undeveloped land. *Core 4 Technical Team Preliminary Analysis Reports for Water, Sewer and Transportation*, Metro Rec. 1163-1187; *Regional Infrastructure Analysis*, Metro Rec. 440-481.

The region also aspires to provide family-wage jobs to its residents. Urban reserve factor (2) directs attention to capacity for a healthy economy.⁵ Certain industries the region wants to attract prefer large parcels of flat land. Staff Report, June 9, 2010, Metro Rec. 172-178. Water, sewer and transportation costs rise as slope increases. *Core 4 Technical Team Preliminary Analysis Reports for Water, Sewer and Transportation*, Metro Rec. 1163-1187; *Regional Infrastructure Analysis*, Metro Rec. 440-481. Converting existing low-density rural residential development into compact, mixed-use communities through infill and re-development is not only very expensive, it is politically difficult. Metro Rec. 289-300.

Mapping of slopes, parcel sizes, and Foundation Agricultural Land revealed that most flat land in large parcels without a rural settlement pattern at the perimeter of the UGB lies in Washington County, immediately adjacent to Hillsboro, Cornelius, Forest Grove, Beaverton, and Sherwood. These same lands provide the most readily available supply of large lots for industrial development. *Business Coalition Constrained Land for Development and Employment Map*,

⁴ (1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;
(3) Can be efficiently and cost-effectively service with public schools and other urban-level public facilities and services by appropriate and financially capable providers;
(4) Can be designed to be walkable and service with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate services providers;
(6) Includes sufficient land suitable for a range of needed housing types.

⁵ (2) Includes sufficient development capacity to support a healthy economy.

Metro Rec. 301; 1105-1110. Almost all of it is Foundation Agricultural Land. Metro Supp. Rec.799. Had the region been looking only for the best land to build great communities, nearly all the urban reserves would have been around these cities. It is no coincidence that these cities told the reserves partners that they want significant urban reserves available to them, while most other cities told the partners they want little or no urban reserves. *Washington County Cities' Pre-Qualified Concept Plans*, WashCo Rec. 3036-3578. These facts help explain why there is more Foundation Agricultural Land designated urban reserve in Washington County than in Clackamas or Multnomah counties. Had Metro not designated some Foundation Land as urban reserve in Washington County, it would not have been possible for the region to achieve the “livable communities” purpose of reserves in LCDC rules [OAR 660-027-0005(2)].

Several urban reserves factors focus on the efficient, cost-effective installation, operation and maintenance of public services to urban reserves once they are included within the UGB.⁶ Urban reserve factor (6) calls for land suitable for needed housing types. The partners began the analysis by examining lands within five miles of the UGB. Most of these lands initially studied are beyond the affordable reach of urban services. As noted above, water, sewer and transportation costs rise as slope increases. *Core 4 Technical Team Preliminary Analysis Reports for Water, Sewer and Transportation*, Metro Rec. 1163-1187; *Regional Infrastructure Analysis*, Metro Rec. 440-481. Not only does most of the Important Agricultural Land and the Conflicted Agricultural Land within five miles of the UGB exhibit steeper slopes than the Foundation Land close to the UGB; these non-Foundation Lands also exhibit rural residential development patterns on smaller parcels (“exception lands”). Metro Supp. Rec.799; 807; WashCo Rec. 1891-1894; 2905. With one exception (small portion of Urban Reserve 1F), designated urban reserves lie within two miles of the UGB. Metro Supp. Rec.806.

Despite these geopolitical and cost-of-services realities, the reserves partners designated extensive urban reserves that are *not* Foundation Agricultural Lands in order to meet the farm and forest land objectives of reserves, knowing these lands will be more difficult and expensive to urbanize. The following urban reserves are principally Conflicted and Important Agricultural Land:

- Urban Reserve 1D east of Damascus and south of Gresham (2,716 acres), ClackCo Rec. 1723;
- Urban Reserve 2A south of Damascus (1,239 acres), ClackCo Rec. 1722;
- Urban Reserves 3B, C, D, F and G around Oregon City (2,232 acres), ClackCo Rec. 1718-1720;
- Urban reserves 4A, B and C in the Stafford area (4,699 acres), ClackCo Rec. 1716;
- Urban reserves 4D, E, F, G and H southeast of Tualatin and east of Wilsonville (3,589 acres), ClackCo Rec. 600;
- Urban Reserve 5F between Tualatin and Sherwood (572 acres); WashCo Rec. 3517; 2998;
- Urban Reserve 5G west of Wilsonville (203 acres) ClackCo Rec. 711-712; and
- Urban Reserve 5D south of Sherwood (447 acres), WashCo Rec. 3481; 2998.

⁶ Urban Reserve factors (1) (efficient use of public infrastructure); (3) (efficient and cost-effective public services); (4) (walkable, bikeable and transit-supportive).

These non-Foundation Lands designated urban reserve, which total approximately 15,700 acres, (55 percent of all lands designated urban reserve), are the most serviceable among the non-Foundation Lands within the initial study area. Metro Supp Rec.804-05; WashCo Re. 3006-3010; 3015.

Many areas of Important and Conflicted Agricultural Lands were not designated urban reserve in part because the presence of steep slopes, bluffs, floodplains, streams and habitat, limiting their suitability or appropriateness for urbanization:

- Rural Reserve 1B (West of Sandy River): the Sandy River Canyon and the county's scenic river overlay zone. MultCo Rec. 2961-2965; 2973-2985;
- Rural Reserve 2B (East Clackamas County): steep bluffs above the Clackamas River. ClackCo Rec. 560-563; 568-571;
- Rural Reserve 3E (East of Oregon City): steep slopes along Abernethy, Clear and Newell Creeks. ClackCo Rec. 748-755;
- Rural Reserve 3H (South of Oregon City): steep slopes drop to Beaver and Parrot Creeks. ClackCo. Rec. 557; 1718;
- Rural Reserve 4I (Pete's Mtn.): steep slopes. ClackCo Rec. 741-743;
- Rural Reserve 5C (East Chehalem Mtns): steep slopes and floodplain of Tualatin River; WashCo Rec. 2998-3027;
- Rural Reserve 5I (Ladd Hill): steep slopes and creek traverses. ClackCo. Rec. 592-595;
- Rural Reserve 6E (Central Chehalem Mtns.): steep slopes and floodplain of Tualatin River. WashCo Rec. 2998-3027;
- Rural Reserve 7G (West Chehalem Mtns.): steep slopes and floodplain of Tualatin River. WashCo Rec. 2997; 3006-3010; 3027;
- Rural Reserve 7H (West Fork of Dairy Creek); steep slopes on David Hill. WashCo. Rec. 3013; 3029; 3107;
- Rural Reserves 9A-9C (Powerlines/Germantown Road-South): steep slopes, many stream headwaters and courses. MultCo. Rec. 11; 329-330; 3004-3015;
- Rural Reserve 9D (West Hills South): steep slopes, many stream headwaters and courses. MultCo Rec. 2993-3033.

Metro Supp Rec. 806.

Urban reserve factors (5), (7) and (8)⁷ seek to direct urban development away from important natural landscape features and other natural resources. Much of the Important and some Conflicted Agricultural Lands are separated from the UGB by, or include, important natural landscape features or rural reserves on Foundation or Important Agricultural Land:

⁷ (5) Can be designed to preserve and enhance natural ecological systems;
(7) Can be developed in a way that preserves important natural landscape features included in urban reserves;
(8) Can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land including land designated as rural reserves.

- Rural Reserve 1B (West of Sandy River): the Sandy River Canyon (Wild and Scenic River). MultCo Rec. 2961-2965; 2973-2985;
- Rural Reserve 2B (East Clackamas County): Clackamas River and canyons of Deep, Clear and Newell Creeks. ClackCo. Rec. 1722;
- Rural Reserve 3E (East of Oregon City): Willamette River and canyons of Abernethy, Clear and Newell Creeks. ClackCo Rec. 560-563;
- Rural Reserve 3H (South of Oregon City): Willamette Narrows, Canemah Bluffs and canyons of Beaver and Parrot Creeks. ClackCo. Rec. 553-554;
- Rural Reserve 4I (Pete’s Mtn.): Willamette Narrows on eastern edge. ClackCo. Rec. 596;
- Rural Reserve 5C (East Chehalem Mtns): Chehalem Mtns., floodplain of Tualatin River and Tualatin River National Wildlife Refuge. WashCo Rec. 2988-3027; 9677-9679;
- Rural Reserve 5I (Ladd Hill): Parrett Mtn., Willamette River, Tonquin Geological Area. ClackCo. Rec. 592-595;
- Rural Reserve 6E (Central Chehalem Mtns.): Chehalem Mtns., floodplain of Tualatin River. WashCo Rec. 2998-3027;
- Rural Reserve 7G (West Chehalem Mtns.): Chehalem Mtns., floodplain of Tualatin River. WashCo Rec. 3029; 3095; 3103;
- Rural Reserves 9A-9C (Powerlines/Germantown Road-South): steep slopes (Tualatin Mountains), stream headwaters (Abbey Creek and Rock Creek) and courses. MultCo. Rec. 11; 329-330; 3004-3015; 3224-3225; 3250-3253; 9322-9323;
- Rural Reserve 9D (West Hills South): steep slopes, many stream headwaters (Abbey Creek and Rock Creek) and courses. MultCo Rec. 2993-3033.

Metro Supp. Rec. 800-01; 821.

Third, much of the Important and Conflicted Agricultural Lands rates lower against the urban reserves factors in comparison to areas designated urban reserve, or remain undesignated for possible designation as urban reserve if the region’s population forecast proves too low:⁸

- Clackamas Heights, ClackCo Rec. 1721;
- East Wilsonville, ClackCo Rec. 1715;
- West Wilsonville, ClackCo Rec. 1713;
- Southeast of Oregon City, ClackCo Rec. 1719;
- Southwest of Borland Road, ClackCo Rec. 740-747;
- Between Wilsonville and Sherwood, ClackCo;
- Powerline/Germantown Road-South, MultCo Rec. 2909-2910.

⁸ “Retaining the existing planning and zoning for rural lands (and not applying a rural or an urban reserves designation) is appropriate for lands that are unlikely to be needed over the next 40 years, or (conversely) that are not subject to a threat of urbanization.” Letter from nine state agencies to the Metro Regional Reserves Steering Committee, October 14, 2009, page 15.

Lastly, some of the Important and Conflicted Agricultural Lands lie adjacent to cities in the region that have their own UGBs and want their own opportunities to expand over time:

- Estacada
- Sandy

The partners also considered the rural reserve factors when considering whether to designate Foundation Agricultural Land as urban reserve. The first set of rural reserve factors focuses on the suitability and capability of land for agriculture and forestry. The factors in this set that address agricultural suitability and capability derive from the January, 2007, Oregon Department of Agriculture report to Metro entitled “Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands.” All of the Foundation Lands designated urban reserve are potentially subject to urbanization [rural factor (2)(a)] due to their proximity to the UGB and suitability for urbanization, as described above. See, e.g., WashCo Rec. 2984-2985; 2971-2972; 3013-3014. All of the Foundation Lands designated urban reserve are also capable of sustaining long-term agricultural or forest operations [factor (2)(b)]. WashCo rec. 2972-2973; 2985; 3015. Similarly, all of the Foundation Lands designated urban reserve have soils and access to water that render them suitable [factor (2)(c)] to sustain agriculture. See, e.g., WashCo Rec. 2972-2975; 2985; 2998; 3016-3018. These lands also lie in large blocks of agricultural land and have parcelization, tenure and ownership patterns and agricultural infrastructure that make them suitable for agriculture. WashCo Rec. 2975; 2985; 3019-3024; 3027. The identification of these lands as Foundation Agricultural Land by the Oregon Department of Agriculture is a reliable general source of information to support these findings. See also WashCo Rec. 2976-2983; 3019-3025.

Notwithstanding these traits that make these lands suitable for agriculture and forestry, some of the urban reserves on Foundation Land rate lower on the rural reserve factors than Foundation Land *not* designated urban reserve. WashCo Rec. 2978; 3025. Urban Reserves 6A (portion), 6B, 6C, 6D, 5A, 5B and 1F lie within Oregon Water Resources Department-designated Critical or Limited Groundwater Areas and have less ready access to water [factor (2)(c)]. WashCo Rec. 2294-2302; 2340; 2978-2979; 3019-3023; 3025; 3058-3061; 3288; 3489-3490. Metro Supp. Rec. 799-800; 809. Urban Reserves 8A, 8B (with new Area D, 6A (portion), 6B, 6D (portion), 5A, 5B, 1C and 1D are not within or served by an irrigation district. Metro Supp. Rec. 799; 808. WashCo Rec. 2340; 3019-3023; 3025 Urban Reserve 6A contains the Reserves Vineyards Golf Course. Metro Supp. Rec. 799.

The second set of rural reserve factors focuses on natural landscape features. All of the Foundation Lands designated urban reserve are potentially subject to urbanization [factor (3)(a)] due to their proximity to the UGB and their suitability for urbanization, as described above. The identification of these lands as Foundation Agricultural Land by the Oregon Department of Agriculture is a reliable general source of information to support this finding. Because urban reserves are intended for long-term urbanization, the partners were careful to exclude from urban reserves large tracts of land constrained by natural disasters or hazards incompatible with urban development. Metro Rec. 301; 1105-1110; WashCo Rec. 2986. Small portions of these urban reserves are vulnerable to hazards, but city land use regulations will limit urban development on

steep slopes, in floodplains and areas of landslides once the lands are added to the UGB. Metro Supp. Rec.821; WashCo Rec. 2986.

Little of these Foundation Lands are mapped as significant fish, plant or wildlife habitat [factor (3)(c)], the mapping of which is largely subsumed on the landscape features map. For the same reasons, little of these lands are riparian areas or wetlands. As with all lands, these lands are important for protection of water quality. But the lands are subject to local, regional, state and federal water quality regulations. See, e.g., WashCo Rec.2986-2987.

There are several inventoried natural landscape features [factor (3)(e)] within the Foundation Lands designated urban reserve. Rock Creek flows through a portion of Urban Reserve 8C (Bethany West). The IGA between Washington County and Metro included a provision to limit development on approximately 115 acres of constrained land within the portion of the watershed in 8C, through application of the county's Rural/Natural Resources Plan Policy 29 and Clean Water Services programs developed to comply with Title 13 (Nature in Neighborhoods) of Metro's Urban Growth Management Functional Plan. Metro Rec.821. Urban Reserve 6B includes portions of the slopes of Cooper Mountain. Metro's Cooper Mountain Nature Park lies within this area and protects much of the mountain's slopes. Metro Supp. Rec.821. Urban Reserve 6D includes a segment of Tualatin River floodplain. King City will apply its floodplains ordinance to limit development there. WashCo. Rec. 3462-3463; Metro Supp. Rec.821. There are such inventoried natural landscape features at the edges of Urban Reserves 6A (South Hillsboro, Tualatin River), 6C (Roy Rogers West, Tualatin River), 6D (Beef Bend, Tualatin River), 7C (Cornelius East, Dairy Creek), 7D (Cornelius South, Tualatin River), 7E (Forest Grove South, Tualatin River and Lower Gales Creek) and 8A (Hillsboro North, McKay Creek); Metro Supp. Rec.821. These features serve as edges to limit the long-term extent of urbanization and reduce conflicts with rural uses [factor (3)(f)] .

Urban Reserves 1F, 8A and 8B (new Area D) lessen the separation [factor (3)(g)] between the Metro urban area and the cities of Sandy and North Plains, respectively. But significant separation remains (Sandy: approximately 9,000 feet; North Plains: approximately 2,000 feet). Metro Supp. Rec.803; WashCo Rec. 2987. Finally, because private farms and woodlots comprise most of these Foundation Lands, they do not provide easy access to recreational opportunities as compared to Important and Conflicted Lands.

As indicated above and in county findings in sections VI through VIII, these 15 urban reserves on Foundation Agricultural Land rate highly for urban reserves and rural reserves. In order to achieve a balance among the objectives of reserves, Metro chose these lands as urban reserves rather than rural reserves. The characteristics described above make them the best lands for industrial use and for compact, mixed-use, pedestrian-friendly and transit-supportive communities. Designation of these areas as urban reserve will have little adverse impact on inventoried natural landscape features. Notwithstanding the loss of these lands over time, urbanization of these lands will leave the agricultural and forest industries vital and viable in the region.

The record of this two and one-half-year effort shows that not every partner agreed with all urban reserves in each county. But each partner agrees that this adopted system of urban and rural reserves, in its entirety, achieves the region's long-range goals and a balance among the

objectives of reserves: to accommodate growth in population and employment in sustainable and prosperous communities and neighborhoods, to preserve the vitality of the farms and forests of the region, and to protect defining natural landscape features. The partners are confident that this system of reserves will allow the continuation of vibrant and mutually-reinforcing farm, forest and urban economies for the next 50 years. And the partners agree this system is the best system the region could reach by mutual agreement.

III. OVERALL PROCESS OF ANALYSIS AND PUBLIC INVOLVEMENT

A. Analysis and Decision-Making

The three counties and Metro began reserves work as soon as LCDC adopted the new rules on reserves (OAR Division 27). The four governments formed committees and began public involvement to raise awareness about reserves and help people learn how to engage in the process. Each of the four governments selected one of its elected officials to serve on the “Core 4”, established to guide the designation process and formulate recommendations to the county boards and the Metro Council. The four governments also established a “Reserves Steering Committee” (RSC) to advise the Core 4 on reserves designation. The RSC represented interests across the region - from business, agriculture, social conservation advocacy, cities, service districts and state agencies (52 members and alternates).

The four governments established an overall Project Management Team (PMT) composed of planners and other professions from their planning departments. Each county established an advisory committee to provide guidance and advice to its county board, staffed by the county’s planning department.

As part of technical analysis, staff gathered providers of water, sewer, transportation, education and other urban services to consider viability of future service provision to lands within the study area. The parks and open space staff at Metro provided guidance on how best to consider natural features using data that had been deeply researched, broadly vetted and tested for social and political acceptance among Willamette Valley stakeholders (Oregon Wildlife Conservation Strategy, Pacific Northwest Research Consortium, Willamette Valley Futures, The Nature Conservancy’s Ecoregional Assessment). Business leaders, farm bureaus and other representative groups were consulted on an ongoing basis.

The first major task of the Core 4 was to recommend a reserves study area to the county boards and the Metro Council. With advice from the RSC, the county advisory committees and public comment gathered open houses across the region, the Core 4 recommended for further analysis some 400,000 acres around the existing urban area, extending generally five miles from the UGB. The four governments endorsed the study area in the fall of 2008. Then the task of applying the urban and rural reserve factors to specific areas began in earnest.

The county advisory committees reviewed information presented by the staff and advised the staff and county boards on how each “candidate area” rated under each reserves factor. The county staffs brought this work to the RSC for discussion. After a year’s worth of work at regular meetings, the RSC made its recommendations to the Core 4 in October, 2009.

Later in the fall, each elected body held hearings to hear directly from their constituents on proposed urban and rural reserves. Public involvement included six open houses, three Metro Council hearings around the region and a virtual open house on the Metro web site, all providing the same maps, materials and survey questions.

Following this public involvement, the Core 4 submitted its final recommendations to the four governments on February 8, 2010. The recommendation included a map of proposed urban and rural reserves, showing reserves upon which there was full agreement (the large majority of proposed reserves) and reserves upon which disagreements were not resolved. The Core 4 proposed that these differences be settled in bilateral discussions between each county and Metro, the parties to the intergovernmental agreements (IGAs) required by ORS 195.141. Over the next two weeks, the Metro Council reached agreement on reserves with each county. By February 25, 2010, Metro had signed an IGA with Clackamas, Multnomah and Washington counties. Metro Rec.302; 312; 404.

The IGAs required each government to amend its plan to designate urban (Metro) or rural (counties) reserves and protect them for their intended purposes with plan policies. The IGAs also set times for final public hearings on the IGA recommendations and adoption of ordinances with these plan policies in May and June. The four governments understood that the IGAs and map of urban and rural reserves were not final decisions and, therefore, provided for final adjustments to the map to respond to public comment at the hearings. By June 15, 2010, the four governments had adopted their reserves ordinances, including minor revisions to the reserves map.

B. Public Involvement

From its inception, the reserves designation process was designed to provide stakeholders and the public with a variety of ways to help shape the process and the final outcome. Most significantly, the decision process required 22 elected officials representing two levels of government and 400,000 acres of territory to craft maps and agreements that a majority of them could support. These commissioners and councilors represent constituents who hold a broad range of philosophical perspectives and physical ties to the land. Thus, the structure of the reserves decision process provided motivation for officials to seek a final compromise that met a wide array of public interests.

In the last phase of the reserve process – adoption of ordinances that designate urban and rural reserves – each government followed its established procedure for adoption of ordinances: notice to citizens; public hearings before its planning commission (in Metro’s case, recommendations from the Metro Planning Advisory Committee) and public hearings before its governing body. But in the more-than-two years leading to this final phase, there were additional advisory bodies established.

The RSC began its work in early 2008. RSC members were expected to represent social and economic interests to the committee and officials and to serve as conduits of communication back to their respective communities. In addition, RSC meetings were open to the public and provided an additional avenue for citizens to voice their concerns—either by asking that a

steering committee member represent their concern to the committee or by making use of the public testimony period at the beginning of each meeting.

Once the three county advisory committees got underway, they, like the RSC, invited citizens were to bring concerns to committee members or make statements at the beginning of each meeting.

Fulfilling the requirements of DLCD's administrative rules on reserves and the reserves work program, the three counties and Metro developed a Coordinated Public Involvement Plan in early 2008 that provided guidance on the types of public involvement activities, messages and communications methods that would be used for each phase of the reserves program. The plan incorporated the requirements of Oregon law and administrative rules governing citizen involvement and reflects comments and feedback received from the Metro Council, Core 4 members, each jurisdiction's citizen involvement committee, other county-level advisory committees and the RSC. The Citizen Involvement Advisory Committee of the Oregon Land Conservation and Development Commission (LCDC) reviewed and endorsed the Public Involvement Plan.

The four governments formed a public involvement team, composed of public involvement staff from each county and Metro, to implement the Public Involvement Plan. The team cooperated in all regional efforts: 20 open houses, two "virtual open houses" on the Metro web site, additional online surveys, presentations, printed materials and analysis and summaries of comments. The team members also undertook separate county and Metro-specific public engagement activities and shared methodologies, materials and results.

Elected officials made presentations to community planning organizations, hamlets, villages, city councils, advocacy organizations, civic groups, chambers of commerce, conferences, watershed councils, public affairs forums, art and architecture forums, and many other venues. Staff and elected officials appeared on television, on radio news broadcasts and talk shows, cable video broadcasts and was covered in countless news articles in metro outlets, gaining publicity that encouraged public engagement. Booths at farmers' markets and other public events, counter displays at retail outlets in rural areas, library displays and articles in organization newsletters further publicized the opportunities for comment. Materials were translated into Spanish and distributed throughout all three counties. Advocacy organizations rallied supporters to engage in letter email campaigns and to attend public meetings. Throughout the reserves planning process the web sites of each county and Metro provided information and avenues for feedback. While there have been formal public comment periods at key points in the decision process, the reserves project team invited the public to provide comment freely throughout the process. In all, the four governments made extraordinary efforts to engage citizens of the region in the process of designating urban and rural reserves. The public involvement plan provided the public with more than 180 discrete opportunities to inform decision makers of their views urban and rural reserves. A fuller account of the public involvement process the activities associated with each stage may be found at Staff Report, June 9, 2010, Metro Rec. 123-155; Metro Supp. Rec.47.

Following remand of Urban Reserves 7B and 7I in Washington County by LCDC on October 29, 2010, Metro and Washington County signed a supplemental IGA to re-designate urban and rural reserves in the county. Metro Supp. Rec. 285. Each local government held public hearings prior to adoption of the supplemental IGA and prior to adoption of their respective ordinances amending their maps of urban and rural reserves. Metro Supp. Rec. 328; 604.

IV. AMOUNT OF URBAN RESERVES

A. Forecast

Metro developed a 50-year “range” forecast for population and employment that was coordinated with the 20-year forecast done for Metro’s UGB capacity analysis, completed in December, 2009. The forecast is based on national economic and demographic information and is adjusted to account for regional growth factors. The partner governments used the upper and lower ends of the 50-year range forecast as one parameter for the amount of land needed to accommodate households and employment. Instead of aiming to accommodate a particular number of households or jobs within that range, the partners selected urban reserves from approximately 400,000 acres studied that best achieve the purposes established by the Land Conservation and Development Commission (set forth in OAR 660-027-0005(2)) and the objectives of the partner governments.

B. Demand and Capacity

Estimating land demand over the next 50 years is difficult as a practical matter and involves much uncertainty. The Land Conservation and Development Commission (LCDC) recognizes the challenge of estimating long-term need even for the 20-year UGB planning period. In the section of OAR Division 24 (Urban Growth Boundaries) on “Land Need”, the Commission says:

“The 20-year need determinations are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision.”

OAR 660-024-0040(1). The uncertainties loom much larger for a 40 to 50-year estimate. Nonetheless, Metro’s estimate of need for a supply of urban reserves sufficient to accommodate housing and employment to the year 2060 is soundly based in fact, experience and reasonable assumptions about long-range trends.

The urban reserves estimate begins with Metro’s UGB estimate of need for the next 20 years in its *Urban Growth Report 2009-2030*, January, 2010 (adopted December 17, 2009). Metro Rec. 646-648; 715. Metro relied upon the assumptions and trends underlying the 20-year estimate and modified them where appropriate for the longer-term reserves estimate, and reached the determinations described below.

The 50-year forecast makes the same assumption on the number of households and jobs needed to accommodate the population and employment coming to the UGB from the seven-county metropolitan statistical area (MSA) as in the *Urban Growth Report*: approximately 62 percent of the MSA residential growth and 70 percent of the MSA employment growth will come to the

metro area UGB. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C, Metro Rec. 599; Appendix 3E-D, Metro Rec. 606-607.*

Metro estimates the demand for new dwelling units within the UGB over the next 50 years to be between 485,000 and 532,000 units. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C, Metro Rec. 599.* Metro estimates between 624,300 and 834,100 jobs will locate within the UGB by 2060. *COO Recommendation, Urban Rural Reserves, Appendix 3E-D, Table D-3, Metro Rec. 607. Staff Report, June 9, 2010, Metro Rec.121-122.*

The region will focus its public investments over the next 50 years in communities inside the existing UGB and, as a result, land within the UGB would develop close to the maximum levels allowed by existing local comprehensive plan and zone designations. This investment strategy is expected to accommodate 70 to 85 percent of growth forecasted over that period. No increase in zoned capacity within the UGB was assumed because, at the time of adoption of reserves ordinances by the four governments, the Metro Council will not have completed its decision-making about actions to increase the capacity of the existing UGB as part of Metro's 2009 capacity analysis. For those areas added to the UGB between 2002 and 2005 for which comprehensive planning and zoning is not yet complete, Metro assumed the areas would accommodate all the housing and employment anticipated in the ordinances that added the areas to the UGB over the reserves planning period. Fifty years of enhanced and focused investment to accommodate growth will influence the market to use zoned capacity more fully.

Consistent with residential capacity analysis in the *Urban Growth Report*, vacant land in the existing UGB can accommodate 166,600 dwelling units under current zoning over the next 50 years. Infill and re-development over this period, with enhanced levels of investment, will accommodate another 212,600 units. This would leave approximately 152,400 dwelling units to be accommodated on urban reserves through 2060. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C, pp. 5-6, Metro Rec. 602-603.*

Based upon the employment capacity analysis in the *Urban Growth Report*, the existing UGB has sufficient capacity – on vacant land and through re-development over the 50-year reserves period – for overall employment growth in the reserves period. However, this supply of land does not account for the preference of some industrial employers for larger parcels. To accommodate this preference, the analysis of the supply of larger parcels was extrapolated from the *Urban Growth Report*. This leads to the conclusion that urban reserves should include approximately 3,000 acres of net buildable land that is suitable for larger-parcel industrial users. *COO Recommendation, Urban Rural Reserves, Appendix 3E-D, Metro Rec. 609-610; Staff Report, June 9, 2010, Metro Rec. 122.*

Metro assumed residential development in urban reserves, when they are added to the UGB over time, would develop at higher densities than has been the experience in the past, for several reasons. First, the region is committed to ensuring new development at the edges of the region contributes to the emergence of “great communities”, either new communities or as additions to existing communities inside the UGB. Second, because many urban reserves are “greenfields”, they can be developed more efficiently than re-developing areas already inside the UGB. Third, demographic trends, noted in the *Urban Growth Report* that is the starting point for Metro's

2010 capacity analysis, indicate increasing demand for smaller housing units. This reasoning leads to the assumption that residential development will occur in reserves, when added to the UGB, at 15 units per net buildable acre overall, recognizing that some areas (centers, for example) would settle at densities higher than 15 units/acre and others (with steep slopes, for example) would settle at densities lower than 15 units/acre. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C, pp. 6-7; Staff Report, June 9, 2010, Metro Rec. 121-122.*

Metro also assumed greater efficiencies in use of employment lands over the next 50 years. The emerging shift of industrial activity from production to research and development will continue, meaning more industrial jobs will be accommodated in high- floor-to-area-ratio (FAR) offices rather than low-FAR general industrial space. This will reduce the need for general industrial and warehouse building types by 10 percent, and increase the need for office space. Office space, however, will be used more efficiently between 2030 and 2060, reducing that need by five percent. Finally, the analysis assumes a 20-percent increase in FARs for new development in centers and corridors, but no such increase in FARs in industrial areas. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C, Metro Rec. 603-604; Staff Report, June 9, 2010, Metro Rec.121-122.*

These assumptions lead to the conclusion that 28,256 acres of urban reserves are needed to accommodate 371,860 people and employment land targets over the 50-year reserves planning period to 2060. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C, Metro Rec. 601-603; Appendix 3E-D, Metro Rec.607-610; Staff Report, June 9, 2010, Metro Rec.121-122.* The nine state agencies that served on the Reserves Steering Committee said the following about the amount of urban land the region will need over the long-term:

“The state agencies support the amount of urban reserves recommended by the Metro COO. That recommendation is for a range of between 15,000 and 29,000 acres. We believe that Metro and the counties can develop findings that, with this amount of land, the region can accommodate estimated urban population and employment growth for at least 40 years, and that the amount includes sufficient development capacity to support a healthy economy and to provide a range of needed housing types.” *Letter to Metro Regional Steering Committee, October 14, 2009, Metro Rec. 1373.*

Based upon the assumptions described above about efficient use of land, the four governments believe the region can accommodate 50 years worth of growth, not just 40 years of growth.

V. SUPPLEMENTAL FINDINGS REGARDING 50-YEAR SUPPLY OF URBAN RESERVES AND REGIONWIDE BALANCE

The findings in this Section V supplement the findings adopted by the Metro Council in support of the original 2011 approval of urban and rural reserves via Metro Ordinance 11-1255. To the extent any of the findings in this section are inconsistent with other findings in this document that were previously adopted in 2011, the findings in this Section V shall govern. These findings address issues related to the regionwide supply of urban reserves and the overall balance of reserves in light of (a) the Metro Council’s adoption of the current Urban Growth Report in 2015, and (b) the Oregon Legislature’s enactment of House Bill 4078.

On April 21, 2011, Metro enacted Ordinance 11-1255 adopting the urban and rural reserve designations agreed upon by Metro and the three counties, and submitted that ordinance and accompanying findings to LCDC for acknowledgement. On August 19, 2011, LCDC voted to approve and acknowledge the reserve designations made by Metro and the counties, and LCDC issued Acknowledgment Order 12-ACK-001819 on August 14, 2012. Twenty-two parties filed appeals of the LCDC Order, and on February 20, 2014 the Oregon Court of Appeals issued its opinion in the *Barkers Five* case, affirming LCDC's decision regarding the majority of the 26 assignments of error raised by the opponents, and remanding the LCDC Order on three substantive issues.

First, the court concluded that LCDC incorrectly approved Washington County's application of the rural reserve factors pertaining to agricultural land, because the county relied on factors that were different from those required by statute for determining whether lands should be designated as rural reserve. The court held that the county's error required remand of all urban and rural reserves in Washington County for reconsideration.

Second, the court held that LCDC incorrectly concluded that Multnomah County had adequately considered the rural reserve factors pertaining to Area 9D. The court found that the county's findings were not sufficient to explain why its consideration of the applicable factors resulted in a designation of rural reserve for *all* of Area 9D, given the fact that property owners in that area had identified dissimilarities between the northern and southern portions of the study area. Finally, the court held that LCDC did not correctly review Metro's urban reserve designation of the Stafford area for substantial evidence. The court concluded that Metro failed to adequately respond to evidence cited by opponents from Metro's 2035 Regional Transportation Plan (RTP) indicating that traffic in the Stafford area was projected to exceed the capacity of certain roads by 2035.

Immediately after the Court of Appeals issued its opinion, work began on legislation designed to resolve issues regarding the remand of urban and rural reserves in Washington County. On March 7, 2014 the Oregon Legislature passed House Bill 4078, which legislatively approved Metro's 2011 UGB expansion, added an additional 1,178 acres of urban reserves to the UGB, and made other revisions to the reserves map in Washington County.

As described in Section IV of these findings, when Metro and the three counties adopted their maps of reserve areas, they agreed on a total of 28,256 acres of urban reserves, which reflected Metro's estimate of the acreage that would be required to provide a 50-year supply of urbanizable land as contemplated under ORS 195.145(4). The specific forecast described above in Section IV is for a range of between 484,800 and 531,600 new dwelling units over the 50-year period ending in 2060. Metro relied on the high point of that forecast range in estimating that the region would need a supply of urban reserves sufficient to provide for approximately 152,400 new dwelling units outside of the existing UGB through 2060.

After LCDC voted to approve Metro's findings and acknowledge the designation of 28,256 acres of urban reserves in August of 2011, Metro relied on those designations to expand the UGB onto approximately 2,015 acres of urban reserves in Washington County. However, that expansion

was called into question by the Court of Appeals decision in *Barkers Five*, which reversed and remanded all of the urban and rural reserve designations in Washington County.

The compromise reflected in House Bill 4078 included legislative approval and state acknowledgement of the 2,015 acres of 2011 UGB expansions in order to provide certainty to the cities regarding their ability to urbanize those expansion areas. In addition to acknowledging the UGB expansion areas already approved by Metro, House Bill 4078 included the following changes to the reserves map in Washington County:

- Converted 2,449 acres of urban reserves to rural and undesignated
- Converted 417 acres from rural reserve to urban reserve
- Converted 883 acres of undesignated areas to rural reserve
- Added 1,178 acres of urban reserve to the UGB

In the final accounting, HB 4078 resulted in the net reduction of 3,210 acres of urban reserves below the amount remaining after Metro's 2011 UGB expansion. The remaining acreage of urban reserves in the Metro region is now 23,031.

The legislature's removal of 3,210 acres of urban reserves via HB 4078 potentially implicates two elements of state law governing reserves. First, ORS 195.145(4) requires the designation of a sufficient amount of urban reserve areas to provide the Metro region with a 40 to 50 year supply of urbanizable land. Second, OAR 660-027-0040(10) requires Metro and the counties to adopt findings explaining why the reserve designations achieve the objective stated in OAR 660-027-0005(2) of a balance in urban and rural reserves that "best achieves" livable communities, viability and vitality of farm and forest industries, and protection of important natural landscape features.

Regarding the requirement for a 40 to 50 year supply of urban reserves, the applicable state rule requires Metro's estimate of the projected long-range need for urban reserve acreage to be based on the analysis in Metro's most recent Urban Growth Report (UGR). The projected need for urban reserves adopted by Metro and the counties in 2011 was based on the regional growth forecast set forth in Metro's 2009 UGR. Since that time, in 2015 the Metro Council adopted the current 2014 UGR, which provides the current residential and employment growth projections for the region.

The findings below address the status of existing urban reserve acreage in light of the newer growth projections in the 2014 UGR, as well as the impact of HB 4078 on both the amount of urban reserves and the regionwide balance of urban and rural reserves under the "best achieves" standard.

A. Amount of Land Designated Urban Reserve in the Metro Region

The state rules governing the designation of urban and rural reserves require that the amount of land designated as urban reserves must be planned to accommodate estimated urban population and employment growth in the Metro region for between 20 and 30 years beyond the 20-year period for which Metro has demonstrated a buildable land supply inside the UGB in its most

recent Urban Growth Report. OAR 660-027-0040(2). The Metro Council adopted the current 2014 UGR via Ordinance No. 15-1361 on November 12, 2015.

In order to update the 50-year need analysis for urban reserves to 2065 by applying the most current growth projections, Metro planning staff prepared a memorandum dated February 22, 2017, which was attached to the staff report for Metro's public hearing on March 2, 2017. That memorandum provides an updated assessment of potential long-term demand for urban reserves, and concludes that the existing amount of urban reserves, combined with buildable land already inside the UGB, can provide a sufficient amount of land to accommodate expected urban growth.

Specifically, the staff memorandum includes an analysis of projected long-term need for residential and employment land, and concludes that the existing 23,031 acres of urban reserves can reasonably be expected to accommodate projected household and employment growth over the next 40 to 50 years. The staff analysis forecasts a potential need for 24,827 acres of urban reserves by 2065. Only for demonstrative purposes of placing that acreage in perspective on a 50-year planning horizon, assuming that an equal amount of urban reserve acreage is converted annually over 50 years, the existing 23,031 acres of urban reserves would provide a 46-year supply of land for urban growth in the Metro region. However, for the reasons described above in Section IV of these findings regarding more efficient use of land, including the likelihood of land developing at densities of higher than 10 dwelling units per net developable acre, the Metro Council finds that the existing 23,031 acres of urban reserves are intended to provide a supply of land for 50 years from the date of adoption of the 2014 UGR in 2015.

As explained in the staff memo, any prediction about how much land will be required for urban growth in the region over a 50-year planning horizon is necessarily a rough estimate. The nature of this exercise requires Metro to predict what growth and development trends might look like over the next 50 years, based on the available data. State law does not provide any particular formula or methodology for estimating the future need for urban reserves. As explained by LCDC in its 2012 order regarding Metro's compliance with the requirement to provide a 40 to 50-year supply of urban reserves, the statutes and rules provide Metro "a substantial degree of discretion concerning ... the methods and policy considerations that Metro uses to project future population and employment." (LCDC Compliance Acknowledgment Order 12-ACK-001819, page 26).

The 50-year regional growth estimate provided in the February 22, 2017 Metro staff memorandum is based on the analysis and projections in the 2014 UGR. The UGR forecast is then subjected to a series of predictions about what will happen in the future, based on multiple levels of assumptions regarding an array of factors that affect how much residential and employment growth might be expected in the region, such as capture rate, vacancy rate, and projected share of single-family and multifamily housing types. Minor changes in the underlying assumptions regarding these factors will necessarily change the results.

The Metro Council also notes that the intergovernmental agreements between Metro and each of the three counties regarding the designation of reserves provide for a review of existing urban reserves in each county 20 years after the date of adoption, or sooner if agreed to by Metro and all three counties. Therefore, the adequacy of the amount of land designated for future

urbanization can and will be revisited, and additional lands may be added if necessary, much sooner than 2065.

Based on the analysis and projections provided in the Metro staff memorandum dated February 22, 2017, the Metro Council concludes that the existing 23,031 acres of urban reserves across the region, combined with buildable land already inside the UGB, will provide a sufficient amount of land for urban growth in the region until 2065.

B. Balance in the Designation of Reserves that “Best Achieves” Certain Goals

Included among the state rules governing urban and rural reserves is a requirement that Metro and the counties must explain how the urban and rural reserve designations achieve the following objective:

“The objective of this division is a balance in the designation of urban and rural reserves that, in its entirety, best achieves livable communities, the viability and vitality of the agricultural and forest industries and protection of the important natural landscape features that define the region for its residents.” OAR 660-027-0005(2).

During the proceedings before LCDC regarding its adoption of the remand order in 2015, some parties argued that the reduction in urban reserve acreage in Washington County via House Bill 4078 created a shift in the balance of urban reserves that implicates the “best achieves” standard. The following two sections of these findings address the application of the best achieves standard in light of HB 4078.

First, in adopting HB 4078 the legislature enacted a new statute that acknowledged the new balance of urban and rural reserves across the region as being in compliance with state law, and therefore a new analysis by Metro and the counties is not required. Second, in the event such an analysis is required, that standard is still met.

1. The “best achieves” rule is satisfied through HB 4078

The enactment of HB 4078 resulted in the legislative acknowledgement of the new amount of urban reserves and the new balance of urban and rural reserves as being in compliance with all aspects of state law. Therefore, in the absence of any changes to the existing mapped acreage of urban and rural reserves in Clackamas County and Multnomah County, the existing balance of reserves across the region meets all applicable state requirements and there is no need for Metro to revisit the standards related to the “best achieves” requirement as part of these findings. In the *Barkers Five* opinion, the Court of Appeals remanded the designation of all urban and rural reserves in Washington County for reconsideration. As a result of this wholesale remand of the entire Washington County reserves package, the court also noted that “any new joint designation” of reserves by the county and Metro on remand would also require new findings addressing the “best achieves” standard in OAR 660-027-0005(2). *Barkers Five* at 333.

Thus, the court’s opinion provides that the best achieves standard would only be triggered in the event there are any *new* designations of reserve areas on remand that are different from what was approved in the original decision. That is because the stated purpose of the best achieves standard is to ensure that the overall “balance in the designation of urban and rural reserves” across the entire region “best achieves” liveable communities, vitality of farm and forest uses, and protection of natural features that define the region. Thus, any changes in the “balance” of those designations by Metro and the counties on remand would require a reassessment of whether and how those objectives are still met. But, in the absence of any changes to the reserve maps, no further assessment would be required.

This aspect of the Court of Appeals decision was overridden with respect to Washington County by the enactment of HB 4078, which legislatively established a new map of the locations of the UGB and urban and rural reserves in Washington County. This legislative action negated the court’s directive requiring remand to Metro and Washington County for reconsideration of the reserve designations. The enactment of HB 4078 also negates any need to reconsider or reapply the best achieves standard, which is an administrative rule requirement that was necessarily preempted by the legislature as part of its decision to redesignate substantial portions of the Washington County reserve areas. As long as the remand proceedings regarding Clackamas County and Multnomah County do not result in changes to the reserves maps in those counties, there is no need to reconsider the best achieves standard to account for the HB 4078 revisions.

The Oregon legislature is presumed to be aware of existing law when it enacts new legislation. *Blanchana, LLC v. Bureau of Labor and Industries*, 354 Or 676, 691 (2014); *State v. Stark*, 354 Or 1, 10 (2013). This presumption also applies to administrative rules adopted by LCDC. *Beaver State Sand & Gravel v. Douglas County*, 187 Or App 241, 249-50 (2003). When the legislature adopted revisions to the Washington County reserves map as part of HB 4078, it is presumed to have been aware of LCDC’s administrative rule requiring that there be a balance in reserve designations that “best achieves” the stated goals. The adoption of HB 4078 created a statutory requirement regarding the location of reserves in Washington County that takes precedence over LCDC’s “best achieves” rule and does not require subsequent action by LCDC, Metro or the counties to explain why the statute satisfies an administrative rule requirement, because statutes necessarily control over administrative rules.

The express terms of HB 4078 also indicate a legislative intent to preempt existing land use law. Each section of HB 4078 that establishes new locations for reserve areas or the UGB begins with the phrase “*For purposes of land use planning in Oregon, the Legislative Assembly designates the land in Washington County....*” HB 4078, Sec 3(1), (2), (3) (2014). The legislature was aware that its actions in redrawing the UGB and reserve maps had the effect of acknowledging the new maps as being in compliance with state law, and thereby preempting other land use planning rules (including for example LCDC’s Goal 14 rules regarding UGB expansions). The legislature included this language to clearly state that its action in adopting the new maps constituted acknowledgment of compliance with state law, and that it need not demonstrate compliance with other existing land use statutes, goals or rules, including the “best achieves” rule and the statutory requirement to provide a 40 to 50 year supply of urban reserves.

For these reasons, so long as there are no revisions on remand to the reserve maps in Clackamas County or Multnomah County, the HB 4078 revisions to the reserve designations in Washington County do not create a need to reconsider compliance with the “best achieves” standard or the sufficiency of the supply of urban reserves.

2. The balance in the designation of reserves still achieves the stated goals

The meaning and application of the “best achieves” rule was the subject of considerable debate in the appeals filed with LCDC in 2011 and with the Court of Appeals in 2012. Ultimately, in the *Barkers Five* opinion, the Court of Appeals agreed with the positions taken by LCDC and Metro that the “best achieves” standard provides significant discretion to Metro and the counties, and is satisfied through their site-specific findings concerning the application of the urban and rural reserve factors. Specifically, the Court of Appeals identified and agreed with the following four legal premises regarding the application of the standard.

First, the best achieves standard is a qualitative standard, rather than a quantitative one. The court agreed with LCDC that the standard “is not a balance in terms of the quantitative *amount* of urban and rural reserve acreage, but a balance between encouraging further urban expansion versus land conservation.” The court explained that Metro and the counties are not required to justify a quantitative “balance” in the specific amount of acreage of urban reserves and rural reserves.

Second, the best achieves standard applies to Metro and the counties’ designation of reserves “in its entirety” and not to the designation of individual properties or areas as urban or rural reserves.

Third, the best achieves standard allows for a range of permissible designations, and not a single “best” outcome. The court agreed with LCDC and Metro that the standard does not require a ranking of alternative areas from worst to best. The court specifically rejected arguments presented by the cities of West Linn and Tualatin that the word “best” requires a comparative analysis that identifies a single highest-ranked designation.

Fourth, the court held that Metro and the counties must explain how the designation satisfies the best achieves standard through their findings concerning the application of the urban and rural reserve factors to specific areas. The court agreed with LCDC that there is a close relationship between the “factors” that Metro and the counties must consider for urban and rural reserve designations and the overall “best achieves” objective, and that the best achieves standard is satisfied through findings explaining why particular areas were chosen as urban or rural reserves. Under the four legal premises stated by the Court of Appeals in *Barkers Five*, Metro and the counties have broad discretion in reaching a conclusion regarding whether the regionwide balance of urban and rural reserves achieves the identified objectives of creating livable communities while protecting farms, forest, and natural landscape features.

Some parties have argued that the reduction in urban reserve acreage in Washington County via House Bill 4078 inherently caused a shift in the “balance” of urban reserves that runs afoul of the best achieves standard. However, under the above-stated first premise of the Court of Appeals, that is incorrect. The court held that the best achieves standard does not require quantitative

balancing of the specific amount of urban reserve acreage in one county or another. Thus, the reduction of urban reserves in Washington County by 3,210 acres does not inherently raise concerns under this standard.

Metro and the counties have adopted detailed findings regarding the consideration of all urban and rural reserve factors, explaining why particular areas were chosen as urban or rural reserves, and explaining how the regional partners came to agree that the overall package of urban and rural reserves reflects a balance that best achieves the objectives of creating livable communities while protecting farms, forest, and natural landscape features. Those findings are consistent with the fourth premise identified by the Court of Appeals regarding compliance with the best achieves standard, and the findings continue to demonstrate that the objectives stated in the rule are being achieved through the selected designations.

Metro and the counties have also adopted detailed findings that explain why the urban and rural reserves adopted by the region satisfy the best achieves standard, which are set forth above in Section II of these findings. Those findings note that urban reserves, if and when added to the UGB, are likely to take some land from the farm and forest base. However, Metro and the counties also recognized that some of the same characteristics that make an area suitable for agriculture also make it suitable for livable communities under the best achieves standard, including mixed-use pedestrian and transit-supportive urban development, as well as industrial uses. For the reasons described below, the findings in Section II are still valid and are not impacted by the reduction of urban reserves in Washington County under House Bill 4078.

The designation by Metro and the counties of urban and rural reserves achieves the objectives required under the state rule, in part, by adopting 266,628 acres of rural reserves across the region that establish the long-term limits of urbanization in the Metro area. As described above, consistency with the “best achieves” standard does not require a quantitative balancing of the amount of rural and urban reserve acreage. However, the designation of a significant amount of rural reserve areas around the region, with the vast majority (248,796 acres) being foundation and important agricultural land, demonstrates the region’s commitment to achieving the objectives of ensuring viability and vitality of the agricultural and forest industries and corresponding protection of important natural landscape features. As described in the Court of Appeals opinion, LCDC’s intent when it created the best achieves standard was to provide another level of review specifically designed to protect foundation farmland in the region:

“[Commissioner Worrix] explained that the best achieves standard was seen as ‘the best solution’ for the agricultural industry that had expressed ‘a strong concern . . . that there needed to be something that highlighted the importance of foundation land and gave them that little extra bit of scrutiny.’” *Barkers Five*, 261 Or App at 312.

Regarding important natural landscape features, the process associated with achieving a balance in the designation of urban and rural reserves also provided a significant amount of weight to the protection of natural features. Three of the urban reserve factors – (5), (7) and (8) – seek to direct urban development away from important natural landscape features, and away from farm and forest practices. This provides an example of the close relationship between the factors for urban

and rural reserve designations and the “best achieves” objective (as described in the fourth premise adopted by the Court of Appeals), and demonstrates how the best achieves standard may be satisfied through findings explaining why particular areas were chosen as urban or rural reserves. Similarly, the rules that apply to rural reserve designations include very specific directives regarding how natural landscape features must be reviewed and considered. OAR 660-027-0060(3). Section II of these findings includes a bullet-point list of areas where important natural landscape features are located that are protected with rural reserve designations.

Two of the three objectives that the best achieves standard requires to be balanced are primarily achieved through rural reserve designations: (a) protection of farm and forest and (b) protection of important natural resource features. The region’s ability to achieve these two objectives through rural reserve designations is not impacted by the reduction of urban reserve acreage that occurred via House Bill 4078. In fact, that legislation enhanced the region’s ability to achieve those two standards by adding approximately 2,780 acres of new rural reserves in Washington County, all of which is foundation agricultural land.

The third objective that must be balanced as part of the best achieves analysis is “livable communities.” This objective is primarily achieved by designating areas across the region that will be the best locations to build “great communities” through application of the urban reserve factors. As discussed in Section II of these findings, great communities are those that offer residents a range of housing types and transportation modes from which to choose. To that end, urban reserve factors (1), (3), (4) and (6) are aimed at identifying lands that can be developed in a compact, mixed-use, walkable and transit-oriented pattern, supported by efficient and cost-effective services.

The reduction of urban reserves in Washington County by 3,210 acres does not impact the region’s ability to build livable communities across the region over the next 40 to 50 years. The quantitative aspect of urban reserve planning is addressed by the rule discussed above that requires sufficient acreage for up to 50 years of urban growth. Meanwhile, the directive of the best achieves standard to provide livable communities is aimed at designating highest *quality* of locations that can provide a range of housing types and transportation modes, as well as efficient public services. As discussed above, the existing urban reserve acreage in the region still provides a sufficient amount of land for urban growth over the next 40 to 50 years. The fact that House Bill 4078 reduced the amount of urban reserves from 26,241 to 23,031 acres has no effect on the region’s ability to plan and build livable communities on those 23,031 acres over the next several decades. Therefore, the balance in the designation of urban and rural reserves, in its entirety, still achieves the goals of providing livable communities, viability and vitality of farm and forest industries, and the protection of important natural landscape features that define the region.

In 2011, the region concluded, acting together, that the agreed-upon urban and rural reserve designations provide a balance that achieves the objectives of building livable communities while protecting farms, forests, and natural features. The findings adopted by Metro and the counties support a conclusion that the best achieves standard has been met, and that conclusion is not impacted by the changes to urban and rural reserve acreage that occurred via House Bill 4078.

C. Responses to Issues Raised by Opponents

During the proceedings leading up to the Metro Council's adoption of Ordinance No. 17-1397, several parties submitted testimony raising legal issues regarding the Metro staff analysis set forth in the February 22, 2017 memorandum to the Metro Council concerning the amount of urban reserves remaining in the region. Responses to these arguments are provided in the Metro staff memorandum dated March 23, 2017, which is included in the record and hereby incorporated as part of these findings.

A common theme in letters submitted by attorneys for the Maletis Brothers and Barkers Five, LLC arises out of Metro's reliance on the 2014 UGR for purposes of determining whether the amount of urban reserves is sufficient to provide a 40 to 50 year supply of urbanizable land. These parties contend that the 2014 UGR is flawed for various reasons and therefore does not provide an adequate basis to forecast the future need for residential and employment land between now and 2065.

A fundamental problem with arguments about the adequacy of the future growth projections in the 2014 UGR is that those projections were developed through a multi-year and extensively peer-reviewed process culminating in adoption of the 2014 UGR by the Metro Council via Ordinance No. 15-1361. That decision was not appealed by any party, and therefore the UGR is acknowledged by LCDC as providing a legally valid forecast that is in compliance with all state requirements. To the extent that opponents are attempting to challenge the adequacy of the assumptions and projections in the adopted and acknowledged 2014 UGR, those arguments are impermissible collateral attacks. The applicable rule establishing the requirement for a 40 to 50 year supply of urbanizable land does not require Metro to generate a new UGR for purposes of estimating the future need for urban reserves. Rather, it directs Metro to rely on the land supply analysis in the most recently adopted 2014 UGR, which is exactly what Metro has done.

Many of the staff responses in the memorandum dated March 23, 2017 to issues raised by counsel for the Maletis Brothers also apply to issues raised by counsel for Barkers Five, LLC in a letter dated March 23, 2017. Nearly all of the issues raised by Barkers Five are based on arguments regarding why they believe the 2014 UGR is not accurate. As addressed above, Metro is entitled to rely on the adopted and acknowledged 2014 UGR forecast and to apply that forecast to the urban reserve analysis. Responses to specific issues raised by counsel for Barkers Five, LLC are included in a separate memorandum from Metro staff dated April 6, 2017, which is included in the record and hereby incorporated as part of these findings.

VI. IMPLEMENTING URBAN RESERVES

To ensure that urban reserves ultimately urbanize in a manner consistent with the Regional Framework Plan, Ordinance No. 10-1238A amended Title 11 (Planning for New Urban Areas) (Exhibit D) of Metro's Urban Growth Management Functional Plan to require planning of areas of urban reserve prior to inclusion into the UGB. Title 11 now requires a "concept plan" for an urban reserve area prior to UGB expansion. A concept plan must show how development would achieve specified outcomes. The outcomes derive from the urban reserve factors in OAR 660-

027-0050, themselves based in part on the characteristics of “great communities” identified by local governments of the region as part of Metro’s “Making the Greatest Place” initiative. Title 11 sets forth the elements of a concept plan, including:

- the general locations of types of uses
- the general locations of the urban services (including transportation systems) needed to support the uses
- estimates of the cost of the services to determine the feasibility of urbanization and to allow comparisons of urban reserves
- the locations of natural resources that will be subject to Title 3 and 13 of the UGMFP
- agreement among local governments and other service providers on provision of services to the area
- agreement among the local governments on annexation of the area to a city or cities and responsibility for planning and zoning.

Title 11 continues to limit development in areas added to the UGB to protect the opportunity for efficient urbanization during the time needed to adopt new local government plan provisions and land use regulations. Title 11, together with the comprehensive plans of the receiving local governments and Metro’s Regional Framework Plan (including the 2035 Regional Transportation Plan), will ensure land use and transportation policies and designations will allow mixed-use and pedestrian, bicycle and transit-supportive development once urban reserve areas are added to the UGB. Staff Report, June 9, 2010, Metro Rec.8-13.

VII. REASONS FOR URBAN AND RURAL RESERVES IN CLACKAMAS COUNTY

A. Introduction

Brief Outline of Clackamas County Process.

Working in conjunction with Metro Staff, and staff from the other two Metro counties, Clackamas County staff initially identified a study area large enough to provide choices for urban reserves, along with areas threatened by urbanization for consideration as rural reserves. (ClackCo Rec. 26) The initial study area was over 400,000 acres. (ClackCo Rec. 251-256.)

The county then convened a Policy Advisory Committee (PAC) made up of 21 members representing cities, citizen organizations and other stakeholders. Clackamas County Record 18-20. The PAC met 22 times over a year and a half before forwarding its recommendations to the Board of County Commissioners. The record of materials before the PAC included close to a thousand pages of information addressing each of the reserves factors. (ClackCo Rec. 1 to 995). At its second meeting, the PAC was informed that the standards in OAR Division 27 were to be applied as factors, rather than as individual criteria. (ClackCo Rec. 27.)

The PAC adopted an initial screen of rural reserve areas in January, 2009.(ClackCo Rec. 354 to 356.) In May and June of 2009, the PAC and staff further evaluated the rural reserve candidate areas and forwarded a more detailed recommendation to the BCC. (ClackCo Rec. 529-676).

The PAC began its more detailed evaluation of Urban Reserves through the summer of 2009, specifically evaluating each urban reserve candidate area considering each of the urban reserve factors. (ClackCo Rec. 677 to 851).

In the summer of 2009, the Clackamas County Planning Commission held three meetings to discuss and make recommendations on both Urban and Rural Reserves. (ClackCo Rec. 1835 to 1960).

The PAC and Planning Commission recommendations were forwarded to the Board of County Commissioners in September, 2009. The board evaluated all of the potential reserves areas, and forwarded its own recommendation to Metro's Reserves Steering Committee (RSC). (ClackCo Rec. 1589-1729).

Between September 2009 and February, 2010, the recommendations were refined and discussed both regionally and within the county. (ClackCo Rec.1729 -1807). See timeline of "milestones" at Clackamas County Record 1807. On February 25, the county authorized its chair to sign an Intergovernmental Agreement with Metro agreeing to specific reserves designations in Clackamas County. (ClackCo Rec. 1817-1833) ("Reserves IGA").

After the Reserves IGA was signed, the county and Metro further refined the reserves map, ultimately adopting the reserves designations that were submitted to DLCD in June.

B. Clackamas County: Urban Reserves

The factors for designation of urban reserves are set forth at OAR 660-027-0050:

Urban Reserve Factors: When identifying and selecting lands for designation as urban reserves under this division, Metro shall base its decision on consideration of whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB:

- (1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;*
- (2) Includes sufficient development capacity to support a healthy economy;*
- (3) Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers;*
- (4) Can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate service providers;*
- (5) Can be designed to preserve and enhance natural ecological systems;*
- (6) Includes sufficient land suitable for a range of needed housing types;*

(7) Can be developed in a way that preserves important natural landscape features included in urban reserves; and

(8) Can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land including land designated as rural reserves.

It is important to note that the reserves factors are not criteria to be met individually. Rather, the factors are considerations to be weighed and balanced in light of the overall purpose of the reserves decision, and the regional context. There are a number of areas which might be designated as either urban reserve or rural reserves, and the designations are interdependent, in the sense that land designated as a rural reserve is no longer among the options available for rural reserves.

Urban Reserves 1D and 1F: Boring

General Description: This Urban Reserve comprises approximately 4,200 acres, bordered by the cities of Gresham on the north and Damascus on the west. The eastern-most boundary of this Urban Reserve is located approximately two miles from the City of Sandy's Urban Reserve. The community of Boring, which is identified as a Rural Community in the County Comprehensive Plan, is located in the southern part of this area, and its boundary is the southern edge of this Urban Reserve. Highway 26 forms the northern boundary of this Urban Reserve.

Development in this area is focused in the community of Boring, which has several commercial and employment uses and a small residential community. There is also an area of non-conforming commercial uses located at the eastern edge of this Urban Reserve, along the north side of St. Hwy. 212. Rural residential homesites mixed with smaller farms characterize the area west of 282nd Avenue. The area east of 282nd Ave., north of Boring, has several larger, flat parcels that are being farmed.

There are two significant buttes located in the northwest part of this Urban Reserve. These buttes have been identified as important natural landscape features in Metro's February 2007 "Natural Landscape Features Inventory". These buttes are wooded. Existing rural homesites are scattered on the slopes. There is minimal development potential on these buttes.

The area west of SE 282nd Ave., outside Boring, is identified as Conflicted Agricultural Land. The area east of SE 282nd Ave, (Area1F) is identified as Foundation Agricultural Land. This is the only Foundation Agricultural Land in Clackamas County included in an Urban Reserve.

Conclusions and Analysis: Designation of the Boring Area as an Urban Reserve is consistent with OAR 660-027. The Boring Urban Reserve provides one of Clackamas County's few identified employment land opportunities. The larger, flat parcels in Area 1F are suitable as employment land. This area is served by St. Hwy. 26 and St. Hwy 212, transportation facilities that have been identified by ODOT as having additional capacity. Development of this area for employment uses also would be a logical complement to the Springwater employment area in Gresham.

Portions of this Urban Reserve also satisfy some of the factors for designation as a Rural Reserve. Area 1F is comprised of Foundation Agricultural Land. Two buttes located in the northwest corner of this Urban Reserve are included in Metro's February 2007 "Natural Landscape Features Inventory". The City of Sandy has requested a Rural Reserve designation for Area 1F, to maintain separation between the Portland Metro Urban Growth Boundary and the City's urban area.

On balance, designation as an Urban Reserve is the appropriate choice. As explained below, designation as an Urban Reserve meets the factors for designation provided in OAR 660-027-0050. Area 1F is the only Urban Reserve in Clackamas County containing Foundation Agricultural Land. While this area does contain commercial farms, it also is impacted by a group of non-conforming commercial uses located near the intersection of the two state highways. The area west of SE 282nd is identified as Conflicted Agricultural Land. The two state highways and the rural community of Boring provide logical boundaries for this area.

The Boring Urban Reserve and the Urban Reserve that includes the Borland Area (Area 4C) are the only areas containing a significant amount of larger, flatter parcels suitable for employment uses. The Principles for concept planning recognize the need to provide jobs in this part of the region, and also recognize that the Boring Urban Reserve is identified principally to meet this need. There are no other areas with land of similar character in the eastern part of the region. Designation of Areas 1D and 1F as an Urban Reserve is necessary to provide the opportunity for development of employment capacity in this part of the region. These facts justify including this small area of Foundation Farmland in the Urban Reserve, in accord with OAR 660-027-0040(11).

The two buttes have little or no potential for development. While they could be designated as a Rural Reserve, such a designation would leave a small Rural Reserve located between the existing Urban Growth Boundary and the remainder of the Boring Urban Reserve. The buttes can be protected by the city which will govern this area when it is added to the Urban Growth Boundary. The Principles also recognize the need to account for these important natural landscape features during development of concept plans for this area.

The City of Sandy has objected to the designation of Area 1F as an Urban Reserve. ClackCo Rec.3286-3288. The City points to a 1998 Intergovernmental Agreement among Metro, Sandy, Clackamas County and, the Oregon Department of Transportation.⁹ Among other things this IGA states a purpose to "designate areas of rural land to separate and buffer Metro's Urban Growth Boundary and Urban Reserve areas from the City's Urban Growth Boundary and Urban Reserve areas. The IGA also recognizes the desire to protect a view corridor along Hwy 26. The parties are negotiating an update to this agreement.

The Principles require concept planning for the Boring Urban Reserve to "recognize the need to provide and protect a view corridor considering, among other things, landscaping, signage and building orientation...." The two miles between the Boring Urban Reserve and the City of Sandy's Urban Reserve area is being designated as a Rural Reserve, assuring separation of these two urban areas.

⁹ The agreement was never signed by the Oregon Department of Transportation.

Designation of the Boring Urban Reserve is consistent with the factors for designation provided in OAR 660-027-0050.

- 1) The Boring Urban Reserve can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments. Metro’s Urban Study Area Analysis (Map A) demonstrates the relatively large amount of land suitable for development in this urban Reserve, particularly in Area 1F and the eastern half of Area 1D. The existing community of Boring also provides a focal point for commercial and residential development in this Urban Reserve. The buttes in the northwestern corner of this area, adjacent to Damascus and Gresham, have very little potential for additional urban-level development, but most of the rest of this Urban Reserve, comprised of larger lots with moderate or flat terrain, can be developed at urban densities.
- 2) The Boring Urban Reserve includes sufficient development capacity to support a healthy economy. This is one of the few areas in Clackamas County, adjacent to the Urban Growth Boundary, with access to a state highway, and possessing larger parcels and flat terrain conducive to development of employment uses. The area also is proximate to the Springwater employment area in Gresham. The existing community of Boring provides the opportunity for redevelopment providing the commercial uses supportive of a complete community.
- 3) The Boring Urban Reserve can be efficiently and cost-effectively provided with public facilities necessary to support urban development. While substantial investment will be necessary to provide facilities, compared to other areas in the region, the Boring Urban Reserve Area has a high or medium suitability rating (see Sewer Serviceability Ratings Map and Water Serviceability Map). ODOT has indicated that this area is “moderately suitable” for urbanization, which is one of the higher ratings received in the region. While the buttes and steeper terrain on the west will be difficult to develop with a road network, the rest of the Urban Reserve is relatively flat and unencumbered.
- 4) Most of the Boring Urban Reserve can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate service providers. The buttes and associated steep slopes would be difficult to develop. The rest of the Urban Reserve has few limitations to development of multi-modal, urban neighborhoods.
- 5) The Boring Urban Reserve can be planned so that natural ecological systems and important natural landscape features can be preserved and enhanced. The buttes and associated steep terrain are the most significant features in this Urban Reserve. Parcelization and existing development, in addition to the physical characteristics of these areas make development potential extremely limited. The Principles note the need to recognize these important natural landscape features when a concept plans are developed.
- 6) The Boring Urban Reserve includes sufficient land suitable to provide for a range of housing types. This Urban Reserve has more land suitable for development than other

Urban Reserves in Clackamas County. There is an existing community that will provide a focal point for the eventual urbanization of the Boring Urban Reserve.

- 7) Concept planning for the Boring Urban Reserve can be designed to avoid or minimize adverse effects on important farm and forest practices and on important natural landscape features on nearby land. The area along the western half of this Urban Reserve is identified as Conflicted Agricultural Land and is adjacent to the cities of Gresham and Damascus. The northern boundary is clearly delineated by Hwy 26. Most of the southern boundary is formed by the existing developed community of Boring. Hwy 212 provides a clear demarcation from the rest of the area south of this Urban Reserve. The size of this area also will allow planning to design the urban form to minimize effects on the agricultural areas to the north and east.

Urban Reserve 2A: Damascus South

General Description: The Damascus South Urban Reserve is approximately 1,240 acres. This Urban Reserve is adjacent to the southern boundary of the City of Damascus. Approximately 500 acres is located within the City of Damascus, although outside the Urban Growth Boundary. The southern and western boundaries of the Urban Reserve are clearly demarked by the steep terrain characterizing the Clackamas Bluffs, which are identified as an important natural landscape feature in Metro's February 2007 "Natural Landscape Features Inventory." The eastern boundary of the Urban Reserve is established by the Deep Creek Canyon, which also is identified as an important natural landscape feature.

This urban reserve is comprised of moderately rolling terrain, with a mix of farms and scattered rural residential uses on smaller parcels. There are several larger ownerships located east of SE 282nd Avenue. The entire area is identified as Conflicted Agricultural Land.

Analysis and Conclusions: Designation of the Damascus South Urban Reserve area is a logical extension of the City of Damascus, providing additional opportunity for housing and employment uses. Portions of this area are already located in the City of Damascus. Additional areas were identified as important developable urban land in the Damascus Concept Plan. The boundaries of the Damascus South Urban Reserve are formed by important natural landscape features.

This area was considered for designation as a Rural Reserve, but does not satisfy the factors stated in OAR 660-027-0060. The entire area is designated as Conflicted Agricultural Land. Some of the land is located within the City of Damascus. The southern boundary of the Urban Reserve is established to exclude the Clackamas Bluffs, which are identified in Metro's February 2007 "Natural Landscape Features Inventory". The eastern boundary excludes the Noyer and Deep Creek canyons, which also were included in this inventory.

As explained in the following paragraphs, designation as an Urban Reserve is consistent with the factors for designation set forth in OAR 660-027-0050.

OAR 660-027-0050

- 1) The Damascus South Urban Reserve can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments. A large part of this area already is located within the City of Damascus. Parts of the Urban Reserve were planned for urban development in the Damascus Concept Plan. While there are several older subdivisions scattered throughout the area that may be difficult to redevelop, most of this area is comprised of larger parcels suitable for development at urban densities, with mixed use and employment uses. The terrain for most of the area is gently rolling, and there are no floodplains, steep slopes, or landslide topography that would limit development potential.
- 2) There is sufficient development capacity to assist in supporting a healthy economy. The eastern part of this area, in particular, is characterized by larger parcels, with few development limitations, that are suitable for development of employment uses.
- 3) The Damascus South Urban Reserve can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers. There have been no comments from local school districts indicating any specific concerns regarding provision of schools to this area, although funding for schools is an issue throughout the region. Technical assessments rate this area as having “high suitability” for the provision of sewer. Addition of the eastern part of this Urban Reserve will facilitate the provision of sewer to the existing urban area within the City of Damascus. ClackCo Rec. 795- 796. This area is rated as having “high and medium suitability” for the provision of water. The ability to provide transportation facilities is rated as “medium” for this area, which has few physical limitations. ClackCo Rec. 797-798.
- 4) The Damascus South Urban Reserve can be developed with a walkable, connected system of streets, bikeways, recreation trails and public transit, provided by appropriate service providers. As previously explained, the physical characteristics of this area will be able to support urban densities and intensities necessary to create a multi-modal transportation system. Previous planning efforts, including the Damascus Concept Plan, demonstrate this potential.
- 5) Development of the Damascus South Urban Reserve can preserve and enhance natural ecological systems. The boundaries of this Urban Reserve avoid the steeper terrain of the Clackamas Bluffs and the Deep Creek Canyon. The area is large enough to provide the opportunity for flexibility in the regulatory measures that create the balance between protection of important natural systems and development.
- 6) The Damascus South Urban Reserve includes sufficient land suitable for a range of needed housing types. As previously explained, there are few physical impediments to development in this Urban Reserve. This area also is adjacent to the developing urban area of Damascus, which also will be providing housing for this area.

- 7) There are no important natural landscape features identified Metro's 2007 "Natural Landscape Features Inventory" located in the Damascus south Urban Reserve. The boundaries of this Urban Reserve are designed to exclude such features from the Urban Reserve.
- 8) Development of this Urban Reserve can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land including land designated as rural reserves. This area is identified as Conflicted Agricultural Land, primarily because it is physically isolated from other nearby agricultural land. The Deep Creek and Noyer Creek canyons provide a physical boundary from nearby agricultural areas to the east. Similarly, these areas, and the Clackamas Bluffs, are not identified as areas where significant forest operations are occurring.

Urban Reserves 3B, 3C, 3D, 3F and 3G: Holcomb, Holly Lane, Maple Lane, Henrici, Beaver Creek Bluffs in Oregon City Area.

General Description: These five areas comprise approximately 2150 acres, located adjacent to the City of Oregon City. The Holcomb area is approximately 380 acres, along SE Holcomb Rd., adjacent to Oregon City on the east. Terrain is varied, with several flat parcels that could be developed in conjunction with the Park Place area, which was recently included in the Urban Growth Boundary. This area is developed with rural residences. The area is comprised of Conflicted Agricultural Land.

The Holly Lane area is approximately 700 acres, and includes the flatter parcels along SE Holly Lane, Hwy. 213, and the steep canyon bordering Newell Creek, which is identified as an important natural landscape feature in Metro's February 2007 "Natural Landscape Features Inventory". There are landslide areas identified along the Newell Creek canyon (see Metro Urban and Rural Reserve Study Areas Landslide Hazard Map). Development in this area is sparse, except for rural residences developed along SE Holly Lane. This area is identified as Conflicted Agricultural Land.

The Maple Lane area is approximately 480 acres, located east of Oregon City. Terrain is characterized as gently rolling, with a few larger flat parcels located adjacent to Oregon City. The area is developed with rural residences, with a few small farms. The area is identified as Conflicted Agricultural Land.

The Henrici area is approximately 360 acres, located along both sides of Henrici Road., immediately south of Oregon City. Terrain for this area is moderate, and most of the area is developed with residences on smaller rural lots. There are a few larger parcels suitable for redevelopment. This area contains Conflicted Agricultural Land.

The 220 acre Beaver Creek Bluffs area is comprised of three separate benches located immediately adjacent to the City of Oregon City. The boundaries of this area generally are designed to include only tax lots on the plateau that drops down to Beaver Creek. Development in this area consists of rural residences and small farms. The area is identified as Important Agricultural Land.

Conclusions and Analysis: Designation of the Oregon City Urban Reserves is consistent with OAR 660-027. These five smaller areas have been identified in coordination with the City of Oregon City, and are designed to complete or augment urban development in the City. The areas designated take advantage of existing services inside the Urban Growth Boundary. In most cases, the boundaries of the reserves are formed by steep slopes (Henrici Road being the exception). While terrain poses some limitations on development, each area has sufficient developable land to make service delivery feasible.

None of the identified areas meet the factors of OAR 660-027-0060, for designation as Rural Reserves. With the exception of the Beaver Creek Bluffs, the Oregon City Urban reserve is Conflicted Farmland. The Beaver Creek Bluffs area, which is identified as having Important Agricultural Land, includes only those tax lots with land located on the plateau above the flatter area south of Oregon City. The important natural landscape features in the area (Newell Creek, Abernethy Creek and Beaver Creek) generally are excluded from the Urban Reserve.

The most significant issue for debate is whether or not to include the Newell Creek Canyon in the Urban Reserve. There is little or no development potential in this area, because of steep terrain and landslide hazard. The Principles recognize that concept planning for this area will have to recognize the environmental and topographic constraints posed by the Newell Creek Canyon. It also makes governance more sensible, allowing the City of Oregon City to regulate this area, instead of leaving an island subject to County authority.

Designation of the Oregon City Reserves is consistent with OAR 660-027-0050.

- 1) The Oregon City Urban Reserves can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments. All of the Urban Reserve area is adjacent to the City of Oregon City. Oregon City has indicated both a willingness and capability to provide service to these areas. Each area is appropriate to complement or complete neighborhoods planned or existing within Oregon City. In the case of the Holly Lane area, much of the Urban Reserve has little potential for development. The area along SE Holly Lane, however, does have flatter topography where urban development can occur, and Holly Lane has been identified by the City as an important transportation facility.
- 2) The Oregon City Urban Reserves, when considered in conjunction with the existing urban area, includes sufficient development capacity to support a healthy economy. The Henrici area has some potential for additional employment uses. The remaining areas are smaller additions to the existing urban form of the City of Oregon City and will complete existing neighborhoods.
- 3) The Oregon City Urban Reserve can be efficiently and cost-effectively provided with public facilities necessary to support urban development. This Urban Reserve Area is considered to have a “high” suitability rating for sewer and water facilities. Oregon City has indicated an ability to provide these services, and the areas have been designed to include the most-easily served land that generally is an extension of existing development with the Urban Growth Boundary. Transportation is more difficult, as there is no additional capacity on I-205, and improvements would be costly. As previously noted,

this is the case for most of the region. While topography may present some difficulty for developing a complete transportation network, this Urban Reserve area has been designed to take advantage of existing transportation facilities within Oregon City.

- 4) Most of the Oregon City Urban Reserve can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and transit. In most cases, development of this area will be an extension of urban development within the existing neighborhoods of Oregon City, which will allow completion of the described urban form. Newell Creek Canyon will remain largely undeveloped, so such facilities will not need to be provided in this area.
- 5) The Oregon City Urban Reserve can be planned so that natural ecological systems and important natural landscape features can be preserved and enhanced. Abernethy Creek and Beaver Creek and the steep slopes around these two creeks have been excluded from designation as an Urban Reserve. As previously explained, the Newell Creek Canyon has been included in the Urban Reserve. The Principles will assure that concept planning accounts for this important natural landscape feature, the area is recognized as having very limited development potential, and Oregon City is the logical governing authority to provide protective regulations.
- 6) Designation of these five areas as an Urban Reserve will assist Oregon City in providing a range of housing types. In most cases, development of this Urban Reserve will add additional housing.
- 7) Concept planning for the Oregon City Urban Reserve can be designed to avoid or minimize adverse effects on important farm and forest practices and on important natural landscape features on nearby land. The Beaver Creek Bluffs area is separated from the farmland to the south by a steep hillside sloping down to Beaver Creek. The other areas are adjacent to Conflicted Agricultural land. There are scattered small woodlots to the east, identified as “mixed Agricultural/Forest Land on ODF’s Forestland Development Zone Map, but these are generally separated by distance and topography from the Holly Lane, Maple Lane, and Holcomb areas. Important landscape features and natural areas in the vicinity generally form boundaries for the Urban Reserves. Concept planning can assure that development within the Urban Growth Boundary protects these features.

Urban Reserves 4A, 4B and 4C: Stafford, Rosemont and Borland

General Description: These three areas comprise approximately 4,700 acres. Area 4A (Stafford) is located north of the Tualatin River, south of Lake Oswego, and west of West Linn. Area 4B (Rosemont) is a 162 acre area located adjacent to West Linn’s recently urbanized Tanner Basin neighborhood. Area 4C (Borland) is located south of the Tualatin River, on both sides of I-205. Area 4C is adjacent to the cities of Tualatin and Lake Oswego on the west and West Linn on the east. As a whole, this area is bounded by existing cities and urban development on three sides. The southern boundary generally is framed by the steeper terrain of Pete’s Mountain. East of Stafford Road, the adjacent area is not designated as either an Urban or Rural Reserve. West of Stafford Road, the adjacent area is designated as an Urban Reserve (Area 4D, Norwood).

Much of this area is developed with rural residences on large parcels. The Borland area also includes several churches and schools. The terrain of this area is varied. Most of area 4B is gently rolling, while the rest of the area east of Wilson Creek has steeper terrain. The area south of Lake Oswego, along Stafford Rd and Johnson Rd., generally has more moderate slopes. The Borland area, south of the Tualatin River, also is characterized by moderate slopes.

Wilson Creek and the Tualatin River are important natural landscape features located in this area. These two features and their associated riparian areas and floodplains are included in Metro's February 2007 "Natural Landscape Features Inventory".

This entire area is identified as Conflicted Agricultural Land, even though approximately 1100 acres near Rosemont Road are zoned Exclusive Farm Use. Commercial agricultural activity in this area is limited and mixed; wineries, hay production, horse raising and boarding, and nurseries are among the farm uses found in the Stafford, Rosemont and Borland areas. The Oregon Department of Forestry Development Zone Map does not identify any Mixed Forest/Agriculture or Wildland Forest located with this Urban Reserve.

Conclusions and Analysis: After weighing the factors, we find that the designation of these three areas as an Urban Reserve is consistent with OAR 660-027-0050. The specific factors for designation stated in OAR 660-027-0050 are addressed in following parts of this analysis.

No area in Clackamas County engendered as much public comment and diversity of opinion as this Urban Reserve. The Stafford and Rosemont areas were of particular concern to property owners, neighborhood groups, cities and the Stafford Hamlet citizens group. Interested parties provided arguments for designation of some or all of the area north of the Tualatin River as either an Urban or Rural Reserve, or requested that this area remain undesignated. The cities of West Linn, Tualatin and Lake Oswego consistently expressed opposition to designation of any of this area as an Urban Reserve. This Urban Reserve does have several limitations on development, including areas with steep slopes and floodplains.

After weighing the factors, designation as an Urban Reserve is the most appropriate decision. In evaluating this area, it is important to keep in mind the context and purpose of the urban and rural reserves designations. Because urban reserves are intended to provide a land supply over a 50-year time horizon, it is important to evaluate areas based on their physical characteristics rather than the current desires of various jurisdictions. It is also important to evaluate areas in light of the overall regional context. Designation of this 4,700 acre area as an Urban Reserve avoids designation of other areas containing Foundation or Important Agricultural Land. It would be difficult to justify urban reserve designations on additional Foundation Agricultural Land in the region, if this area, which is comprised entirely of Conflicted Agricultural Land, were not designated as an Urban Reserve (see OAR 660-027-0040(11)).

In fact, the three counties have applied the rural reserve factors and designated significant portions of the three-county area as rural reserve. Those areas do not provide viable alternatives to Stafford.

While acknowledging that there are impediments to development in this area, much of the area also is suitable for urban-level development. There have been development concepts presented for various parts of this area. ClackCo Rec. 3312. An early study of this area assessed its

potential for development of a “great community” and specifically pointed to the Borland area as an area suitable for a major center. ClackCo Rec. 371. Buildable land maps for this area provided by Metro also demonstrate the suitability for urban development of parts of this Urban Reserve See, “Metro Urban Study Area Analysis, Map C”. The County was provided with proposed development plans for portions of the Stafford area. For example, most of the property owners in the Borland have committed their property to development as a “town center community.” ClackCoRec. 3357-3361. Another property owner completed an “Urban Feasibility Study” showing the urban development potential of his 55-acre property. ClackCo Rec. 3123-3148. Those plans provide examples of the ability to create urban-level development in the Stafford areas.

An important component of the decision to designate this area as an Urban Reserve are the “Principles for Concept Planning of Urban Reserves”, which are part of the Intergovernmental Agreement between Clackamas County and Metro that has been executed in satisfaction of OAR 660-027-0020 and 0030. Among other things, these “Principles” require participation of the three cities and citizen involvement entities—such as the Stafford Hamlet—in development of concept plans for this Urban Reserve. The Principles also require the concept plans to provide for governance of any area added to the Urban Growth Boundary to be provided by a city. The Principles recognize the need for concept plans to account for the environmental, topographic and habitat areas located within this Urban Reserve.

Designation of this area as a Rural Reserve has been advocated by interested parties, including the City of West Linn. Application of the factors for designation (OAR 660-027-0060) leads to a conclusion that this area should not be designated as a Rural Reserve. The entire area is comprised of Conflicted Agricultural Land, and is not suitable to sustain long-term agricultural and forestry operations, given land use patterns, the lack of agricultural infrastructure and the adjacent land use pattern. OAR 660-027-0060(b)-(d).

There are important natural landscape features in this area (Tualatin River and Wilson Creek). Protection of these areas is a significant issue, but can be accomplished by application of regulatory programs of the cities that will govern when areas are added to the Urban Growth Boundary, as contemplated by OAR 660-027-0050(7). The Principles specifically require recognition of the development limitations imposed by these natural features, in the required development of concept plans.

Designation of the Stafford, Rosemont and Borland areas as an Urban Reserve is based upon application of the factors stated in OAR 660-027-0050.

- 1) This Urban Reserve can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments in conjunction with land inside the urban growth boundary. Physically, this area is similar to the cities of West Linn and Lake Oswego, which are developing at urban densities. The area abuts existing urban development on much of the perimeter, facilitating logical extensions of that development. We recognize that the development potential of portions of this Urban Reserve is constrained by steep slopes and by the Tualatin River and Wilson Creek riparian areas. However, there are sufficient developable areas to create an urban community. The Borland Area has been identified as a suitable site for more intense urban development, including a town center. The Rosemont Area complements existing

development in the Tanner Basin neighborhood in the City of West Linn. The Stafford Area has sufficient capacity to develop housing and other uses supportive of the more intense development in the Borland Area. As previously noted, potential development concepts have been submitted demonstrating the potential to develop this area at urban densities sufficient to make efficient use of infrastructure investments.

- 2) This 4700-acre Urban Reserve contains sufficient development capacity to support a healthy economy. The Borland Area has been identified as being suitable for a mixed-use, employment center. ClackCo Rec. 371. There are a number of larger parcels in the area which may have potential for mixed use development. While densities would not be uniform across the landscape of this 4700 acre area, together, Stafford and Borland provide the opportunity to create a mix of uses, housing types and densities where the natural features play a role as amenities.

Testimony submitted by the cities of Tualatin and West Linn (“Cities”) asserts that the level of parcelization, combined with existing natural features, means that the area lacks the capacity to support a healthy economy, a compact and well-integrated urban form or a mix of needed housing types.

However, much of the area consists of large parcels. For example, the *West Linn Candidate Rural Reserve Map* shows that, of a 2980-acre “focus area,” 1870 acres are in parcels larger than five acres, and 1210 acres in parcels larger than 10 acres. The map is indexed at Metro Rec. 2284 and was submitted by the Cities of Tualatin and West Linn with their objections. With the potential for centers, neighborhoods and clusters of higher densities, for example in the Borland area, we find the area does have sufficient land and sufficient numbers of larger parcels to provide a variety of housing types and a healthy economy.

Cities also argue that the amount of natural features render the area insufficient to provide for a variety of housing types. Cities contend that the amount of steep slopes and stream buffers renders much of the area unbuildable. We find that cities overstate the amount of constrained land in the area, and the effect those constraints have on housing capacity. For example, cities’ analysis applies a uniform 200-foot buffer to all streams. Actual buffers vary by stream type. See Metro Code § 3.07.360. Similarly, cities assert that the slopes in the area mean that the area lacks capacity. Slopes are not *per se* unbuildable, as demonstrated by the existing development in West Linn, Lake Oswego, Portland’s West Hills and other similar areas. Moreover, only 13% of the “focus area” consists of slopes of over 25%, and these often overlap with stream corridors. *Stafford Area Natural Features Map*, indexed at Metro Record 2284, and submitted by the Cities of Tualatin and West Linn with their objection.

- 3) This Urban Reserve can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers over a 50-year horizon. As with all of the region’s urban reserves, additional infrastructure will need to be developed in order to provide for urbanization. It is clear that development of new public infrastructure to accommodate 50 years of growth will not be “cheap” anywhere. Relative to other areas under consideration for

designation, however, this Urban Reserve area is suitable. Technical assessments rated this area as highly suitable for sewer and water. ClackCo Rec. 795-796; Metro Rec. 1163, 1168-1180. The July 8, 2009, technical memo prepared by Clackamas County also demonstrates the suitability of this area for various public facilities. ClackCo Rec. 704. This area can be served by the cities of Tualatin, West Linn and Lake Oswego. These cities have objected to designation of this area as an Urban Reserve, but have not stated that they object because they would not be able to be an urban service provider for some part of the area.

The cities of Tualatin and West Linn argue that the area should not be designated as an Urban Reserve, citing the cost of providing transportation infrastructure. It is true that transportation infrastructure will be the most significant challenge. This is the case for most of the region. ODOT noted that most area state highway transportation corridors have either low or medium potential to accommodate growth. (*Clackamas County Record* 800 – 801). An April 6, 2009 letter from six state agencies to the Metro Reserves Steering Committee notes that most transportation corridors have severe transportation issues. ClackCo Rec. 843. Moreover, we make this decision after consideration of regional consideration of relative transportation costs. See, *Regional Infrastructure Analysis 2008, Metro Record, starting on page 440; Memo and Maps regarding Preliminary Analysis of Providing Urban Level Transportation Service within Reserves Study Area, Metro Rec., starting on page 1181; ODOT Urban Reserve Study Area Analysis, Metro Rec., page 1262.*

This Urban Reserve has physical characteristics – steep terrain, the need to provide stream crossings – that will increase the relative cost of transportation infrastructure. I-205 and I-5 in this area will need substantial improvements with consequent “huge” costs. ClackCo Rec. 850. However, considering those costs, and in light of reserves designations elsewhere in the region, urban reserves designation of Stafford is still appropriate. Most other comparable areas are either urban or rural reserves, and don’t provide viable alternatives to Stafford.

Cities argue that the 2035 Regional Transportation Plan (“RTP”) indicates that much of the transportation infrastructure in the area will be at Level of Service “F” by 2035, and that therefore the Stafford area cannot be served at all. The RTP is a prediction of and plan to address traffic flows for a 25-year period. Conversely, the Reserves Designations are intended to address a 50-year time frame, rather than a 25-year time frame. Metro Rec. 1918. The record reflects that the transportation system will necessarily change in 25 years. In that vein, the “Regional High Capacity Transit System” map identifies a new light rail line in the vicinity of I-205 as a “next phase” regional priority. See ClackCo Rec. 734; 822-833.

Similarly, Metro’s panel of sewer experts rated the entire Stafford area as having a “high” suitability for sewer service. See, e.g., Metro Rec. 1174. We find this analysis more probative for comparisons across areas than the analysis submitted by cities. Moreover, since the analysis of urban reserves addresses a 50-year time frame, we do not find that the current desire of neighboring cities to serve the area influences the question whether the area “can be served.”

- 4) This Urban Reserve can be planned to be walkable, and served with a well-connected system of streets, bikeways, recreation trails and public transit, *particularly in conjunction with adjacent areas inside the urban growth boundary* as contemplated by the administrative rule. The Borland Area is suitable for intense, mixed-use development. Other areas suitable for development also can be developed as neighborhoods with the above-described infrastructure. The neighborhoods themselves can be walkable, connected to each other, and just as important, connected to existing development in the adjacent cities. Stafford abuts existing urban level development on three sides, much of it subdivisions. See *West Linn Candidate Rural Reserve Map*, indexed at Metro Record 2284, and submitted by the city with its objection. There are few areas in the region which have the potential to create the same level and type of connections to existing development. There is adequate land to create street, bicycle and pedestrian connections within and across the area with appropriate concept planning. In making this finding, we are aware of the natural features found within the area. However, those features do not create impassable barriers to connectivity.
- 5) This Urban Reserve can be planned to preserve and enhance natural ecological systems and preserve important natural landscape features. The significance of the Tualatin River and Wilson Creek systems has been recognized. The Principles specifically identify the need to plan for these features, and recognize that housing and employment capacity expectations will need to be reduced to protect important natural features. Urbanization will occur in a city, which is obligated by state and regional rules to protect upland habitat, floodplains, steep slopes and riparian areas, as contemplated by OAR 660-027-0050(7). However, we find that, even with those protections, there is sufficient development capacity in this 4700-acre area to warrant inclusion in the urban reserve.
- 6) This Urban Reserve in conjunction with the Urban Reserve to the south (Area 4D, Norwood), includes sufficient land to provide for a variety of housing types. In addition to the developable areas within the Stafford, Rosemont and Borland areas, this Urban Reserve is situated adjacent to three cities, and will augment the potential for housing in these existing cities.
- 7) This Urban Reserve can be developed in a way that avoids or minimizes adverse effects on farm and forest practices and adverse effects on important natural landscape features, on nearby land. Viewed in the regional context, this factor militates strongly in favor of the inclusion of Stafford as an Urban Reserve. This Urban Reserve is situated adjacent to three cities, and along I-205. It is identified as Conflicted Agricultural Land, and is adjacent on the south to another Urban Reserve and an undesignated area that is comprised of Conflicted Agricultural Land. The Stafford area is separated from areas of foundation and important farmland by significant distances, a freeway and other natural and man-made barriers. The eventual urbanization of Stafford will avoid the urbanization of much higher-value farmland elsewhere. Adverse impacts on the important natural landscape features within Stafford may be avoided or minimized through the application of the provisions of Metro Titles 3 and 13.

This separation from significant agricultural or forest areas minimizes any potential effect on farm or forest practices. The Urban Reserve also is separated from other important natural landscape features identified on Metro's February 2007 "Natural Landscape Features Inventory". The ability to plan for protection of the Tualatin River and Wilson Creek has been discussed.

- 8) The Cities of Lake Oswego, Tualatin, and West Linn have testified extensively regarding their concern that designation of Stafford as urban reserve will create pressures for urbanization before the required public facilities, particularly with regard to transportation, are planned for and can support urban development. This concern is based upon the fact that designation of Stafford as urban reserve will make it first priority for inclusion in the Metro UGB under ORS 192.298 and the fact that Metro must consider expansion of the Metro UGB every six years under ORS 197.299. So even though the planning period for urban reserves is twenty to fifty years into the future, Stafford will become eligible for inclusion each time Metro considers an urban growth boundary expansion. To alleviate these concerns Metro, Clackamas County, and the three Cities have entered into a five-party intergovernmental agreement ("IGA") that provides for governance of Stafford by the cities, requires concept planning and public facilities planning prior to the addition of Areas 4A, 4B and/or 4C to the urban growth boundary, and a requirement for robust citizen involvement and preservation of community character pursuant to the concept planning process. This IGA, which is incorporated into the record, will ensure that Stafford "can be developed at urban densities in a way that makes efficient use of existing and future public infrastructure investments," "can be served by . . . urban level public facilities and services efficiently and cost-effectively by appropriate and financially capable service providers," and "can be designed to preserve and enhance natural ecological systems" and "important natural landscape features." Acknowledging the constraints to urbanization discussed above, the existence of the IGA and the promises contained therein support the determination by Metro and Clackamas County that the designation of Stafford Areas 4A, 4B and 4C as urban reserve is, on balance, supportable under the urban reserve factors contained in ORS 195.145(5) and OAR 660-027-0050.

Urban Reserves 5G, 5H, 4H and 4D: Grahams Ferry, SW Wilsonville, Advance and Norwood

General Description: This Urban Reserve is comprised of three smaller areas adjacent to the City of Wilsonville (Grahams Ferry, SW Wilsonville and Advance), and a larger area located along SW Stafford Rd., north of Wilsonville and southeast of Tualatin (Norwood Area). The Norwood area is adjacent to an Urban Reserve in Washington County (I-5 East Washington County, Areas 4E, 4F and 4G). Area 5G is approximately 120 acres, relatively flat, adjacent to services in Wilsonville, and defined by the Tonquin Geologic Feature, which forms a natural boundary for this area. It is identified as Conflicted Agricultural Land.

Area 5H is a small (63 acre) site that is adjacent to services provided by the City of Wilsonville. Corral Creek and its associated riparian area provide a natural boundary for this area. It is identified as Important Farmland. Area 4H comprises approximately 450 acres, and is located adjacent to the City of Wilsonville. This part of the Urban Reserve has moderate terrain, and a mix of larger parcels and rural residences. This area is identified as Important Agricultural Land.

Area 4D comprises approximately 2,600 acres, and is adjacent to a slightly smaller Urban Reserve in Washington County. This area is parcelized, generally developed with a mix of single family homes and smaller farms, and has moderately rolling terrain. All of this area is identified as Conflicted Agricultural Land.

Conclusions and Analysis: Designation of these four areas as Urban Reserve is consistent with OAR 660-027. The three smaller areas are adjacent to the City of Wilsonville, and have been identified by the City as appropriate areas for future urbanization. ClackCo Rec.1174. The boundaries of these three areas generally are formed by natural features. No Foundation Agricultural Land is included in any of the four areas. While Area 4D has limitations that reduce its development potential, inclusion as an Urban Reserve is appropriate to avoid adding land that is identified as Foundation Agricultural Land.

Area 5G does not satisfy the factors for designation as a Rural Reserve. The boundary of this area reflects the boundary of Tonquin Geologic Area, which is an important natural landscape feature identified as a Rural Reserve. Area 5H does meet the factors for designation as a Rural Reserve, but its proximity to existing services in Wilsonville and the natural boundary formed by Corral Creek, separating these 63 acres from the larger Rural Reserve to the west, support a choice to designate this area as an Urban Reserve.

Similarly, parts of Area 4H could meet the factors for designation as a Rural Reserve. Again, the area also is suitable for designation as an Urban Reserve, because of its proximity to Wilsonville, which has indicated this as an area appropriate for urbanization. The eastern limits of this area have been discussed in some detail, based on testimony received from property owners in the area. The northeastern boundary (the Anderson property) is based on a significant creek. South of Advance Rd., the decision is to leave four tax lots west of this creek undesignated (the Bruck property), as these lots comprise over 70 acres of land designated as Important Agricultural Land. The part of this Urban Reserve south of Advance Road contains smaller lots, generally developed with rural residences.

Area 4D does not meet the factors for designation as a Rural Reserve. The entire area is comprised of Conflicted Agricultural Land, and has no important natural landscape features identified in Metro's February 2007 "Natural Landscape Features Inventory."

This Urban Reserve does meet the factors for designation stated in OAR 660-027-0050.

- 1) The Wilsonville Urban Reserve (total of the Grahams Ferry, SW Wilsonville, Advance Rd. and Norwood Areas) can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments. The three smaller areas adjacent to the City of Wilsonville all will take advantage of existing infrastructure. The City of Wilsonville has demonstrated an ability to provide necessary services and govern these three areas. The information provided by the City and Metro's Urban Study Area Analysis (Map C1) show that these three areas have physical characteristics that will support urban density. These three areas also will complement existing development in the City of Wilsonville.
- 2) The larger Norwood area, which has rolling terrain, and a mixture of smaller residential parcels and farms, will be more difficult to urbanize. This area is adjacent to Urban

Reserves on the west, north and south. The Borland Road area, adjacent on the north is expected to develop as a center, with potential for employment and mixed-use development. The Norwood area can be urbanized to provide residential and other uses supportive of development in the Borland and I-5 East Washington County Urban Reserve areas.

- 3) The Wilsonville Urban Reserve contains land that generally will provide development capacity supportive of the cities of Wilsonville and Tualatin, and the Borland and I-5 East Washington County Urban Reserve areas. Viewed individually, these four areas do not have physical size and characteristics to provide employment land. As has been explained, and as supported by comments from the City of Wilsonville, development of these areas will complement the urban form of the City of Wilsonville, which historically has had sufficient land for employment. The 2004 decision added to the Urban Growth Boundary between the cities of Wilsonville and Tualatin, land which was contemplated to provide additional employment capacity. The Wilsonville Urban Reserve, and in particular the Norwood area, will provide land that can provide housing and other uses supportive of this employment area.
- 4) The Wilsonville Urban Reserve can be efficiently and cost-effectively provided with public facilities necessary to support urban development. The comments from the City of Wilsonville and the Sewer Serviceability and Water Serviceability Maps demonstrate the high suitability of the three smaller areas adjacent to Wilsonville. The Norwood area (Area 4D) is rated as having medium suitability. Transportation facilities will be relatively easy to provide to the three areas adjacent to the City of Wilsonville. The steeper terrain and location of the Norwood area will make development of a network of streets more difficult, and ODOT has identified the I-5 and I-205 network as having little or no additional capacity, with improvement costs rated as “huge”. The decision to include this area as an Urban Reserve is based, like the Stafford area, on the need to avoid adding additional Foundation Agricultural Land. There are other areas in the region that would be less expensive to serve with public facilities, especially the necessary transportation facilities, but these areas are comprised of Foundation Agricultural Land.
- 5) The Wilsonville Urban Reserve areas can be planned to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit. As has been discussed, the three smaller areas adjacent to the City of Wilsonville can be developed to complete or complement existing and planned urban development in Wilsonville. The Norwood area will be somewhat more difficult to develop, but the terrain and parcelization are not so limiting that the desired urban form could not be achieved. Like Stafford, this part of the Wilsonville Urban Reserve will be more difficult to develop with the desired urban form, but is being added to avoid adding additional foundation Agricultural Land.
- 6) The Wilsonville Urban Reserve can be planned so that natural ecological systems and important natural landscape features can be preserved and enhanced. The boundaries of the areas comprising the Wilsonville Urban Reserve have been designed with these

features providing the edges. The three areas adjacent to the City of Wilsonville will take advantage of existing plans for protection of natural ecological systems.

- 7) The Wilsonville Urban Reserve, in conjunction with land within adjacent cities, includes sufficient land suitable to provide for a range of housing types. The SW Wilsonville and Advance Road areas are particularly suited to provide additional housing, as they are located adjacent to neighborhoods planned in Wilsonville. As has been previously discussed the Norwood area has physical limitations, but these should not restrict as substantially the potential for housing.
- 8) Concept planning for the Wilsonville Urban Reserve can avoid or minimize adverse effects on important farm and forest practices and on important natural landscape features on nearby land. The boundaries of this Urban Reserve have been designed to use natural features to provide separation from adjoining Rural Reserves that contain resource uses.
- 9) The Cities of Lake Oswego, Tualatin, and West Linn have testified extensively regarding their concern that designation of Area 4D, in conjunction with Areas 4A, 4B, and/or 4C, as urban reserve will create pressures for urbanization before the required public facilities, particularly with regard to transportation, are planned for and can support urban development. For the same reasons as expressed under Finding 8 for Areas 4A, 4B and 4C, the execution of the of the five-party IGA and the promises contained therein support the determination by Metro and Clackamas County that the designation of Area 4D as Urban Reserve is, on balance, supportable under the urban reserve factors contained in ORS 195.145(5) and OAR 660-027-0050.

The Sherwood School District requested an Urban Reserve designation be applied to an area just south of the County line and the City of Sherwood. ClackCo Rec. 2504. Clackamas County and Metro agree to leave this area undesignated. This decision leaves the possibility for addition of this land to the Urban Growth boundary if the School District has a need for school property in the future and is able to demonstrate compliance with the standards for adjustments to the Urban Growth boundary.

C. Clackamas County: Rural Reserves

Rural Reserve 5I: Ladd Hill

General Description: This Rural Reserve Area is located west and south of Wilsonville, and adjacent to the French Prairie Rural Reserve (Area 4J). There is also a small part of this Rural Reserve located north of Wilsonville, extending to the County line, recognizing the Tonquin Geologic Area. The northern boundary of Area 5J is located along the boundary between the delineations of Conflicted and Important Agricultural Land. All of this Rural Reserve is located within three miles of the Portland Metro Urban Growth Boundary.

The area west of Ladd Hill Road contains the steeper slopes of Parrett Mountain, which is identified as an important natural landscape feature in Metro's February 2007 "Natural Landscape Features Inventory". The remainder of the area has moderately sloping terrain. The entire area is traversed by several creeks (Mill Creek, Corral Creek, Tapman Creek), which flow

into the Willamette River, which also is identified as an important natural landscape feature. FEMA floodplains are located along the Willamette River. Landslide hazards are identified along Corral Creek.

With the exception of the Tonquin Geologic Area, all of Rural Reserve Area 5I is comprised of Important or Foundation Agricultural Land. The part of this area lying south of the Willamette River contains the Foundation Agricultural Land. The area contains a mixture of hay, nursery, viticulture, orchards, horse farms, and small woodlots. The Oregon Department of Forestry Development Zone Map identifies scattered areas of mixed forest and agriculture, and wildland forest (particularly on the slopes of Parrett Mountain).

Conclusions and Analysis: Designation of the Ladd Hill area as a Rural Reserve is consistent with OAR 660, Division 27. Except for the Tonquin Geologic Area, all of Rural Reserve Area 5I contains Important or Foundation Agricultural Land, and is located within three miles of an urban growth boundary. Pursuant to OAR 660-027-0060(4), no further explanation is necessary to justify designation as a Rural Reserve, with the exception of the Tonquin Geologic Area, which is identified as Conflicted Agricultural Land.

Designation of the Tonquin Geologic Area as a Rural Reserve is consistent with the Rural Reserve Factors stated in OAR 660-027-0060(3). This area has not been identified as an area suitable or necessary for designation as an Urban Reserve. The boundaries of the Rural Reserve have been established to recognize parcels that have physical characteristics of the Tonquin Geologic Area, based on testimony received from various property owners in the area, and the City of Wilsonville. ClackCo Rec. 2608. For these stated reasons and those enunciated below, designation of this part of the Tonquin Geologic Area as a Rural Reserve is consistent with the factors provided in OAR 660-027-0060(3).

Rural Reserve 4J: French Prairie

General Description: This Rural Reserve Area is located south of the Willamette River and the City of Wilsonville, and west of the City of Canby. It is bordered on the west by I-5. This area is generally comprised of large farms. The area is generally flat. The Molalla and Pudding Rivers are located in the eastern part of this area. The Willamette, Molalla and Pudding Rivers and their floodplains are identified as important natural landscape features in Metro's February 2007 Natural Landscape Features Inventory."

All of this Rural Reserve is classified as Foundation Agricultural Land (identified in the ODA Report as part of the Clackamas Prairies and French Prairie areas). This area contains prime agricultural soils, and is characterized as one of the most important agricultural areas in the State.

Conclusions and Analysis: Designation of Area 4J as a Rural Reserve is consistent with OAR 660, Division 27. This entire area is comprised of Foundation Agricultural Land located within three miles of an urban growth boundary. Pursuant to OAR 660-027-0060(4), no further explanation is necessary to justify designation of this area as a Rural Reserve.

However, county staff and the PAC also evaluated the French Prairie area under the other rural reserves factors, and found that it rated "high" under all of the factors related to long-term protection for the agriculture and forest industries. ClackCo Rec. 590-592. The analysis is set forth as follows:

- (a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3) as indicated by proximity to a UGB or proximity to properties with fair market values that significantly exceed agricultural values for farmland, or forestry values for forest land;

The French Prairie area is adjacent to the Portland Metropolitan Urban Growth Boundary, and has access to Interstate 5 and Highway 99E, and has a high potential for urbanization, as evidenced by the submittals of proponents of designating the area as an urban reserve.

- (b) Are capable of sustaining long-term agricultural operations for agricultural land, or are capable of sustaining long-term forestry operations for forest land;

The French Prairie area is identified as Foundation agricultural land, and is part of a large agricultural region.

- (c) Have suitable soils where needed to sustain long-term agricultural or forestry operations and, for agricultural land, have available water where needed to sustain long-term agricultural operations; and

The area is predominantly Class II soils, and much of the area has water rights for irrigation.

- (d) Are suitable to sustain long-term agricultural or forestry operations, taking into account:

- (A) for farm land, the existence of a large block of agricultural or other resource land with a concentration or cluster of farm operations, or, for forest land, the existence of a large block of forested land with a concentration or cluster of managed woodlots;

The French Prairie area is a large block of agricultural land with large parcels. There is some localized conflict with nonfarm uses.

- (B) The adjacent land use pattern, including its location in relation to adjacent non-farm uses or non-forest uses, and the existence of buffers between agricultural or forest operations and non-farm or non-forest uses;

- (C) The agricultural or forest land use pattern, including parcelization, tenure and ownership patterns; and

The Willamette River provides an effective edge for much of the area, and much of the area is in large lots.

- (D) The sufficiency of agricultural or forestry infrastructure in the area, whichever is applicable.

The French Prairie area is close to the agricultural centers of Canby, Hubbard and St. Paul, and has excellent access to transportation infrastructure. There are some issues with movement of farm machinery on heavily used routes.

Therefore, on balance, we would designate Area 4J as a rural reserve even in the absence of OAR 660-027-0060(4).

Rural Reserves 3E and 3H: Oregon City

General Description: This area lies east and south of the City of Oregon City. This area is bounded by the Willamette River on the west. The southern boundary generally is a line located three miles from the Portland Metro Area Urban Growth Boundary. A substantial part of Area 3H also is located within three miles of the City of Canby's Urban Growth Boundary.

Area 3E, located east of Oregon City, is characterized by a mix of rural residential homesites, small farms, and small woodlots. Most of the area has a moderately rolling terrain. The area includes portions of the Clear Creek Canyon, and Newell and Abernethy Creeks, all of which are identified as important natural landscape features in Metro's February 2007 "Natural Landscape Features Inventory". Part of Area 3E also is identified by the Oregon Department of Forestry as a mixed forest/agricultural development zone. Most of Area 3E is identified as Conflicted Agricultural Land. There is an area identified as Important Agricultural Land, in the southeast corner of Area 3E.

Area 3H, located south of Oregon City, is characterized by larger rural residential homesites, particularly in the western part of this area, and farms. Beaver Creek and Parrot Creek traverse this area in an east-west direction. The Willamette Narrows and Canemah Bluff are identified as important natural landscape features in the Metro's February 2007 "Natural Landscape Features Inventory" and form the western boundary of Area 3H. The Oregon Department of Forestry designates the Willamette Narrows as wildland forest. All of this area is classified as Important Agricultural Land, except for the area immediately east of the City of Canby, which is designated as Foundation Agricultural Land.

Conclusions and Analysis: The designation of Areas 3E and 3H as a Rural Reserve is consistent with OAR 660-027, Division 27. All of Area 3H is Important or Foundation Farmland, located within three miles of an urban growth boundary. Pursuant to OAR 660-027-0060(4), no further explanation is necessary to justify designation of Area 3H as a Rural Reserve.

The designation of Area 3E is appropriate to protect the Important Farm Land in the southeast corner of this area, and the area identified as mixed forest/agricultural land by ODF. Designation as a Rural Reserve also is justified to protect Abernethy Creek, Newell Creek and Beaver Creek and their associated riparian features, which are identified as important natural landscape features. Designation as a Rural Reserve of the portions of Area 3E not identified as Foundation or Important Agricultural Land, is consistent with the Rural Reserve Factors stated in OAR 660-027-0060(3), for the following reasons:

- 1) Abernethy Creek and Newell Creek and their associated riparian areas are identified as important natural landscape features in Metro's February 2007 "Natural Landscape Features Inventory". A portion of Beaver Creek also is located in this area; Beaver Creek was added to this inventory in a 2008 update.

- 2) This area is potentially subject to urbanization during the period described in OAR 660-027-0040(2), because it is located adjacent to and within three miles of the City of Oregon City.
- 3) Most of this area has gently rolling terrain, but there also are several steeply-sloped areas. There are several landslide hazard areas located within Rural Reserve Area 3E (see 1/25/09 Metro Landslide Hazard Map).
- 4) The designated Rural Reserve area comprises the drainage area for Abernethy and Newel Creeks which provide important fish and wildlife habitat for this area.

Rural Reserves 3H (parts) 4J, 2C and 3I: Canby, Estacada and Molalla

General Description: Rural Reserves have been designated adjacent to the cities of Canby (parts of Areas 3H and 4J) Estacada and Molalla. These Rural Reserves were designated after coordinating with all three cities, and the cities do not object to the current designations.

Rural Reserve Area 2C is located adjacent to the western boundary of the City of Estacada. This area includes the Clackamas River and McIver State Park. It is identified as Important Agricultural Land. Most of this Rural Reserve also is identified as wildland forest on the ODF Forestland Development Zone Map. All of this Rural Reserve is located within three miles of Estacada's Urban Growth Boundary.

Rural Reserves are located on the south, west and eastern boundaries of the City of Canby. All of this area is identified as Foundation Agricultural Land. The area north of the City, to the Willamette River, has been left undesignated, although this area also is identified as Foundation Agricultural Land. This area was left undesignated at the request of the City of Canby, in order to provide for possible future expansion of its Urban Growth Boundary. The Oregon Department of Agriculture preferred leaving the area north of the City undesignated, instead of an area east of the City, which also was considered. All of the designated Rural Reserves are within three miles of the City of Canby.

Area 3I is located north and east of the City of Molalla. This area is located within 3 miles of Molalla's Urban Growth Boundary. All of the designated Rural Reserve is identified as Foundation Agricultural Land.

Conclusions and Analysis: Designation of the Rural Reserves around Canby and Estacada is consistent with OAR 660, Division 27. In the Case of Canby, the entire area is identified as Foundation Agricultural Land, and is located within three miles of Canby's Urban Growth Boundary. In the case of Estacada, the entire Rural Reserve area is identified as Important Agricultural Land, and is located within three miles of Estacada's Urban Growth Boundary. Rural Reserve 3I, near Molalla, is located within three miles of the urban growth boundary and also is identified as Foundation Agricultural Land. Pursuant to OAR 660-027-0060(4), no further explanation is necessary to justify the Rural Reserve designation of these areas.

Rural Reserve 4I: Pete’s Mountain/Peach Cove, North of the Willamette River

General Description: This Rural Reserve is bounded by the Willamette River on the east and south. On the north, Area 4I is adjacent to areas that were not designated as an Urban or Rural Reserve. There are two primary geographic features in this area. The upper hillsides of Pete’s Mountain comprise the eastern part of this area, while the western half and the Peach Cove area generally are characterized by flatter land. The Pete’s Mountain area contains a mix of rural residences, small farms and wooded hillsides. The flat areas contain larger farms and scattered rural residences. All of Area 4I is located within three miles of the Portland Metro Urban Growth Boundary.

All of Rural Reserve 4I is identified as Important Agricultural Land (the “east Wilsonville area”), except for a very small area located at the intersection of S. Shaffer Road and S. Mountain Rd... The Willamette Narrows, an important natural landscape feature identified in Metro’s February 2007 “Natural Landscape Features Inventory”, is located along the eastern edge of Area 4I.

Conclusions and Analysis: Designation of this area as a Rural Reserve is consistent with OAR 660-027, Division 27. With the exception of a small area at the intersection of S. Shaffer Rd. and S. Mountain Rd., all of this area is identified as Important Agricultural Land and is located within three miles of an urban growth boundary. Pursuant to OAR 660-027-0060(4), the area identified as Important Agricultural Land requires no further explanation to justify designation as a Rural Reserve. The few parcels classified as Conflicted Agricultural Land are included to create a boundary along the existing public road.

East Clackamas County Rural Reserve (Area 1E and Area 2B)

General Description: This area lies south of the boundary separating Clackamas and Multnomah Counties. This area generally is comprised of a mix of farms, woodlots and scattered rural residential homesites. Several large nurseries are located in the area near Boring. The area south of the community of Boring and the City of Damascus contains a mix of nurseries, woodlots, Christmas tree farms, and a variety of other agricultural uses.

Most of the area is identified as Foundation or Important Agricultural Land. The only lands not identified as Foundation or Important Agricultural Land are the steeper bluffs south of the City of Damascus. Much of this steeper area is identified by the Oregon Department of Forestry as mixed farm and forest.

There are several rivers and streams located in this area. The Clackamas River, Deep Creek, Clear Creek and Noyer Creek, and the steeper areas adjacent to these streams, are identified as important natural landscape features in Metro’s February 2007 “Natural Landscape Features Inventory”.

All of this Rural Reserve is located within three miles of the Portland Metro Area Urban Growth Boundary, except for a small area in the eastern part of the Rural Reserve. This small area is located within three miles of the City of Sandy’s Urban Growth Boundary.

Conclusions and Analysis: The designation of this area as a Rural Reserve is consistent with OAR 660-027, Division 27. Except for the steep bluffs located adjacent to the Clackamas River,

all of this area is identified as Foundation or Important Agricultural Land and is located within three miles of an urban growth boundary. Pursuant to OAR 660-27-0060(4), no further explanation is necessary to justify designation as a Rural Reserve all of this area except for the aforementioned bluffs.

Designation as a Rural Reserve of the steep bluffs, not identified as Foundation or Important Agricultural Land, is consistent with the Rural Reserve Factors stated in OAR 660-027-0060(3).

- 1) This area is included in Metro's February 2007 "Natural Landscape Features Inventory".
- 2) This area is potentially subject to urbanization during the period described in OAR 660-027-0040(2), because it is located proximate or adjacent to the cities of Damascus, Happy Valley, and Oregon City, and the unincorporated urban area within Clackamas County.
- 3) Portions of this area are located within the 100 year floodplain of the Clackamas River. Most of the area has slopes exceeding 10%, with much of the area exceeding 20%. Portions of the area along Deep Creek are subject to landslides.
- 4) This hillside area drains directly into the Clackamas River, which is the source of potable water for several cities in the region. The Rural Reserve designation will assist protection of water quality.
- 5) These bluffs provide an important sense of place for Clackamas County, particularly for the nearby cities and unincorporated urban area. Development is sparse. Most of the hillside is forested.
- 6) This area serves as a natural boundary establishing the limits of urbanization for the aforementioned cities and unincorporated urban area and the Damascus Urban Reserve Area (Area 2A).

D. Clackamas County: Statewide Planning Goals

Goal 1- Citizen Involvement

In addition to participation in Metro's process, Clackamas County managed its own process to develop reserves recommendations:

Policy Advisory Committee

The county appointed a 21-member Policy Advisory Committee (PAC) made up of 7 CPO/Hamlet representatives, 7 city representatives, and 7 stakeholder representatives. The PAC held 22 meetings in 2008 and 2009. The PAC made a mid-process recommendation identifying reserve areas for further analysis, and ultimately recommended specific urban and rural reserve designations. The PAC itself received significant verbal and written input from the public.

Public Hearings

In addition to the meetings of the PAC, the county held a number of public hearings as it developed the ultimate decision on reserves:

2009

- Aug. 10: Planning Commission hearing on initial recommendations.
- Sept. 8: Board of County Commissioners (“BCC”) hearing on initial recommendations
- Feb. 25: BCC Hearing on Intergovernmental Agreement

2010

- March 8, 2010: Planning Commission hearing on plan and map amendments.
- April 21, 2010: BCC hearing on plan and map amendments
- May 27, 2010: BCC reading and adoption of plan and map amendments, and approval of revised IGA.

Through the PAC, Planning Commission and BCC process, the county received and reviewed thousands of pages of public comment and testimony.

Goal 2 – Coordination

“Goal 2 requires, in part, that comprehensive plans be ‘coordinated’ with the plans of affected governmental units. Comprehensive plans are “coordinated” when the needs of all levels of government have been considered and accommodated as much as possible.’ ORS 197.015(5); *Brown v. Coos County*, 31 Or LUBA 142, 145 (1996).

As noted in the findings related to Goal 1, Clackamas County undertook continuous and substantial outreach to state and local governments, including formation of the Technical Advisory Committee. For the most part, commenting state agencies and local governments were supportive of the urban and rural reserve designations in Clackamas County. Where applicable, the specific concerns of other governments are addressed in the findings related to specific urban and rural reserves, below.

Goal 3 - Agricultural Lands

The reserves designations do not change the county’s Plan policies or implementing regulations for agricultural lands. However, the designation of rural reserves constrains what types of planning and zoning amendments can occur in certain areas, and therefore provide greater certainty for farmers and long-term preservation of agricultural lands.

Goal 4 - Forest Lands

The text amendment does not propose to change the county’s Plan policies or implementing regulations for forest lands. However, the text does establish rural reserves, which constrain what types of planning and zoning amendments can occur in certain areas, for the purpose of providing greater certainty for commercial foresters and long-term preservation of forestry lands.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources

The text amendment does not propose to change the county's Plan policies or implementing regulations for natural resource lands. However, the text does establish rural reserves, which constrain what types of planning and zoning amendments can occur in certain areas, for the purpose of providing for long-term preservation of certain of the region's most important, identified natural features. The county has determined that other natural features may be better protected through an urban reserve designation, and the eventual incorporation of those areas into cities. In certain areas, for example Newell Creek Canyon, the protection of Goal 5 resources is enhanced by the adoption of planning principles in an Intergovernmental Agreement between the County and Metro.

Goal 9 - Economy of the State

The proposed text amendment is consistent with Goal 9 because it, in itself, does not propose to alter the supply of land designated for commercial or industrial use. However, the text does establish urban reserves, which include lands suitable for both employment and housing. In Clackamas County, specific areas were identified as appropriate for a mixed use center including high intensity, mixed use housing (Borland area of Stafford) and for industrial employment (eastern portion of Clackanomah). These areas will be available to create new employment areas in the future if they are brought into the UGB.

Goal 10 - Housing

The proposed text amendment is consistent with Goal 10 because it, in itself, does not propose to alter the supply of land designated for housing. However, the text does establish urban reserves, which include lands suitable for both employment and housing. One of the urban reserve factors addressed providing sufficient land suitable for a range of housing types. In Clackamas County, there is an area identified as appropriate for a mixed use center including high intensity, mixed use housing (Borland area of Stafford) and many other areas suitable for other types of housing.

Goal 14 - Urbanization

The proposed text amendment is consistent with Goal 14. The program for identifying urban and rural reserves was designed to identify areas consistent with the requirements of OAR Chapter 660, Division 27. The text amendment does not propose to move the urban growth boundary or to change the county's Plan or implementing regulations regarding unincorporated communities. However, the amendment does adopt a map that shapes future urban growth boundary amendments by either Metro or the cities of Canby, Molalla, Estacada or Sandy.

VIII. SUPPLEMENTAL FINDINGS REGARDING THE DESIGNATION OF URBAN RESERVES IN CLACKAMAS COUNTY

The findings in this Section VIII supplement the findings adopted by the Metro Council in Section VII.B regarding Clackamas County urban reserve areas 4A, 4B, 4C, and 4D (collectively referred to as "Stafford"). To the extent any of the findings in this section are inconsistent with other findings in this document that were previously adopted in 2011, the findings in this Section VIII shall govern.

A. Senate Bill 1011 and the Discretionary Urban Reserve Factors

In 2007 the Oregon Legislature enacted Senate Bill 1011, authorizing Metro and the three counties to designate urban and rural reserves. Senate Bill 1011 was proposed by agreement among a broad coalition of stakeholders in response to widespread frustration regarding the existing process for Metro-area UGB expansions. In particular, the statutory requirements for UGB decisions often fostered inefficient and inflexible decision-making, because the hierarchy of lands listed in ORS 197.298 requires Metro to first expand the UGB onto the lowest quality agricultural lands regardless of whether those lands could be cost-effectively developed. Senate Bill 1011 addressed these problems by allowing Metro and the counties significant discretion to identify urban and rural reserves outside of the existing UGB as the areas where future UGB expansion will or will not occur over the next 50 years.

A primary goal of Senate Bill 1011 was to provide more flexibility to allow UGB expansions into areas that would be the most appropriate for urbanization. To accomplish that goal, the legislature authorized Metro and the counties to designate urban and rural reserve areas based on discretionary “consideration” of several nonexclusive “factors” designed to help determine whether particular areas are appropriate for development or for long-term protection. The legislature purposely did *not* create a list of mandatory approval criteria requiring findings that each standard must be satisfied. Rather, the reserve statute and rules allow Metro and the counties to consider and weigh each factor in order to reach an overall conclusion regarding whether a reserve designation is appropriate. All factors must be considered, but no single factor is determinative.

The factors that must be considered regarding the designation of urban reserves are described in the state rule as follows:

“When identifying and selecting lands for designation as urban reserves under this division, Metro shall base its decision on consideration of whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB:

- (1) Can be developed at urban densities in a way that makes efficient use of existing and future public infrastructure investments;
- (2) Includes sufficient development capacity to support a healthy economy;
- (3) Can be served by public schools and other urban-level public facilities and services efficiently and cost-effectively by appropriate and financially capable service providers;
- (4) Can be designed to be walkable and served by a well-connected system of streets by appropriate service providers;
- (5) Can be designed to preserve and enhance natural ecological systems; and
- (6) Includes sufficient land suitable for a range of housing types;

- (7) Can be developed in a way that preserves important natural resource features included in urban reserves; and
- (8) Can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land including land designated as rural reserves.”

After LCDC adopted rules implementing SB 1011 in January of 2008, Metro and the three counties began a two-year public process that included an extensive outreach effort bringing together citizens, stakeholders, local governments and agencies throughout the region. That process involved the application of the urban and rural reserve factors to land within approximately five miles of the UGB, and resulted in three IGAs being signed by Metro and each county in 2010 mapping the areas that were determined to be most appropriate as urban and rural reserves under the statutory factors. Clackamas County and Metro agreed that, under the factors, Stafford is an appropriate area for future urbanization.

B. Application of the Urban Reserve Factors Under *Barkers Five*

LCDC reviewed the reserve designations adopted by Metro and the counties and issued an acknowledgement order approving all reserves in August of 2012. Twenty-two parties filed appeals of LCDC’s order with the Oregon Court of Appeals, including the City of West Linn and the City of Tualatin (the “cities”). The cities argued that Stafford should not have been designated as urban reserve because it cannot be efficiently and cost-effectively served by transportation facilities and other public services. In support of that argument the cities pointed to projected future traffic conditions in the Stafford area as estimated by Metro’s 2035 Regional Transportation Plan (RTP).

The Court of Appeals issued the *Barkers Five* opinion in February of 2014, affirming LCDC’s decision on the majority of the 26 assignments of error raised by the opponents, and remanding on three issues. Regarding Stafford, the court rejected the cities’ argument that the eight urban reserve factors are mandatory criteria that must each be independently satisfied for each study area. Rather, the court held that the legislature’s intent was not to create approval standards, but rather “factors” to be considered, weighed and balanced in reaching a final decision.

However, the court agreed with the cities’ argument that Metro and LCDC failed to adequately respond to evidence cited by the cities in the 2035 RTP that traffic in the Stafford area was projected to exceed the capacity of certain roads by 2035. The court found that the cities had presented “weighty countervailing evidence” that transportation facilities in the Stafford area could not support urbanization, and that LCDC and Metro failed to provide any “meaningful explanation” regarding why, in light of the cities’ conflicting evidence, the urban reserve designation was still appropriate for Stafford.

In addition to their argument regarding transportation facilities, the cities also argued that they had submitted evidence to Metro and LCDC showing that sewer and water services could not be cost-effectively extended to Stafford, and that Metro and LCDC also failed to adequately respond to that evidence. The Court of Appeals did not directly address this argument, because

the court's ruling regarding the transportation issues also requires consideration on remand of the cities' evidence and argument regarding water and sewer services.

Significantly for purposes of these findings, the Court of Appeals upheld LCDC's interpretation of the phrase "consideration of factors" in the statute and the urban reserve rules as being intended to apply in the same manner as the factors that apply to a decision regarding the location of a UGB expansion under Goal 14. The court agreed with LCDC that there are three key principles involved in the correct application of the urban reserve factors: (1) Metro must "apply and evaluate" each factor, (2) the factors must be "weighed and balanced as a whole," with no single factor being determinative, and (3) based on the evaluation of each factor, and the weighing and balancing of all factors, Metro must "meaningfully explain" why an urban reserve designation is appropriate. *Barkers Five* at 300-301.

As correctly explained by LCDC and affirmed by the Court of Appeals, the statute and rules governing the designation of urban reserves provide significantly more discretion to Metro regarding the "consideration of factors" than the cities choose to believe. In their submittal to the Metro Council, the cities admit that the urban reserve factors are not approval criteria but assert that the factors do not call for "discretionary" decisions. Given the clear description of the decision-making process by the Court of Appeals it is difficult to understand why the cities do not believe that Metro is afforded discretion regarding its consideration of the factors.

As explained by the court, Metro's obligation under the factors is to provide a written evaluation of each factor as it applies to an area, weigh and balance all factors as a whole, and then provide a meaningful explanation regarding its ultimate decision for designating the area. Under this methodology, Metro is not required to conclude that a particular area has a high ranking under each factor in order to find that an urban reserve designation is appropriate, so long as each factor is evaluated, all factors are balanced, and the conclusion is explained. In fact, Metro could conceivably conclude that Stafford completely fails under one or more of the factors, so long as Metro provides a meaningful explanation regarding why an urban reserve designation is nonetheless appropriate after all of the factors are "weighed and balanced" together. The very nature of a process that directs Metro to "weigh and balance" a list of factors against each other inherently involves the exercise of considerable discretion. Thus, Metro disagrees with the cities' suggestion that Metro does not have significant discretion regarding its consideration of the urban reserve factors.

The following Section C of these findings describes the reasons why Metro again concludes that the Stafford area was correctly designated as an urban reserve area in 2011, utilizing the direction provided by the Court of Appeals regarding the correct methodology for considering the urban reserve factors.

C. Reasons for Stafford Urban Reserve Designation

The designation of Stafford as an urban reserve area was the culmination of a lengthy and collaborative regional process from early 2008 through 2010. Metro and the three counties formed committees, began a public involvement process, and established a Reserves Steering Committee to advise the Core 4 regarding reserves designations. The steering committee

included 52 members and alternates representing interests across the region – business, agriculture, conservation groups, cities, service districts, and state agencies. Technical analysis regarding the application of the urban reserve factors to particular study areas was provided by specialized expert groups, including providers of water, sewer, transportation, education, and other urban services.

The four study areas that comprise what is collectively referred to as “Stafford” are shown on the map attached to this staff report as Attachment 1. More specifically, the four areas are known as Stafford (Area 4A), Rosemont (Area 4B), Borland (Area 4C) and Norwood (Area 4D). As shown on the map, Areas 4A, 4B, and 4C together comprise the “triangle” area that is adjacent to the cities of West Linn, Lake Oswego, and Tualatin. Those three study areas consist of approximately 4,700 acres and were considered together as Area U-4 by Clackamas County in their urban reserve analysis. Area 4D contains approximately 1,530 acres and is located to the south and east of the “triangle,” adjacent to the City of Tualatin on the north and the Washington County border on the west. There are three other acknowledged Washington County urban reserve areas (Areas 4E, 4F, and 4G) that are located between Area 4D and the City of Tualatin.

In considering the designation of Stafford as an urban reserve area, it is important to remember the context and purpose of the urban and rural reserves designations. Because urban reserves are intended to provide a land supply over a 50-year time horizon, the designation of urban reserve areas must be based on their physical characteristics, including development capacity and future serviceability, rather than the current desires of nearby jurisdictions or current infrastructure conditions. Although there are some impediments to development in parts of these four study areas due to slopes and natural features – as there are in most areas of our region – most of the land is suitable for urban-level development, and development concept plans have been prepared for the Stafford area describing potential development scenarios.

Physically, the Stafford area is very similar to the cities of West Linn and Lake Oswego, which are successfully developing at urban densities. The Stafford area is immediately adjacent to existing urban development in three cities, facilitating logical extensions of infrastructure. Stafford is bisected by Interstate 205 and is within three miles of Interstate 5. Unlike any other urban reserve study area in the region, the 4,700 acres in the “triangle” that comprise study areas 4A, 4B and 4C are actually surrounded on three sides by existing cities and attendant urban infrastructure. While development levels would not be uniform across all four urban reserve areas, due in part to topography and natural resource areas, the opportunity exists to create a mix of uses, housing types and densities where the natural features play a role as amenities, while complementing existing development in the adjacent neighborhoods.

It is also important to consider the designation of these areas in light of the overall regional context. The reserve statute and rules require Metro to designate an amount of urban reserves sufficient to provide a 50-year supply of land for urban growth across the entire Metro region. All four Stafford study areas are identified by the Oregon Department of Agriculture (ODA) as “conflicted” agricultural land that is not suitable to sustain long-term agricultural operations. Designation of the Stafford area as urban reserve helps to avoid urban designation of other areas in the region, particularly in Washington County, that contain more important or “foundation” agricultural land. There are no other areas in the region that provide a similar amount of non-

foundation farmland that are also surrounded on three sides by existing urban development and rank as highly as Stafford under the urban reserve factors.

It is true that the Stafford area's status as conflicted agricultural land is not itself directly relevant to Metro's application of the urban reserve factors, in that the factors do not consider soil type or the presence of agricultural uses. However, it is also true that many of the reasons that resulted in ODA's designation of Stafford as conflicted agricultural land are the same reasons that Stafford ranks highly as an urban reserve area under the applicable factors, such as: proximity to existing urban development, high land values that support urban development, the presence of existing commercial, residential and institutional uses in the area, and high potential for future residential development. The ODA Report describes the Stafford area as follows:

“The integrity of the agricultural lands located within this subregion is seriously compromised. The few existing commercial operations located in the area are compromised by surrounding area development, parcelization and the potential for future residential development within the exception areas located in the subregion and at the edges along the UGB. Land values reflect the current nonresource zoning and/or the speculative land market that exists in the area due to its location. The core agricultural block is relatively small, providing little opportunity for the island to stand-alone.

“South of the Tualatin River the few remaining agricultural operations are located on lands zoned for rural residential use, in an area containing several nonfarm uses that are generally not considered to be compatible with commercial agricultural practices. Such uses include churches, schools and retail commercial. High-density residential development also exists along the river. This area also shares an edge with the City of Tualatin. Along this edge, inside the UGB, exist high-density single-family and multifamily residential development. Finally, the entire area south of the river is a recognized exception area that provides no protection for farm use.” ODA Report, page 35.

The conclusions of the ODA Report provide support for Metro's conclusion that the existing characteristics of Stafford make it an area that has high potential for future urban development, which is the entire purpose behind Metro's application of the urban reserve factors – identifying those locations across the region where future urbanization makes the most sense.

The following subsections of these findings provide the Metro Council's evaluation of each factor as it relates to Stafford. The Metro Council adopts and incorporates the findings in Section VIII.B above regarding the evaluation of each factor as applied to Areas 4A, 4B, 4C, and 4D. To the extent any of those findings may conflict with the findings set forth in this section, the findings in this section shall apply.

1. Can be developed at urban densities in a way that makes efficient use of existing and future public infrastructure investments.

The Metro Council finds that the primary focus of this factor is whether there is urbanizable land in the study area within sufficient proximity to existing urban infrastructure to allow for efficient

use of that infrastructure. In other words, does the area include developable land that is located in such a way that future development may utilize existing roads, water and sewer services? Regarding Stafford, the answer to this question is a resounding yes. As described elsewhere in these findings, Stafford is the only urban reserve study area that is physically surrounded on three sides by existing city boundaries, dense urban development, and available public infrastructure. It is also bisected by Interstate 205 and located within three miles of Interstate 5. Stafford is an anomalous rural area that is surrounded by urban development, and its unique location between and adjacent to the cities of West Linn, Tualatin, and Lake Oswego facilitates the logical and efficient extension of future development and related infrastructure, which is the focus of factor #1.

There is no legitimate question regarding the future developability of the Stafford area, particularly given the proliferation of urban development on identical adjacent terrain. It is true that there are hills and slopes in the northern portion of Area 4A – however none of the slopes present development challenges that are any different from existing development on the other side of those same hills in the cities of West Linn and Lake Oswego. The topography of Area 4A is essentially identical to that of adjacent urbanized portions of those two cities. Further, existing residential development in the Atherton Heights subdivision in the northern portion of the Stafford Basin is successfully located on a tall hillside that is significantly steeper than any of the slopes in Area 4A. Development in many other parts of the Metro region, including Forest Heights in the City of Portland, has been successful on steeper hillsides that present more challenges to development than the comparatively gentle and rolling hills of Stafford. Arguments from the cities that the hills of Stafford are too steep to be developed are easily refuted by simply looking at existing development in other parts of the region, or at development on the other side of the same hills in West Linn and Lake Oswego.

It is true that any future development in the Stafford area would need to be varied in density across the basin due to slopes and other natural features including riparian habitat areas that must be protected. However, there are sufficient developable areas to create a vibrant and diverse urban area, as depicted in the conceptual development plan submitted by OTAK entitled “Clackamas County’s Next Great Neighborhood.” As shown in those materials, the topography of Stafford and the location of easily developed land in the Borland area (Area 4C) create the possibility of a development pattern that includes a mix of existing smaller acreage home sites, lower density neighborhoods, medium density neighborhoods, and mixed use commercial and office areas. Higher density residential, mixed use and employment areas could be located in the relatively flat Borland area, closer to Interstate 205. As depicted in OTAK’s conceptual plan, medium-density walkable neighborhoods could be developed along the east side of Stafford Road, while existing low density neighborhoods and natural areas further to the north and east could remain. The Rosemont area (Area 4B) could provide residential development that complements existing similar development in the adjacent Tanner Basin neighborhood in West Linn.

The Metro Council finds that the focus of factor #1 is primarily on the potential location of future urban development in relation to existing infrastructure, while factor #3 considers whether urban facilities and services may be provided cost-effectively. However, because the two factors

have been addressed concurrently in prior proceedings, the findings below regarding factor #3 are also expressly adopted here for purposes of factor #1.

2. Includes sufficient development capacity to support a healthy economy.

Areas 4A, 4B, and 4C contain approximately 4,700 acres and Area 4D contains approximately 1,530 acres. Together these areas are approximately 6,230 acres, and would provide the region with a significant amount of development capacity through the end of the urban reserve planning horizon in 2060. Metro and the three counties adopted a total of 28,256 acres of urban reserves, which is an amount deemed sufficient to provide the Metro region with a 50-year supply of urbanizable land. Almost half of that amount, 13,874 acres, was located in Clackamas County, and the 6,230 acres located in the Stafford area therefore comprise almost half of the county's total urban reserves. Since the enactment of House Bill 4078, which adopted Metro's 2011 addition of 1,986 acres to the UGB and further reduced the amount of urban reserves in Washington County by about 3,200 acres, the 6,230 acres in Stafford now comprise approximately 27% of the total urban reserve area for the entire Metro region. Thus, based solely on the math, the fact that the Stafford area provides a significant percentage of the 50-year supply of urban reserves for the entire region supports a conclusion that Stafford provides future development capacity sufficient to support a healthy economy under factor #2.

The Metro Council also relies upon its findings set forth immediately above under factor #1 regarding the developability of the Stafford area, as well as the OTAK conceptual development plan discussed in that section, and the findings above in Section VII.B in support of a conclusion that Stafford can be developed at sufficient capacity to support a healthy urban economy. The Metro Council finds that factor #2 calls for an inherently discretionary finding regarding what amount of capacity might "support a healthy economy." The Metro Council further finds that this factor does not establish any particular threshold amount of development that is required to "support" a healthy economy; arguably, any amount of additional development capacity in Stafford could meet that very generally stated goal. However, as described above in the findings regarding factor #1 and in the OTAK conceptual plans, the Stafford area has the potential to provide significant future development capacity that would be sufficient to "support a healthy economy" as contemplated under factor #2.

3. Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers.

The primary dispute regarding Stafford's designation as an urban reserve arises under factor #3. Although addressed in tandem with factor #1 by the cities, in the LCDC acknowledgment order, and on appeal to the Court of Appeals, the cities' arguments regarding future provision of facilities and services are focused on costs of roads and the cities' financial ability to provide water and sewer services under this factor. As described above, the Metro Council finds that factor #1 regarding "efficient use" of existing and future infrastructure is primarily focused on the location of future urban development in relation to existing and planned infrastructure, while factor #3 expressly considers the "cost-effective" provision of urban facilities and services. The cities' arguments related to costs of providing transportation, water and sewer services are more

appropriately considered under factor #3.¹⁰ However, the findings above regarding factor #1 are also expressly adopted for purposes of factor #3.

In its review of the Stafford urban reserve designations, the Court of Appeals held that Metro and LCDC failed to adequately respond to evidence submitted by the cities regarding future traffic conditions in the Stafford area as projected in Metro's 2035 RTP. Although the court did not rule on the cities' arguments regarding the feasibility of providing water and sewer, those issues are also considered as part of these findings. The remainder of this section responds to the evidence submitted by the cities regarding the future provision of (a) transportation facilities, and (b) water and sewer services.

a. Transportation Facilities

During the Metro and LCDC proceedings in 2011 the cities contended that Stafford should not be designated as an urban reserve because traffic projections in Metro's 2035 RTP (adopted in 2010) indicate that four principal roads in the Stafford area will be "failing" under Metro's mobility policies in the RTP. The four facilities at issue are Stafford Road, Borland Road, Highway 43, and portions of Interstate 205. The cities cited the 2035 RTP as evidence that Stafford did not comply with urban reserve factors #1 and #3 regarding the provision of urban services.

Specifically, the cities argued that because the RTP forecasted the roads at issue to be above capacity in 2035, future urban development in Stafford could not be efficiently or cost-effectively served by transportation infrastructure because there is no current funding to fix the problems. Therefore the cities argued: (a) Stafford could not "comply" with the factors, and (b) the Metro and LCDC decisions were not supported by substantial evidence in the record. The Court of Appeals rejected the cities' first contention, holding that the urban reserve factors are not approval criteria and therefore "compliance" with each of the factors is not required. However, the court went on to agree with the cities that the evidence they cited regarding transportation system forecasts in the 2035 RTP had not been adequately addressed by Metro. Therefore, the court concluded that LCDC failed to correctly review Metro's decision for evidentiary support.

The primary flaw in the cities' argument regarding this factor is that the 2035 RTP traffic forecasts and related mobility policy maps are not directly relevant to the question posed by the urban reserve factors, which is whether Stafford can be efficiently and cost-effectively served with transportation facilities within a 50-year horizon. The RTP traffic forecasts are constantly evolving projections that provide a snapshot in time of the current estimates of future traffic congestion in the next 25 years. Those estimates are based on funding for system improvement projects that are *currently* listed in the RTP, and are subject to significant change over the next 25 to 50 years. New improvement projects for roads and highways are added to the RTP project list on a regular basis (sometimes even between each four-year RTP update cycle, as occurred in

¹⁰ Although factor #1 and factor #3 are similar, they should not be construed to have an identical meaning, because doing so would render one of them superfluous. When different language is used in similar statutory provisions, it is presumed to have different intended meanings. *Lindsey v. Farmers Ins. Co.*, 170 Or App 458 (2000).

2013 via Metro Resolutions 13-4420, 13-4421, 13-4422, 13-4423, and 13-4424), and funding for those projects is adjusted and prioritized based on need given existing and planned levels of development. When new proposed improvement projects are added to the RTP project list, the effects of those future improvements are then applied to the 25-year traffic congestion forecast for the region as shown on the mobility policy maps in the RTP. When new road improvement projects are added, there is a corresponding decrease in projected congestion for areas that are served by those roads.

The cities argued that the 2035 RTP demonstrates that there are no currently identified funds to fix the problems associated with traffic forecasts on the roads they identified. But this argument ignores how the planning process actually works for transportation projects, and the fact that new improvement projects are added to the RTP list on a regular basis. It is true that in 2010, when the snapshot was taken in the 2035 RTP of funding for the project lists and corresponding traffic forecasts, there was no identified funding for transportation projects designed to serve an urbanized Stafford. But when an area such as Stafford that is outside of the UGB is identified as a potential location for new urban development, the planning process that is required for urbanization will include identification of new and necessary transportation system improvements to serve future urban development in that area, and those improvements will then be included on the RTP project list. Adding those improvements to the RTP project list will then reduce the amount of congestion forecasted on the RTP mobility policy maps for that area.

Thus, there is a “chicken/egg” problem with the cities’ reliance on the traffic forecasts in the 2035 RTP as evidence that Stafford cannot be served by roads and highways in the area due to a lack of funding. When the 2035 RTP was adopted in 2010, the Stafford area was simply another rural residential area outside of the UGB, and had not been specifically designated as an area for future urban development. Therefore, the 2035 RTP did not prioritize funding for improvement projects in the Stafford area that would be necessary for new urban development arising out of a UGB expansion. In the absence of an existing plan for urbanization of Stafford in 2010, there is no reason why the region would prioritize funding in the 2035 RTP for improving roads to accommodate new urban development in that area.

In 2010 Metro adopted amendments to Title 11 of the Urban Growth Management Functional Plan specifically designed to ensure that areas proposed for urbanization through a UGB expansion can and will be served with public facilities such as roads. Title 11 now requires that local governments must adopt concept plans for an urban reserve area prior to any such area being added to the UGB by Metro. Concept plans must include detailed descriptions and proposed locations of all public facilities, including transportation facilities, with estimates of cost and proposed methods of financing. Concept plans must be jointly prepared by the county, the city likely to annex the area, and appropriate service districts.

The Title 11 concept planning requirements will apply to Stafford if and when that area is proposed for inclusion in the UGB by a city, and will require detailed planning regarding how transportation services will be provided to the area, including a description of methods for financing those services. That urban planning process will require adding specific transportation improvement projects to the RTP project lists for purposes of ensuring there can be adequate capacity to serve the Stafford area. At that point, once urban development in Stafford takes some

planning steps towards potential reality, the region could decide to add and prioritize improvement projects on the RTP project lists that would be necessary to facilitate new urban development in that area. But in 2010, because Stafford was not in the UGB and not even an urban reserve area, there was no reason to include or prioritize projects in the 2035 RTP to facilitate its development.

The RTP is a constantly evolving document that merely provides a periodic snapshot forecast of regional traffic congestion based on current funding priorities for improvement projects on the RTP project list. The RTP project list is amended and revised on a regular basis. If at some point in the future, a portion of Stafford is proposed to be added to the UGB, concept planning under Title 11 must occur and necessary transportation system improvement projects would be added to the RTP project lists at that time. The Metro Council finds that the 2035 RTP does not constitute compelling evidence that the Stafford area cannot be efficiently served by transportation facilities over a 50-year horizon.

Further, the more recently adopted 2014 RTP includes updated mobility policy maps that reveal the fallacy of the cities' arguments. The 2014 RTP shows that the 2035 RTP mobility policy maps relied upon by the cities are already outdated and do not constitute substantial evidence to support a conclusion that it is not possible for Stafford to be served by roads on a 50-year planning horizon. On July 17, 2014, the Metro Council adopted amendments to the 2035 RTP via Metro Ordinance No. 14-1340, and also changed the name of the RTP to "2014 RTP." The mobility policy maps in the 2014 RTP show significant improvement in forecasted traffic congestion on principal roads in the Stafford area for the new RTP planning horizon that ends in 2040, as compared to the mobility policy maps relied upon by the cities from the 2035 RTP. Copies of the three most relevant 2014 maps are included in the record as Exhibit B to the September 30, 2015 staff report (these are close-up versions of the maps focused on the Stafford area and do not show the entire region).

The maps relied upon by the cities from the 2035 RTP are included in the record as Exhibit C to the September 30, 2015 staff report. Sections of roads that are shown in red are locations that in 2010 were projected to exceed acceptable volume-to-capacity ratios in 2035, based on three different funding scenarios for improvements identified on the RTP project lists. The first scenario is the "no build" map (Figure 5.5), shown on Exhibit C-1, which essentially shows the worst case scenario in that it assumes all of the usual projected increases in population, jobs and new housing units for the region, but assumes that *none* of the improvements projects listed in the 2035 RTP will actually be built by 2035. Therefore, this is the map with the most red lines. The second scenario is the "2035 Federal Policies" map (Figure 5.7), shown on Exhibit C-2, which assumes that all improvement projects identified on the RTP "financially constrained" list are built (*i.e.*, projects using funds from existing identifiable revenue sources). This map shows decreases in projected congestion compared to the "no build" map. The third scenario is the "2035 Investment Strategy" map (Figure 5.9), shown on Exhibit C-3, which assumes availability of additional funding for improvement projects that are listed on the RTP project list and are not "financially constrained" by existing revenue sources, but could be constructed assuming that other potential funding sources become available.

Comparing the 2014 RTP mobility policy maps to the 2035 RTP maps reveals significant improvements in projected traffic congestion levels in the Stafford area. The 2035 Investment Strategy map shows all of Interstate 205, all of Highway 43, and most of Borland Road and Stafford Road in red, meaning that they are projected to exceed Metro’s mobility policy standard of 0.99 v/c in 2035. Exhibit C-3 to September 30, 2015 staff report. However, the corresponding 2040 Investment Strategy map from the 2014 RTP shows no portion of Interstate 205 or Borland Road in red, and much smaller portions of Highway 43 and Stafford Road in red. Exhibit B-3 to September 30, 2015 staff report. Therefore, to borrow the imprecise language employed by the cities, these facilities are no longer projected to be “failing” as the cities previously claimed. The dramatic change regarding the forecast for Interstate 205 in this area is due in part to new project assumptions for the I-205 and I-5 system that had not been included in the 2035 RTP. One of the specific investment strategies included in the 2014 RTP is to “address congestion bottleneck along I-205.” (2014 RTP Appendix 3.1, page 302).

The significant improvements in projected traffic congestion in the Stafford area in just four years between Metro’s adoption of the 2035 RTP and the 2014 RTP provide evidence that refutes the cities’ arguments and supports a conclusion that Stafford could be efficiently and cost-effectively served by transportation facilities under the relevant urban reserve factors. This evidence provides the “meaningful response” to the evidence cited by the cities from the 2035 RTP that the court of appeals found was lacking. At the same time, this evidence illuminates the fundamental problem with the cities’ arguments that were based on the 2035 RTP mobility policy maps. As explained above, the 25-year RTP mobility policy maps reflect a constantly changing set of projects and related funding assumptions that do not constitute substantial evidence for purposes of determining whether Stafford may be efficiently and cost effectively served by transportation facilities on a 50-year planning horizon.

b. Water and Sewer Services

At the Court of Appeals, the cities also challenged the evidentiary support for Metro’s findings regarding the provision of water and sewer service to Stafford under urban reserve factors #1 and #3. The court did not specifically review these arguments, but instead remanded the entire Stafford reserve designation based on its ruling regarding transportation issues.

The evidentiary record supporting Metro’s consideration of each urban reserve factor is extensive. Regarding provision of water and sewer to Stafford under urban reserve factors #1 and #3, Metro adopted detailed findings citing specific evidence supporting an urban reserve designation under the factors, set forth above in Section VII.B. Those findings note that technical assessments provided to the Core 4 Reserves Steering Committee by working groups consisting of experts and actual service providers rated the Stafford area as being “highly suitable” for both water and sewer service.

A summary of the analysis regarding water service suitability is included in the record as Exhibit E to the September 30, 2015 staff report, which is a memorandum from the Core 4 Technical Team to the Core 4 Reserves Steering Committee dated February 9, 2009. The water service analysis was coordinated by the Regional Water Providers Consortium, and involved review of specific reserve study areas by a large group of water service providers, who applied specific criteria to each area including: (a) proximity to a current service provider; (b) topography; (c) use

of existing resources; and (d) source of water. Each area was analyzed by the group of experts, ranked as high, medium, or low suitability for providing water services, and mapped. The results of the group's analysis were presented at a meeting of the technical committee of the Regional Water Providers Consortium and the proposed map was provided to all members of the committee for review and comment. As shown on the map attached to the Core 4 memo, the Stafford area was ranked as being "highly suitable" for water service.

A summary of the analysis regarding sewer service suitability is included in the record as Exhibit F to the September 30, 2015 staff report, which is also a memorandum from the Core 4 Technical Team dated February 9, 2009. The sewer service analysis was the result of work done by a "sanitary sewers expert group" of engineers and key staff from potentially impacted service providers, who applied their professional expertise and knowledge of nearby areas and facilities. The expert group applied a set of criteria to each reserve study area, including (a) topography; (b) proximity to a current waste water treatment plant; (c) existing capacity of that plant; and (d) the ability to expand the treatment plant. Each area was analyzed by the group of experts, ranked as high, medium, or low suitability for providing sewer services, and mapped. The results of the group's analysis were digitized and sent to all participating service providers for comment. As shown on the map attached to the Core 4 memo, the Stafford area was ranked by the expert group as being "highly suitable" for sewer service.

Further analysis regarding water and sewer services in urban reserve areas was undertaken by Clackamas County and provided in a technical memorandum dated July 8, 2009, included in the record as Exhibit G to the September 30, 2015 staff report. That memorandum provides a detailed analysis of each reserve study area under the urban reserve factors and makes recommendations for each study area. Regarding Stafford, the county analysis recommends designating Stafford as urban reserve, based in part on the fact that it ranks "high" for both water and sewer serviceability. As concluded by the county, the area can be relatively easily served because of proximity to existing conveyance systems and pump stations.

The City of Tualatin submitted evidence challenging the Clackamas County analysis regarding water and sewer based on a report prepared by engineering firm CH2M Hill, which was forwarded to the Core 4 Reserves Steering Committee on October 13, 2009. In that letter, the city expresses disagreement with many of the county's conclusions regarding the suitability rankings, and provided its own cost estimates regarding future provision of water and sewer services.

Metro staff reviewed the analysis in the City of Tualatin's letter and the CH2M Hill materials and prepared a responsive memorandum dated September 17, 2015, attached as Exhibit I to the September 30, 2015 staff report. As described in that memo, the fundamental flaw in the city's argument is that the city's analysis and cost estimates do not consider the same geographic area that was studied by Clackamas County and Metro, and therefore the comparisons provided by the city are not accurate. The map attached to Exhibit I illustrates the significant differences between the two study areas. The county's analysis was for its urban reserve study area U-4, which consisted primarily of the area that became areas 4A and 4B – land between the existing UGB and Interstate 205 – plus the portion of area 4C located north of I-205. However, the city's analysis considers only the area proximate to the City of Tualatin, bounded by the Tualatin River

to the north and Stafford Road to the east, thereby excluding all of areas 4A and 4B, which comprised the vast majority of the land analyzed by the county in its analysis. The flaws resulting from this approach regarding application of the urban reserve factors are described in the staff memorandum dated September 17, 2015.

4. Can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate service providers.

The Metro Council finds that there are no impediments to the design of future development in the Stafford area that would prevent it from being served with a well-connected system of streets, bikeways, walkable pedestrian paths and recreation trails, or public transit. The Stafford area is already relatively developed, compared with many other urban reserve areas, and is currently served with a well-connected system of streets. Designing a new urban area to be walkable and bikeable is no more complicated than designing road improvements that include sidewalks and bike lanes as portions of the new urban area develop. There is a sufficient amount of undeveloped land in the Stafford area to design street, bicycle and pedestrian connections within and across the area as part of future concept planning.

As noted in the findings above in Section VII.B, the location of Stafford immediately adjacent to three existing cities and urban development on three sides makes it considerably easier to design new urban areas that provide transportation connections to existing infrastructure. Any portions of Stafford that are first proposed for inclusion inside the UGB will necessarily be adjacent to the existing UGB and related transportation facilities. The Metro Council finds that there are few, if any, other areas in the region that have the potential to create the same level and type of pedestrian connections within and across the area.

As described elsewhere in these findings, any future proposals to include some portion of Stafford within the UGB will require that area to first be concept planned under Title 11 of Metro's Urban Growth Management Functional Plan (UGMFP). Title 11 requires concept plans for an area to include detailed descriptions and proposed locations of all public facilities, including transportation facilities and connections of any new transportation facilities to existing systems. Concept planning will require provision for bikeways, pedestrian pathways and, where appropriate, recreational trails. The existing IGA between Metro and Clackamas County regarding the designation of Stafford as an urban reserve area provides that any future concept plans for the area will include the Borland Road area as being planned and developed as a town center area serving the other parts of Stafford to the north (Area 4A) and south (Area 4D). The IGA also specifically requires that future concept planning will ensure that areas suitable for a mix of urban uses "will include designs for a walkable, transit-supportive development pattern."

A very preliminary conceptual development plan for Stafford was submitted by OTAK, entitled "Clackamas County's Next Great Neighborhood." As shown in those materials, and as provided in the IGA between Metro and the county, future planning for development across Stafford could include a relatively dense and pedestrian friendly mixed use town center and office district in the Borland area (Area 4C), as well as medium density walkable neighborhoods in the same area and further to the north along Stafford and Johnson Roads. The OTAK plan also depicts conceptual street design that includes the sidewalks and bike lanes that would be required as part of a

concept plan proposal under Title 11 for future urbanization of any portion of the Stafford area. The OTAK proposal supports Metro’s finding that Stafford can be designed to be walkable and served with streets and other alternative transportation options.

The cities assert that Stafford could never be walkable and connected due to existing parcelization and because they believe that some larger parcels are “unlikely to redevelop.” The Metro Council finds that the cities’ opinion regarding whether or not particular parcels in the Stafford area are likely to redevelop does not affect the Council’s evaluation under urban reserve factor #4, which asks the question of whether the area “can be designed” to be walkable and served with streets, bikeways, trails and public transit. The question is not whether or when particular parts of Stafford may or may not be developed, the question is whether, assuming that urbanization will occur at some point in the future, the area “can be designed” in a way to accommodate future transportation needs, including alternative transportation and recreation. The Metro Council finds that there is no reason the Stafford area cannot be designed in such a manner, as evidenced by the OTAK conceptual plan.

5. Can be designed to preserve and enhance natural ecological systems.

Similar to urban reserve factor #4, the relevant question to be considered under this factor is whether proposed future urban development in the Stafford area “can be designed” to preserve and enhance natural ecological systems. The Metro Council finds that there are no significant challenges to designing future development in the Stafford area in a manner that will preserve and enhance natural ecological systems in the area. In fact, the existing IGA between Metro and the county specifically requires that any future concept planning for Stafford “shall recognize environmental and topographic constraints and habitat areas,” including the riparian areas along creeks in the North Stafford Area, “recognizing that these areas include important natural features, and sensitive areas that may not be appropriate for urban development.” Thus, the intent behind urban reserve factor #5 has been embedded in the requirements for planning any future development in the Stafford area and those development plans can (and must) be designed to protect and enhance natural ecological systems. Also, as noted in the findings above in Section VII.B, any future development will be subject to state and Metro rules that are specifically designed to protect upland habitat, floodplains, steep slopes and riparian areas.

The cities do not attempt to argue that future development in Stafford cannot be designed to protect natural ecological systems. The cities instead contend that doing so will reduce the amount of developable land and make connectivity, walkability and development of the remaining lands “much more difficult and expensive.” However, the question posed by urban reserve factor #5 is not whether protecting ecological systems will make it more difficult or expensive to develop other areas. The question is whether future development “can be designed” to preserve and enhance ecological systems. The Metro Council finds that the answer to that question is very clearly yes.

Metro’s findings and the IGA with Clackamas County acknowledge the existence of some environmentally constrained lands and the fact that those areas will reduce the total amount of developable acreage in Stafford. However, that fact does not impact the overall analysis under the factors, weighed and balanced as a whole, regarding whether or not the entire 6,230-acre Stafford area should be designated as an urban reserve. As concluded elsewhere in these

findings, even when environmental protections are taken into account Stafford provides sufficient development capacity to support a healthy economy under factor #2 and includes sufficient land suitable for a range of needed housing types under factor #6.

6. Includes sufficient land suitable for a range of needed housing types.

The four areas that constitute the Stafford area contain approximately 6,230 acres. The topography is varied, from the rolling hills in the north to the comparatively flat areas to the south in Borland and Norwood. The variations in topography and existing development patterns enhance the ability of Stafford to provide a diverse range of needed housing types across the area. As depicted in the conceptual plan submitted by OTAK, and as provided in the IGA between Metro and Clackamas County, the Borland area provides a potential mixed use town center area, including higher density housing in the form of apartments or condominiums. The area south of Luscher Farm along Stafford and Johnson Roads includes generally larger lots that could be developed as medium-density neighborhoods that still focus jobs and housing closer to the vicinity of Interstate 205. The OTAK proposal also identifies the northern portion of Area 4A as being a potential location for somewhat lower density single-family neighborhoods. Types and density of future development in Stafford would not be proposed until a concept plan is prepared by one of the adjacent cities for some portion of the Stafford area, and Metro determines there is a need to expand the UGB into that particular area. The Metro Council finds there is sufficient land in the Stafford area to provide the full range of needed housing types.

7. Can be developed in a way that preserves important natural landscape features included in urban reserves.

The Metro Council finds that the Stafford area can be developed in a way that preserves important natural landscape features. The two important natural landscape features that have been identified to date are the Wilson Creek and Tualatin River systems. For the same reasons described above regarding factor #5, which requires evaluation of the ability to preserve Wilson Creek and other riparian areas, these riparian areas may also be preserved as important natural landscape features. Any future plans for development in Stafford will need to be made in compliance with applicable state and Metro regulations that are specifically designed to protect upland habitat, floodplains, steep slopes and riparian areas. There are no significant challenges to designing future development in the Stafford area in a manner that will preserve natural landscape features. The Metro Council expressly adopts the findings above regarding factor #5 regarding this factor.

8. Can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land including land designated as rural reserve.

Stafford is an ideal candidate for urban reserve under this factor because of its location. Areas 4A and 4B are surrounded on three sides by existing urban development, and future development of those areas would have no potential adverse effects on farm or forest practices, or on any land designated as rural reserve. Similarly, Area 4C is adjacent on the east and west sides to urban development in the cities of Tualatin and West Linn, and its southern boundary is adjacent to an undesignated area that consists of conflicted agricultural land. Area 4D is adjacent to the City of

Tualatin and to other large urban reserve areas (Areas 4E, 4F, and 4G) that are located between Area 4D and the cities of Tualatin and Wilsonville. Most of the eastern boundary of Area 4D is adjacent to an undesignated area, with a small portion adjacent to a rural reserve area that consists of conflicted agricultural land. To the extent that any future development in the Stafford area could have potential adverse effects on farm and forest practices, which appears very unlikely based on its location, the Metro Council finds that future planning of development in Stafford can be designed to avoid or minimize adverse effects on farm and forest practices on nearby land.

9. Weighing and Balancing of the Factors and Explanation of Why an Urban Reserve Designation is Appropriate for Stafford.

As explained by the Court of Appeals, Metro's role is first to apply and evaluate each factor; next, the factors must be "weighed and balanced as a whole." As noted by the court, no single factor is determinative, nor are the individual factors necessarily thresholds that must be met. *Barkers Five* at 300. Accordingly, even if Stafford entirely failed under one or more of the factors as part of the evaluation, Metro could still conclude that an urban reserve designation is appropriate after all of the factors are weighed and balanced together, so long as a "meaningful explanation" is provided for that conclusion.

Based on the foregoing evaluation of each of the urban reserve factors, the Metro Council concludes that the Stafford area earns a very high ranking under seven of the eight factors, and an average ranking on factor #3 regarding cost-effective provision of urban services. There is no dispute that extending services to the Stafford area will be expensive; however, there are significant costs and challenges associated with providing new urban services to any part of the region where new urban development is being proposed. The Metro Council disagrees with the cities' position that in order to be designated as an urban reserve, funding sources must be identified for all future infrastructure needs and improvements necessary for the urbanization of Stafford. That position is not consistent with the statutory purpose of urban reserves, which is to designate a 50-year supply of potential urban land for the region. The level of detail the cities desire at this stage will be correctly considered at the time a particular area is proposed for addition to the UGB, which may or may not occur for the entire Stafford area over the next 50 years.

The process of future urban development of Stafford is likely to occur over the course of many decades. The first step in any potential addition of a portion of Stafford into the UGB will require one of the cities to propose a concept plan for a particular expansion area, as required by Title 11 of the UGMFP. Under Title 11, that plan must include detailed descriptions and proposed locations of all public facilities, including transportation facilities, with estimates of cost and proposed methods of financing. In other words, the details regarding exactly how any portion of Stafford will be served with infrastructure, and how that infrastructure will be paid for, must be worked out at the time an area is considered for inclusion in the UGB so that a decision can be made regarding whether actual urbanization is possible and appropriate.

The 50-year growth forecast indicates that the Metro region will need to be able to accommodate between 1.7 and 1.9 million new residents by 2060. September 15, 2009 COO Recommendation, App. 3E-C, Table C-2. The purpose of designating urban reserve areas is to identify locations

across the region that would provide the best opportunities for providing homes and jobs for those new residents within the 50 year horizon. Urban reserve designations should not, and do not, require the identification of all future sources of funding for infrastructure within the urban reserve areas today.

Based on the analysis set forth above, and the weighing and balancing of all urban reserve factors as a whole, the Metro Council concludes that Stafford is appropriately designated as an urban reserve area under the applicable statutes and rules. Given the unique location of Stafford, its proximity to existing cities, its size and ability to provide a significant amount of development capacity in the form of a wide range of needed housing types as well as mixed-use and employment land, its location in an area that consists of conflicted agricultural land where adverse impacts on farm use can be avoided, and its high ranking under nearly all of the urban reserve factors, Stafford is one of the most obvious candidates for an urban reserve designation in the entire region.

IX. CONSISTENCY WITH REGIONAL AND STATE POLICIES

A. Regional Framework Plan

Policy 1.1: Urban Form (1.1.1(a); 2.3)

The determination of the amount of urban reserves needed to accommodate growth to the year 2060 was based upon the current focus of the 2040 Growth Concept on compact, mixed-use, pedestrian-friendly and transit-supportive communities and a new strategy of investment to use land more efficiently. The reserves decision assumes that residential and commercial development will occur in development patterns more compact than the current overall settlement pattern in the UGB. In addition, amendments made by the reserves decisions to Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan place greater emphasis than the previous version of Title 11 on “great communities” that achieve levels of intensity that will support transit and other public facilities and services.

Policy 1.4: Economic Opportunity (1.4.1)

The four governments selected urban reserves with factor OAR 660-027-0050(2) (healthy economy) in mind. Rating potential urban reserves for suitability for industrial development, using staff maps and the *Business Coalition Constrained Land for Development and Employment Map* produced by Group McKenzie, resulted in designation of thousands of acres suitable for industrial and other employment uses as urban reserves. These reserves are distributed around the region to provide opportunities in all parts of the region.

Policy 1.6: Growth Management (1.6.1(a))

See finding for Policy 1.1.

Policy 1.7: Urban/Rural Transition

The four governments inventoried important natural landscape features outside the UGB and used those features to help make a clear transitions from urban to rural lands. The findings above explain how the governments applied the landscape features factors in OAR 660-027-0060(3) in designation of urban and rural reserves and demonstrate the use of natural and built features to define the extent of urban reserves.

Policy 1.11: Neighbor Cities

The four governments reached out to the non-Metro cities within the three counties and to Columbia, Yamhill and Marion counties and their cities to hear their concerns about designation of reserves near their boundaries. All expressed an interest in maintenance of separation between the metro urban area and their own communities. The four governments were careful not to designate urban reserves too close to any of these communities. As the findings above indicate, the counties consulted with “neighbor cities” within their borders about which lands near them should be left un designated so they have room to grow, and which lands to designate rural reserve to preserve separation. The city of Sandy asked Metro and Clackamas County to revise the three governments’ agreement to protect a green corridor along Hwy 26 between Gresham and Sandy. At the time of adoption of these decisions, the three governments agreed upon a set of principles to guide revision to the agreement to use reserves to protect the corridor.

Policy 1.12: Protection of Agriculture and Forest Resource Lands (1.12.1; 1.12.3; 1.12.4)

See section II of the findings for explanation of the designation of farmland as urban or rural reserves. Metro’s Ordinance No. 10-1238A revises Policy 1.12 to conform to the new approach to urban and rural reserves.

Policy 1.13 Participation of Citizens

See sections III and IX (Goal 1) of the findings for full discussion of the public involvement process. The findings for each county (sections VI, VII and VIII) discuss the individual efforts of the counties to involve the public in decision-making.

Policy 2.8: The Natural Environment

The four governments inventoried important natural landscape features outside the UGB and used the information to identify natural resources that should be protected from urbanization. The findings above explain how the governments applied the landscape features factors in OAR 660-027-0060(3) in designation of rural reserves for long-term protection of natural resources.

B. Statewide Planning Goals

Goal 1 - Citizen Involvement

The four governments developed an overall public involvement program and, pursuant to the Reserve Rule [OAR 660-027-0030(2)], submitted the program to the State Citizen Involvement

Advisory Committee (CIAC) for review. The CIAC endorsed the program. The four governments implemented the program over the next two and a half years. Each county and Metro adapted the program to fit its own public involvement policies and practices, described above. In all, the four governments carried out an extraordinary process of involvement that involved workshops, open houses, public hearings, advisory committee meeting open to the public and opportunities to comment at the governments' websites. These efforts fulfill the governments' responsibilities under Goal 1.

Goal 2 - Land Use Planning

There are two principal requirements in Goal 2: providing an adequate factual base for planning decisions and ensuring coordination with those affected by the planning decisions. The record submitted to LCDC contains an enormous body of information, some prepared by the four governments, some prepared by their advisory committees and some prepared by citizens and organizations that participated in the many opportunities for comment. These findings make reference to some of the materials. The information in the record provides an ample basis for the urban and rural reserve designated by the four governments.

The four governments coordinated their planning efforts with all affected general and limited purpose governments and districts and many profit and non-profit organizations in the region (and some beyond the region, such as Marion, Yamhill and Polk Counties and state agencies) and, as a result, received a great amount of comment from these governments. The governments responded in writing to these comments at several stages in the two and one-half year effort, contained in the record submitted to LCDC. See Attachment 2 to June 3, 2010, Staff Report, Metro Rec.____. These findings make an additional effort to respond to comments from partner governments (cities, districts, agencies) on particular areas. These efforts to notify, receive comment, accommodate and respond to comment fulfill the governments' responsibilities under Goal 2.

Goal 3 - Agricultural Lands

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations for lands subject to Goal 3. Designation of agricultural land as rural reserve protects the land from inclusion within an urban growth boundary and from re-designation as urban reserve for 50 years. Designation of agricultural land as urban reserve means the land may be added to a UGB over the next 50 years. Goal 3 will apply to the addition of urban reserves to a UGB. The designation of these urban and rural reserves is consistent with Goal 3.

Goal 4 - Forest Lands

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations for lands subject to Goal 4. Designation of forest land as rural reserve protects the land from inclusion within an urban growth boundary and from re-designation as urban reserve for 50 years. Designation of forest land as urban reserve means the land may be added to a UGB over the next 50 years. Goal 4 will apply to the addition of urban reserves to a UGB. The designation of reserves is consistent with Goal 4.

Goal 5 - Natural Resources, Scenic and Historic Areas and Open Spaces

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations for lands inventoried and protected as Goal 5 resource lands. Designation of Goal 5 resources as rural reserve protects the land from inclusion within an urban growth boundary and from re-designation as urban reserve for 50 years. Designation of Goal 5 resources as urban reserve means the land may be added to a UGB over the next 50 years. Goal 5 will apply to the addition of urban reserves to a UGB. The designation of reserves is consistent with Goal 5.

Goal 6 - Air, Water and Land Resources Quality

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations intended to protect air, water or land resources quality. Nor does designation of reserves invoke state or federal air or water quality regulations. The designation of reserves is consistent with Goal 6.

Goal 7 - Areas Subject to Natural Hazards

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations intended to protect people or property from natural hazards. Nonetheless, the four governments consulted existing inventories of areas subject to flooding, landslides and earthquakes for purposes of determining their suitability for urbanization or for designation as rural reserve as important natural landscape features. This information guided the reserves designations, as indicated in the findings for particular reserves, and supported designation of some areas as rural reserves. Goal 7 will apply to future decisions to include any urban reserves in the UGB. The designation of reserves is consistent with Goal 7.

Goal 8 - Recreational Needs

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations intended to satisfy recreational needs. The designation of reserves is consistent with Goal 8.

Goal 9 - Economic Development

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations for lands subject to Goal 9. All urban and rural reserves lie outside the UGB. No land planned and zoned for rural employment was designated rural reserve. Designation of land as urban reserve helps achieve the objectives of Goal 9. Much urban reserve is suitable for industrial and other employment uses; designation of land suitable for employment as urban reserve increases the likelihood that it will become available for employment uses over time. The designation of reserves is consistent with Goal 9.

Goal 10 - Housing

All urban and rural reserves lie outside the UGB. No land planned and zoned to provide needed housing was designated urban or rural reserve. The designation of urban and rural reserves does

not change or affect comprehensive plan designations or land regulations and does not remove or limit opportunities for housing. The designation of reserves is consistent with Goal 10.

Goal 11 - Public Facilities and Services

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations and does not place any limitations on the provision of rural facilities and services. The four governments assessed the feasibility of providing urban facilities and services to lands under consideration for designation as urban reserve. This assessment guided the designations and increases the likelihood that urban reserves added to the UGB can be provided with urban facilities and services efficiently and cost-effectively. The designation of reserves is consistent with Goal 11.

Goal 12 - Transportation

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations and does not place any limitations on the provision of rural transportation facilities or improvements. The four governments assessed the feasibility of providing urban transportation facilities to lands under consideration for designation as urban reserve, with assistance from the Oregon Department of Transportation. This assessment guided the designations and increases the likelihood that urban reserves added to the UGB can be provided with urban transportation facilities efficiently and cost-effectively. The designation of reserves is consistent with Goal 12.

Goal 13 - Energy Conservation

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations and has no effect on energy conservation. The designation of reserves is consistent with Goal 13.

Goal 14 - Urbanization

The designation of urban and rural reserves directly influences future expansion of UGBs, but does not add any land to a UGB or urbanize any land. Goal 14 will apply to future decisions to add urban reserves to the regional UGB. The designation of urban and rural reserves is consistent with Goal 14.

Goal 15 - Willamette River Greenway

No land subject to county regulations to protect the Willamette River Greenway was designated urban reserve. The designation of urban and rural reserves is consistent with Goal 15.



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING

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Public Hearing Staff Report to the Board of County Commissioners

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Hearing Item: Response to Oregon Land Conservation and Development Commission (LCDC) Remand Order 14-ACK-001867

Proposal: Approve revised findings that affirm the designation of urban and rural reserves in the Metro region in response to the remand by the Oregon Court of Appeals and the Oregon Land Conservation and Development Commission (LCDC). The revised findings focus on three primary issues:

- 1) Whether the Stafford Area designation as urban reserve is supported by substantial evidence, particularly in light of evidence in the record suggesting that primary transportation facilities currently serving the area will be failing by 2035, and in light of claims made that sewer and water service cannot be efficiently and cost-effectively provided to the Stafford Area;
- 2) Whether the proposed region-wide urban reserve designations continue to meet the "amount of land" standard; and
- 3) Whether the proposed region-wide urban reserve designations continue to meet the "best achieves" standard.

Staff Contact: Nate Boderman, Assistant County Counsel; 503-655-8364
Martha Fritzie, Sr. Planner/Planning & Zoning Division; 503-742-4529

Hearing Date: April 12, 2017, 6 p.m.

INTRODUCTION

The purpose of the April 12, 2017 public hearing is to consider revised findings that support the designation of urban and rural reserves in the Metro region. The revised findings under consideration are responsive to the remand by the Oregon Court of Appeals and the Land Conservation and Development Commission (LCDC) resulting from the 2011 appeal of the original reserve designations, *Barkers Five, LLC v. LCDC*, 261 Or App 259, 323 P3d 368 (2014). At the public hearing, the Commission will have the opportunity to accept evidence and to receive testimony related to issues identified in LCDC's remand order, as described below.

Background and Summary of Significant Events:

2007: The 2007 Oregon Legislature authorized Metro and Clackamas, Multnomah and Washington counties ("Partner Governments") to designate Urban Reserves and Rural Reserves following the process set forth in ORS 195.137 – 195.145 (Senate Bill 1011) and implementing rules adopted by the Land Conservation and Development Commission (LCDC) (OAR 660 Division 27). The Legislature enacted the new authority in response to a call by the Partner Governments to improve the methods available to them for managing growth.

2008 – 2010: Metro and Clackamas, Multnomah and Washington counties worked together and with the public to identify Urban Reserve and Rural Reserve lands to serve the region for the next 50 years. Though each county designated its own Rural Reserve lands and Metro designated Urban Reserve lands throughout the metropolitan area, the new statute and rules made agreements among the Partner Governments a prerequisite for those designations. The Partners' four ordinances are based upon separate, formal intergovernmental agreements (IGAs) between Metro and each county.

The Partner Governments submitted their ordinances with designated reserves to LCDC on June 23, 2010. On October 29, 2010, LCDC gave its oral approval to all the reserves designated in Clackamas and Multnomah counties, and to the Rural Reserves and most of the Urban Reserves in Washington County. LCDC, however, rejected the designations of two of Washington County's Urban Reserves and, in order to provide flexibility, also remanded (or sent back) the Rural Reserves in Washington County for further consideration.

Washington County and Metro responded to LCDC's oral decision by revising the IGA between them and adopting ordinances to amend their respective Comprehensive Plan and Regional Framework Plan maps.

2011: LCDC granted final approval of the revised metro-wide Urban and Rural Reserves in early 2011. That decision was then appealed to the Oregon Court of Appeals by 22 parties, including the City of West Linn and the City of Tualatin (*Barkers Five, LLC v. LCDC*, 261 Or App 259, 323 P3d 368 (2014)).

2014: In February 2014, the Oregon Court of Appeals issued a ruling that remanded to LCDC, for further action, the reserves designations in Clackamas, Multnomah and Washington counties. The Court of Appeals found error with LCDC's order in the following three respects¹:

¹ The Court of Appeals identified an additional procedural error with LCDC's decision. The error, that LCDC could not affirm a local government's decision where its findings are inadequate even if the evidence "clearly supports" the decision, can be addressed by virtue of submitting revised findings that fully address the underlying substantive issues the Court of Appeals identified.

1. The application of the rural reserve factors pertaining to agricultural land in Washington County. On remand, the Court advised that LCDC must, in turn, remand Washington County's reserves designation as a whole for reconsideration and remand the submittal to Metro and the counties so that they can ultimately assess whether any new joint designation, in its entirety, satisfies the "best achieves" standard.
2. The "consideration" of the factors pertaining to the rural reserve designation of an area designated as rural reserve in western Multnomah County (referred to as "Area 9D"). The Court advised that, on remand, LCDC must determine the effect of that error on the designations of reserves in Multnomah County in its entirety.
3. The failure to demonstrate that LCDC adequately reviewed Stafford's urban reserve designation for substantial evidence. The Court advised that, on remand, LCDC should meaningfully explain why the designation of Stafford as urban reserves is supported by substantial evidence, even in light of the Regional Transportation Plan (RTP) evidence that indicates that by 2035 almost all transportation facilities serving Stafford will be failing.

In spring 2014, the state legislature established new Urban and Rural Reserves and adjusted the urban growth boundary (UGB) in Washington County (House Bill 4078). This bill, commonly referred to as the "Grand Bargain," resulted in additional changes to both Urban and Rural Reserves in Washington County, negotiated and agreed to by Washington County, Metro and other potentially affected parties. The Grand Bargain effectively resolved the issues identified by the Court of Appeals pertaining to the reserve designations only in Washington County. As a result, the Urban and Rural Reserves in Clackamas and Multnomah counties remained unresolved, leaving Metro, Clackamas County and Multnomah County responsible for responding to the two remaining substantive issues on remand from the Court of Appeals.

2015: On January 15, 2015, the director of the Oregon Department of Land Conservation and Development (DLCD) issued a Remand Order (#14-ACK-001861) responding to the Court of Appeals judgment. This order affirmed those portions of its prior decisions that were either not appealed to the Court of Appeals or were affirmed by the Court of Appeals, and further remanded to Multnomah County and Clackamas County, respectively, the portions of the decision found to be in error. DLCD withdrew the Remand Order on February 5, 2015 over objections by Clackamas County and others that the remand directive was inconsistent with the Court of Appeal's decision because it was too restrictive by its terms.

On March 15, 2015, the director of DLCD issued a revised Remand Order affirming those portions of its prior decisions that were either not appealed to the Court of Appeals or that were affirmed by the court, and remanded "... Rural Reserve Area 9D to Multnomah County and Metro and Urban Reserve Areas 4A, 4B, 4C and 4D to Metro and Clackamas County for further action consistent with the principals expressed in *Barkers Five, LLC v. LCDC*...".

On remand, at a minimum, Metro and Clackamas County are required to meaningfully explain why the designation of the Stafford Area as urban reserve is supported by substantial evidence, particularly in light of evidence in the record suggesting that primary transportation facilities currently serving the area will be failing by 2035. Additionally, the Court of Appeals decision and the revised Remand Order from LCDC permit Metro and Clackamas County to consider taking other actions that would be consistent with the principles expressed the Court's ruling. At the time DLCD was preparing to take action to respond to the Court of Appeal's *Barkers Five* decision, the County advocated for specific language to be included in LCDC's Remand Order to clarify the scope of the remand. The County was responding to concerns that the existing configuration and inventory of the urban reserves did not provide enough flexibility for future generations to provide enough land for continued employment growth in Clackamas County. While there was a question under the initial Remand Order regarding whether Clackamas County could revise certain reserve designations as part of the remand, the language in the revised Remand Order clarified the County's ability to potentially add new urban reserve areas as part of the remand process².

2016: In February 2016, Metro adopted and submitted to Clackamas County for consideration revised findings to address the issues on remand for Urban Reserve areas 4A, 4B, 4C, and 4D (collectively termed "Stafford"). The County did not respond to Metro's findings at the time and instead directed staff to study other areas in the County to determine whether changes to the current reserve designations were warranted.

2017: In January 2017, Metro Council President Tom Hughes sent a letter to Clackamas County that included a renewed request for the County to consider working with Metro to revise and adopt the Findings related to the Stafford Urban Reserve areas. The County responded by declaring its willingness to affirm the reserves designations that were adopted in 2010 and directed staff to discontinue further work to determine whether changes to the current reserve designations were warranted.

On March 2 and March 16, 2017, Metro held two separate public hearings to consider revised findings in response to the remand by the Oregon Court of Appeals and LCDC. At the March 16 hearing, Metro had the first reading of an ordinance (Metro No. 17-1397) to formally adopt the revised findings. Metro has scheduled the second reading of Ordinance No. 17-1397 for April 13, 2017, at which time it could finalize adoption of the revised findings.

ISSUES TO BE CONSIDERED ON REMAND

Stafford Area

² The scope of the Revised Order directed Metro, Clackamas County and Multnomah County to take "... action consistent with the principals expressed in *Barkers Five, LLC v. LCDC*, 261 Or App 259, 323 P3d 368 (2014)." Response to LCDC Remand Order 14-ACK-001867

One of the factors that Metro must consider when designating an area as urban reserve under the state rules is as follows:

When identifying and selecting lands for designation as urban reserves under this division, Metro shall base its decision on consideration of whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB, can be developed at urban densities in a way that makes efficient use of existing and future public infrastructure investments. OAR 660-027-0050(1).

On appeal before the Oregon Court of Appeals in 2011, the cities of West Linn and Tualatin argued that the Stafford Area should not have been designated as an urban reserve because it cannot be efficiently and cost-effectively served by transportation facilities and other public services. The cities identified evidence, which the Court found persuasive, in Metro's 2035 Regional Transportation Plan (RTP) that illustrated that by 2035 future traffic in the area was projected to exceed the capacity of the major roadways currently serving the area. The Court ultimately determined that the County and Metro did not sufficiently respond to the cities' "weighty countervailing evidence" that was submitted to demonstrate that the transportation facilities in the Stafford Area could not support urbanization; therefore, the designation of Stafford as urban reserve was not supported by substantial evidence.

After considering evidence and argument regarding the application of the urban reserve factors to the Stafford area, if the Board concludes that the urban reserve designation remains appropriate, at a minimum a more complete response to the 2035 RTP evidence and updated findings to reaffirm the urban reserves designation need to be adopted in order to sufficiently respond to the Court's direction on remand.

In furtherance of the cities' claims that the urban reserve designation was not appropriate for the Stafford Area, the cities also submitted argument and evidence attempting to demonstrate that the area could not be efficiently and cost-effectively served by sewer and water service. Because the Court concluded that the Stafford Area urban reserve was not supported by substantial evidence based on the 2035 RTP, the Court did not elect to resolve the arguments and evidence related to sewer and water service. Staff assumes issues pertaining to the efficient and cost-effective provision of sewer and water service are not precluded by the prior Court determination and adoption of updated findings may be appropriate in light of any new evidence or testimony that may be received which is responsive to this specific matter.

Regional Standards

"Amount of Land"

Urban reserves designated under this division shall be planned to accommodate estimated urban population and employment growth in the Metro area for at least 20 years, and not more than 30 years, beyond the 20-year period for which Metro

has demonstrated a buildable land supply inside the UGB in the most recent inventory, determination and analysis performed under ORS 197.296. Metro shall specify the particular number of years for which the urban reserves are intended to provide a supply of land, based on the estimated land supply necessary for urban population and employment growth in the Metro area for that number of years. The 20 to 30-year land supply specified in this rule shall consist of the combined total supply provided by all lands designated for urban reserves in all counties that have executed an intergovernmental agreement with Metro in accordance with OAR 660-027-0030. OAR 660-027-0040(2).

This rule, which has come to be referred to as the “amount of land” standard, establishes an urban reserve planning period which is 20 to 30 years beyond the normal 20-year UGB planning period for the Metro area, which includes Clackamas, Multnomah and Washington counties.

The Grand Bargain (HB 4078) affected the overall amount of land designated as urban reserves in the Metro area by:

- converting 2,449 acres of urban reserves to rural reserves and undesignated,
- converting 417 acres of rural reserves to urban reserves, and
- adding 1,178 acres of urban reserves to the UGB.

Removing 3,210 net acres of urban reserves from Washington County decreased the overall amount of land designated as urban reserves in the Metro area. As a result of this net reduction, additional findings need to be adopted to assess the impact on the “amount of land” standard.

“Best Achieves”

The objective of [Division 27] is a balance in the designation of urban and rural reserves that, in its entirety, best achieves livable communities, the viability and vitality of the agricultural and forest industries and protection of the important natural landscape features that define the region for its residents. OAR 660-027-0005(2).

This rule, which is commonly referred to as the “best achieves” standard, requires that there be a balance in the designation of urban and rural reserves for the purposes stated in the rule. Much like the “amount of land” standard, the “best achieves” standard looks at the designations of land region-wide, to ensure that the overall designations are appropriate. As discussed above, the removal of net acreage of urban reserves from Washington County as a result of HB 4078 potentially affects these region-wide acreage standards and additional findings need to be adopted to assess the impact on the “best achieves” standard.

ACTION BY METRO AND THE PROPOSED FINDINGS

Metro has been given authority under OAR 660-027-0020(1) to designate urban reserves in the Portland Metropolitan Area. Since the issues on remand summarized above affect urban reserve designations specifically, Metro has initiated the process to respond to the remand by drafting the additional findings necessary to demonstrate that an urban reserve designation for the Stafford Area remains appropriate.

Last month, Metro held two separate public hearings to consider revised findings addressing those issues. On March 16, Metro had the first reading of an ordinance (Metro No. 17-1397) to formally adopt the revised findings. Metro has scheduled the second reading of Ordinance No. 17-1397 for April 13, 2017, at which time it could finalize adoption of the revised findings.

Metro's ordinances and findings are attached to this staff report, as well as Metro staff reports that explain how the findings specifically respond to the remand issues.

- Metro Ordinance 16-1368, (Exhibit 3), contains findings which are responsive to those issues associated with the urban reserve designation of the Stafford Area. The associated staff report (Exhibit 1) provides a comprehensive summary of the proposed findings and explains how the findings specifically respond to those issues identified by the Court of Appeals with regards to the Stafford Area.
- Metro Ordinance 17-1397 (Exhibit 4) contains findings which are responsive to those issues associated with the "amount of land" and "best achieves" standards. The associated staff report and technical analysis (Exhibit 2) provide a comprehensive summary of the proposed findings.

PROCESS

As previously noted, Metro has initiated the process to respond to the specific issues on remand from LCDC and the Court of Appeals. The County's April 12, 2017 hearing will be an opportunity for the public to comment on, and for the Board to consider, the specific issues on remand and Metro's proposed responses to those issues. If the Board concludes that the urban reserve designation of the Stafford Area remains appropriate and Metro's overall urban reserve designations are in compliance with the regional standards, the Board can proceed to affirm or modify the findings that Metro has provided.

Multnomah County is also preparing to take action in response to the remand by the Court of Appeals and LCDC. Multnomah County is scheduled to consider the matter on May 4 and May 11, 2017.

OAR 660-027-0080 requires that Metro and the applicable counties prepare a joint and concurrent submittal of findings for consideration and review by LCDC. To facilitate this joint submittal, staff anticipates at the conclusion of Clackamas County's process that the County will forward any adopted findings to Metro for final consent. Provided Metro

concur with the submittals provided by both Clackamas County and Multnomah County, the three parties will jointly file the adopted materials with LCDRC for final review.

PUBLIC OUTREACH

Since January 17, 2017, when the County Board declared its willingness to affirm the reserves designations adopted in 2010, the County has engaged in a robust public outreach program with affected jurisdictions, community organizations and the public. That outreach has included letters, newspaper editorials, news releases, websites, presentations to community and business groups, one-on-one and small group meetings with interested parties, and information sent by email.

In addition to sharing information and making presentations to community and business groups, county staff and elected officials have also had frequent contact and ongoing discussions with Metro, cities adjacent to Stafford (Lake Oswego, Tualatin and West Linn), and other interested jurisdictions and organizations.

INTERGOVERNMENTAL AGREEMENT

On February 22, 2017, the Clackamas County Administrator and the Metro Chief Operating Officer issued a letter describing the components of a proposed Memorandum of Understanding (MOU) between the County and Metro. Since then, in response to input from the community, discussions have resulted in a revised proposal for an Intergovernmental Agreement (IGA) between Metro and Clackamas County, with the cities of West Linn, Lake Oswego and Tualatin joining as potential parties to the IGA. The cities have yet to present any substantive language to be included in the IGA, but staff anticipates that revisions will be forthcoming.

It should be noted that there is no requirement for an MOU or IGA as part of the response to the remand. The Board may choose to adopt an IGA, but there is no legal obligation for the Board to do so.

STAFF RECOMMENDATION

Staff is satisfied that the findings developed by Metro, attached as Exhibits 3 and 4, adequately respond to issues on remand and can be adopted to affirm the urban reserve designation for the Stafford Area.

The Clackamas Board of County Commissioners will take evidence and testimony at the public hearing on April 12. An additional hearing has been scheduled for Wednesday, April 19 at 9:30 a.m. Staff recommends that the Commission continue the hearing to April 19 to allow for additional testimony by those individuals that did not testify at the April 12 hearing, and to allow staff sufficient time to evaluate newly submitted evidence and testimony.

ATTACHMENTS

Response to LCDRC Remand Order 14-ACK-001867

BCC Staff Report

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Hearing Date: 4/12/17

1. Metro Staff Report: *In Consideration of the Remand by the Oregon Court of Appeals and LCDC Regarding the Designation of Urban Reserves in Clackamas County*; September 30, 2015
2. Metro Staff Report: *In Consideration of the Remand by the Oregon Court of Appeals and LCDC Regarding the Designation of Urban Reserves in Clackamas County*; February 23, 2017
 - Attachment 1 to Metro Staff Report: *Updated Assessment of the Amount of Urban Reserves*, February 22, 2017
3. *Metro Ordinance 16-1368*; February 4, 2016
 - Exhibit A Map: *Urban and Rural Reserves in Clackamas County*
 - Exhibit B Proposed Findings: *Reasons for Designation of Urban and Rural Reserves in Clackamas County*
4. *Metro Ordinance 17-1397 (Proposed)*; April, 2017
 - Proposed Findings: *Exhibit A to Ordinance 17-1397*
5. *Draft Intergovernmental Agreement*; March 28, 2017
6. Staff PowerPoint Presentation
7. Exhibits 1-19: Written testimony

**INTERGOVERNMENTAL AGREEMENT
STAFFORD URBAN RESERVE AREAS**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made this ____ day of April 2017, by Clackamas County ("County"), Metro, the City of Lake Oswego, the City of Tualatin, and the City of West Linn (individually a "City", collectively the "Cities") (together the "Parties"). This is an addendum to the Intergovernmental Agreement between Metro and Clackamas County To Adopt Urban and Rural Reserves entered into pursuant to ORS 195.141 and ORS 190.010 to 190.110 and dated March 3, 2010 ("Reserves IGA").

RECITALS

1. The Metro Council and the Clackamas County Commission are working together to finalize the designation of urban and rural reserves by adopting findings in support of the decisions made by the Metro, Clackamas County, Multnomah County, and Washington County in 2010;
2. Under state law, Metro and the three counties in the region are tasked with identifying those areas adjacent to the existing urban growth boundary (UGB) that are best suited for providing land to accommodate urban growth in the region over the next 40 to 50 years;
3. The Cities have long opposed the designation of Metro study areas 4A, 4B, 4C and 4D ("Stafford") as urban reserve because of concerns with regard to efficient use of existing and currently planned future public infrastructure investments and whether urban level public services can be efficiently and cost-effectively provide by appropriate and financially capable service providers;
4. The Parties recognize that resolving the dispute over the designation of Stafford will enable the parties to focus collaboratively on planning for and providing urban services and prioritizing the needed regional improvements to the transportation system, such the widening of I-205 from Oregon City to Stafford Road;
5. The Parties enter into this IGA in order to alleviate the concerns of the Cities and better support the designation of Stafford under the Factors by ensuring an orderly process for the urbanization of Stafford where the Cities will have control over the planning, process and timing for the urbanization of Stafford, that the Parties will coordinate with one another, and that Stafford will not be urbanized before appropriate urban services will be available; and
6. The Parties also desire to recognize that the Stafford Hamlet and surrounding area is a unique enclave in Clackamas County that has a long standing agricultural heritage, significant environmental assets, and valued open space that should be preserved through the concept planning process;

NOW, THEREFORE, it is mutually agreed that the Parties voluntarily enter into this Intergovernmental Agreement addressing issues and concerns raised by the Cities regarding the designation of Stafford as an urban reserve. Specifically, the Parties agree as follows:

1. **City Governance.** The Parties agree that Stafford will be governed by one or more the Cities upon expansion of the urban growth boundary and annexation. The governing City will have the authority to decide what land uses should be planned for, and when and how municipal services will be provided. Notwithstanding anything to the contrary in the Reserves IGA, Exhibit B, Section 4, or Metro Code Sections 3.07.1105 to 3.07.1130 ("Title 11"), Metro and the County will oppose any future effort to incorporate a new city or create service districts to provide water or sanitary sewer services in Stafford outside of a city.
2. **Completion of a City Concept Plan.**
 - a. The Cities will have exclusive local control over any future urbanization of Stafford. Prior to adding any part of Stafford to the UGB, the City that will be responsible for annexing that part of Stafford must first have developed a concept plan for the area describing how the area will be planned and developed after inclusion in the UGB. The timing for commencement and completion of a concept plan will be up to the City.
 - b. The Cities will coordinate concept planning with one another and with the County to determine which City is the appropriate urban services provider for each part of Stafford. The Parties agree to develop a preliminary concept plan to address transportation, density, community character, and infrastructure issues to help ensure that future, more detailed sub-area "concept plans" can be developed and coordinated. The parties agree to participate in good faith in future planning efforts for the Stafford Basin, in coordination with each other and other public, private, and community stakeholders.
 - c. Concept plans will plan for:
 - i. The appropriate distribution of various land uses;
 - ii. The protection of desired community character in the Stafford Hamlet area, other Stafford communities, and adjacent neighborhoods currently within the Cities;
 - iii. Transportation improvements;
 - iii. Preservation of open space and park acquisition;
 - iv. Clustering of housing/density transfers to protect natural resources and community character; and
 - v. Protections of environmentally sensitive areas, such as riparian areas, habitat corridors, steep slopes, wetlands, and the Tualatin River and its tributaries.
 - d. Each governing City will be responsible for determining the pace and timing of future development within an area to be incorporated into the UGB. The form and character of development will be determined through the concept planning process under Title 11 and Section 2 of this Agreement, and will be consistent with community values and environmental requirements.

- e. The County shall not amend the Comprehensive Plan or Zoning and Development Ordinance or the Comprehensive Plan Map or zoning designations:
 - i. To allow within Urban Reserve areas, new uses that were not allowed on the date the Urban Reserve areas were designated, except those uses mandated by amendments to the Oregon Revised Statutes or Oregon Administrative Rules enacted after designation of Urban Reserves.
 - ii. To allow within Urban Reserve areas, the creation of new lots or parcels smaller than allowed on the date Urban Reserve areas were designated, except as mandated by amendments to the Oregon Revised Statutes or Oregon Administrative Rules enacted after designation of Urban Reserves. The purpose of the designation is to preserve lands for potential future urban development, not to facilitate or expedite their development under County zoning.
 - f. Notwithstanding anything to the contrary in Metro Code 3.07.1110(d), Metro agrees that the concept plan or plans developed pursuant to Section 2 of this Agreement will be used to designate 2040 design types for Stafford and to develop conditions in the Metro ordinance that adds any Stafford territory to the UGB. The Parties agree that the concept plans will govern amendments to the Cities and County comprehensive plans and land use regulations following addition of the area to the UGB.
3. **Citizen Involvement.** The Parties agree that future decision-making regarding the timing and content of concept planning and the expansion of the UGB must involve the participation of citizens from the Stafford community, as well as other stakeholders, and will take into account public testimony when developing the concept plans.
4. **Grant Funding for Transportation Planning.** Metro and the County will undertake a transportation planning project using the \$170,000 Community Planning and Development Grant from Metro to the County to study and plan for transportation and other public infrastructure in the Stafford area. Work on this planning project will begin once Metro and the County have finalized the decision on urban reserves.
5. **Support for Widening I-205.** The Parties agree to continue to support the Joint Policy Advisory Committee on Transportation's decision to make widening I-205 from Oregon City to Stafford Road a top priority for regional transportation projects in order to help address the significant transportation infrastructure issues related to future urbanization of Stafford as well as other regional transportation needs.

6. **Transportation and Infrastructure Improvements.** Urbanization and urban development will be planned to coincide with transportation and infrastructure improvement necessary to serve such development.
7. **The Findings.** This IGA will be entered into the record of the Metro and Clackamas County proceedings on the remand of the 2010 Stafford urban reserve designation. The Metro and County remand findings will cite this IGA as evidence necessary to meet the designation requirement under ORS 195.145(5)(c) and OAR 660-027-0050(3) that the Stafford area can be served by urban level public facilities and services efficiently and cost-effectively by appropriate and financially capable service providers.
8. **No Appeal by the Cities.** In consideration for the promises and commitments made herein, the Cities agree that the Cities will not challenge the designation of Stafford as Urban Reserve either before the State of Oregon Land Conservation and Development Commission or by appeal to the Oregon Court of Appeals.
9. **Governing Law.** The laws of the State of Oregon will govern this Agreement and the Parties will submit to the jurisdiction of the courts of the State of Oregon.
10. **Amendments.** This Agreement may be amended at any time with the written consent of all Parties.
11. **Severability.** If any covenant or provision of this Agreement is adjudged void, such adjudication will not affect the validity, obligation, or performance of any other covenant or provision which in itself is valid if such remainder would then continue to conform with the terms and requirements of applicable law and the intent of this Agreement.
12. **Term.** This Agreement will terminate on the same date as the Reserves IGA, December 31, 2060, unless terminated earlier by agreement of the Parties. If during the term of this Agreement there is a change in applicable law or other circumstance that materially affects compliance with one or more provisions of this Agreement, the Parties agree to negotiate in a good faith a revision to this Agreement to address such law or circumstance in manner consistent with the intent of this Agreement.

IN WITNESS WHEREOF, each party has caused this Intergovernmental Agreement to be executed by its duly authorized representative on the date first mentioned above.

Metro Council

Dated: April __, 2017

Clackamas County

Dated: April __, 2017

City of Lake Oswego

Dated: April __, 2017

City of Tualatin

Dated: April __, 2017

City of West Linn

Dated: April __, 2017

DRAFT 4-25-2017

Reasons for Designating Areas in Multnomah County as Urban Reserves or Rural Reserves:**Supplemental findings of fact, statements of reasons and conclusions, and conclusions of law.**

These supplemental findings of fact, statements of reasons and conclusions, and conclusions of law relating to the designation of Multnomah County Area 9D as Rural Reserve (“Supplemental Findings”) are adopted in response to the remand order in *Barkers Five, LLC et al. v LCDC*, 261 Or App 259, 323 P.3d 368 (2014) and Remand Order 14-ACK-001867, Oregon Land Conservation and Development Commission (LCDC).

Because LCDC remanded this matter for “further action consistent with the principles expressed in [*Barkers Five*],” the remand order in *Barkers Five* serves as the basis for these Supplemental Findings.

In *Barkers Five*, the Oregon Court of Appeals reviewed the designation of urban and rural reserves in Washington, Multnomah and Clackamas Counties. With respect to Multnomah County, the court denied all challenges to the reserve designations, except for a challenge to the designation of Area 9D as rural reserve.

With respect to Area 9D, the court held that the County failed to meaningfully explain why, in light of certain dissimilarities between the northern and southern portions the Area, the County’s consideration of the rural reserve factors yields a rural reserve designation of all land in Area 9D. *Barkers Five*, 261 Or App at 345–347, 364.

In addition, the court held that, on remand, a determination must be made regarding the effect of the foregoing error on the designations of reserves in Multnomah County in its entirety. *Barkers Five*, 261 Or App at 364.

A. Area 9D – Meaningful Explanation**1. The Remand Order**

In relevant part, the court remanded the Rural Reserve designation of Area 9D due to inadequate explanation:

“We conclude that, because the county failed to meaningfully explain why its consideration of the rural reserve factors yields a rural reserve designation of all land in Area 9D, LCDC erred in concluding that the county’s ‘consideration’ of the factors was legally sufficient.”

Barkers Five, LLC v. LCDC, 261 Or App 259, 345 (2014).

The court concluded that the County's explanation was not meaningful because the County had not explained why consideration of the Rural Reserve factors yielded a designation of *all* of the land in Area 9D as Rural Reserve in light of the fact that application of the factors often yielded different results as to the land in the area *north* of Skyline Boulevard and the land in the area *south* of Skyline. *Barkers Five*, 261 Or App at 345.

In addition, the court noted that, in the County's explanation of how Area 9D fared under the factors, only a single sentence pertained to land in the southern portion in Area 9D. *Id.* Similarly, the court noted that the description of "why" Area 9D was designated Rural Reserve consisted of a single paragraph with broad, unqualified declarations appearing to relate to some of the natural landscape features factors in OAR 660-027-0060(3). *Id.* at 345–346.

From the foregoing assessment, the court concluded that the County should have explained its designation of the entire area in light of the differences between the northern and southern portions of Area 9D:

“a meaningful explanation as to why Area 9D, in its entirety, was designated as rural reserve would have acknowledged that application of the factors failed to yield similar results as to all of the land in the area but explained, nonetheless, why the entire area should be designated as rural reserve.”

Barkers Five, 261 Or App at 346.

Importantly, the court made three additional rulings relevant to this issue. First, the required explanation “need not be elaborate;” instead such explanation must acknowledge the dissimilarities and explain why, nonetheless, a Rural Reserve designation is suitable for all of the land in Area 9D. *Id.*

Second, the County *is not* required to justify the inclusion of any particular lot or parcel within a Rural Reserve. *Id.* Instead, the County is obligated to meaningfully explain why its consideration and application of the factors yield a Rural Reserve designation of *all of the land* in a given Rural Reserve, such as Area 9D. *Id.*

Third, where the evidence supports the designation of an area as either Urban Reserve or Rural Reserve, the local government may choose either designation *and need not* demonstrate that it has chosen the designation that “better suits” the area. *Id.* at 309–311.

Thus, in summary, the County's explanation of its Rural Reserve designation of Area 9D was inadequate because it failed to acknowledge the dissimilarities between the northern and southern portions of that Area and explain why, nonetheless, a Rural Reserve designation is suitable for all of the land in Area 9D. Simple acknowledgement and explanation would suffice: the explanation need not be elaborate; does not need to justify the designation of any particular lot or parcel; and does not need to establish that the County has chosen the designation that “better suits” the area.

With these rules in mind, the discussion turns to acknowledgement of the dissimilarities between the northern and southern portions of Area 9D and further explanation of why, nonetheless, consideration of the factors yields a Rural Reserve designation for all of the land in Area 9D.

2. Response: Consideration of the Factors Yields a Rural Reserve Designation for all of the Land in Area 9D

As noted by the Court of Appeals, in considering the required factors, the County adopted and relied upon a report prepared by County staff and the County's Citizen Advisory Committee (CAC) commissioned for this task. *Barkers Five*, 261 Or App at 345; Rec Att. C, 2894–3031 (Mult. Co. Resolution 09-153 adopting CAC Report); *more specifically* Rec Att. C, 2993–3003 (excerpt from CAC report setting forth the analysis of Area 9D, referred to as Area 6 in the CAC Report; *attached for convenience as Appendix A*).¹

In the CAC report, the CAC and County staff applied each of the Rural Reserve factors to evaluate all of the land in what is now referred to as Area 9D and then ranked how the land in that study area fared under each of the factors. *Barkers Five*, 261 Or App at 345. As noted by the court, the application of the reserve factors to this study area often yielded different results as to the land in the area that is north of Skyline Boulevard and the land that is south of Skyline. *Id.*

Nevertheless, as described in further detail below, the findings in the CAC Report clearly establishes that application of the Rural Reserves factors yields a Rural Reserve designation for both the northern and southern portions of Area 9D and, thereby, all of the land in Area 9D.

a. Acknowledging the Dissimilarities.

Dissimilarities exist between the northern and southern portions of Area 9D. The northern portion is “primarily forested,” has been mapped by the Oregon Department of Agriculture as containing “wildland forest” and “mixed forest,” “consists of a large block of forest land with few non forest [*sic*] uses,” and contains “high-value habitat, access to recreation, and other values that define the area as a landscape feature important to the region.” Rec at 2993, 2995, 2997. Further, this northern portion is subject to little risk of urbanization. *Id.* at 2993, 2995.

In contrast, the southern portion of Area 9D is “primarily farm area,” has been mapped by the Oregon Department of Agriculture as containing “important” farmland, has certain farming limitations but “good integrity” overall, has “few non-farm uses” and edges compatible to farming, and contains the “stream features of Abbey Creek mainstream, north fork, and headwaters areas that are mapped as important regional resources and that separate urban from rural lands.” Rec at 2993, 2995, 2997. Further, this southern portion *is* subject to a risk of urbanization. *Id.* at 2994, 2995.

Both portions “rank high for sense of place” and, like the northern portion, the southern portion encompasses important upland habitat areas, albeit of lesser regional value overall than the habitat present in the northern portion. *Id.* at 2997.

¹ All citations to the record refer to the record of proceedings before LCDC in the 2011 acknowledgment review resulting in LCDC Order 12-ACK-001819 as submitted to the Oregon Court of Appeals (the “LCDC Record”).

b. Despite the dissimilarities, consideration of the factors yields a Rural Reserve designation of all of the land in Area 9D.

Despite the dissimilarities between the northern and southern portions of Area 9D, the record reflects that application of the Rural Reserves factors yields a Rural Reserve designation for *each* portion of the Area and, thereby, *all of the land* in Area 9D.

(i) Farm and Forest Factors.

Except for a few instances noted below, application and consideration of the farm and forest protection factors in OAR 660-027-0060(2) with respect to Area 9D yields the conclusion that this Area ranks “high” for Rural Reserve designation with respect to *both* the northern and southern portions of the Area. Rec at 2993–2995. That is, *both* portions are highly capable of sustaining long-term agriculture or forestry operations due to the availability of large blocks of land and the clustering of farm or forest operations, adjacent land use patterns, and the sufficiency of agricultural or forestry infrastructure (this latter sub-factor ranked as “medium-high” in recognition of some limitation on the movement of farm equipment on rural roads due to traffic). Rec at 2994–2995.

Delving into the details of these “high” rankings: forest use predominates in the northern portion of Area 9D; farm use (hay, pasture, Christmas trees, nursery stock, and orchard) predominates in the southern portion; “[n]o limitations to long-term forestry have been noted for areas north of Skyline Blvd;” and the southern portion “includes few nonfarm uses, limited urban edges, and adequate ‘block’ size to maintain long-term agriculture.” Rec 2994.

In addition: all of Area 9D includes parcels suitable for both small and large scale farm and forest management; a buffer exists between resource and non-resource uses in the northern portion of the Area (except in a few instances); and very substantial buffers are present in the southern portion, including “the Powerline area and Abbey Creek headwaters, the east-west lower Abbey Creek drainage, and Rock Creek running north-south immediately west of the county line.” Rec at 2995.

Where Area 9D did not receive a “high” ranking, it received, with one exception noted below, a “medium” ranking. For instance, with respect to the suitability of the soils and water, the southern portion of Area 9D ranked “medium” for Rural Reserve designation because of its range in soils from Class II to IV and because of some uncertainty on the part of the Oregon Department of Agriculture regarding the abundance of groundwater (the County does not agree: the CAC Report notes the existence of irrigated fields in the area). Rec at 2994. With respect to these same points, the northern portion of the area ranked “high” for soils suitable to forestry and was not ranked for water as water is not understood to be a limitation for forestry. *Id.*

Lastly, whereas the northern portion of Area 9D is not subject to a risk of urbanization, and, therefore, received a “low” ranking for that factor, the southern half ranked “high” for this factor, meaning it ranked “high” for protection through Rural Reserve designation. Rec 2993.

Based on the foregoing analysis, the County concludes that “[Area 9D] is suitable for both farm and forest reserve, as indicated by the ‘important’ farm land and ‘wildland’ and ‘mixed’ forest designations.” Rec at 2995.

Further, in particular respect to the northern portion of Area 9D, a Rural Reserve designation is appropriate because, in summary, “[t]he primarily forested area north of Skyline Blvd. consists of a large block of forest land with few non forest uses, mainly associated with McNamee Rd. This area is not however, potentially subject to urbanization based on urban suitability assessments to date.”

Similarly, in particular respect to the southern portion of Area 9D, a Rural Reserve designation is appropriate because, in summary:

“The primarily farm area south of Skyline, while containing soils and topography that present limitations to intensive cultivation and uncertain groundwater resources, maintains good integrity, has compatible edges, and few non-farm uses. This area is within an area potentially subject to urbanization based on analysis of key urban services. The area south of Skyline Blvd./Cornelius Pass Rd. intersection should be considered as highly suitable for rural reserve to protect farm and forest resources.”

Id.

Thus, in summary, application and consideration of the farm and forest protection factors in OAR 660-027-0060(2) with respect to Area 9D yields a Rural Reserve designation of all of the land in Area 9D (i.e., both the northern and southern portions of that Area).

(ii) Landscape Features Factors.

As with the farm and forest factors above, and except for a few instances noted below, application and consideration of the landscape feature factors in OAR 660-027-0060(3) with respect to Area 9D yields a Rural Reserve designation for *both* the northern and southern portions of the Area and, thereby, *all of the land* in Area 9D. Rec at 2996–2998.

Both portions of Area 9D rank “high” for Rural Reserve as providing a sense of place and easy access to recreational opportunities. Rec at 2997. In particular, “[t]he southwest side of the Tualatin Mtns [*sic*] is a large-scale landscape feature that provides a green connection between Portland and the Coast Range.” *Id.* In addition, the Area contains Metro’s Ancient Forest Preserve as well as bicycling and hiking opportunities. *Id.*

With respect to important fish, plant and wildlife habitat, both portions ranked “high” for Rural Reserve protection, with the exception that the Kaiser Road and East-of-Abbey Creek subareas ranked “medium” – however, although not mapped by the state or other regional entities, these areas are identified locally by both Metro and the County as important habitat areas. Rec at 2996.

Area 9D did receive some “low” rankings. For instance, while some areas in the northern portion of the area rank high for natural hazard risks, “[t]he significant majority of the area rates ‘low’ for relative hazard on the regional composite hazard map.” Rec at 2996.

Similarly, as applied to Area 9D, consideration of the factor concerning separation between cities yields a “low” ranking because this factor applies to the separation between Metro UGB cities and cities outside that area, which is not a concern in this location. Rec at 2997. That said, the County noted that the southern portion of Area 9D is important in providing separation between the City of Portland and urban unincorporated areas to the west. *Id.*

In addition, as applied to Area 9D, consideration of the factor concerning whether the Area serves to buffer conflicts between urban and rural uses, yields a “low” ranking for the northern portion of the Area because such conflicts are not prevalent in that area, but, in contrast, yields a “high” ranking for Rural Reserve protection with respect to the southern portion of Area 9D due to substantial natural and human-made buffers between urban and rural resources in this area. Rec at 2997.

Further, although a Rural Reserve designation is not necessary to protect water quality in the northern portion of Area 9D, the southern portion ranks “medium” for Rural Reserve designation to protect Rock Creek and Abbey Creek, which are situated in a way that renders typical planning tools ineffective in protecting these resources if urban development were to occur here. Rec at 2996–2997.

A similar pattern occurs with respect to the risk of urbanization—the risk is “low” for the northern portion of Area 9D, but “high” for the southern portion.

Notwithstanding this selection of “low” rankings, the record reflects that, upon application and consideration of all of the landscape feature factors, a Rural Reserve designation is appropriate for both the northern and southern portions of Area 9D and, thereby, all of the land in Area 9D for the following reasons:

“Areas north of Skyline Blvd. rank high for sense of place; they contain high-value habitat, access to recreation, and other values that define the area as a landscape feature important to the region. This area is not however, being studied for urban reserve because it ranks low for efficiency to provide key urban services.

“Areas south of Skyline rank high for sense of place; they contain stream features of the Abbey Creek mainstream, north fork, and headwaters areas that are mapped as important regional resources and that separate urban from rural lands. Upland habitat areas also exist, however there are patches in the landscape features mapping indicating lesser regional value. All areas south of Skyline Blvd. continue to be studied for urbanization. On balance, and considering that the broad objective of the Landscape Features factors is to protect areas that define natural boundaries to urbanization and help define the region for its residents, the

entire south-of-Skyline area should be considered as highly suitable for rural reserve.”

Rec at 2997–2998 (emphasis added).

Thus, in summary, application and consideration of the landscape feature factors in OAR 660-027-0060(3) with respect to Area 9D yields a Rural Reserve designation of all of the land in Area 9D (i.e., both the northern and southern portions of that Area).

3. Conclusion

For the foregoing reasons, although application of the factors failed to yield similar results as to the northern and southern portions of Area 9D, the record reflects that application and consideration of both sets of Rural Reserve factors, the farm and forest protection and landscape features factors, yields a Rural Reserve designation for *each* portion of the Area and, thereby, *all of the land* in Area 9D.

B. No Effect on the Designations of Reserves in Multnomah County in its Entirety

As noted above, in addition to identifying the meaningful explanation error with respect to Area 9D discussed above (“Error”), the court held that, on remand, a determination must be made regarding “the effect of that [E]rror on the designations of reserves in Multnomah County in its entirety.” *Barkers Five*, 261 Or App at 364.

The Error had no effect on the designations of reserves in Multnomah County in its entirety. The Error is corrected through adoption of these Supplemental Findings. Adoption of these Supplemental Findings bolsters the County’s prior actions in this matter and fulfills the County’s obligations to consider the factors, but does not alter any prior, ultimate determination or conclusion.

More specifically, correcting the Error through adoption of these Supplemental Findings does not result in any change to any reserve designation in Multnomah County, does not require any change in analysis or analytical approach with respect to application and consideration of the factors and designation of reserves, does not require the consideration of new evidence, and does not impact any other material aspect of the designation of reserves in Multnomah County beyond correcting an error specific and internal to Area 9D.

To explain, if correction of the Error had resulted in a change in the reserve designation of Area 9D (or any other area), then, due to the coordinated manner in which reserves are designated (*e.g.*, ORS 195.143 (the designation of Rural Reserves is coordinated with the designation of Urban Reserves)), it is possible that there could be some cascading effect on the designation of reserves in Multnomah County or the Metro region in their entirety. However, here, because correction of the Error does not result in any change to any reserve designation, there is no effect on the designations of reserves in Multnomah County in its entirety of the nature contemplated in this paragraph.

Similarly, if correction of the Error had prompted a change in analysis or analytical approach with respect to application and consideration of the factors and designation of reserves, then, depending on the nature of that change, the propriety of apply such changed analysis or analytical approach to other areas in Multnomah County is conceivable (albeit quite hypothetical at present). However, here, because no such change in analysis or analytical approach has occurred, there is no effect on the designations of reserves in Multnomah County in its entirety of the nature contemplated in this paragraph.

Likewise, if correction of the Error had required consideration of new evidence and such evidence related in some way to areas beyond Area 9D, then, depending on the nature of such evidence, an effect on other reserve designations is conceivable (albeit, again, quite hypothetical at present).² However, here, because correction of the Error did not require consideration of new evidence there is no effect on the designations of reserves in Multnomah County in its entirety of the nature contemplated in this paragraph.

In conclusion, the Error had no effect on the designations of reserves in Multnomah County in its entirety because, as it turns out, the Error is capable of correction in a manner that is wholly specific and internal to Area 9D. Consequently, there is no effect on any other material aspect of the designation of reserves in Multnomah County—the Error was a failure to explain circumstances specific to Area 9D; that explanation is now provided in full without any reference to or reliance upon any other aspect of the designations of reserves in Multnomah County beyond the specific circumstances of Area 9D.

² Of note, none of the contingencies contemplated here (change in designation, change in analysis or analytical approach, and consideration of new evidence) would, if they occurred, *necessarily* have an effect on the designations of reserves in Multnomah County in their entirety. Instead, these specific contingencies, as well as any other change to a material aspect of the designation of reserves in Multnomah County, merely *could* conceivably, under certain circumstances, have an effect on other reserve designations. The converse is true as well—even if one or more of these contingencies occurred, there still might not be any effect on the designations of reserves in Multnomah County in their entirety.



M. BARBARA CARTMILL
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

May 11, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Board Order and Public Hearing Forming a Three Lot Assessment Area
Within Clackamas County Service District No. 5, Assessment
01-16 Three Lot Partition

Purpose/Outcomes	Approval of this Board Order will create a new assessment area in Clackamas County Service District No. 5. This process is necessary and customary with new development to allow for the installation of adequate street lights.
Dollar Amount and Fiscal Impact	Operational costs for street lighting is paid by direct assessment against benefited property. As a result of the signing of this Board Order, Clackamas County Service District No. 5 will add the attached area to the assessment rolls for the District. This area falls under rate schedule B; the current rate for this schedule is \$51.03 per tax lot each year.
Funding Source	Assessments for street lighting will be levied against the properties within this area effective on the installation date furnished to the district by Portland General Electric Company as the official date that the properties within this area began receiving service.
Duration	N/A
Previous Board Contact	None
Strategic Plan Alignment	Promotes a safe, healthy and secure community through the enhanced nighttime visibility created with new street lighting.
Contact Person	Wendi Coryell, Service District Specialist - DTD Engineering 503-742-4657 (Phone) wendicor@clackamas.us
Contract No.	None

BACKGROUND:

Street lighting is a condition of approval for new developments within Service District No. 5. As such, it has been included as a condition of approval for this development. Even though commercial/multi-family assessment areas may be comprised of only one to several tax lots, they frequently encompass significant stretches of road frontage in areas that will benefit significantly from street lighting. Notice of the time and place of the hearing was mailed by first class mail to the current addresses as listed by the Clackamas County Assessment office. The notice specifically noted that a public hearing was scheduled for May 11, 2017, to hear objections or file a remonstrance to approval of the new assessment area. Pursuant to statute, a minimum of 50% of the affected property owners must remonstrate to deny the formation of the new assessment area.

RECOMMENDATION:

If remonstrances from more than 50% of the property owners in the proposed assessment area for street lighting *are not* received by the end of the public hearing, it is recommended that the Board of County Commissioners, acting in the capacity of governing board for Clackamas County Service District No. 5, approve this Order which will allow Clackamas County Service District No. 5 to proceed with the formation of a new assessment area for street lighting.

Respectfully submitted,

Wendi Coryell, Service District Specialist, CCSD#5

In the Matter of the Formation
of an Assessment Area 01-16
(Three Lot Partition) Within
Clackamas County Service District
No. 5, Clackamas County, Oregon

ORDER NO.
Page 1 of 2

This matter coming before the Board of County Commissioners, acting as the governing body of Clackamas County Service District No. 5 "District" and it appearing to the "Board", that the properties within Assessment Area 01-16, Three Lot Partition, 18618 SE River Rd. have requested street light service, and that the formation of new assessment areas within the District is necessary for the installation of street lights; and

It further appearing to the Board that the method of financing construction, operation, and maintenance of service facilities is to be assessments against property benefited by street light facilities; and

It further appearing to the Board that rates for street lighting as established by Order No. 2015-71 and subsequent rate change Orders shall be applied to Assessment Area 01-16, Three Lot Partition, with fractional year assessments pro-rated from the date of installation and in accordance with Ordinance Number 94-1368 pursuant to ORS 451.495 as follows:

Rate Schedule B: \$51.03 per tax lot each year, applied to residential properties; and

It further appearing to the Board that the lots in the rate schedules receive an equal benefit for street lighting services; and

It further appearing to the Board that the Department of Transportation and Development has given notice of public hearing as required by Order Number 94-1368 and ORS 451.495, and that said public hearing was duly held on the 11th day of May, 2017, and that the District did not receive written objections prior to the conclusion of the hearing from more than 50% of the property owners representing more than 50% of the affected property, now therefore:

In the Matter of the Formation
of an Assessment Area 01-16
(Three Lot Partition) Within
Clackamas County Service District
No. 5, Clackamas County, Oregon

ORDER NO.
Page 2 of 2

IT IS HEREBY ORDERED that properties in the
Assessment Area as described below be subject to an assessment for street lighting:

Assessment Area 01-16 All lots in the Three Lot Partition, development, 22E19BA
06200; and

IT IS FURTHER ORDERED that an assessment
roll be prepared by the Department of Transportation and Development for Clackamas
County showing the amount of each yearly assessment, the property against which it has
been assessed, the owner thereof, and such additional information as is required to keep a
complete and permanent record of the assessment; and

IT IS FURTHER ORDERED that the Department
of Transportation and Development proceed to construct the street lighting facilities in
accordance with District rules and guidelines.

Dated this ____ day of _____, 2017

CLACKAMAS COUNTY BOARD OF COMMISSIONERS
as the governing body of Clackamas County Service District No. 5

Chair

Recording Secretary



M. BARBARA CARTMILL
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

May 11, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Board Order and Public Hearing Forming a Three Lot Assessment Area
Within Clackamas County Service District No. 5, Assessment
33-16 Three Lot Partition

Purpose/Outcomes	Approval of this Board Order will create a new assessment area in Clackamas County Service District No. 5. This process is necessary and customary with new development to allow for the installation of adequate street lights.
Dollar Amount and Fiscal Impact	Operational costs for street lighting is paid by direct assessment against benefited property. As a result of the signing of this Board Order, Clackamas County Service District No. 5 will add the attached area to the assessment rolls for the District. This area falls under rate schedule B; the current rate for this schedule is \$51.03 per tax lot each year.
Funding Source	Assessments for street lighting will be levied against the properties within this area effective on the installation date furnished to the district by Portland General Electric Company as the official date that the properties within this area began receiving service.
Duration	N/A
Previous Board Contact	None
Strategic Plan Alignment	Promotes a safe, healthy and secure community through the enhanced nighttime visibility created with new street lighting.
Contact Person	Wendi Coryell, Service District Specialist - DTD Engineering 503-742-4657 (Phone) wendicor@clackamas.us
Contract No.	None

BACKGROUND:

Street lighting is a condition of approval for new developments within Service District No. 5. As such, it has been included as a condition of approval for this development. Even though commercial/multi-family assessment areas may be comprised of only one to several tax lots, they frequently encompass significant stretches of road frontage in areas that will benefit significantly from street lighting. Notice of the time and place of the hearing was mailed by first class mail to the current addresses as listed by the Clackamas County Assessment office. The notice specifically noted that a public hearing was scheduled for May 11, 2017, to hear objections or file a remonstrance to approval of the new assessment area. Pursuant to statute, a minimum of 50% of the affected property owners must remonstrate to deny the formation of the new assessment area.

RECOMMENDATION:

If remonstrances from more than 50% of the property owners in the proposed assessment area for street lighting *are not* received by the end of the public hearing, it is recommended that the Board of County Commissioners, acting in the capacity of governing board for Clackamas County Service District No. 5, approve this Order which will allow Clackamas County Service District No. 5 to proceed with the formation of a new assessment area for street lighting.

Respectfully submitted,

Wendi Coryell, Service District Specialist, CCSD#5

In the Matter of the Formation
of an Assessment Area 33-16
(Three Lot Partition) Within
Clackamas County Service District No. 5,
Clackamas County, Oregon

ORDER NO.
Page 1 of 2

This matter coming before the Board of County Commissioners, acting as the governing body of Clackamas County Service District No. 5 "District" and it appearing to the "Board", that the properties within Assessment Area 33-16, Three Lot Partition, 2312 SE Risley Ave., have requested street light service, and that the formation of new assessment areas within the District is necessary for the installation of street lights; and

It further appearing to the Board that the method of financing construction, operation, and maintenance of service facilities is to be assessments against property benefited by street light facilities; and

It further appearing to the Board that rates for street lighting as established by Order No. 2015-71 and subsequent rate change Orders shall be applied to Assessment Area 33-16, Three Lot Partition, with fractional year assessments pro-rated from the date of installation and in accordance with Ordinance Number 94-1368 pursuant to ORS 451.495 as follows:

Rate Schedule B: \$51.03 per tax lot each year, applied to residential properties; and

It further appearing to the Board that the lots in the rate schedules receive an equal benefit for street lighting services; and

It further appearing to the Board that the Department of Transportation and Development has given notice of public hearing as required by Order Number 94-1368 and ORS 451.495, and that said public hearing was duly held on the 11th day of May, 2017, and that the District did not receive written objections prior to the conclusion of the hearing from more than 50% of the property owners representing more than 50% of the affected property, now therefore:

In the Matter of the Formation
of an Assessment Area 33-16
(Three Lot Partition) Within
Clackamas County Service District No. 5,
Clackamas County, Oregon

ORDER NO.
Page 2 of 2

IT IS HEREBY ORDERED that properties in the
Assessment Area as described below be subject to an assessment for street lighting:

Assessment Area 33-16 All lots in the Three Lot Partition, 21E12CC01300; and

IT IS FURTHER ORDERED that an assessment
roll be prepared by the Department of Transportation and Development for Clackamas
County showing the amount of each yearly assessment, the property against which it has
been assessed, the owner thereof, and such additional information as is required to keep a
complete and permanent record of the assessment; and

IT IS FURTHER ORDERED that the Department
of Transportation and Development proceed to construct the street lighting facilities in
accordance with District rules and guidelines.

Dated this ____ day of _____, 2017

CLACKAMAS COUNTY BOARD OF COMMISSIONERS
as the governing body of Clackamas County Service District No. 5

Chair

Recording Secretary



M. BARBARA CARTMILL
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

May 11, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Board Order and Public Hearing Forming a 62-Lot Assessment Area
Within Clackamas County Service District No. 5, Assessment
11-17 Jennings Lodge Estates 62-Lot Subdivision

Purpose/Outcomes	Approval of this Board Order will create a new assessment area in Clackamas County Service District No. 5. This process is necessary and customary with new development to allow for the installation of adequate street lights.
Dollar Amount and Fiscal Impact	Operational costs for street lighting is paid by direct assessment against benefited property. As a result of the signing of this Board Order, Clackamas County Service District No. 5 will add the attached area to the assessment rolls for the District. This area falls under rate schedule B; the current rate for this schedule is \$51.03 per tax lot each year.
Funding Source	Assessments for street lighting will be levied against the properties within this area effective on the installation date furnished to the district by Portland General Electric Company as the official date that the properties within this area began receiving service.
Duration	N/A
Previous Board Contact	None
Strategic Plan Alignment	Promotes a safe, healthy and secure community through the enhanced nighttime visibility created with new street lighting.
Contact Person	Wendi Coryell, Service District Specialist - DTD Engineering 503-742-4657 (Phone) wendicor@clackamas.us
Contract No.	None

BACKGROUND:

Street lighting is a condition of approval for new developments within Service District No. 5. As such, it has been included as a condition of approval for this development. Even though commercial/multi-family assessment areas may be comprised of only one to several tax lots, they frequently encompass significant stretches of road frontage in areas that will benefit significantly from street lighting. Notice of the time and place of the hearing was mailed by first class mail to the current addresses as listed by the Clackamas County Assessment office. The notice specifically noted that a public hearing was scheduled for May 11, 2017, to hear objections or file a remonstrance to approval of the new assessment area. Pursuant to statute, a minimum of 50% of the affected property owners must remonstrate to deny the formation of the new assessment area.

RECOMMENDATION:

If remonstrances from more than 50% of the property owners in the proposed assessment area for street lighting *are not* received by the end of the public hearing, it is recommended that the Board of County Commissioners, acting in the capacity of governing board for Clackamas County Service District No. 5, approve this Order which will allow Clackamas County Service District No. 5 to proceed with the formation of a new assessment area for street lighting.

Respectfully submitted,

Wendi Coryell, Service District Specialist, CCSD#5

In the Matter of the Formation
of an Assessment Area 11-17
(Jennings Lodge Estates 62-Lot
Subdivision) Within
Clackamas County Service District No. 5,
Clackamas County, Oregon

ORDER NO.
Page 1 of 2

This matter coming before the Board of County Commissioners, acting as the governing body of Clackamas County Service District No. 5 "District" and it appearing to the "Board", that the properties within Assessment Area 11-17, Jennings Lodge Estates 62-Lot Subdivision, 18113 SE Morse Ct. have requested street light service, and that the formation of new assessment areas within the District is necessary for the installation of street lights; and

It further appearing to the Board that the method of financing construction, operation, and maintenance of service facilities is to be assessments against property benefited by street light facilities; and

It further appearing to the Board that rates for street lighting as established by Order No. 2015-71 and subsequent rate change Orders shall be applied to Assessment Area 11-17, Jennings Lodge Estates 62-Lot Subdivision, with fractional year assessments pro-rated from the date of installation and in accordance with Ordinance Number 94-1368 pursuant to ORS 451.495 as follows:

Rate Schedule B: \$51.03 per tax lot each year, applied to residential properties; and

It further appearing to the Board that the lots in the rate schedules receive an equal benefit for street lighting services; and

It further appearing to the Board that the Department of Transportation and Development has given notice of public hearing as required by Order Number 94-1368 and ORS 451.495, and that said public hearing was duly held on the 11th day of May, 2017, and that the District did not receive written objections prior to the conclusion of the hearing from more than 50% of the property owners representing more than 50% of the affected property, now therefore:

In the Matter of the Formation
of an Assessment Area 11-17
(Jennings Lodge Estates 62-Lot
Subdivision) Within
Clackamas County Service District No. 5,
Clackamas County, Oregon

ORDER NO.
Page 2 of 2

IT IS HEREBY ORDERED that properties in the
Assessment Area as described below be subject to an assessment for street lighting:

Assessment Area 11-17 All lots in the Jennings Lodge Estates 62-Lot Subdivision
development, 21E13DD02800; and

IT IS FURTHER ORDERED that an assessment
roll be prepared by the Department of Transportation and Development for Clackamas
County showing the amount of each yearly assessment, the property against which it has
been assessed, the owner thereof, and such additional information as is required to keep a
complete and permanent record of the assessment; and

IT IS FURTHER ORDERED that the Department
of Transportation and Development proceed to construct the street lighting facilities in
accordance with District rules and guidelines.

Dated this ____ day of _____, 2017

CLACKAMAS COUNTY BOARD OF COMMISSIONERS
as the governing body of Clackamas County Service District No. 5

Chair

Recording Secretary



M. BARBARA CARTMILL
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

May 11, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Board Order and Public Hearing Forming a 10-Lot Assessment Area
Within Clackamas County Service District No. 5, Assessment
17-17 Garland Estates 10-Lot Subdivision

Purpose/Outcomes	Approval of this Board Order will create a new assessment area in Clackamas County Service District No. 5. This process is necessary and customary with new development to allow for the installation of adequate street lights.
Dollar Amount and Fiscal Impact	Operational costs for street lighting is paid by direct assessment against benefited property. As a result of the signing of this Board Order, Clackamas County Service District No. 5 will add the attached area to the assessment rolls for the District. This area falls under rate schedule C; the current rate for this schedule is \$71.55 per tax lot each year.
Funding Source	Assessments for street lighting will be levied against the properties within this area effective on the installation date furnished to the district by Portland General Electric Company as the official date that the properties within this area began receiving service.
Duration	N/A
Previous Board Contact	None
Strategic Plan Alignment	Promotes a safe, healthy and secure community through the enhanced nighttime visibility created with new street lighting.
Contact Person	Wendi Coryell, Service District Specialist - DTD Engineering 503-742-4657 (Phone) wendicor@clackamas.us
Contract No.	None

BACKGROUND:

Street lighting is a condition of approval for new developments within Service District No. 5. As such, it has been included as a condition of approval for this development. Even though commercial/multi-family assessment areas may be comprised of only one to several tax lots, they frequently encompass significant stretches of road frontage in areas that will benefit significantly from street lighting. Notice of the time and place of the hearing was mailed by first class mail to the current addresses as listed by the Clackamas County Assessment office. The notice specifically noted that a public hearing was scheduled for May 11, 2017, to hear objections or file a remonstrance to approval of the new assessment area. Pursuant to statute, a minimum of 50% of the affected property owners must remonstrate to deny the formation of the new assessment area.

RECOMMENDATION:

If remonstrances from more than 50% of the property owners in the proposed assessment area for street lighting *are not* received by the end of the public hearing, it is recommended that the Board of County Commissioners, acting in the capacity of governing board for Clackamas County Service District No. 5, approve this Order which will allow Clackamas County Service District No. 5 to proceed with the formation of a new assessment area for street lighting.

Respectfully submitted,

Wendi Coryell, Service District Specialist, CCSD#5

In the Matter of the Formation
of an Assessment Area 17-17
(Garland Estates 10-Lot Subdivision) Within
Clackamas County Service District No. 5,
Clackamas County, Oregon

ORDER NO.
Page 1 of 2

This matter coming before the Board of County Commissioners, acting as the governing body of Clackamas County Service District No. 5 "District" and it appearing to the "Board", that the properties within Assessment Area 17-17, Garland Estates 10-Lot Subdivision, 3816 SE Hill Rd. have requested street light service, and that the formation of new assessment areas within the District is necessary for the installation of street lights; and

It further appearing to the Board that the method of financing construction, operation, and maintenance of service facilities is to be assessments against property benefited by street light facilities; and

It further appearing to the Board that rates for street lighting as established by Order No. 2015-71 and subsequent rate change Orders shall be applied to Assessment Area 17-17, Garland Estates 10-Lot Subdivision, with fractional year assessments pro-rated from the date of installation and in accordance with Ordinance Number 94-1368 pursuant to ORS 451.495 as follows:

Rate Schedule C: \$71.55 per tax lot each year, applied to residential properties; and

It further appearing to the Board that the lots in the rate schedules receive an equal benefit for street lighting services; and

It further appearing to the Board that the Department of Transportation and Development has given notice of public hearing as required by Order Number 94-1368 and ORS 451.495, and that said public hearing was duly held on the 11th day of May, 2017, and that the District did not receive written objections prior to the conclusion of the hearing from more than 50% of the property owners representing more than 50% of the affected property, now therefore:

In the Matter of the Formation
of an Assessment Area 17-17
(Garland Estates 10-Lot Subdivision) Within
Clackamas County Service District No. 5,
Clackamas County, Oregon

ORDER NO.
Page 2 of 2

IT IS HEREBY ORDERED that properties in the
Assessment Area as described below be subject to an assessment for street lighting:

Assessment Area 17-17 All lots in the Garland Estates 10-Lot Subdivision
development, 21E01DD04600; and

IT IS FURTHER ORDERED that an assessment
roll be prepared by the Department of Transportation and Development for Clackamas
County showing the amount of each yearly assessment, the property against which it has
been assessed, the owner thereof, and such additional information as is required to keep a
complete and permanent record of the assessment; and

IT IS FURTHER ORDERED that the Department
of Transportation and Development proceed to construct the street lighting facilities in
accordance with District rules and guidelines.

Dated this ____ day of _____, 2017

CLACKAMAS COUNTY BOARD OF COMMISSIONERS
as the governing body of Clackamas County Service District No. 5

Chair

Recording Secretary



M. BARBARA CARTMILL
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

May 11, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Board Order and Public Hearing Forming a One Lot Assessment Area
Within Clackamas County Service District No. 5, Assessment
05-16 Rosewood Terrace 203-Unit Apartment Building

Purpose/Outcomes	Approval of this Board Order will create a new assessment area in Clackamas County Service District No. 5. This process is necessary and customary with new development to allow for the installation of adequate street lights.
Dollar Amount and Fiscal Impact	Operational costs for street lighting is paid by direct assessment against benefited property. As a result of the signing of this Board Order, Clackamas County Service District No. 5 will add the attached area to the assessment rolls for the District. This area falls under rate schedule D; the current rate for this schedule is \$1.28 per frontage foot per tax lot each year.
Funding Source	Assessments for street lighting will be levied against the properties within this area effective on the installation date furnished to the district by Portland General Electric Company as the official date that the properties within this area began receiving service.
Duration	N/A
Previous Board Contact	None
Strategic Plan Alignment	Promotes a safe, healthy and secure community through the enhanced nighttime visibility created with new street lighting.
Contact Person	Wendi Coryell, Service District Specialist - DTD Engineering 503-742-4657 (Phone) wendicor@clackamas.us
Contract No.	None

BACKGROUND:

Street lighting is a condition of approval for new developments within Service District No. 5. As such, it has been included as a condition of approval for this development. Even though commercial/multi-family assessment areas may be comprised of only one to several tax lots, they frequently encompass significant stretches of road frontage in areas that will benefit significantly from street lighting. Notice of the time and place of the hearing was mailed by first class mail to the current addresses as listed by the Clackamas County Assessment office. The notice specifically noted that a public hearing was scheduled for May 11, 2017, to hear objections or file a remonstrance to approval of the new assessment area. Pursuant to statute, a minimum of 50% of the affected property owners must remonstrate to deny the formation of the new assessment area.

RECOMMENDATION:

If remonstrances from more than 50% of the property owners in the proposed assessment area for street lighting *are not* received by the end of the public hearing, it is recommended that the Board of County Commissioners, acting in the capacity of governing board for Clackamas County Service District No. 5, approve this Order which will allow Clackamas County Service District No. 5 to proceed with the formation of a new assessment area for street lighting.

Respectfully submitted,

Wendi Coryell, Service District Specialist, CCSD#5

In the Matter of the Formation
of an Assessment Area 05-16
(Rosewood Terrace 203-Unit
Apartment Building) Within
Clackamas County Service District No. 5,
Clackamas County, Oregon

ORDER NO.
Page 1 of 2

This matter coming before the Board of County Commissioners, acting as the governing body of Clackamas County Service District No. 5 "District" and it appearing to the "Board", that the properties within Assessment Area 05-16, Rosewood Terrace 203-Unit Apt. Bldg., 8810 SE Otty Rd. have requested street light service, and that the formation of new assessment areas within the District is necessary for the installation of street lights; and

It further appearing to the Board that the method of financing construction, operation, and maintenance of service facilities is to be assessments against property benefited by street light facilities; and

It further appearing to the Board that rates for street lighting as established by Order No. 2015-71 and subsequent rate change Orders shall be applied to Assessment Area 05-16, Rosewood Terrace 203-Unit Apt. Bldg., with fractional year assessments pro-rated from the date of installation and in accordance with Ordinance Number 94-1368 pursuant to ORS 451.495 as follows:

Rate Schedule D: \$1.28 per frontage foot per tax lot each year, applied to commercial properties; and

It further appearing to the Board that the lots in the rate schedules receive an equal benefit for street lighting services; and

It further appearing to the Board that the Department of Transportation and Development has given notice of public hearing as required by Order Number 94-1368 and ORS 451.495, and that said public hearing was duly held on the 11th day of May, 2017, and that the District did not receive written objections prior to the conclusion of the hearing from more than 50% of the property owners representing more than 50% of the affected property, now therefore:

In the Matter of the Formation
of an Assessment Area 05-16
(Rosewood Terrace 203-Unit
Apartment Building) Within
Clackamas County Service District No. 5,
Clackamas County, Oregon

ORDER NO.
Page 2 of 2

IT IS HEREBY ORDERED that properties in the
Assessment Area as described below be subject to an assessment for street lighting:

Assessment Area 05-16 All lots in the Rosewood Terrace 203-Unit Apt. Bldg.
development, 21E28CC00100; and

IT IS FURTHER ORDERED that an assessment
roll be prepared by the Department of Transportation and Development for Clackamas
County showing the amount of each yearly assessment, the property against which it has
been assessed, the owner thereof, and such additional information as is required to keep a
complete and permanent record of the assessment; and

IT IS FURTHER ORDERED that the Department
of Transportation and Development proceed to construct the street lighting facilities in
accordance with District rules and guidelines.

Dated this ____ day of _____, 2017

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary



M. BARBARA CARTMILL
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

May 11, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Board Order and Public Hearing Forming a One Lot Assessment Area
Within Clackamas County Service District No. 5, Assessment
34-16 Two Metal Storage Buildings

Purpose/Outcomes	Approval of this Board Order will create a new assessment area in Clackamas County Service District No. 5. This process is necessary and customary with new development to allow for the installation of adequate street lights.
Dollar Amount and Fiscal Impact	Operational costs for street lighting is paid by direct assessment against benefited property. As a result of the signing of this Board Order, Clackamas County Service District No. 5 will add the attached area to the assessment rolls for the District. This area falls under rate schedule D; the current rate for this schedule is \$1.28 per frontage foot per tax lot each year.
Funding Source	Assessments for street lighting will be levied against the properties within this area effective on the installation date furnished to the district by Portland General Electric Company as the official date that the properties within this area began receiving service.
Duration	N/A
Previous Board Contact	None
Strategic Plan Alignment	Promotes a safe, healthy and secure community through the enhanced nighttime visibility created with new street lighting.
Contact Person	Wendi Coryell, Service District Specialist - DTD Engineering 503-742-4657 (Phone) wendicor@clackamas.us
Contract No.	None

BACKGROUND:

Street lighting is a condition of approval for new developments within Service District No. 5. As such, it has been included as a condition of approval for this development. Even though commercial/multi-family assessment areas may be comprised of only one to several tax lots, they frequently encompass significant stretches of road frontage in areas that will benefit significantly from street lighting. Notice of the time and place of the hearing was mailed by first class mail to the current addresses as listed by the Clackamas County Assessment office. The notice specifically noted that a public hearing was scheduled for May 11, 2017, to hear objections or file a remonstrance to approval of the new assessment area. Pursuant to statute, a minimum of 50% of the affected property owners must remonstrate to deny the formation of the new assessment area.

RECOMMENDATION:

If remonstrances from more than 50% of the property owners in the proposed assessment area for street lighting *are not* received by the end of the public hearing, it is recommended that the Board of County Commissioners, acting in the capacity of governing board for Clackamas County Service District No. 5, approve this Order which will allow Clackamas County Service District No. 5 to proceed with the formation of a new assessment area for street lighting.

Respectfully submitted,

Wendi Coryell, Service District Specialist, CCSD#5

In the Matter of the Formation
of an Assessment Area 34-16
(Two Metal Storage Bldgs.) Within
Clackamas County Service District No. 5,
Clackamas County, Oregon

ORDER NO.
Page 1 of 2

This matter coming before the Board of County Commissioners, acting as the governing body of Clackamas County Service District No. 5 "District" and it appearing to the "Board", that the properties within Assessment Area 34-16, Two Metal Storage Bldgs., 4150 SE Roethe Rd. have requested street light service, and that the formation of new assessment areas within the District is necessary for the installation of street lights; and

It further appearing to the Board that the method of financing construction, operation, and maintenance of service facilities is to be assessments against property benefited by street light facilities; and

It further appearing to the Board that rates for street lighting as established by Order No. 2015-71 and subsequent rate change Orders shall be applied to Assessment Area 34-16, Two Metal Storage Bldgs., with fractional year assessments pro-rated from the date of installation and in accordance with Ordinance Number 94-1368 pursuant to ORS 451.495 as follows:

Rate Schedule D: \$1.28 per frontage foot per tax lot each year, applied to commercial properties; and

It further appearing to the Board that the lots in the rate schedules receive an equal benefit for street lighting services; and

It further appearing to the Board that the Department of Transportation and Development has given notice of public hearing as required by Order Number 94-1368 and ORS 451.495, and that said public hearing was duly held on the 11th day of May, 2017, and that the District did not receive written objections prior to the conclusion of the hearing from more than 50% of the property owners representing more than 50% of the affected property, now therefore:

In the Matter of the Formation
of an Assessment Area 34-16
(Two Metal Storage Bldgs.) Within
Clackamas County Service District No. 5,
Clackamas County, Oregon

ORDER NO.
Page 2 of 2

IT IS HEREBY ORDERED that properties in the
Assessment Area as described below be subject to an assessment for street lighting:

Assessment Area 34-16 All lots in the Two Metal Storage Bldgs. Structure
development, 21E13AD01800; and

IT IS FURTHER ORDERED that an assessment
roll be prepared by the Department of Transportation and Development for Clackamas
County showing the amount of each yearly assessment, the property against which it has
been assessed, the owner thereof, and such additional information as is required to keep a
complete and permanent record of the assessment; and

IT IS FURTHER ORDERED that the Department
of Transportation and Development proceed to construct the street lighting facilities in
accordance with District rules and guidelines.

Dated this ____ day of _____, 2017

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary



M. BARBARA CARTMILL
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

May 11, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Board Order and Public Hearing Forming a 4-Lot Assessment Area
Within Clackamas County Service District No. 5, Assessment
45-16 Christilla Commons 4-Lot Commercial Subdivision

Purpose/Outcomes	Approval of this Board Order will create a new assessment area in Clackamas County Service District No. 5. This process is necessary and customary with new development to allow for the installation of adequate street lights.
Dollar Amount and Fiscal Impact	Operational costs for street lighting is paid by direct assessment against benefited property. As a result of the signing of this Board Order, Clackamas County Service District No. 5 will add the attached area to the assessment rolls for the District. This area falls under rate schedule D; the current rate for this schedule is \$1.28 per frontage foot per tax lot each year.
Funding Source	Assessments for street lighting will be levied against the properties within this area effective on the installation date furnished to the district by Portland General Electric Company as the official date that the properties within this area began receiving service.
Duration	N/A
Previous Board Contact	None
Strategic Plan Alignment	Promotes a safe, healthy and secure community through the enhanced nighttime visibility created with new street lighting.
Contact Person	Wendi Coryell, Service District Specialist - DTD Engineering 503-742-4657 (Phone) wendicor@clackamas.us
Contract No.	None

BACKGROUND:

Street lighting is a condition of approval for new developments within Service District No. 5. As such, it has been included as a condition of approval for this development. Even though commercial/multi-family assessment areas may be comprised of only one to several tax lots, they frequently encompass significant stretches of road frontage in areas that will benefit significantly from street lighting. Notice of the time and place of the hearing was mailed by first class mail to the current addresses as listed by the Clackamas County Assessment office. The notice specifically noted that a public hearing was scheduled for May 11, 2017, to hear objections or file a remonstrance to approval of the new assessment area. Pursuant to statute, a minimum of 50% of the affected property owners must remonstrate to deny the formation of the new assessment area.

RECOMMENDATION:

If remonstrances from more than 50% of the property owners in the proposed assessment area for street lighting *are not* received by the end of the public hearing, it is recommended that the Board of County Commissioners, acting in the capacity of governing board for Clackamas County Service District No. 5, approve this Order which will allow Clackamas County Service District No. 5 to proceed with the formation of a new assessment area for street lighting.

Respectfully submitted,

Wendi Coryell, Service District Specialist, CCSD#5

In the Matter of the Formation
of an Assessment Area 45-16
(Christilla Commons 4-Lot
Commercial Subdivision) Within
Clackamas County Service District No. 5,
Clackamas County, Oregon

ORDER NO.
Page 1 of 2

This matter coming before the Board of County Commissioners, acting as the governing body of Clackamas County Service District No. 5 "District" and it appearing to the "Board", that the properties within Assessment Area 45-16, Christilla Commons 4-Lot Commercial Subdivision, 12930 SE 162nd Ave. have requested street light service, and that the formation of new assessment areas within the District is necessary for the installation of street lights; and

It further appearing to the Board that the method of financing construction, operation, and maintenance of service facilities is to be assessments against property benefited by street light facilities; and

It further appearing to the Board that rates for street lighting as established by Order No. 2015-71 and subsequent rate change Orders shall be applied to Assessment Area 45-16, Christilla Commons 4-Lot Commercial Subdivision, with fractional year assessments pro-rated from the date of installation and in accordance with Ordinance Number 94-1368 pursuant to ORS 451.495 as follows:

Rate Schedule D: \$1.28 per frontage foot per tax lot each year, applied to commercial properties; and

It further appearing to the Board that the lots in the rate schedules receive an equal benefit for street lighting services; and

It further appearing to the Board that the Department of Transportation and Development has given notice of public hearing as required by Order Number 94-1368 and ORS 451.495, and that said public hearing was duly held on the 11th day of May, 2017, and that the District did not receive written objections prior to the conclusion of the hearing from more than 50% of the property owners representing more than 50% of the affected property, now therefore:

In the Matter of the Formation
of an Assessment Area 45-16
(Christilla Commons 4-Lot
Commercial Subdivision) Within
Clackamas County Service District No. 5,
Clackamas County, Oregon

ORDER NO.
Page 2 of 2

IT IS HEREBY ORDERED that properties in the
Assessment Area as described below be subject to an assessment for street lighting:

Assessment Area 45-16 All lots in the Christilla Commons 4-Lot Commercial
Subdivision, development, 23E06BB00701, 800; and

IT IS FURTHER ORDERED that an assessment
roll be prepared by the Department of Transportation and Development for Clackamas
County showing the amount of each yearly assessment, the property against which it has
been assessed, the owner thereof, and such additional information as is required to keep a
complete and permanent record of the assessment; and

IT IS FURTHER ORDERED that the Department
of Transportation and Development proceed to construct the street lighting facilities in
accordance with District rules and guidelines.

Dated this ____ day of _____, 2017

CLACKAMAS COUNTY BOARD OF COMMISSIONERS
as the governing body of Clackamas County Service District No. 5

Chair

Recording Secretary



M. BARBARA CARTMILL
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

May 11, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Board Order and Public Hearing Forming a One Lot Assessment Area
Within Clackamas County Service District No. 5, Assessment
63-16 Taco Bell Restaurant

Purpose/Outcomes	Approval of this Board Order will create a new assessment area in Clackamas County Service District No. 5. This process is necessary and customary with new development to allow for the installation of adequate street lights.
Dollar Amount and Fiscal Impact	Operational costs for street lighting is paid by direct assessment against benefited property. As a result of the signing of this Board Order, Clackamas County Service District No. 5 will add the attached area to the assessment rolls for the District. This area falls under rate schedule D; the current rate for this schedule is \$1.28 per frontage foot per tax lot each year.
Funding Source	Assessments for street lighting will be levied against the properties within this area effective on the installation date furnished to the district by Portland General Electric Company as the official date that the properties within this area began receiving service.
Duration	N/A
Previous Board Contact	None
Strategic Plan Alignment	Promotes a safe, healthy and secure community through the enhanced nighttime visibility created with new street lighting.
Contact Person	Wendi Coryell, Service District Specialist - DTD Engineering 503-742-4657 (Phone) wendicor@clackamas.us
Contract No.	None

BACKGROUND:

Street lighting is a condition of approval for new developments within Service District No. 5. As such, it has been included as a condition of approval for this development. Even though commercial/multi-family assessment areas may be comprised of only one to several tax lots, they frequently encompass significant stretches of road frontage in areas that will benefit significantly from street lighting. Notice of the time and place of the hearing was mailed by first class mail to the current addresses as listed by the Clackamas County Assessment office. The notice specifically noted that a public hearing was scheduled for May 11, 2017, to hear objections or file a remonstrance to approval of the new assessment area. Pursuant to statute, a minimum of 50% of the affected property owners must remonstrate to deny the formation of the new assessment area.

RECOMMENDATION:

If remonstrances from more than 50% of the property owners in the proposed assessment area for street lighting *are not* received by the end of the public hearing, it is recommended that the Board of County Commissioners, acting in the capacity of governing board for Clackamas County Service District No. 5, approve this Order which will allow Clackamas County Service District No. 5 to proceed with the formation of a new assessment area for street lighting.

Respectfully submitted,

Wendi Coryell, Service District Specialist, CCSD#5

In the Matter of the Formation
of an Assessment Area 63-16
(Taco Bell Restaurant) Within
Clackamas County Service District No. 5,
Clackamas County, Oregon

ORDER NO.
Page 1 of 2

This matter coming before the Board of County Commissioners, acting as the governing body of Clackamas County Service District No. 5 "District" and it appearing to the "Board", that the properties within Assessment Area 63-16, Taco Bell Restaurant, 11699 SE 82nd Ave. have requested street light service, and that the formation of new assessment areas within the District is necessary for the installation of street lights; and

It further appearing to the Board that the method of financing construction, operation, and maintenance of service facilities is to be assessments against property benefited by street light facilities; and

It further appearing to the Board that rates for street lighting as established by Order No. 2015-71 and subsequent rate change Orders shall be applied to Assessment Area 63-16, Taco Bell Restaurant, with fractional year assessments pro-rated from the date of installation and in accordance with Ordinance Number 94-1368 pursuant to ORS 451.495 as follows:

Rate Schedule D: \$1.28 per frontage foot per tax lot each year, applied to commercial properties; and

It further appearing to the Board that the lots in the rate schedules receive an equal benefit for street lighting services; and

It further appearing to the Board that the Department of Transportation and Development has given notice of public hearing as required by Order Number 94-1368 and ORS 451.495, and that said public hearing was duly held on the 11th day of May, 2017, and that the District did not receive written objections prior to the conclusion of the hearing from more than 50% of the property owners representing more than 50% of the affected property, now therefore:

In the Matter of the Formation
of an Assessment Area 63-16
(Taco Bell Restaurant) Within
Clackamas County Service District No. 5,
Clackamas County, Oregon

ORDER NO.
Page 2 of 2

IT IS HEREBY ORDERED that properties in the
Assessment Area as described below be subject to an assessment for street lighting:

Assessment Area 63-16 All lots in the Taco Bell Restaurant, development,
12E32DA00901; and

IT IS FURTHER ORDERED that an assessment
roll be prepared by the Department of Transportation and Development for Clackamas
County showing the amount of each yearly assessment, the property against which it has
been assessed, the owner thereof, and such additional information as is required to keep a
complete and permanent record of the assessment; and

IT IS FURTHER ORDERED that the Department
of Transportation and Development proceed to construct the street lighting facilities in
accordance with District rules and guidelines.

Dated this ____ day of _____, 2017

CLACKAMAS COUNTY BOARD OF COMMISSIONERS
as the governing body of Clackamas County Service District No. 5

Chair

Recording Secretary



M. BARBARA CARTMILL
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

May 11, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Board Order and Public Hearing Forming a 30-Lot Assessment Area
Within Clackamas County Service District No. 5, Assessment
51-16 Addison Meadows 30-Lot Subdivision

Purpose/Outcomes	Approval of this Board Order will create a new assessment area in Clackamas County Service District No. 5. This process is necessary and customary with new development to allow for the installation of adequate street lights.
Dollar Amount and Fiscal Impact	Operational costs for street lighting is paid by direct assessment against benefited property. As a result of the signing of this Board Order, Clackamas County Service District No. 5 will add the attached area to the assessment rolls for the District. This area falls under rate schedule J; the current rate for this schedule is \$124.57 per tax lot each year.
Funding Source	Assessments for street lighting will be levied against the properties within this area effective on the installation date furnished to the district by Portland General Electric Company as the official date that the properties within this area began receiving service.
Duration	N/A
Previous Board Contact	None
Strategic Plan Alignment	Promotes a safe, healthy and secure community through the enhanced nighttime visibility created with new street lighting.
Contact Person	Wendi Coryell, Service District Specialist - DTD Engineering 503-742-4657 (Phone) wendicor@clackamas.us
Contract No.	None

BACKGROUND:

Street lighting is a condition of approval for new developments within Service District No. 5. As such, it has been included as a condition of approval for this development. Even though commercial/multi-family assessment areas may be comprised of only one to several tax lots, they frequently encompass significant stretches of road frontage in areas that will benefit significantly from street lighting. Notice of the time and place of the hearing was mailed by first class mail to the current addresses as listed by the Clackamas County Assessment office. The notice specifically noted that a public hearing was scheduled for May 11, 2017, to hear objections or file a remonstrance to approval of the new assessment area. Pursuant to statute, a minimum of 50% of the affected property owners must remonstrate to deny the formation of the new assessment area.

RECOMMENDATION:

If remonstrances from more than 50% of the property owners in the proposed assessment area for street lighting *are not* received by the end of the public hearing, it is recommended that the Board of County Commissioners, acting in the capacity of governing board for Clackamas County Service District No. 5, approve this Order which will allow Clackamas County Service District No. 5 to proceed with the formation of a new assessment area for street lighting.

Respectfully submitted,

Wendi Coryell, Service District Specialist, CCSD#5

In the Matter of the Formation
of an Assessment Area 51-16
(Addison Meadows 30-Lot
Subdivision) Within
Clackamas County Service District No. 5,
Clackamas County, Oregon

ORDER NO.
Page 1 of 2

This matter coming before the Board of County Commissioners, acting as the governing body of Clackamas County Service District No. 5 "District" and it appearing to the "Board", that the properties within Assessment Area 51-16, Addison Meadows 30-Lot Subdivision, 14647 SE 152nd Dr. have requested street light service, and that the formation of new assessment areas within the District is necessary for the installation of street lights; and

It further appearing to the Board that the method of financing construction, operation, and maintenance of service facilities is to be assessments against property benefited by street light facilities; and

It further appearing to the Board that rates for street lighting as established by Order No. 2015-71 and subsequent rate change Orders shall be applied to Assessment Area 51-16, Addison Meadows 30-Lot Subdivision, with fractional year assessments pro-rated from the date of installation and in accordance with Ordinance Number 94-1368 pursuant to ORS 451.495 as follows:

Rate Schedule J: \$124.57 per tax lot each year, applied to residential properties; and

It further appearing to the Board that the lots in the rate schedules receive an equal benefit for street lighting services; and

It further appearing to the Board that the Department of Transportation and Development has given notice of public hearing as required by Order Number 94-1368 and ORS 451.495, and that said public hearing was duly held on the 11th day of May, 2017, and that the District did not receive written objections prior to the conclusion of the hearing from more than 50% of the property owners representing more than 50% of the affected property, now therefore:

In the Matter of the Formation
of an Assessment Area 51-16
(Addison Meadows 30-Lot
Subdivision) Within
Clackamas County Service District No. 5,
Clackamas County, Oregon

ORDER NO.
Page 2 of 2

IT IS HEREBY ORDERED that properties in the
Assessment Area as described below be subject to an assessment for street lighting:

Assessment Area 51-16 All lots in the Addison Meadows 30-Lot Subdivision,
development, 22E12BA01100; and

IT IS FURTHER ORDERED that an assessment
roll be prepared by the Department of Transportation and Development for Clackamas
County showing the amount of each yearly assessment, the property against which it has
been assessed, the owner thereof, and such additional information as is required to keep a
complete and permanent record of the assessment; and

IT IS FURTHER ORDERED that the Department
of Transportation and Development proceed to construct the street lighting facilities in
accordance with District rules and guidelines.

Dated this ____ day of _____, 2017

CLACKAMAS COUNTY BOARD OF COMMISSIONERS
as the governing body of Clackamas County Service District No. 5

Chair

Recording Secretary



M. BARBARA CARTMILL
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

May 11, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Board Order and Public Hearing Forming a 7-Lot Assessment Area
Within Clackamas County Service District No. 5, Assessment
41-16 Mitchell Park 7-Lot Subdivision

Purpose/Outcomes	Approval of this Board Order will create a new assessment area in Clackamas County Service District No. 5. This process is necessary and customary with new development to allow for the installation of adequate street lights.
Dollar Amount and Fiscal Impact	Operational costs for street lighting is paid by direct assessment against benefited property. As a result of the signing of this Board Order, Clackamas County Service District No. 5 will add the attached area to the assessment rolls for the District. This area falls under rate schedule W; the current rate for this schedule is \$250.00 per tax lot each year.
Funding Source	Assessments for street lighting will be levied against the properties within this area effective on the installation date furnished to the district by Portland General Electric Company as the official date that the properties within this area began receiving service.
Duration	N/A
Previous Board Contact	None
Strategic Plan Alignment	Promotes a safe, healthy and secure community through the enhanced nighttime visibility created with new street lighting.
Contact Person	Wendi Coryell, Service District Specialist - DTD Engineering 503-742-4657 (Phone) wendicor@clackamas.us
Contract No.	None

BACKGROUND:

Street lighting is a condition of approval for new developments within Service District No. 5. As such, it has been included as a condition of approval for this development. Even though commercial/multi-family assessment areas may be comprised of only one to several tax lots, they frequently encompass significant stretches of road frontage in areas that will benefit significantly from street lighting. Notice of the time and place of the hearing was mailed by first class mail to the current addresses as listed by the Clackamas County Assessment office. The notice specifically noted that a public hearing was scheduled for May 11, 2017, to hear objections or file a remonstrance to approval of the new assessment area. Pursuant to statute, a minimum of 50% of the affected property owners must remonstrate to deny the formation of the new assessment area.

RECOMMENDATION:

If remonstrances from more than 50% of the property owners in the proposed assessment area for street lighting *are not* received by the end of the public hearing, it is recommended that the Board of County Commissioners, acting in the capacity of governing board for Clackamas County Service District No. 5, approve this Order which will allow Clackamas County Service District No. 5 to proceed with the formation of a new assessment area for street lighting.

Respectfully submitted,

Wendi Coryell, Service District Specialist, CCSD#5

In the Matter of the Formation
of an Assessment Area 41-16
(Mitchell Park 7-Lot Subdivision) Within
Clackamas County Service District No. 5,
Clackamas County, Oregon

ORDER NO.
Page 1 of 2

This matter coming before the Board of County Commissioners, acting as the governing body of Clackamas County Service District No. 5 "District" and it appearing to the "Board", that the properties within Assessment Area 41-16, Mitchell Park 7-Lot Subdivision, 10601 SE 129th Ave. have requested street light service, and that the formation of new assessment areas within the District is necessary for the installation of street lights; and

It further appearing to the Board that the method of financing construction, operation, and maintenance of service facilities is to be assessments against property benefited by street light facilities; and

It further appearing to the Board that rates for street lighting as established by Order No. 2015-71 and subsequent rate change Orders shall be applied to Assessment Area 41-16, Mitchell Park 7-Lot Subdivision, with fractional year assessments pro-rated from the date of installation and in accordance with Ordinance Number 94-1368 pursuant to ORS 451.495 as follows:

Rate Schedule W: \$250.00 per tax lot each year, applied to residential properties; and

It further appearing to the Board that the lots in the rate schedules receive an equal benefit for street lighting services; and

It further appearing to the Board that the Department of Transportation and Development has given notice of public hearing as required by Order Number 94-1368 and ORS 451.495, and that said public hearing was duly held on the 11th day of May, 2017, and that the District did not receive written objections prior to the conclusion of the hearing from more than 50% of the property owners representing more than 50% of the affected property, now therefore:

In the Matter of the Formation
of an Assessment Area 41-16
(Mitchell Park 7-Lot Subdivision) Within
Clackamas County Service District No. 5,
Clackamas County, Oregon

ORDER NO.
Page 2 of 2

IT IS HEREBY ORDERED that properties in the
Assessment Area as described below be subject to an assessment for street lighting:

Assessment Area 41-16 All lots in the Mitchell Park 7-Lot Subdivision, development,
12E35BB000100, 3900, 4000, 4100, 4200, 4300, 4400; and

IT IS FURTHER ORDERED that an assessment
roll be prepared by the Department of Transportation and Development for Clackamas
County showing the amount of each yearly assessment, the property against which it has
been assessed, the owner thereof, and such additional information as is required to keep a
complete and permanent record of the assessment; and

IT IS FURTHER ORDERED that the Department
of Transportation and Development proceed to construct the street lighting facilities in
accordance with District rules and guidelines.

Dated this ____ day of _____, 2017

CLACKAMAS COUNTY BOARD OF COMMISSIONERS
as the governing body of Clackamas County Service District No. 5

Chair

Recording Secretary

May 11, 2017

Board of Commissioners
Clackamas County

Members of the Board:

Approval of the Final 2017-2021 Housing and Community Development
Consolidated Plan and Proposed 2017 Action Plan

Purpose/Outcomes	Approval of the 2017-2021 Consolidated Plan, the 2017 Action Plan and the 2017-2019 Funding Recommendations.
Dollar Amount and Fiscal Impact	Submission of grant application materials will enable the County to receive approximately \$1,998,889 in CDBG funds, \$712,517 in HOME funds, and \$170,959 in ESG funds during the 2017 program year. The estimated funding levels will be revised once HUD publishes the final federal allocation amounts. The application for funding will not be submitted until these amounts are finalized by HUD.
Funding Source	U.S. Department of Housing and Urban Development grant funds. No County General Funds are involved.
Safety Impact	N/A
Duration	Effective July 1, 2017 and terminates on June 30, 2018.
Previous Board Action	A Public Hearing with a review of the past performance of the Housing and Community Development program, proposed Consolidated Plan, proposed Action Plan, and public testimony on the County's housing and community development needs was held on April 6, 2017.
Strategic Plan Alignment	<ol style="list-style-type: none"> 1. Provide low and moderate income persons with healthy, safe and stable housing in neighborhoods where they have improved access to services. 2. Ensure safe, healthy and secure communities.
Contact Person	Chuck Robbins, Community Development Director - (503) 655-8591
Contract No.	NA

BACKGROUND:

The Housing & Community Development Division of the Health, Housing & Human Services Department requests the approval of the Consolidated Plan and the Proposed 2017 Action Plan. The 2017 Action Plan implements the goals and objectives of the 2017-2021 Consolidated Plan and serves as the annual application for HUD funding. The Consolidated Plan also includes a list of the 2017-2019 Funding Recommendations. In addition to the public hearing, the Consolidated Plan was posted and available for

public comment beginning March 16th until Monday April 17th. No changes to the Plan were required due to comments received. All testimony was accepted and added to the Plan.

As of April 25, 2017 the federally funded annual allocations for the CDBG, HOME and ESG programs have not been released. The County may not submit 2017 Action Plan to HUD until the actual amounts are known. Contingency provisions applicable only to the 2017 Action Plan have been added to describe how adjustments to the project awards will be made once the actual allocations are provided by HUD.

RECOMMENDATION:

Staff recommends that the Board of County Commissioners take the following actions:

- 1) Place the Final 2017-2021 Consolidated Plan and 2017-19 Funding Recommendations on the consent agenda for approval;
- 2) Place the 2017 Action Plan on the consent agenda for approval and;
- 3) Authorize the Director of the Department of Health, Housing and Human Services to sign on behalf of Clackamas County all documents necessary for submitting applications, receiving funds, and amending applications for programs and projects included in the 2017-2021 Consolidated Plan and 2017 Action Plan.

Respectfully Submitted,

Richard Swift, Director
Health, Housing & Human Services

DRAFT Funding Recommendations
for the
2017-2019 Community Development Block Grant Program
and the
2017-2019 HOME and Emergency Shelter Grant Programs

2017
Grant Funds 2018
Grant Funds 2019
Grant Funds

Community Development Block Grant
City Projects

Canby

- | | | |
|----|---|-----------|
| 1. | N Pine Pedestrian, Storm and Street Improvements | \$220,000 |
| | Construct sidewalks on both sides of the street, drainage and street improvements on N Pine between NE 10th Ave. and NE 8th Ave | |

Colton

- | | | |
|----|---|-----------|
| 2. | Colton Water District - Virgil Rd. Waterline Replacement | \$135,000 |
| | Replace approximately 1,200 feet of old 4" waterline with 6" C900 PVC and add a fire hydrant at the north end of Virgil Rd. | |

Estacada

- | | | |
|----|---|-----------|
| 3. | Shafford Street Reconstruction Phase 1 (SE 4th - NE 2nd) | \$150,000 |
| | Reconstruction of roadway surface, new curbs and sidewalks, ADA ramps and stormwater conveyance system in Estacada. | |
| 4. | Heat Pump Replacement/Roof Resurfacing | \$100,000 |
| | Funding to replace 6 aged Heat Pumps on the Estacada Community Center | |

Gladstone

- | | | |
|----|---|-----------|
| 5. | E. Clarendon St. 2017 | \$255,000 |
| | Improvements to E. Clarendon St between Portland & Union Avenues, including waterline, sewer, storm drains, new curbs, sidewalks, & new street surface. | |

Sandy

- | | | |
|----|--|----------|
| 6. | Southeast Sandy ADA Improvements | \$75,000 |
| | Funding to re-construct a minimum of 30 (thirty) existing ADA wheelchair ramps on public streets in th ecity of Sandy. | |

Unincorporated/Countywide Projects

Clackamas

- | | | | |
|--|------------------|--|--|
| 7. WeBUILT | \$140,000 | | |
| <p>Funding to design and build a road and sidewalk from SE 90th to the road end west on Tolbert St, and place a new fire hydrant at 8909 SE Tolbert. This location will develop permanent multi-family housing for people with disabilities.</p> | | | |

Countywide

- | | | | |
|---|------------------|------------------|------------------|
| 8. Housing Rehabilitation Programs | \$400,000 | \$400,000 | \$400,000 |
| <p>Housing Rehabilitation Programs provide needed home-repair assistance to low income households throughout Clackamas County.</p> | | | |
| 9. Mobile/Manufactured Home Roofing Project | \$40,000 | \$70,000 | \$100,000 |
| <p>Roof Replacement for owner occupied mobile/manufactured homes located in parks throughout Clackamas County.</p> | | | |
| 10. Optional Emergency Assistance | \$25,000 | \$25,000 | \$25,000 |
| <p>Emergency assistance to individuals or agencies for emergency assistance due to a fire, landslide, snowstorm, flood or other such emergency. Funding and assistance with relocation of residents and/or associated expenses to mitigate the effects of the emergency conditions.</p> | | | |

Jennings Lodge

- | | | | |
|--|-----------------|------------------|-----------------|
| 11. Head Start Classrooms | \$75,000 | \$100,000 | \$75,000 |
| <p>Funding to increase capacity to serve from 40 to 60 additional Head Start children and their families by completing the River Road complex. Completion of this project will add 1 classroom and free up another to serve at risk young children. (Tier 2 funding project)</p> | | | |

Molalla

- | | | | |
|--|--|--|------------------|
| 12. Arbor Terrace Rehabilitation | | | \$200,000 |
| <p>Arbor Terrace farmworker housing needs substantial rehabilitation. The Housing Authority of Clackamas County owns Arbor Terrace Apartments, a farmworker affordable housing development in Mollala, Oregon.</p> | | | |

Oregon City

- | | | | |
|---|------------------|--|--|
| 13. Pleasant Avenue Veterans Housing | \$255,000 | | |
| <p>Funding to design and build a 22-units of housing on Pleasant Avenue in Oregon City. This affordable housing project will provide formerly homeless veterans and veteran families a safe, stable and affordable place to live.</p> | | | |

TBD

<p>14. Tiny Houses Community Funding for land acquisition, site planning, site preparation and other associated costs of creating a Tiny Houses Community for up to 10 homeless adults in Clackamas County, including eligible costs for a community facility and 10 tiny homes.</p>	\$100,000	\$100,000	\$35,000
<p>15. Cottage Housing Cluster for Affordable Homeownership Funding to purchase one or more vacant parcels of land to be developed with clusters of affordable, modestly-sized cottage land trust houses for low income homebuyers.</p>			\$227,000

Public Service Projects

Countywide

<p>16. Clackamas County Employment Investment Program Clackamas County Employment Investment Program assists 67 low-income Clackamas County residents per year with significant barriers to employment (201 total) to increase self-sufficiency, with additional outreach contacts to public housing residents.</p>	\$50,000	\$45,000	\$40,000
<p>17. Housing Rights and Resources Housing Rights & Resources is a partnership between Clackamas County Social Services, Legal Aid & Fair Housing Council. It actively addresses & promotes fair housing & furthers housing opportunity for all, focusing on homeless & low-income residents.</p>	\$140,000	\$140,000	\$140,000
<p>18. Jackson Transitional Housing Jackson Transitional Housing provides 6 housing units with supportive services for primarily homeless adults or childless couples, works with participants to increase income and address and overcome barriers to permanent housing placement. (Tier 2 funding project)</p>	\$63,000	\$67,000	\$67,000

Milwaukie

<p>19. Sports Mentorship for Low-Income Youth Maintain/create new mentored relationships between low-income housing youth and an athletic Coach/Mentor providing meaningful sports/recreational opportunities to engage in physical activity, healthy lifestyle choices and life skill building.</p>	\$30,000	\$25,000	\$20,000
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Planning and Admin

Countywide

20. 2019 and 2021 Homeless Count Planning Planning, implementation, data collection, reporting and evaluation for 2019 homeless count, a HUD mandated activity. Planning for 2021 homeless count. Special efforts made to reach underserved populations, veterans, unaccompanied youth & rural homeless.	\$10,000	\$20,000	\$10,000
21. CDBG Grant Administration and Planning CDBG grant administration, planning, monitoring and reporting.	\$385,889	\$356,095	\$347,290
Community Development Block Grant Sub-Total	\$1,998,889	\$1,898,095	\$1,786,290

HOME Investment Partnership Act Unincorporated/Countywide Projects

Countywide

22. Tenant Based Rental Assistance The TBRA Program will assist individual households who are homeless or at risk of becoming homeless. Maximum assistance is 24 months and may be used for rent, utility costs, security deposits, and/or utility deposits.	\$75,000	\$75,000	\$75,000
23. CHAP Homebuyer Assistance Program This project will assist low-income first-time homebuyers in purchasing single-family homes by providing funds for down payment and closing costs.	\$50,000	\$50,000	\$50,000
24. HOME Grant Administration HOME Grant administration, contract monitoring and reporting.	\$71,252	\$67,689	\$64,305

Planning and Admin

25. HOME Multifamily Housing Project HOME Multifamily Housing Project to be determined.	\$490,265	\$458,201	\$427,741
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Countywide

26. HOME CHDO Operating funds HOME funds for CHDO Operating Funds	\$26,000	\$26,000	\$26,000
HOME Investment Partnership Act Sub-Total	\$712,517	\$676,890	\$643,046

Emergency Solutions Grant Unincorporated/Countywide Projects

Suppressed

27. Los Ninos Casa Hogar Shelter Los Ninos Cuentan, Casa Hogar provides emergency shelter for 30-60 days to homeless families in the Clackamas	\$10,000	\$10,000	\$10,000
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Public Service Projects

28. NHA Annie Ross House Emergency Shelter Operations ESG funding to support NHA Annie Ross House Emergency Shelter operations that serves families with children who are currently experiencing homelessness.			\$31,000
29. NHA HomeBase Rapid Rehousing program ESG funding to support NHA's HomeBase program to provide homelessness prevention and rapid re-housing to those most in need.	\$56,678	\$52,678	\$20,678

Clackamas

30. Springwater ESG Shelter Funding for an emergency youth shelter. Springwater provides temporary housing and support services to young people (ages 16 to 22) experiencing homelessness in Clackamas County in a staffed, co-ed home setting.	\$11,000	\$11,000	\$11,000
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Suppressed

31. CWS Emergency Shelter for Domestic Violence Victims Funding to continue the operation of emergency shelter services for homeless households fleeing domestic and/or sexual violence. These core services include emergency shelter, case management, housing referrals, mental health counseling,	\$40,000	\$40,000	\$40,000
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Planning and Admin

Administration

32. Emergency Solutions Grant Administration Emergency Solutions Grant (ESG) grant administration, contract monitoring and reporting	\$12,822	\$12,181	\$11,572
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	2017 Grant Funds	2018 Grant Funds	2019 Grant Funds
Countywide			
33. Emergency Solutions Grant HMIS Funding for ESG Homeless Management Information System (HMIS) to maintain data quality, user training and reporting requirements to HUD.	\$40,459	\$36,552	\$30,041
Emergency Solutions Grant Sub-Total	\$170,959	\$162,411	\$154,291
Continuum of Care Public Service Projects			
Countywide			
34. CoC Planning 2017 CoC funding to coordinate and coordinate the homeless count efforts across the county and submit annual funding applications for over \$2 million of HUD Continuum of Care (CoC) funding for county agencies and non-profit providers of services and housing to homeless persons in Clackamas County.	\$61,095	\$61,095	\$61,095
35. CoC HMIS CoC funding to operate the Homeless Management Information System (HMIS), train users, collect data, validate data and report data to HUD.	\$70,862	\$70,862	\$70,862
Continuum of Care Sub-Total	\$131,957	\$131,957	\$131,957
Grand Total	\$3,014,322	\$2,869,353	\$2,715,584

2017 GRANT YEAR NOTES:

Tier 2 Projects: HeadStart Classroom Project will be reduced if funding drops below anticipated funding levels. Public Services Tier 2 Projects: Jackson Place funding will be reduced if funding drops below anticipated funding levels. HOME - Any funds received as HOME Program Income will be allocated to administration and to Mutli-family housing projects.

CLACKAMAS COUNTY

HOUSING AND COMMUNITY DEVELOPMENT

2017 ACTION PLAN



Clackamas County
Housing and Community Development Division
Public Services Building
2051 Kaen Road – Suite 245
Oregon City, Oregon
(503) 655-8591
www.clackamas.us/communitydevelopment/

MAY 2017 DRAFT

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair: Jim Bernard

Commissioner: Sonya Fischer

Commissioner: Ken Humberston

Commissioner: Paul Savas

Commissioner: Martha Schrader

County Administrator
Don Krupp

POLICY ADVISORY BOARD

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Sherilyn Lombos, City of Tualatin

DEPARTMENT OF HEALTH, HOUSING AND HUMAN SERVICES

Director of Health, Housing and Human Services
Richard Swift

Housing and Community Development
Chuck Robbins, Director

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Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

Clackamas County Housing and Community Development Division works closely with the Housing Authority of Clackamas County, the County Behavioral Health Program, the Continuum of Care, non-profit agencies and the local County Social Service agencies to secure and administer many sources of funding for services, programs and rent assistance to benefit low-income residents of Clackamas County.

These expected resources are estimates based on historical funding trends, amounts to be matched and leveraged.

HOME Project-Related Soft Costs

When HOME funds are allocated to an affordable housing project (as opposed to TBRA or CHDO operating), Clackamas County will have the option of charging reasonable and necessary staff and overhead support to the project as project-related soft costs.

These may include:

- Processing of applications for HOME funds
- Appraisals required by HOME regulations
- Preparation of work write-ups, specifications, and cost estimates or review of these items if an owner has had them independently

prepared

- Project underwriting
- Construction inspections and oversight
- Project documentation preparation
- Costs associated with a project-specific environmental review
- Relocation and associated costs
- Costs to provide information services such as affirmative marketing and fair housing information to prospective tenants
- Staff and overhead costs related any of the above actions
-

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	1,817,859	100,000	0	1,917,859	6,406,826	The FY 2017 program year is the beginning of the 5-year Consolidated Plan. The expected amount available is based on the assumption that funds will be cut by 5% each year.
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	712,517	200,000	0	912,517	2,511,178	The FY 2017 program year is the beginning of the 5-year Consolidated Plan. The expected amount available is based on the assumption that funds will be cut by 5% each year

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	170,959	0	0	170,959	602,526	The FY 2017 program year is the beginning of the 5-year Consolidated Plan. The expected amount available is based on the assumption that funds will be cut by 5% each year

Table 1 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Resources reasonably expected to be made available to supplement CDBG funds include local matching to be contributed by project sponsors. Matching contributions (cash or in-kind) equivalent in value to a minimum of 20% of the project cost are required by County policies. It is anticipated that funding available to finance community development activities from local matching sources and will total at least \$xxx,xxx. CDBG anticipates approximately \$100,000 of program income per year from the Housing Rehabilitation program loan repayments and \$25,000 of prior year funds will support annual projects.

The Continuum of Care application process will renew at least \$1,700,000 of funding annually for homeless services, programs and rent

assistance for homeless individuals and families. In 2016 CoC was eligible to apply for an additional \$251,421 of funds as a bonus project. In 2016 HUD awarded the Clackamas Continuum a total of \$2,087,390 which includes additional funding due to increased Fair Market Rent (FMR) rates and additional funds for the Housing Our Heros homeless veterans and families housing assistance program.

HOME Program Income

HOME Program Income (PI) is generated from the repayment of HOME loans that the county has made to affordable housing projects. As provided for in the 2016 HOME Interim Rule, Clackamas County will retain HOME PI that is received during the program year, and allocate it to a specific project or projects in the subsequent program year. For the program year ending June 30, 2017, the county anticipates that it will retain approximately \$42,000 of HOME PI, and will allocate the PI to a HOME multi-family housing project in the upcoming program year.

ESG funds will be matched using private donations, local and state homeless prevention funds.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

No publically owned land is available for this purpose.

Discussion

The Housing and Community Development Division will continue to partner with the Housing Authority of Clackamas County, the County Behavioral Health Program, the County Health Centers, the Continuum of Care, non-profit agencies, for profit housing developers and the local County Social Service agencies to explore new programs, services and financial resources for programs and services that benefit our low-income and special needs residents.

Anticipated Resources amounts are based on anticipated funding levels, anticipated program income, prior year funds carried forward and expected matching funds on individual community projects.

HOME Program Income

HOME Program Income (PI) is generated from the repayment of HOME loans that the county has made to affordable housing projects. As provided for in the 2016 HOME Interim Rule, Clackamas County will retain HOME PI that is received during the program year, and allocate it to a specific project or projects in the subsequent program year. For the program year ending June 30, 2017, the county anticipates that it will retain approximately \$42,000 of HOME PI, and will allocate the PI to a HOME multi-family housing project in the upcoming program year.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Housing	2017	2021	Affordable Housing	Countywide	Affordable Housing	HOME: \$2,000,000	Rental units constructed: 300 Household Housing Unit Rental units rehabilitated: 100 Household Housing Unit Direct Financial Assistance to Homebuyers: 25 Households Assisted Tenant-based rental assistance / Rapid Rehousing: 100 Households Assisted
2	Housing Rehabilitation	2017	2021	Affordable Housing	Countywide	Affordable Housing	CDBG: \$1,000,000	Rental units rehabilitated: 50 Household Housing Unit Homeowner Housing Rehabilitated: 100 Household Housing Unit
3	Public Services	2017	2021	Non-Homeless Special Needs	Countywide	Non-housing Community Development	CDBG: \$1,000,000	Public service activities other than Low/Moderate Income Housing Benefit: 10000 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
4	Homeless Assistance	2017	2021	Homeless	Countywide	Homelessness	ESG: \$600,000	Homeless Person Overnight Shelter: 1750 Persons Assisted
5	Public Facilities Improvements	2017	2021	Non-Housing Community Development	Countywide	Non-housing Community Development	CDBG: \$1,000,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 7500 Persons Assisted
6	Community Infrastructure Improvements	2017	2021	Non-Housing Community Development	Countywide	Non-housing Community Development	CDBG: \$1,500,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 10000 Persons Assisted

Table 2 – Goals Summary

Goal Descriptions

1	Goal Name	Affordable Housing
	Goal Description	Affordable Housing projects will be completed in partnership with non-profit and private housing developers.
2	Goal Name	Housing Rehabilitation
	Goal Description	Housing Rehabilitation for home owners and renters will be provided by the Housing Rehabilitation program and in partnership with non-profit housing developers.
3	Goal Name	Public Services
	Goal Description	Public Services will be provided in partnership with agencies and non-profit organizations.

4	Goal Name	Homeless Assistance
	Goal Description	Homeless assistance is provided through Emergency Solutions Grants and Continuum of Care funding and services. The estimated goals are based on the assumption that annual funding will remain at current year levels.
5	Goal Name	Public Facilities Improvements
	Goal Description	Public Facilities will be built or improved in partnership with non-profit agencies and cities.
6	Goal Name	Community Infrastructure Improvements
	Goal Description	Community Infrastructure needs will be resolved in partnership with communities.

Projects

AP-35 Projects – 91.220(d)

Introduction

These projects were awarded in February 2017 after a competitive application process conducted in November and December of 2016.

Contingency Provisions for 2017 CDBG, HOME and ESG Allocations

As of April 25, 2017 the actual HUD allocations for the CDBG, HOME and ESG programs has not been released. Entitlement jurisdictions are not allowed to submit their Action Plan until the actual amounts are known and included in the Action Plan. HUD has instructed entitlement jurisdictions to include contingency provisions in its One-Year Action Plan that describes how it will make adjustments to the estimated allocations that have been provided for public comment, once the actual allocations are known. These contingency provisions are only applicable to the 2017 Action Plan. The contingency provisions for each program is described below:

CDBG (non-Public Services) –The county has identified the Head Start Classrooms project as a Tier 2 activity (non-PS) with anticipated 2017 funding of \$75,000. If the actual CDBG allocation is less than anticipated, this activity will be reduced by the amount of the reduction for non-PS activities. If the reduction results in the Tier 2 activity being funded at less than \$25,000 in 2017, the Tier 2 activity will be eliminated from 2017 funding. Any funds remaining as a result of the elimination of the Tier 2 activity, or any further reduction relative to the anticipated funding amount will be applied to the Housing Rehabilitation Program to match the actual allocation. If the CDBG allocation is increase above anticipated amounts, funding for all non-PS 2017 CDBG projects will be increase proportionally to match the actual allocation.

CDBG (Public Services) – The Jackson Transitional Housing has been identified as a Tier 2 Public Service activity with anticipated 2017 funding of \$63,000. If the CDBG PS funding amount is less than anticipated, this activity will absorb up to \$11,000 of the reduction to match the actual allocation. Any additional reduction will be applied to the other PS activities proportionally to match the actual allocation. There will be no increase to the available PS funding; any increase to the CDBG allocation will be applied to all non-PS 2017 CDBG projects proportionally to match the actual allocation.

HOME – Any increase or decrease in HOME funding relative to the amount anticipated in the Action Plan will be applied to the Multi-Family Housing Project to match the actual allocation.

ESG – Any decrease in ESG funding relative to the amount anticipated in the Action Plan will be applied to the NHA HomeBase Rapid rehousing Program to match the actual allocation. Any increase in ESG funding relative to the amount anticipated will be applied to the ESG HMIS activity to match the actual

allocation.

Projects

#	Project Name
1	2017 Housing Rehabilitation Program
2	Shafford Street Reconstruction Phase 1 (SE 4th - NE 2nd)
3	WeBUILT Street Improvement
4	Virgil Rd. Waterline Replacement
5	Mobile/Manufactured Home Roofing Project
6	Head Start Classroom 2017
7	Pleasant Avenue Veterans Housing
8	Tiny Houses Community 2017
9	Employment Investment Program 2017
10	Housing Rights and Resources 2017
11	Jackson Transitional Housing 2017
12	Mentor Athletics 2017
13	Homeless County Planning 2017
14	CDBG Grant Administration 2017
15	Tenant Based Rental Assistance 2017
16	CHAP Homebuyer Assistance 2017
17	HOME Grant Administration 2017
18	CHDO Operating funds 2017
19	Optional Emergency Assistance 2017
20	HOME Multifamily Housing Project
21	HESG Administration HMIS and Shelters

Table 3 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The allocation priorities are based on consultation with community members, cities and non-profit agencies providing services throughout the county.

AP-38 Project Summary

Project Summary Information1	Project Name	2017 Housing Rehabilitation Program
	Target Area	Countywide
	Goals Supported	Housing Rehabilitation
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$400,000
	Description	Housing Rehabilitation Programs provide needed home-repair assistance to low income households throughout Clackamas County.
	Target Date	6/25/2019
	Estimate the number and type of families that will benefit from the proposed activities	35 low income households will benefit from these services
	Location Description	County wide services.
	Planned Activities	Housing Rehabilitation Program staff provide needed home-repair assistance grants and loans to low income households throughout Clackamas County.
2	Project Name	Shafford Street Reconstruction Phase 1 (SE 4th - NE 2nd)
	Target Area	Countywide
	Goals Supported	Public Facilities Improvements
	Needs Addressed	Non-housing Community Development
	Funding	CDBG: \$150,000
	Description	Reconstruction of roadway surface, new curbs and sidewalks, ADA ramps and stormwater conveyance system on Shafford Street in Estacada.
	Target Date	6/10/2019

	Estimate the number and type of families that will benefit from the proposed activities	300 Households will benefit from this street and sidewalk improvement project.
	Location Description	<p align="LEFT">This street reconstruction project is located in a low and moderate income residential area as is noted on the Clackamas County 2010 Census Block</p><p align="LEFT">Area Map.</p>
	Planned Activities	<p>The residents living along Shafford Street reside in single family homes. Shafford Street was constructed as an incomplete street and is not paved to the curb. This work will include full reconstruction of the roadway section, and CDBG funds will be combined with city SDC funds to cover excavation, paving, new curbs and 5-foot wide sidewalks, existing driveway tie-ins, ADA ramps, sanitary sewer replacements and storm system.</p> <p>The length of the project is 900 lineal feet and includes one half of the length of Shafford Street which is categorized as a minor collector. The total project area is 32,400 SF.</p>
3	Project Name	WeBUILT Street Improvement
	Target Area	Countywide
	Goals Supported	Community Infrastructure Improvements
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$140,000
	Description	Funding to design and build a road and sidewalk from SE 90th to the road end west on Tolbert St, and place a new fire hydrant at 8909 SE Tolbert. This location will develop permanent multi-family housing for people with disabilities.
	Target Date	6/11/2019
	Estimate the number and type of families that will benefit from the proposed activities	This street improvement project will enable a special needs housing project to move forward. 43 households will benefit after the housing has been constructed.

	Location Description	8909 SE Tolbert, Happy Valley, Oregon.
	Planned Activities	Street Improvements - To construct a road and sidewalk and update water and sewer lines and add a fire hydrant for lots 3600, 3700, 3800, 3900, 3902 on the west end of Tolbert St. A half road improvement of 250 feet in length. The road in this neighborhood has not been completed. It is uneven and dangerous to drive on and limits service access. The neighborhood is populated by apartments, and single family homes with many low income and minority renters.
4	Project Name	Virgil Rd. Waterline Replacement
	Target Area	Countywide
	Goals Supported	Community Infrastructure Improvements
	Needs Addressed	Non-housing Community Development
	Funding	CDBG: \$135,000
	Description	Colton Water District Replace approximately 1,200 feet of old 4" waterline with 6" C900 PVC and add a fire hydrant at the north end of Virgil Rd.
	Target Date	7/15/2019
	Estimate the number and type of families that will benefit from the proposed activities	There are nine households served by the District on Virgil Rd. Replacing the Virgil Rd. waterline is a high priority because it will correct lost water issues and that will benefit all 500 metered households within Colton Water District.
	Location Description	Colton, Oregon. A rural community between Molalla and Estacada.
	Planned Activities	The project will replace approximately 1,200 feet of aging 4" PVC waterline with 6" C900 PVC from Schieffer Rd. to the north end of S. Virgil Rd. and to add a fire hydrant at the north end of S. Virgil Rd.
5	Project Name	Mobile/Manufactured Home Roofing Project
	Target Area	Countywide
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$40,000

	Description	Roof Replacement for owner occupied mobile/manufactured homes located in parks throughout Clackamas County.
	Target Date	7/27/2018
	Estimate the number and type of families that will benefit from the proposed activities	10 low income households
	Location Description	Countywide
	Planned Activities	Working in conjunction with the Weatherization program funding, Roof Replacement for owner occupied mobile/manufactured homes located in parks throughout Clackamas County.
6	Project Name	Head Start Classroom 2017
	Target Area	Countywide
	Goals Supported	Public Facilities Improvements
	Needs Addressed	Non-housing Community Development
	Funding	CDBG: \$75,000
	Description	Multi-year funding to increase capacity to serve from 40 to 60 additional Head Start children and their families by completing the River Road complex. Completion of this project will add 1 classroom and free up another to serve at risk young children.
	Target Date	7/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	40 children from low-income households
	Location Description	16518 SE River Road, Milwaukie, OR 97267

	Planned Activities	Build a new classroom building to increase capacity to serve from 40 to 60 additional Head Start children and their families by completing the River Road complex. Completion of this project will add 1 classroom and free up another to serve at risk young children.
7	Project Name	Pleasant Avenue Veterans Housing
	Target Area	Countywide
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing Homelessness
	Funding	CDBG: \$255,000
	Description	Funding to design and build a 22-units of housing on Pleasant Avenue in Oregon City. This affordable housing project will provide formerly homeless veterans and veteran families a safe, stable and affordable place to live.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	22 units of housing will benefit approximately 30 low-income persons.
	Location Description	Pleasant Avenue in Oregon City, Oregon.
	Planned Activities	Design and build a 22-units of housing on Pleasant Avenue in Oregon City. This affordable housing project will provide formerly homeless veterans and veteran families a safe, stable and affordable place to live.
8	Project Name	Tiny Houses Community 2017
	Target Area	Countywide
	Goals Supported	Homeless Assistance
	Needs Addressed	Homelessness
	Funding	CDBG: \$100,000

	Description	Multi-year funding for land acquisition, site planning, site preparation and other associated costs of creating a Tiny Houses Community for up to 10 homeless adults in Clackamas County, including eligible costs for a community facility and 10 tiny homes.
	Target Date	7/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	10 homeless adults
	Location Description	To be determined
	Planned Activities	Funding for land acquisition, site planning, site preparation and other associated costs of creating a Tiny Houses Community for up to 10 homeless adults in Clackamas County, including eligible costs for a community facility and 10 tiny homes.
9	Project Name	Employment Investment Program 2017
	Target Area	Countywide
	Goals Supported	Public Services
	Needs Addressed	Non-housing Community Development
	Funding	CDBG: \$50,000
	Description	Public Services multi-year funding to assist 67 low-income Clackamas County residents per year with significant barriers to employment (201 total) to increase self-sufficiency, with additional outreach contacts to public housing residents.
	Target Date	6/28/2019
	Estimate the number and type of families that will benefit from the proposed activities	67 low-income persons
	Location Description	County-wide services.

	Planned Activities	Public Services multi-year funding to assist 67 low-income Clackamas County residents per year with significant barriers to employment (201 total) to increase self-sufficiency, with additional outreach contacts to public housing residents.
10	Project Name	Housing Rights and Resources 2017
	Target Area	Countywide
	Goals Supported	Affordable Housing Public Services Homeless Assistance
	Needs Addressed	Affordable Housing Homelessness
	Funding	CDBG: \$140,000
	Description	Public Services multi-year funding for the Housing Rights & Resources partnership between Clackamas County Social Services, Legal Aid & Fair Housing Council to address & promote fair housing & further housing opportunity for all, focusing on homeless & low-income residents.
	Target Date	6/28/2019
	Estimate the number and type of families that will benefit from the proposed activities	2000 persons per year.
	Location Description	county-wide services
	Planned Activities	Public Services multi-year funding for the Housing Rights & Resources partnership between Clackamas County Social Services, Legal Aid & Fair Housing Council to address & promote fair housing & further housing opportunity for all, focusing on homeless & low-income residents.
11	Project Name	Jackson Transitional Housing 2017
	Target Area	Countywide
	Goals Supported	Public Services
	Needs Addressed	Homelessness

	Funding	CDBG: \$63,000
	Description	Public services multi-year funding to staff the Jackson Transitional Housing that provides 6 housing units with supportive services for primarily homeless adults or childless couples, works with participants to increase income and address and overcome barriers to permanent housing placement.
	Target Date	6/24/2020
	Estimate the number and type of families that will benefit from the proposed activities	6 to 8 homeless persons
	Location Description	Oregon City, Oregon
	Planned Activities	Public services multi-year funding to staff the Jackson Transitional Housing that provides 6 housing units with supportive services for primarily homeless adults or childless couples, works with participants to increase income and address and overcome barriers to permanent housing placement.
12	Project Name	Mentor Athletics 2017
	Target Area	Countywide
	Goals Supported	Public Services
	Needs Addressed	Non-housing Community Development
	Funding	CDBG: \$30,000
	Description	Public Services multi-year funding to staff the Mentor Athletics program to maintain/create new mentored relationships between low-income housing youth and an athletic Coach/Mentor providing meaningful sports/recreational opportunities to engage in physical activity, healthy lifestyle choices and life skill building.
	Target Date	6/28/2019

	Estimate the number and type of families that will benefit from the proposed activities	15 low income children in public housing.
	Location Description	Public housing units in Oregon City or Milwaukie, Oregon.
	Planned Activities	Public Services multi-year funding to staff the Mentor Athletics program to maintain/create new mentored relationships between low-income housing youth and an athletic Coach/Mentor providing meaningful sports/recreational opportunities to engage in physical activity, healthy lifestyle choices and life skill building.
13	Project Name	Homeless County Planning 2017
	Target Area	Countywide
	Goals Supported	Homeless Assistance
	Needs Addressed	Homelessness
	Funding	CDBG: \$10,000
	Description	Planning, implementation, data collection, reporting and evaluation for 2019 homeless count, a HUD mandated activity. Planning for 2021 homeless count. Special efforts made to reach underserved populations, veterans, unaccompanied youth & rural homeless.
	Target Date	7/14/2020
	Estimate the number and type of families that will benefit from the proposed activities	Not applicable
	Location Description	County-wide.
	Planned Activities	Planning, implementation, data collection, reporting and evaluation for 2019 homeless count, a HUD mandated activity. Planning for 2021 homeless count. Special efforts made to reach underserved populations, veterans, unaccompanied youth & rural homeless.

14	Project Name	CDBG Grant Administration 2017
	Target Area	Countywide
	Goals Supported	Affordable Housing Housing Rehabilitation Public Services Homeless Assistance Public Facilities Improvements Community Infrastructure Improvements
	Needs Addressed	Affordable Housing Homelessness Non-housing Community Development
	Funding	CDBG: \$385,889
	Description	CDBG grant administration, planning, monitoring and reporting.
	Target Date	6/5/2019
	Estimate the number and type of families that will benefit from the proposed activities	Not applicable
	Location Description	County-wide
	Planned Activities	CDBG grant administration, planning, monitoring and reporting.
	15	Project Name
Target Area		Countywide
Goals Supported		Homeless Assistance
Needs Addressed		Homelessness
Funding		HOME: \$75,000
Description		The TBRA Program will assist individual households who are homeless or at risk of becoming homeless. Maximum assistance is 24 months and may be used for rent, utility costs, security deposits, and/or utility deposits.
Target Date		6/28/2019

	Estimate the number and type of families that will benefit from the proposed activities	10 households per year will benefit from this rental assistance
	Location Description	County wide
	Planned Activities	The TBRA Program will assist individual households who are homeless or at risk of becoming homeless. Maximum assistance is 24 months and may be used for rent, utility costs, security deposits, and/or utility deposits.
16	Project Name	CHAP Homebuyer Assistance 2017
	Target Area	Countywide
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	HOME: \$50,000
	Description	This project will assist low-income first-time homebuyers in purchasing single-family homes by providing funds for down payment and closing costs.
	Target Date	6/27/2019
	Estimate the number and type of families that will benefit from the proposed activities	5 to 7 households will benefit from CHAP
	Location Description	to be determined
	Planned Activities	Clackamas Homebuyer Assistance Program. (CHAP)
17	Project Name	HOME Grant Administration 2017
	Target Area	Countywide
	Goals Supported	Affordable Housing Housing Rehabilitation
	Needs Addressed	Affordable Housing
	Funding	HOME: \$71,252

	Description	HOME Grant administration, contract monitoring and reporting.
	Target Date	6/27/2019
	Estimate the number and type of families that will benefit from the proposed activities	Not applicable
	Location Description	Not applicable
	Planned Activities	HOME Grant administration, contract monitoring and reporting.
18	Project Name	CHDO Operating funds 2017
	Target Area	Countywide
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	HOME: \$26,000
	Description	CHDO operating funds
	Target Date	6/11/2020
	Estimate the number and type of families that will benefit from the proposed activities	Not applicable
	Location Description	Countywide locations to be determined
	Planned Activities	CHDO operating funds
19	Project Name	Optional Emergency Assistance 2017
	Target Area	Countywide
	Goals Supported	Homeless Assistance Community Infrastructure Improvements
	Needs Addressed	Homelessness Non-housing Community Development
	Funding	CDBG: \$25,000

	Description	Optional Emergency Assistance Optional funding and assistance with relocation of residents and/or associated expenses to mitigate the effects of the emergency conditions due to a fire, landslide, snowstorm, flood or other such emergency.
	Target Date	6/27/2019
	Estimate the number and type of families that will benefit from the proposed activities	To be determined
	Location Description	To be determined
	Planned Activities	Optional Emergency Assistance Optional funding and assistance with relocation of residents and/or associated expenses to mitigate the effects of the emergency conditions due to a fire, landslide, snowstorm, flood or other such emergency.
20	Project Name	HOME Multifamily Housing Project
	Target Area	Countywide
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	HOME: \$490,265
	Description	HOME Multifamily Housing Project to be determined.
	Target Date	6/26/2020
	Estimate the number and type of families that will benefit from the proposed activities	60 units for low income families with some members having a disability
	Location Description	HOME Multifamily Housing Project to be determined.

	Planned Activities	<p>HOME Multifamily Housing Project to be determined.</p> <p>HOME Project-Related Soft Costs</p> <p>When HOME funds are allocated to an affordable housing project (as opposed to TBRA or CHDO operating), Clackamas County will have the option of charging reasonable and necessary staff and overhead support to the project as project-related soft costs. These may include:</p> <ul style="list-style-type: none"> • Processing of applications for HOME funds • Appraisals required by HOME regulations • Preparation of work write-ups, specifications, and cost estimates or review of these items if an owner has had them independently prepared • Project underwriting • Construction inspections and oversight • Project documentation preparation • Costs associated with a project-specific environmental review • Relocation and associated costs • Costs to provide information services such as affirmative marketing and fair housing information to prospective tenants • Staff and overhead costs related any of the above actions <p>HOME Program Income</p> <p>HOME Program Income (PI) is generated from the repayment of HOME loans that the county has made to affordable housing projects. As provided for in the 2016 HOME Interim Rule, Clackamas County will retain HOME PI that is received during the program year, and allocate it to a specific project or projects in the subsequent program year. For the program year ending June 30, 2017, the county anticipates that it will retain approximately \$42,000 of HOME PI, and will allocate the PI to a HOME multi-family housing project in the upcoming program year.</p>
21	Project Name	HESG Administration HMIS and Shelters
	Target Area	Countywide
	Goals Supported	Homeless Assistance
	Needs Addressed	Homelessness

	Funding	ESG: \$170,959
	Description	Emergency Solutions Grant Administration, monitoring and reporting. Rapid re-housing, HMIS funding and Shelters
	Target Date	6/25/2020
	Estimate the number and type of families that will benefit from the proposed activities	Not applicable
	Location Description	Countywide
	Planned Activities	Emergency Solutions Grant Administration, monitoring and reporting: \$12, 822 Rapid re-housing: \$56,678 HMIS funding: \$40,459 Emergency Shelters: \$62,000

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Assistance is directed throughout the county. No geographic areas in Clackamas County were targeted.

The 2015 median annual income for the Portland-Metro MSA, which includes Clackamas County, is \$73,900 for a household of 4 people. Low income (50% of AMI) persons and households have an income of less than \$36,750 per year or \$3,062 per month for a family of 4. For a single person the median income per year is \$51,730. A low income adult person would have an income of less than \$25,750 per year or less than \$2,146 per month.

Nine and a half percent (9.5%) of Clackamas County residents are living below the official poverty level in Clackamas County based on the 2005-2009 American Community Survey results. Female householders with children had the highest rates of poverty, and nearly half of female householders with children under the age of five were found to be living below poverty.

The United States Department of Housing and Urban Development (HUD) has generated a series of standards that can be used to determine if a Census Tract Block Group has a minority concentration or a concentration of low-income households. To determine if a low-income concentration exists, the Area Median Income (AMI) of a block group must be below 50% of the Area Median Income for the Metropolitan Statistical Area (MSA).

Geographic Distribution

Target Area	Percentage of Funds

Table 4 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

No geographic areas in Clackamas County were targeted except to the extent that projects serving an area must be located in a qualified census tract or area with at least 43.44% low- and moderate-income residents. Clackamas County has a 43.44% low-and moderate income exception.

Discussion

Clackamas County Housing and Community Development Division reviewed both race and ethnic

information from the 2010 Census Bureau to determine minority ranking. The 22 block groups with the highest minority ranking represent 10 percent of all the block groups in Clackamas County. A total of 37,379 persons were living in these high concentrations of minority areas.

Concentrations of Both high Low to Moderate Income and high Minority

22 block groups are approximately 10% of the total number of block groups in Clackamas County. These nine (9) block groups rank in the top 22 for both minority and LMI, and represent the block groups with the highest concentrations of poverty and minorities.

Five (5) of the high concentration (HC) block groups are located in the North Clackamas Area. One (1) of the HC block groups is in Milwaukie and two (2) of the HC block groups is in Canby. A total of 13, 855 people live in these areas of concentrated minority and poverty.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

Clackamas County Housing and Community Development has 2 goals and 2 grants that support affordable housing. The Housing Rehabilitation Goal will be funded with CDBG funds to assist 30 households per year. HOME funds will assist 120 households per year through building new units, preserving existing units, providing Tenant Base Rental Assistance and homebuyer financial assistance.

One Year Goals for the Number of Households to be Supported	
Homeless	20
Non-Homeless	120
Special-Needs	10
Total	150

Table 5 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	20
The Production of New Units	60
Rehab of Existing Units	50
Acquisition of Existing Units	20
Total	150

Table 6 - One Year Goals for Affordable Housing by Support Type

Discussion

Affordable housing preservation and new unit development continues to be a priority for the county and the state.

AP-60 Public Housing – 91.220(h)

Introduction

The Housing Authority of Clackamas County (HACC) is a part of the county's Health, Housing and Human Services (H3S) Department.

Actions planned during the next year to address the needs to public housing

- *Provide service coordination through the ROSS grant for 540 public housing units*
- *Coordinate with local Workforce organizations to connect residents with employment and training opportunities*
- *Coordinate with CTEC Youth Services to provide unengaged teens with mentoring, employment and education opportunities.*
- *Coordinate with Mentor Athletics to provide youth sports, recreation and mentoring opportunities for HACC youth*
- *Provide service coordination and support to residents facing eviction.*
- *Coordinate with Public Health to provide for health, mental health and service coordination for most vulnerable residents.*
- *Manage community gardens in the Oregon City and Milwaukie neighborhoods, encourage resident participation and leadership. Provide opportunities for continuing garden and nutrition education.*
- *Manage the Hillside Community Food Basket in coordination with the Oregon Food Bank*
- *Maintain and manage community computers available for resident use*
- *Promote resident engagement and leadership through the HACC Resident Advisory Board*
- *Promote available community resources and opportunities available to residents through a quarterly newsletter.*

Actions to encourage public housing residents to become more involved in management and participate in homeownership

Public housing residents are encouraged to participate in PHA (HACC) management through participation in the activities of the Resident Advisory Board (RAB).

Public housing residents are encouraged to participate in home ownership. HACC residents are provided information about the Clackamas Homebuyer Assistance Program (CHAP) and the IDA

Program.

HACC offers a range of economic empowerment strategies to assist public housing residents to become economically self-sufficient. Under the HUD Resident Opportunity for Self-Sufficiency Grant (ROSS), HACC has a full-time Service Coordinator available to coordinate supportive services and other activities designed to help PHA residents attain economic and housing self-sufficiency.

Effective Partnership with Regional Workforce Agencies Connecting Residents to Employment and Training Opportunities: HACC collaborates with regional work force agencies including the Clackamas Workforce Partnership, Community Solutions of Clackamas County and WorkSource to connect residents with employment and training opportunities. Through these collaborative partnerships residents get basic soft skills instruction, participate in workshops and get support in job search activities, have opportunities to participate in paid on the job training, access training in targeted high growth industries such as construction, manufacturing, health care and technology.

Asset Building through Individual Development Accounts: Through the IDA program, HACC residents are provided with the opportunity to save for post-secondary education, to grow a business or to purchase a home using an IDA matched savings account. IDA matched savings accounts match every \$1 a participant saves with \$3. IDA savers must complete a 10 hour financial education workshop where they learn about budgeting, credit repair and credit building, debt management and avoiding predatory lending. IDA savers are also required to complete 6 hours of asset specific training related to their goal. Through the IDA program, residents are also linked to other financial empowerment resources such as free tax preparation sites, referrals to non-profit credit counseling agencies, home ownership counseling and opportunities to access low-interest emergency loans. HACC residents are also provided information about the Clackamas Homebuyer Assistance Program, a HOME funded downpayment assistance program. By providing access to the IDA Program and the CHAP, Clackamas County encourages public housing residents to participate in homeownership.

HACC encourages Public Housing residents to engage in management through a Resident Advisory Board (RAB). RAB membership is comprised of public housing and Section 8 Housing Choice Voucher (HCV) leaders that represent residents served by HACC. The RAB convenes not fewer than two times per year to develop, approve, review and evaluate HACC's Annual Plan. The RAB is also consulted for input and approval of any significant amendment or modification to the Annual Plan. A member of the RAB has a permanent seat on the County's Housing Advisory Board.

If the PHA is designated as troubled, describe the manner in which financial assistance will be

provided or other assistance

The Housing Authority of Clackamas County (HACC) is not designated as a troubled PHA.

Discussion

Clackamas County has formed a Housing Advisory Board to provide affordable housing policy guidance to the Housing Authority and the Board of County Commissioners. The Housing Advisory Board (HAB) is an eight member body that convenes once each month to discuss topics and issues pertaining to the development, preservation and promotion of affordable housing of all types in Clackamas County. Currently, the HAB has been working on developing an Affordable Housing Toolkit that may help mitigate some of the impediments to affordable housing development. The toolkit will describe available policies and resources that the county may utilize to address the growing need for affordable housing in the County. Tools that promote both new development and preservation of affordable housing are being considered. At this writing, the toolkit is still in the development stage. When the toolkit is finalized, the Affordable Housing Toolkit will be presented to the BCC for consideration.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The H3S Housing and Community Development Division (HCD) coordinates most of the homeless and other special needs activities through its partnerships with non-profit service providers, the Social Services Division, Continuum of Care, the Housing Authority of Clackamas County public housing agency. Activities include: CoC coordination, CoC Homeless Point in Time count, ESG coordination, CoC Homeless Outreach and Discharge Planning.

Housing Assistance for Alcohol and Drug Recovery: The Behavioral Health Division (BHD) of Clackamas County has developed supportive housing for those in alcohol and drug recovery. BHD, through CODA, has implemented housing assistance and services program for Clackamas County residents in alcohol and drug recovery. The program has three main components: substance abuse recovery, finding any retaining permanent housing, and increasing income by connecting people with benefits and/or employment options. Direct client dollars can be used for, but not limited to, moving costs, rent assistance, application fees, deposits, and paying off previous debts. The target population for this program is individuals participating in alcohol and drug recovery at or below 50% Median Family Income, homeless, or at risk of homelessness.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Households with dependent children: Locally funded HomeBase (RRH and homelessness prevention) expanded last year, reaching 459 people & plans to increase capacity next year. The locally funded Bridges to Housing Program stabilizes housing for high need homeless families serving 38 families & 63 children last year. Through the Rent Well-RRH project 25 families from the streets/emergency shelter will be assisted. Clackamas Womens Services and a network of churches and faith-based organizations in North Clackamas are working to address family homelessness in their community.

Survivors/Victims of domestic violence: The CoC includes a TH and a PSH project focused on domestic violence survivors and their families. This provider operates an ESG funded DV emergency shelter which recently doubled its beds, a homelessness prevention program, Beyond Shelter, and the newly opened Family Justice Center. The projects involve a wide range of on-site services from over 12 public safety and services agencies, funded by more than 24 public and private entities. Victims in Clackamas County can now access an advocate, plan for their safety, talk to a police officer, meet with a prosecutor, receive medical assistance, file a protective order in a video court, receive information on shelter and

get help with transportation—all in one location on a drop-in basis.

Unaccompanied youth: Springwater is a CoC TH for youth 16- 21 funded with CoC, ESG, local government & private funds. HomeSafe is a CoC TH for pregnant and parenting youth 6 – 21 funded with CoC, local and state grants. Host Homes is funded with local, state and private grants. The program is for 16- 18 year olds attending school houses up to six unaccompanied youth with families. The Outside In program funded with local government grants links with school Homeless Liaisons to provide health services to unaccompanied youth 16-17 in the school & community.

Persons who routinely sleep on the streets or in other places not meant for human habitation:

Clackamas County has a range of services for persons sleeping on the streets or in other places not meant for human habitation. Two major service centers (Clackamas Services Center and Father’s Heart) provide hot meals, clothing, medical services, and severe weather shelter, and are close to where many unsheltered homeless reside. Several smaller agencies also provide basic needs and outreach to homeless on the streets and places not meant for habitation.

Compassion events, similar to Project Homeless Connect, are held throughout the year to provide a “one stop” for basic services, such as food, clothing, medical care, veterans’ services and housing options. A new severe weather winter shelter opened in 2013 in a rural area with a significant homeless camping population.

Homelessness among veterans: Housing Authority of Clackamas County has housed 25 homeless veterans using VASH vouchers. The Veterans Services Office conducts veteran outreach with free medical screenings, warm clothing, information on compensation and other veterans’ benefits, employment, housing, counseling and other services. Clackamas County is part of a new SSVF grant and is providing office space and supplemental rental assistance using state funds for a nonprofit provider of outreach, homeless placement and homeless prevention for veterans. This grant has streamlined access to the regional Grant Per Diem program for vets who are working on permanent housing placement either through VASH, SSVF or other programs.

Addressing the emergency shelter and transitional housing needs of homeless persons

The activities to address emergency shelter needs within the County will be funded through the Emergency Solutions Grants (ESG) program. 1000 Households will receive HESG program services from July 1, 2016 to June 30, 2017. The FY 2016 ESG allocation will be supplemented by matching funds at least equal to its amount.

Primary emphasis will continue to be on payment of emergency shelter operations expenses including utilities, maintenance, insurance, and staff salary costs. The purpose of emphasizing payment of operations expenses is to provide some predictability and stability to the operation of the shelters by

assuring that their most basic expenses are met. This assures the continued operation of the facilities in times of scarce and fluctuating resources, and it compliments specific fundraising efforts for special projects.

Northwest Housing Alternatives' Annie Ross House and Clackamas Women's Services' Evergreen House, provide emergency shelter to homeless families with children and survivors of domestic violence, respectively. Independent living services are provided through The Inn's Springwater program, which targets assistance to the homeless youth population. Los Ninos Cuenten's Casa Hogar provides emergency shelter services to Hispanic/Latino homeless families and individuals who have survived domestic violence. Case management at each program improves vocational and coping skills to make the transition from homelessness to independent living. Continuum of Care funds Also provide 49 beds of transitional housing for homeless households, including families, singles, and youth.

Clackamas County's Coordinated Housing Access system provides a one-stop option for homeless individuals and families to be assessed and matched with all homeless programs in the County for which they are eligible.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Chronically homeless individuals and families: In 2014, The Continuum of Care increased the number of beds for chronically homeless persons in Clackamas County. The CoC did this by leveraging Housing Authority Housing Choice Vouchers, converting Permanent Supportive Housing (PSH) beds to chronically homeless beds, reaching out to PSH providers to prioritize beds for chronically homeless persons and using Medicaid to provide enhanced services for chronically homeless persons in PSH beds.

Families with children: The CoC increased capacity and worked on outreach goals to end homelessness among households with dependent children. The HomeBase program utilized multiple funding sources to expand and become the largest RRH and homelessness prevention program in the County. Through the reallocated Rent Well RRH project, the CoC will be able to stabilize housing for 15 families from the streets/emergency shelter. The locally-funded Bridges to Housing (B2H) Program stabilizes housing for high-need homeless families and assisted 136 persons last year. Outreach plan includes referrals from different geographic parts of the county. An outreach strategy adopted by the HPC educates landlords

on housing choice vouchers.

B2H serves high-needs homeless families with children, with a capacity of 30 families at a time. These homeless families have multiple complex needs which often include but are not limited to housing barriers, domestic violence, addictions, mental health issues and disabling conditions. B2H families receive longer term housing subsidies and intensive services designed to support their income self-sufficiency and permanent housing stability as well as the children's and adult's educational success.

Veterans and their families: Housing Authority of Clackamas County has housed 45 homeless veterans using VASH vouchers. The Veterans Services Office coordinates with Social Services to conduct veteran outreach with free medical screenings, warm clothing, information on compensation and other veterans' benefits, employment, housing, counseling and other services. Clackamas County is part of an SSVF grant and provides office space for a nonprofit provider of outreach, homeless placement and homeless prevention for veteran families. This grant has streamlined access to the regional Grant Per Diem program for vets who are working on permanent housing placement either through VASH, SSVF or other programs.

Unaccompanied youth: Springwater Transitional Housing for youth 18-23 is funded with CoC, ESG, local government, and private funds. Case management, vocational education services, physical and mental health support, supervision and shelter are provided to youth.

HomeSafe Transitional Housing for pregnant and parenting youth 16 – 21 is funded with CoC, local and state grants. Youth have access to rent assistance in scattered apts., case management, referral and linkages to mainstream services.

Independent Living Plans (ILPs) are funded with state and local govt. funds for independent living services to youth transitioning from foster care. Case management is provided for youth discharged from Child Welfare at 18 or 19 years old without permanent housing. Case managers refer and link ex-foster youth to programs and services.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

These discharge plans have been confirmed through the Continuum of Care application and planning

process.

Foster Care: The Oregon Department of Human Services (DHS), dictates the Foster Care Discharge Policy in which the County actively participates. DHS refers willing children to a Continuum of Care provider for a Life Skills/Transition Readiness Assessment. This results in: 1. Identification of resources and linkages needed to assist the child in transitioning to independent living, including life skills training, housing subsidies, college tuition, and health insurance and 2. Preparation of an individualized Comprehensive Transition Plan which must be approved by a Family Court Judge every 6 months until the child is successfully transitioned to independent living.

Youth can access Chafee rental subsidies to help them secure an apartment. They can secure tuition-free access to a state college along with Chafee grants to assist with room and board. Youth with developmental disabilities and/or mental illness exiting the foster care system continue to receive an array of services including options such as adult foster care and supported housing that are based on unique client needs. Each option is designed to ensure that youth exiting the foster care system are not routinely discharged into homelessness.

Health Care: The discharge planning for low-income and disabled people has historically resided with the State through the Medicaid program. With the advent of the Affordable Care Act (ACA) and the expansion of Oregon's Medicaid program, discharge planning is shifting to local control. All Medicaid providers are joined in Coordinated Care Organizations (CCOs) covering specific geographic areas. The CCOs integrate physical, mental and dental health services. The ACA Medicaid expansion has been structured to align the financial incentives with clinical outcomes/housing status of patients. This has begun to persuade hospital systems and health care providers to plan and act outside their silo, to begin discussions with CoCs about effective liaison and resource sharing.

Mental Health: The Discharge Policy in place for persons being discharged from a mental health facility is ensured by Clackamas County Behavioral Health Department (CCBH). As part of Health Share, the area's Medicaid Coordinated Care Organization, CCBH has both financial and clinical incentives to ensure that no county residents are discharged from a psychiatric hospital without housing and services. In addition, Oregon is under an U. S. Dept. of Justice 4 year plan to provide better community outcomes for people with mental illness. Specific mandates are subcontracted by the State to CCBH. The local Discharge Policy, which is monitored and enforced by the State, requires all adults leaving a psychiatric hospital be housed consistent with their level of care needs and personal wishes.

Corrections: The purposeful effort to structure successful community re-entry for inmates is a local mandate spearheaded by the Clackamas County Sheriff's Office (CCSO) which participates on the CoC governing board. Because community safety is its #1 priority, CCSO promotes post-discharge services with housing to reduce recidivism. Likewise, the Clackamas County Behavioral Health (CCBH) is a provider in the local Medicaid program, Health Share. CCBH understands that successful re-entry will

reduce incidence and cost of ER visits and hospitalization.

Discussion

Our Jurisdiction receives no HOPWA funding. Our jurisdiction works with Cascade Aids Project (CAP) a service agency which provides housing and services for persons that are HIV positive in our three-county area that is referred to as the Portland Metro Area.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

The majority of resident feedback during Assessment of Fair Housing community meetings was that most people liked where they lived, however, many people including persons with disabilities felt that it was very difficult to find another affordable unit should they want to move. Current state law provides a mechanism to ensure that a certain percentage of new development is reserved for low-income tenants (known as “inclusionary housing” or “inclusionary zoning”). Clackamas will be evaluating the feasibility and the various options for implementing inclusionary zoning within the county.

The Low Income Housing Tax Credit (LIHTC) market has come to a screeching halt due to potential tax policy changes at the federal level. Clackamas County relies on the State of Oregon LIHTC Program which recently provided this guidance to all proposed affordable housing projects: State of Oregon OHCS decision....letter dated 2/10/2017...

“anticipated federal corporate tax reform has negatively impacted the LIHTC equity market creating real-time consequences for the 33 multifamily affordable housing projects in the OHCS "pipeline". These projects have received funding reservations based on tax credit pricing that is no longer available. Among projects facing probable gaps are a large number of 4% LIHTC projects, as well as the 9% LIHTC projects that the Housing Stability Council approved in November 2016.”

“Do not issue a 2017 LIHTC and HOME NOFA and instead fund additional 2016 applications, reserving some credits for gaps in 9% LIHTC pipeline projects and use flexible gap funding resources to help fill funding gaps on as many pipeline projects as possible”

Zoning Issues: Multi-family housing developments are typically restricted to areas that are zoned as high or medium density residential in each community and throughout the jurisdiction. Communities have many requirements for multifamily housing including: amenities such as onsite parking, fire access, buildings that “match” the character of the neighborhood and traffic impact studies, etc. All these requirements of multifamily housing projects increase the initial cost and result in affordable housing that is expensive to build and maintain. The State of Oregon has a land use plan (Goal 10) that requires all communities to allocate land for multifamily developments however some communities are more compliant than others. State and regional housing advocates are beginning to challenge communities to meet the Goal 10 requirements to provide land for multi-family housing developments. In 2015 Housing Land Advocates joined the Coalition for Affordable and Safe Housing to repeal Oregon’s ban on inclusionary zoning, and allow Oregon communities access to this important tool for creating affordable housing in areas of opportunity. The ban was lifted in 2016 with the passage of HB1533 which became effective June 2, 2016.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning

ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

As mention in AP-60 Public Housing the Clackamas County has formed a Housing Advisory Board to provide affordable housing policy guidance to the Housing Authority and the Board of County Commissioners. The Housing Advisory Board (HAB) is an eight member body that convenes once each month to discuss topics and issues pertaining to the development, preservation and promotion of affordable housing of all types in Clackamas County. Currently, the HAB has been working on developing an Affordable Housing Toolkit that may help mitigate some of the impediments to affordable housing development. The toolkit will describe available policies and resources that the county may utilize to address the growing need for affordable housing in the County. Tools that promote both new development and preservation of affordable housing are being considered. At this writing, the toolkit is still in the development stage. When the toolkit is finalized, the Affordable Housing Toolkit will be presented to the BCC for consideration.

In Clackamas County, many of the existing patterns of sprawl, decentralization and homogenous housing developments resulted from commuter demand for housing. Homogeneity, whether exclusively single family or multifamily, can result in limited housing choice suitable to needs and incomes of County residents. Undefined or subjective design standards can also make it difficult to meet affordable housing needs within built-out communities.

Access to affordable and adequate housing for households with lowest incomes has been restricted over the years. Since 2000, median renter income in the U.S. has fallen relative to contract rents. Utility costs have been increasing, as has the price of commuting to work. Quality of housing, particularly at the lowest rent levels, is at risk if property owners do not have assets to maintain units. The result is that lowest income tenants, in addition to the burden of finding housing at all, may be forced to live in unsuitable or unsafe housing.

A range of suitable housing choices should ideally be available to fit the entire range of household incomes, providing choices for all residents, including those who work in the community.

Households with extremely low incomes, especially those needing support services, find very few options. The Clackamas County 2017-2021 Comprehensive Plan, recognizes the goal of providing a variety of housing types and densities to meet the needs of County residents.

Discussion:

No additional information.

AP-85 Other Actions – 91.220(k)

Introduction:

Clackamas County Housing and Community Development Division (HCD) proposed the following actions in program year 2017 that address obstacles to meeting underserved needs, foster and maintain affordable housing, develop institutional structure, encourage public housing residents to become more involved in management and encourage public housing residents to attain home ownership. HCD continues to request proposals from housing development organizations for the development and preservation of multi-family affordable rental housing projects that serve lower income households. Funding available to support these activities included: HOME funds, Housing Choice Vouchers and Public Housing Replacement Funds.

In FY2017 potential special needs housing projects include: WeBUILT, a project to improve a roadway to a special needs housing development, Pleasant Avenue Veterans Housing and the Tiny Houses Community project with a location yet to be determined.

Actions planned to address obstacles to meeting underserved needs

Clackamas County HCD will address obstacles to meeting underserved needs in FY2017 through these activities:

1. Leverage available program funds by requiring sponsor contributions.
2. Seek additional funding from public and private sources to finance program activities.
3. Continue a program to assist renters and homeowners who need safety and accessibility adaptations in order to remain in their own homes.
4. Investigate the development and implementation of an inspection program to enforce habitability standards in multi-family housing projects.
5. Promote and assist the development of additional transitional housing which will be available to low- and very low-income individuals and families.
6. Promote and assist the development of affordable housing which will be available to very low, low-,

and moderate-income individuals and families.

7. Increase capacity to assist Homeless Families with Children.

8. Develop a set of program policies to create a 15 percent set-aside in all new affordable housing developments specifically to assist the targeted special need populations.

9. Promote the use of Section 8 Project Based Vouchers into the development of any new affordable housing project.

Actions planned to foster and maintain affordable housing

HOME funds will be used primarily to develop affordable housing units for rental by low-income individuals and families. HOME funds will also be used to assist Community Housing Development Organizations (CHDOs) with grants for operating costs allowed by 24 CFR 92.208. HCD ensures that HOME-assisted rental housing remains affordable by monitoring projects during the period of affordability for compliance with the HOME regulations at 24 CFR Part 92.

Clackamas County ensures the long-term affordability of HOME-assisted homebuyer properties during the period of affordability by monitoring to verify that the home remains owner-occupied. Monitoring activities include both desk and on-site monitoring.

For FY2017 HOME funded multifamily housing projects have yet to be determined due to the federal funding uncertainties and the ripple effect on the Low Income Housing Tax Credit program administered by the State of Oregon.

Actions planned to reduce lead-based paint hazards:

Clackamas County contracts with a professional firm to provide lead hazard evaluation services at no cost to the owners and buyers participating in its housing rehabilitation and homebuyer programs. When such hazards are discovered, they are addressed in a manner consistent with procedures approved by HUD, the State Health Division and the Department of Environmental Quality. However, the County does not anticipate using HOME funds for its housing rehabilitation and homebuyer programs in the next year. The HOME-funded project will be new construction and will not involve lead-paint hazards.

Actions planned to reduce the number of poverty-level families: The Housing and Community Development Division (HCD) coordinates efforts with the Social Services Division (SSD) to reduce the

number of households below the poverty line. SSDs activities include:

- Participation in and staffing of the Continuum of Care in Clackamas County as well as the Continuum of Care Steering Committee (Governing Board) and the Homeless Policy Council.
- Coordination and maintenance of liaison relationships with McKinney Vento funded homeless liaisons that support the educational success of homeless children. These include each of the School Districts in the county, all Clackamas Educational Service District offices, and the State of Oregon Department of Higher Education.
- Contracting with a community based organization for a Homeless Student Success Project that enhances the capacity of the homeless liaison at the highest poverty school district in Clackamas County.
- Participation as one of the four lead agencies on the regional steering committee for the Rent Well tenant education program.
- Participation in the operations of the Janssen Transitional Housing Project (JTHP). SSD currently provides case management for the families living at Janssen. This HUD funded project, sponsored by the Housing Authority of Clackamas County, has been in operation for more than 20 years. JTHP provides seven (7) transitional housing units, intensive and comprehensive case management, flexible assistance to support residents increasing their income and housing stability, and other supportive services for homeless families with children.
- Maintain the Housing Rights and Resources Program which responds to the general public regarding emergency housing, housing discrimination, landlord-tenant concerns, low-cost housing, rent assistance and a variety of other housing-related issues.
- Maintain a contractual relationship with Legal Aid Services of Oregon and the Fair Housing Council of Oregon to support the delivery of Fair Housing services to Clackamas County residents. This contractual relationship hastens service delivery for people experiencing potential discrimination and/or fair housing violations.

Actions planned to develop institutional structure

The Housing and Community Development Division coordinates efforts with the Social Services Division (SSD) to develop institutional structure to strengthen the services system in Clackamas County.

SSD and CD worked together with Continuum of Care partners to develop and implement a county wide Coordinated Housing Access system. This system provides centralized access, eligibility screening and prioritization, using HUD guidelines, to all HUD funded homeless services and housing programs within

the County. Three non-HUD funded homeless housing programs also elected to join the new coordinated system.

SSDs activities include: - Operation of the State of Oregon Housing and Community Services Low Income Rental Housing Fund (LIRHF). LIRHF provides time-limited rental payment assistance to case-managed clients of SSD.

- Administration of State Homeless Assistance Program (SHAP) funds sub-granted to the Annie Ross House family shelter and Clackamas Women's Services domestic violence shelter.

- Initial screening and intake for families wanting to enter the Annie Ross House shelter and two interfaith hospitality shelter networks (SON and LOTSM).

- Administration of the federal Emergency Food and Shelter Program (EFSP) and contracts with local shelters to provide night of shelter to homeless persons.

- Local administration of the state Emergency Housing Account (EHA). These funds support case management to families accessing the two interfaith hospitality network shelters. EHA funds are also used to support shelter bed nights at Clackamas Womens Service's, Annie Ross House, and the Inn Home emergency shelters.

- Operation of a locally funded Bridges to Housing program that provides high needs homeless families a longer term housing subsidy and intensive, comprehensive case management that focus on permanent housing stability and increasing income.

- Operation of the Rent Well tenant education program, providing year-round, ongoing tenant education in Spanish and English as well as case management to help homeless families with barriers to housing placement locate and access permanent housing units.

- Operation of the Jackson Transitional program for adults who are homeless.

- Operation of the HSP program for families who are homeless or at imminent risk of homelessness needing short term rental assistance and supportive services in order to stabilize.

- Severe Weather Warming Centers at three sites, providing a total of 99 low barrier shelter beds for homeless persons on cold winter nights. These sites provide important linkages for the community

efforts to identify and re-house chronically homeless persons.

Actions planned to enhance coordination between public and private housing and social service agencies

The Housing and Community Development Division coordinates activities between public housing and assisted housing agencies through funding and reporting outcomes to state and federal agencies. The HOME program provides vital funding to private assisted housing providers that also apply for state tax credit funding. HOME funding is one of few sources of funds for affordable housing units in our rural urban county. Housing Rights and Resources program is an H3S program in the Social Services Division that provided housing referral and information services on all available housing services. H3S , HCD and HACC will coordinate on the following action items:

1. Coordinate with the Countys Community Health and Social Services Divisions to maximize utilization of resources available to meet the needs of the homeless and persons with mental illness who need housing services.
2. Maintain the CCSS partnership with the State of Oregon Department of Human Services to operate the Housing Stabilization Program in the county. Now in its seventh year, the program serves families with children for up to 12 months. CCSS provides families intensive case management services with a goal of locating and maintaining safe, stable and affordable housing.
3. Maintain the partnership with SSD, Clackamas Women's Services, and Northwest Housing Alternatives to administer and operate the Homeless Prevention and Rapid Re-Housing Program. The program includes 3 elements: Rent Subsidy Program designed to provide short term (3 months) and medium term (up to 6 months) of rent subsidies to low- and moderate-income renters. A Rapid Re-Housing Program designed to provide housing placement, short-term rental assistance, case management and other support services to families with dependent children who have been living in emergency shelters or on the streets for at least seven days. Counseling and Housing Stabilization Services including case management, outreach, housing search and placement, legal services, and Credit Repair.
4. Maintain the CCSS partnership with HACC and Mental Health to operate the HUD funded Shelter-Plus-Care Program. Shelter Plus Care provides rent assistance to case managed clients of Social Services and Mental Health who are homeless.
5. Coordinate with SSD and Northwest Housing Alternative to ensure the continued success of the HomeBase Program homeless prevention and rapid rehousing services. This coordination will include sharing of information concerning case management best practices, and consistent and accurate data

entry into the Homeless Management Information System.

Discussion:

Clackamas County Housing and Community Development Division (HCD) works in conjunction with the Housing Authority of Clackamas County, the Social Services Division, the Behavioral Health Division, Community Health Centers and community non-profit housing providers and private non-profit social services providers to address obstacles to meeting underserved needs, foster and maintain affordable housing, develop institutional structure, encourage public housing residents to become more involved in management and encourage public housing residents to attain home ownership.

In 2017 HCD is funding several affordable housing projects, an employment training program, a fair housing rights and information program, homeless prevention and rapid rehousing services, and a youth mentoring program for youth in public housing.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

Introduction:

The Clackamas Homebuyer Assistance Program (CHAP), a down payment assistance program for first-time homebuyers will be available for low-income residents. More information about the CHAP can be found here: <http://www.clackamas.us/communitydevelopment/chap.html>

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	1
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	90.00%

**HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)**

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The County does not anticipate offering any other forms of investment of HOME funds beyond those described in 24 CFR 92.205(b) in the 2016 program year.

The County will ensure that matching contributions from non-federal sources are made to housing that qualifies as affordable housing under the HOME program in 2016-2017. Matching funds will be in amount not less than 25 percent of the funds required to be matched per 24 CFR 92.218. We anticipate that eligible match will come primarily from non-federal cash contributions such as the State Housing Trust Fund, the value of foregone local fees or taxes and the value of donated voluntary labor and professional services.

HOME Project-Related Soft Costs

When HOME funds are allocated to an affordable housing project (as opposed to TBRA or CHDO operating), Clackamas County will have the option of charging reasonable and necessary staff and overhead support to the project as project-related soft costs. These may include:

- Processing of applications for HOME funds
- Appraisals required by HOME regulations
- Preparation of work write-ups, specifications, and cost estimates or review of these items if an owner has had them independently prepared
- Project underwriting
- Construction inspections and oversight
- Project documentation preparation
- Costs associated with a project-specific environmental review
- Relocation and associated costs
- Costs to provide information services such as affirmative marketing and fair housing information to prospective tenants
- Staff and overhead costs related any of the above actions

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

The Clackamas Homebuyer Assistance Program (CHAP) provides funds to low-income first time

homebuyers for down payment and reasonable closing costs. In accordance with 24 CFR 92.254(a)(4), the period of affordability is five years.

Should the CHAP property be voluntarily or involuntarily sold or title transferred, or should the owner no longer use the property as the primary residence, the entire amount of HOME funds invested in the project shall become immediately due and payable to the County. However, if the sale of the property occurs during the five-year period of affordability, and there are no net proceeds from the sale of the property, or the net proceeds are insufficient to repay the entire HOME investment due, the amount of HOME funds recaptured will be based on the net proceeds available from the sale, if any. The net proceeds are defined as the remainder of the final sale price of the property minus any superior non-HOME loan repayment and closing costs. *24 CFR §92.254(a)(5)*

During the five-year period of affordability, the County may permit a subsequent low-income purchaser of a CHAP property to assume the existing CHAP loan and HOME recapture obligation entered into by the original buyer when, a) no additional HOME assistance is provided to the subsequent homebuyer, and, b) the subsequent low-income homebuyer meets all of the eligibility requirements of the CHAP. In cases in which the subsequent homebuyer needs (and qualifies for) HOME assistance in excess of the balance of the original CHAP loan, the HOME subsidy to the original homebuyer must be recaptured. A separate CHAP loan shall be provided to the new homebuyer, and a new HOME affordability period shall be established based on that assistance to the buyer. *24 CFR §92.254(a)(5)(ii)*

More information is available at <http://www.clackamas.us/communitydevelopment/chap.html>.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

Clackamas County intends to use the HOME affordable homeownership limits for the area provided by HUD. The County further ensures the long-term affordability of HOME-assisted homebuyer properties by enforcing resale and recapture provisions and by monitoring to verify that the home remains owner-occupied during the period of affordability. More information is available at <http://www.clackamas.us/communitydevelopment/chap.html>.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

The County does not anticipate using HOME funds to refinance existing debt secured by multifamily

housing that is rehabilitated with HOME funds in the 2017 program year.

**Emergency Solutions Grant (ESG)
Reference 91.220(l)(4)**

1. Include written standards for providing ESG assistance (may include as attachment)

Clackamas County has had several meetings with ESG providers and members of the CoC to develop CoC and ESG policies and performance standards. ESG policies have been developed in consultation with both ESG and CoC providers starting in January 2014 and on an ongoing basis. HCD staff consulted with CoC Steering Committee members on February 9, 2017 to discuss using ESG funds for Rapid Rehousing in 2017.

HCD staff consulted with CoC Homeless Council members on February 22, 2017 to discuss using ESG funds for Rapid Rehousing in 2017. CoC members and CoC Steering Committee is considering adding an equity performance measure in 2017.

HCD staff have attended CoC meetings for the last few years to discuss using ESG funds for HMIS ESG and CoC data collection efforts. CoC members have been aware and informed on the ESG program changes and funding. CoC members continue to be involved in developing performance measurement standards and priorities for both CoC and ESG funding.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

A CoC working group of providers met in 2013 to implement coordinated assessment process. The result was a tool designed and agreed on by all affected programs with the intention of obtaining the most relevant information to make an appropriate referral. The Coordinated Housing Access (CHA) was launched on January 1, 2015 using a telephone call-in system and the HMIS system. CoC agencies and providers are reviewing processes to improve and streamline the intake process. The planning process involved identifying resources in our region and how resources are accessed by homeless persons and families. The system will cover the entire geographic region using a "hub" system as much as possible, though large portions of the county are rural and sparsely populated. The system will be easily accessed, primarily through our Housing Rights and Resources line, a one-stop number for housing information. This number is made available through 2-1-1, the county's website, flyers and referring agencies.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

Currently ESG funds are allocated to four (4) nonprofit providers and the County as the HMIS administrator. The process for making sub-awards was to advertise the availability of ESG funding in 2016 as part of the 2017-2019 funding cycle. Four applications to provide Emergency Shelter services were received and reviewed. All four nonprofits were funded for homeless emergency shelter services. One of the shelters (ARH) will not be funded for the FY2017 and 2018 years because the shelter is being re-build as part of a campus re-design project. A Rapid Rehousing and Homeless prevention program will also be funded in FY2017. The contracts will be renewed annually at level funding. ESG and CoC providers are engaged in homeless services planning and ESG allocations. In FY2017 we anticipate that the ESG funding level will be decreased by 5% each year, the HMIS project will be decreased or increased based on the anticipated funding levels.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

The CoC has a formerly homeless person on the CoC Steering Committee governing board.

5. Describe performance standards for evaluating ESG.

ESG providers are evaluated using the CoC national performance measurements standards. Agencies that provide only emergency shelter services are evaluated by examining one measure of success: What percentage of persons leaving shelter are going to permanent housing?

The ESG program has not yet set a minimum percentage for shelters to meet. After another year of collecting data the ESG program staff and the CoC Steering Committee will meet to review the results and set a minimum standard. Since each shelter is population the specific performance can vary greatly.

Discussion:

In 2017 the ESG program will continue funding Rapid Rehousing and or Homeless prevention activities that were funded for the first time in 2014.

ESG program staff are working closely with the Continuum of Care for homeless programs to coordinate efforts, implement a coordinated assessment process, establish CoC and ESG program policies and to establish performance measures.

For the 2017 Action Plan, HCD staff presented and discussed recommended funding for CDBG and ESG projects with CoC members on March 22, 2017. HCD staff discussed ESG and CoC funding allocations, performance standards, outcomes, policies and procedures as well as the annual consultation process which occurs in March of every year. CoC members were invited to submit testimony on the funding levels and projects in the 2017 Action Plan at the April 6th public hearing.



HEALTH HOUSING AND HUMAN SERVICES DEPARTMENT

HOUSING AND COMMUNITY
DEVELOPMENT DIVISION

2017-2021 CONSOLIDATED PLAN

MAY 2017

Clackamas County
Housing and Community Development Division
Public Services Building
2051 Kaen Road – Suite 245
Oregon City, Oregon
(503) 655-8591

www.clackamas.us/communitydevelopment/

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ATTACHMENTS

Executive Summary

ES-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

Clackamas County Housing and Community Development is a division within the larger Clackamas County Health, Housing and Human Services Department that includes the Behavioral Health, Public Health, Health Centers, Social Services, the (public) Housing Authority, Community Solutions (workforce programs) and Children Youth and Families divisions.

2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

Housing and Community Development Division staff have used community survey data, public meeting comments, public housing waitlist information, Portland metropolitan area housing information and several reports to select the following goals to accomplish over the next 5 years:

1. Community Infrastructure Improvements - 10,000 persons to benefit.
2. Public Facilities Improvements - 7,500 persons to benefit.
3. Public Services - 10,000 persons will benefit.
4. Housing Rehabilitation - 150 households will benefit.
5. Affordable Housing - 260 households will benefit.
6. Homeless Assistance - 1,750 homeless persons will be assisted with shelter and services.

3. Evaluation of past performance

Clackamas County Housing and Community Development has been a major partner and funder of many affordable housing projects and most of the senior centers throughout the county over the last 20 years. The impact of projects and services supported with grant funds is often limited by the federal grant regulations and the actual annual funding levels although communities and non-profit partners do bring private resources to leverage the federal funds. Clackamas County Housing and Community Development Division continues to expend federal funds efficiently and effectively. Slow moving projects are cancelled allowing funds to be reallocated to projects that are completed as scheduled.

Clackamas County coordinates with and provides staff support to the homeless Continuum of Care.

Clackamas County has recently completed an Assessment of Fair Housing and established the following goals for program years 2017 to 2021:

1. Develop new housing units with long-term affordability for a broad range of low-income households with an emphasis on dispersal of affordable housing.
2. Increase accessibility to affordable housing for persons with disabilities and single parent familial status households. (households with children under 18 yrs.).
3. Improve access to housing and services for all protected classes.
4. Enforce Fair Housing laws and Increase public understanding of Fair Housing laws.
5. Coordinate Fair Housing Advocacy and Enforcement Efforts among regional partners
6. Ensure that all housing in Clackamas County is healthy and habitable.

4. Summary of citizen participation process and consultation process

Clackamas County Housing and Community Development Division maintains a Citizen Participation list of persons interested in programs and services funded by federal grants. Public meeting notices are posted in community newspapers and notices of funding availability are distributed throughout the county through newspapers and email lists. The Continuum of Care homeless services providers and public housing residents are engaged in annual public meetings to discuss programs, projects and services. The general public is also invited and engaged through solicitation of feedback through community online surveys and public meetings.

5. Summary of public comments

The general public is facing rapidly increasing demands for market rate housing resulting in sharp increases in rent and a very low apartment vacancy rate. Low-income persons are unable to move due to a lack of affordable housing units available throughout the county and particularly in areas of high opportunity for employment, shopping and community services. Public meetings were held on October 26, 2016, November 15, 2016 and April 6, 2017.

6. Summary of comments or views not accepted and the reasons for not accepting them

All public comments were accepted.

7. Summary

The public comment period on the Consolidated Plan and the 2017 Action Plan was from March 16 to April 17, 2017 and the public hearing was held on April 6, 2017. All comments were in support of homeless services, affordable housing projects and first time home owner programs. All comments were accepted.

The Process

PR-05 Lead & Responsible Agencies 24 CFR 91.200(b)

1. Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	CLACKAMAS COUNTY	
CDBG Administrator	CLACKAMAS COUNTY	Housing and Community Development Division
HOPWA Administrator	CITY OF PORTLAND	CITY OF PORTLAND
HOME Administrator	CLACKAMAS COUNTY	Housing and Community Development Division
ESG Administrator	CLACKAMAS COUNTY	Housing and Community Development Division
HOPWA-C Administrator	CLACKAMAS COUNTY	Community Development Division

Table 1 – Responsible Agencies

Clackamas County Housing and Community Development is a division within the larger Clackamas County Health, Housing and Human Services Department that includes the Behavioral Health, Public Health, Health Centers, Social Services, the (public) Housing Authority, Community Solutions (workforce programs) and Children Youth and Families divisions. Clackamas County receives no HOPWA funds. Services for persons with AIDS are provided by the nearby City of Portland, Oregon.

Consolidated Plan Public Contact Information

Office location: Housing and Community Development Division Public Services Building
2051 Kaen Road, Suite 245 Oregon City, Oregon (503) 655-8591

Housing and Community Development Website: <http://www.clackamas.us/communitydevelopment/>

Clackamas County Housing and Community Development website includes maps of low/mod income areas, funding policies, meeting notices, meeting schedules, Consolidated Plans, annual Action Plans, information on HOME repairs grants and loans, and other programs.

Staff Contacts: Chuck Robbins, Director: chuck@clackamas.us
Kevin Ko, Housing and Community Development Manager: kko@clackamas.us
Mark Sirois, Project Coordinator: marksir@clackamas.us
Steve Kelly, Project Coordinator: stevekel@clackamas.us

PR-10 Consultation - 91.100, 91.200(b), 91.215(I)

1. Introduction

Clackamas County is an urban and rural county within the Portland/Vancouver metropolitan statistical area. Clackamas County provides the bulk of the social services, assisted housing services and public housing to low-income residents in the county. Clackamas County provides federal funding to non-profit housing developers to build, purchase and maintain assisted housing throughout the county.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I)).

Clackamas County Housing and Community Development Division (HCD) coordinates activities between public housing and assisted housing agencies through funding and reporting outcomes to state and federal agencies. The local public housing authority is a part of Clackamas County's Health, Housing and Human Services Department. Nonprofit and for profit housing developers and housing providers are in regular contact with HCD staff about project ideas and potential state and federal grants that could be combined with CDBG and HOME funds for a successful housing project proposal. The HOME program provides vital funding to affordable housing providers that also apply for state tax credit funding as one of few sources of funds available to develop affordable housing units in the rural parts of Clackamas County.

The Clackamas County Health, Housing and Human Services (H3S) Department includes; a public housing authority, a community development division, a public health division, a social services division, a behavioral health division and a primary care division. H3S is often a convener of agencies to apply for funding, build facilities and provide services to vulnerable populations. In some cases the county provides the services, and in other cases non-profit agencies provide the housing or services. CDBG funds also provide support for the Housing Rights and Resources program, an H3S program in the Social Services Division. This program provides housing referral and information on all available housing services and resources to residents in need of affordable housing and related services.

HCD consults directly with the county primary care health facilities and health services to coordinate services and projects.

HCD consults directly with local governments (15 cities and towns in Clackamas County) regarding public facilities and infrastructure projects. Adjacent governments including City of Portland, Multnomah County and Washington County are contacted regularly regarding public meetings however due to scheduling conflicts staff from these governments rarely attend our public meetings.

Currently HCD has business and civic leaders engaged in the community and housing development needs assessment through their activities on non-profit boards, planning councils and

commissions. Some non-profit agencies are considered civic organizations. HCD will continue to reach out to community groups that include civic and business leaders in the community. HCD is currently nurturing business contacts on the Housing Advisory Board that guides the Housing Authority of Clackamas County and county-wide affordable housing policy.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness

H3S Housing and Community Development Division (HCD) personnel administer the Continuum of Care (CoC) annual renewal application process and the Homeless Management Information System (HMIS). The same HCD office uses CDBG, ESG and CoC funds to support homeless services and for the Homeless Point in Time (PIT) count of homeless persons. The PIT is conducted with over 150 volunteers coordinated by the Social Services Division.

H3S Housing and Community Development Division (HCD) personnel administer the Continuum of Care (CoC) annual renewal application process and the Homeless Management Information System (HMIS). The annual Continuum of Care renewal application funds over \$2,000,000 of services and rent assistance to homeless persons in the county. CoC efforts secure services and support for over 478 persons including 32 chronically homeless persons (based on the CoC 2016 Housing Inventory Chart.)

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS

The HCD staff coordinate the Continuum of Care monthly meetings and the CoC governing board activities. The CoC policies and ESG program policies were developed with both CoC and ESG homeless services providers. The CoC reviewed and adopted the current CoC and ESG policies in February 2017.

HCD personnel also provide the HMIS training and support for CoC and ESG providers. The monthly CoC activities and quarterly performance reports are coordinated by the same Community Development Division staff that coordinates the ESG funding applications and awards process. The FY 2017-2019 ESG funding recommendations were presented to the CoC Steering Committee on February 2, 2017 and to the CoC Homeless Council (CoC) for discussion and review on February 22, 2017. CoC providers, the local public housing agency and all the agencies in the Continuum of Care are engaged in addressing the needs of homeless persons.

The CoC consults with Community Solutions, a Workforce Investment Act partner and division of H3S, to conduct employment related training for homeless persons.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities.

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Housing Authority of Clackamas County
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy Homeless Needs - Families with children Homelessness Needs - Veterans Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Housing Authority is staffed by Clackamas County employees. The Housing Authority Director is also the director of the Housing and Community Development Division. The anticipated outcomes are coordinate efforts to maintain and build affordable housing units for low income residents as well as coordinated social services and employment training.
2	Agency/Group/Organization	NORTHWEST HOUSING ALTERNATIVES
	Agency/Group/Organization Type	Housing Services - Housing Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth

	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Northwest Housing Alternatives (NHA) is one of a few non-profit housing developers in Clackamas County. NHA staff are active on the Continuum of Care homeless council as a provider of homeless housing services and homeless prevention services with ESG funding, local government funding and private foundation funding.
3	Agency/Group/Organization	CLACKAMAS WOMEN'S SERVICES
	Agency/Group/Organization Type	Housing Services-Victims of Domestic Violence Services-homeless Services - Victims
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Clackamas Womens Services (CWS) is one of a few providers of services for survivors of domestic violence in the county. CWS staff are active in the Continuum of Care homeless council. CWS also provides emergency shelter services funded in part by ESG funding as well as transitional housing and permanent housing services funded in part by Continuum of Care funding and private foundation funding.
4	Agency/Group/Organization	INN HOME
	Agency/Group/Organization Type	Services-Children Services-homeless Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Inn is a youth services agency that is actively involved in the homeless Continuum of Care.

Identify any Agency Types not consulted and provide rationale for not consulting

N/A

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Clackamas County	CoC and ESG goals to prevent and reduce homelessness are incorporated in the Strategic Plan goals
Assessment of Fair Housing	Clackamas County	Assessment of Fair Housing goals are part of the Strategic Plan goals
Metro Equitable Housing Report 2016	Metro Council	Metro is a regional land use planning governmental organization that determines the urban growth boundary for the metro area. Metro also plans and operates the solid waste transfer stations, regional parks, and several entertainment venues
2017-2020 Older Americans Act Area Plan	Clackamas County Social Services Division	The Social Services Division is the county coordinator of services to elderly persons and the community action agency. Many services are provided through the county senior centers and county social services staff.
OHCS Clackamas County Housing Profile 2013	State of Oregon	The Oregon Housing and Community Services (OHCS) Department prepared county housing profiles for the entire state.
ADA Transition Plan for the Public Right-of-Way	Clackamas County Department of Transportation and Development	Public Facilities Improvements and ADA accessibility of streets, sidewalks and public facilities

Table 3 – Other local / regional / federal planning efforts

Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(I))

Clackamas County has received and reviewed the following plans in preparation of this consolidated plan:

- The City of Portland Consolidated Plan

- The Metro Equitable Housing Report January 2016
- Portland Consortium Consolidated Plan for 2016-2020 (City of Portland, City of Gresham and Multnomah County)

Clackamas County also participates in a Regional Fair Housing Group to coordinate fair housing efforts in the metro region. Members of the group include 4 counties and 4 large cities in the region.

Narrative (optional): Clackamas County is part of the Portland/Vancouver Metropolitan Statistical area which is currently grappling with an affordable housing crisis.

PR-15 Citizen Participation

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The Housing and Community Development Division held 2 public meetings, conducted a survey, accepted 34 applications for funding and held a public hearing to collect citizen input on housing and community development goals.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)

1	Public Meeting	Non-targeted/ broad community	October 26, 2017. 6 people attended from 4 non-profit agencies. 2 staff were also present.	<p>Brianna Williamson provided a description of the Housing Rights and Resources program that is funded by CDBG. Brianna stated that the program helps residents avoid being evicted. Last year the program process over 2500 called from people seeking help with housing problems. The program is unique in that program staff help people describe the specifics of their particular housing issues as well as properly screen persons before referring them to legal Aid Services of Oregon if needed. The Housing Rights and Resources program also helps landlords get accurate information regarding their rights as landlords in addressing any concerns about difficult tenants. Erika Silver added that this service is much needed in Clackamas County to prevent people from becoming homeless and to help the County maintain good relationships with landlords. Martha McLennan, executive director of NHA, thanked Clackamas County for supporting the Annie Ross House and the HomeBase housing stabilization and homeless prevention program. The NHA campus in Milwaukie, Oregon is preparing for re-building the Annie Ross Shelter and other buildings to increase the number of housing units at the site. NHA is working with SIN network to provide additional shelter services if needed while Annie Ross Housing is being re-constructed. NHA has secured a site on Pleasant Street and will be applying for funding to build up to 20 units of homeless veterans family housing. Shelly Mead with Bridges to Change (B2C) explained that they provide transitional housing for persons exiting correctional facilities. B2C housing has services for homeless persons, persons who need alcohol and drug additions counseling and housing for sex offenders. B2C will be looking for additional funding for permanent affordable housing for persons leaving transitional housing services. Emily and Amy with NEDCO explained that they were at the meeting to learn more about the Clackamas County funding and application process. NEDCO has provided foreclosure counseling, business incubation for food and beverage entrepreneurs, home ownership assistance as well as apartment deposit assistance for families with Section 8 vouchers. NEDCO is exploring options to assist youth who are aging out of foster</p>	All public comments were accepted	
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				care and into independent living. NEDCO would like to develop cottage housing to provide first time home owner options.		
2	Public Meeting	Non-targeted/ broad community	November 15, 2016. 5 people attended from 4 non-profit agencies and 1 local government. 1 staff person was also present.	Lori Mack talked about the need for working with individuals living in poverty and providing job readiness training, intensive employment and career case management, access to employment skill building, customized job placement, and job retention. The Community Solutions employment program target populations are: residents of HACC, individuals served through Clackamas Womens Services, individuals successfully managing a mental illness, referrals from the Oregon Youth Authority, Clackamas County Social Services, and the long term unemployed. Katie Ullrich discussed Proud Grounds various programs including a home ownership program for low income families. Proud Ground maintains ownership of the land only. Families purchase the house, gain equity and may sell the house to another low income family. Mellani Calvin, asked about possible funding for the Assist Program to help individuals with disabilities apply for social security benefits. The program would include home visits in Clackamas County to meet with individuals and families to complete the application process. Jim Whynot with the City of Gladstone confirmed that he was working with his engineer to review potential street improvement projects and that the city would be submitting an application for CDBG funding. Tina Kennedy asked about the funding for services for veterans in emergency and transitional housing. Funding can cover a 3 year period. Tina's group is working with the County Social Services Division to provide housing to homeless veterans.	All public comments were accepted	

3	Internet Outreach	Non-targeted/ broad community Residents of Public and Assisted Housing	Survey results	Survey results	All comments in the community surveys were accepted.	
4	Public Meeting	Non-targeted/ broad community	April 7, 2016 Sandy Connect Luncheon which included 15 organizations providing services to people in the rural Sandy Oregon area. Persons were provided with information on the community development program	Several people asked for additional English and Spanish paper surveys to provide to their clients and neighbors.	All comments were accepted and included in the Assessment of Fair Housing report.	

			funding as well as the fair housing assessment process to develop goals.			
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Table 4 – Citizen Participation Outreach

Needs Assessment

NA-05 Overview

Needs Assessment Overview

Housing Needs Assessment: More than 20,000 households in Clackamas County are “Severely Cost Burdened” due to paying more than 50% of their incomes for housing. Table 10 data indicates that for low-income **renters** that pay more than 50% of their incomes for housing: a total of 10,314 households, 32% are elderly households (3,256 Households) and 37% are small related households (3,781 households). Table 10 also indicates that for low income **home owners** that pay more than 50% of their income for housing: a total of 9,745 households, 39% are elderly households (3,801 Households) and 32% are in small related households (3,078 households).

Disproportionately Greater Need: Extremely low income renters in 8,336 households with incomes in the 0 to 50% of AMI have the greatest need and are most at risk of becoming homeless due to rapidly rising rents and increasing housing market pressure to maximize profits on housing investments.

Public Housing: Residents of public housing live in Milwaukie and Oregon City and Housing Choice voucher holders live throughout the county. Currently there is a general lack of affordable housing for low income households in the jurisdiction and in the region. The rapid increasing in housing demand in the private housing market will continue to gentrify some low income neighborhoods and push low-income families further from high opportunity areas. Public Housing residents and voucher holders are experiencing a lack of ability to move due to the lack of affordable accessible units for rent.

Homeless Needs Assessment: The 208 homeless families living in sheltered in the 2015 homeless count included 194 adults and 256 children. 53 persons were identified as homeless veterans since they reported having served in the U.S. military. Another 1,504 persons were counted as “doubled up” or living in overcrowded conditions due to economic hardship.

Non-homeless needs assessment: Based on a State (OHCS) 2013 Clackamas County Housing profile report, more than 3,000 persons need housing with alcohol and drug rehabilitation services, more than 2,500 persons with chronic mental illness need housing with services, 1,450 persons with developmental disabilities need housing with services, 104 households in danger of domestic violence need housing options, more than 12,500 elder persons need housing, more than 1,000 frail elderly need housing and 256 released offenders need housing units.

The Housing Authority of Clackamas County 2017-2022 Plan waitlist data identified 365 elderly persons that were eligible for housing assistance and 384 households headed by a disabled person that were eligible for housing assistance.

Non-housing community development needs assessment: Public Facility Needs for Clackamas County include Homeless Facilities, Domestic Violence (services) Facilities, Mental Health Facilities, Senior Centers and Abused/Neglected Children Facilities.

Public Improvement Needs identified for Clackamas County include Water/Sewer Improvements, Street/Alley Improvements, Curbs and Sidewalks, Bike and Pedestrian Paths and, Drainage (street) Improvements.

Public Services Needs identified for Clackamas County include Fair Housing Activities, Homeless Services, Youth Services, Neglected/Abused Children Services, Renter/foreclosure training and Employment/Training Services.

NA-10 Housing Needs Assessment - 24 CFR 91.205 (a,b,c)

Summary of Housing Needs

More than 20,000 low-income households in Clackamas County are “Severely Cost Burdened” due to paying more than 50% of their incomes for housing.

Table 10 data indicates that for low-income **renters** that pay more than 50% of their incomes for housing: a total of 10,314 households, 32% are elderly households (3,256 Households) and 37% are small related households (3,781 households).

Table 10 also indicates that for low income **home owners** that pay more than 50% of their income for housing: a total of 9,745 households, 39% are elderly households (3,801 Households) and 32% are in small related households (3,078 households).

Demographics	Base Year: 2000	Most Recent Year: 2012	% Change
Population	338,391	383,746	13%
Households	136,954	147,796	8%
Median Income	\$52,080.00	\$64,352.00	24%

Table 5 - Housing Needs Assessment Demographics

Data Source: 2000 Census (Base Year), 2008-2012 ACS (Most Recent Year)

Number of Households Table

	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80-100% HAMFI	>100% HAMFI
Total Households *	12,633	14,249	22,180	15,734	83,015
Small Family Households *	3,922	4,615	7,689	6,108	44,964
Large Family Households *	765	924	2,021	1,658	7,160
Household contains at least one person 62-74 years of age	2,266	3,117	5,148	3,761	17,833
Household contains at least one person age 75 or older	1,782	3,420	3,577	1,729	5,698
Households with one or more children 6 years old or younger *	1,992	2,220	3,290	2,459	8,790
* the highest income category for these family types is >80% HAMFI					

Table 6 - Total Households Table

Data Source: 2008-2012 CHAS

Housing Needs Summary Tables

1. Housing Problems (Households with one of the listed needs)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Substandard Housing - Lacking complete plumbing or kitchen facilities	374	420	465	130	1,389	60	40	60	35	195
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	35	10	60	75	180	0	50	48	49	147
Overcrowded - With 1.01-1.5 people per room (and none of the above problems)	404	613	473	237	1,727	4	118	182	212	516
Housing cost burden greater than 50% of income (and none of the above problems)	5,342	2,994	1,039	240	9,615	3,169	3,082	3,372	1,402	11,025

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Housing cost burden greater than 30% of income (and none of the above problems)	573	2,404	4,609	975	8,561	487	1,284	3,159	2,938	7,868
Zero/negative Income (and none of the above problems)	468	0	0	0	468	617	0	0	0	617

Table 7 – Housing Problems Table

Data 2008-2012 CHAS
Source:

2. Housing Problems 2 (Households with one or more Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Having 1 or more of four housing problems	6,142	4,014	2,049	668	12,873	3,229	3,293	3,666	1,698	11,886
Having none of four housing problems	1,267	3,564	8,059	5,125	18,015	891	3,369	8,404	8,219	20,883
Household has negative income, but none of the other housing problems	468	0	0	0	468	617	0	0	0	617

Table 8 – Housing Problems 2

Data 2008-2012 CHAS
Source:

3. Cost Burden > 30%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	2,598	2,709	2,418	7,725	792	1,262	2,511	4,565
Large Related	492	415	265	1,172	212	271	1,069	1,552
Elderly	1,496	1,687	1,336	4,519	1,696	2,291	2,320	6,307
Other	2,002	1,406	2,097	5,505	977	718	811	2,506
Total need by income	6,588	6,217	6,116	18,921	3,677	4,542	6,711	14,930

Table 9 – Cost Burden > 30%

Data 2008-2012 CHAS
Source:

4. Cost Burden > 50%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	2,363	1,074	344	3,781	708	942	1,428	3,078
Large Related	257	115	4	376	182	242	523	947
Elderly	1,359	1,315	582	3,256	1,392	1,389	1,020	3,801
Other	1,824	763	314	2,901	883	604	432	1,919
Total need by income	5,803	3,267	1,244	10,314	3,165	3,177	3,403	9,745

Table 10 – Cost Burden > 50%

Data 2008-2012 CHAS
Source:

5. Crowding (More than one person per room)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Single family households	404	563	458	243	1,668	4	114	158	236	512
Multiple, unrelated family households	0	50	55	4	109	0	54	72	39	165

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Other, non-family households	50	10	15	65	140	0	0	0	0	0
Total need by income	454	623	528	312	1,917	4	168	230	275	677

Table 11 – Crowding Information – 1/2

Data Source: 2008-2012 CHAS

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
Households with Children Present	2,363	1,074	344	3,781	708	942	1,428	3,078

Table 12 – Crowding Information – 2/2

Alternate Data Source Name: Consolidated Plan Table 10

Data Source Comments: Since no other data is available for low income households with children present, Clackamas County uses the assumption that Small Related Households paying more than 50% of their incomes (Cost Burden >50%) as listed in Table 10 is representative of families with children.

Describe the number and type of single person households in need of housing assistance.

Single person households may be included in the elderly and small related households – a total of 13,227 renters and 10,872 home owners may need housing assistance. Table 9 data indicates that a total of 18,921 households that are low-income renters pay more than 30% of their incomes for housing. 24% of these households are elderly households (5,502 of the 18,921) and 41% are small related households (7,725 of the 18,921). Table 9 also indicates that for the 14,930 households that are low income home owners that pay more than 30% of their income for housing, 42% are elderly households (6,307 of the 14,930) and 31% are small related households (4,565 of the 14,930).

Table 10 data indicates that for the 10,314 low-income renter households that pay more than 50% of their incomes for housing, 32% are elderly households (3,256 of 10,314) and 37% are small related households (3,781 of 10,314).

Table 10 also indicates that for the 9,745 low income home owner households that pay more than 50% of their income for housing, 39% are elderly households (3,801 of 9,745) and 32% are small related households(3,078 of 9,745). Elderly persons on fixed incomes or single persons on fixed incomes due to disability would be included in these small related households and elderly household percentages.

Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault and stalking.

Table 10 indicates that there were 10,314 renter households with Housing Cost burden of 50% of household incomes. The “Other” category in Table 10 may include disabled person households.

Using that assumption that 50% of households in danger of domestic violence may need housing assistance and 1,225 households contacted the primary provider in 2015, the need would be 612 households. The need could drop to 417 households when subtracting a total of 195 victim of domestic violence households that were provided with housing assistance in emergency shelters in 2015.

In Clackamas County, domestic violence advocates provided direct assistance to over 1000 victims of domestic violence and assisted with over 730 protective orders in 2015. Source: Clackamas County District Attorney’s Office 2015 Annual Report.

The primary provider of domestic violence survivor services in Clackamas County is Clackamas Women’s Services (CWS). 2,431 people in 1,225 households asked for and got support from CWS in 2015 (1,038 adults and 1,393 children). 2,514 people accessed support from CWS in 2014 (985 adults and 1,529 children). Source: Clackamas Women’s Services 2014 and 2015 Annual Reports. Two emergency shelters in Clackamas County provided housing assistance to 196 households that reported domestic violence as a cause for homelessness.

What are the most common housing problems?

As indicated in Table 7, the most common housing problems for both renters and owners is the cost burden of greater than 30% of household income and greater than 50%.

Table 7 reveals that 44% of all low income renters with housing problems (9,615 of 21,940) have a greater than 50% of income housing cost burden. 39% of these renters pay more than 30% of their income for housing for a combined total of 89% or 18,176 households that are burdened by housing expenses.

Of all low income owners with housing problems, 54% of these owner households (11,025 of 20,368) are spending more than 50% of household income for housing and 39% (7,868 of 20,368) are paying more than 30% of their incomes for housing related costs. The combined total of low income home owners that are burdened by housing expenses is 93% (18,893 of 20,368) of all owner households reporting housing problems.

Are any populations/household types more affected than others by these problems?

It appears that renters in Elderly households (3,256 of 10,314) and small related households (3,781 of 10,314) renters are more affected by housing problems than the other populations listed in Table 10.

As stated above, Table 10 data indicates that for low-income renters that pay more than 50% of their incomes for housing: a total of 10,314 households, 32% are elderly households and 37% are small related households.

Table 10 also indicates that for low income owners that pay more than 50% of their income for housing: a total of 9,745 households, 39% are elderly households and 32% are small related households. Elderly on fixed incomes or singles with disabilities on fixed incomes due to disability would be included in these percentages.

Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance

The 5,803 households with 0 to 30% of household area median incomes (extremely low income) represent 56% of all renter households (5,803 of 10,314) paying more than 50% for their housing detailed in Table 10. These extremely low income renter households include elderly households, small related households and large related households that include both individuals and families. 1,359 households are elderly and extremely low income paying more than 50% of their income for housing. These extremely low income renter households are currently housed and at imminent risk due to one lost paycheck or one unexpected expense away from eviction and homelessness.

Extremely low income households that own their homes are 32% of all owner households that pay more than 50% of their incomes for housing also detailed in Table 10. Of these 3,165 extremely low income home owner households, 1,392 are elderly. A total of 890 home owner households at this income level paying more than 50% for their housing are comprised of small related and large related households.

Formerly homeless individuals and families receiving rapid re-housing services from one agency in Clackamas County in 2015 reported that 535 persons in 195 households were provided with assistance. Of the households served 70% had children, 47% of adults reported that they had been victims of domestic violence, 20% of persons assisted reported having a disability and 9 persons were veterans of military service. (2015 CAPER ESG report)

If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates:

Clackamas County uses a definition of at-risk of homeless aligned with the state of Oregon definition however Clackamas County has no current estimate on any at-risk populations. Clackamas County does operate a Coordinated Housing Assessment system to process requests for homeless assistance. From January 1, 2016 to December 31, 2016, the Coordinated Housing Access System received a total of 4,116 phone calls for assistance. 426 calls were regarding domestic violence assistance, 641 calls were for subsidized housing, 908 calls were requests for homeless prevention and 396 people were calling for affordable housing. A reasonable estimate of an at-risk of homelessness could be 908 households per year based on the requests for assistance.

Clackamas County uses the same at-risk of homelessness definition as the State of Oregon:

Imminent Risk of Homelessness – household is at imminent risk of homelessness, and will imminently lose primary nighttime residence:

- My residence will be lost within 14 days of the date of application for homeless assistance by court order or the equivalent under applicable state law (formal eviction notice); AND
- I have not identified a subsequent residence; AND
- I lack the resources or support networks needed to obtain other permanent housing

Unstably Housed –an individual or family who:

- Is at risk of losing housing, and does not otherwise qualify as homeless under the above listed (1-4) categories, AND:
- Have been notified to vacate current residence or otherwise demonstrate high risk of losing current housing, AND
- Lack the resources and support network to obtain other permanent housing.

Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness

Clackamas County Homeless Count data from 2013 and 2015 indicates that households that have one or more of the following characteristics are likely to experience instability and increased risk of homelessness:

- Low-income (High rent),
- unemployment,

- domestic violence,
- disabilities including mental illness,
- substance abuse addiction

Discussion

Given the rapidly rising cost of rental housing in our area, the greatest issue affecting low income persons and families is the high cost of housing. “No cause” evictions are currently legal in Oregon allowing landlords to give a 30 day notice to all tenants to vacate their homes for no reason other than a landlord’s desire to empty the rental unit. In some cases of property owners wanting to maximize their investments, one bedroom apartment rents have been increased by 100% from \$700 per month to \$1,400 per month. Low income renters have little recourse in these circumstances. This increased market demand for housing is reflected in the number and percentage of households paying more than 50% of their income for housing. The 23,712 number of households paying more than 50% of their incomes for housing as reported in Table 21 are from 2012 Census data. Since 2012, these numbers have only increased due to increasing financial pressure on home owners and increased housing market demands for rental units.

As stated above, Table 10 data indicates that for low-income **renters** that pay more than 50% of their incomes for housing: a total of 10,314 households, 32% are elderly households (3,256 Households) and 37% are small related households (3,781 households). Table 10 also indicates that for low income **home owners** that pay more than 50% of their income for housing: a total of 9,745 households, 39% are elderly households (3,801 Households) and 32% are in small related households (3,078 households).

NA-15 Disproportionately Greater Need: Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

The Clackamas County population demographics in 2012 were reported in Comprehensive House Affordability Strategy (CHAS) HUD tables as 84.48% White, 7.73% Hispanic, 3.84% Asian or Pacific Islander, 0.74% Black, 0.62% Native American/Non-Hispanic and 0.12% Other/Non-Hispanic.

Disproportionate Housing needs for households in the 0-30% AMI category is that Black (by 0.5%) and Hispanic (by 1.86%) populations are over represented compared to the county general population. In the 30-50% AMI category the Hispanic population is over represented by 1.86%. In the 50-80% AMI category Whites are over represented by 4.75% while Hispanics are underrepresented by 2.7%. In the 80-100% AMI category, Asian and Pacific Islander populations are over represented by 2.28% while Hispanics are under represented by 2% compared to the county general population.

0%-30% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	11,647	1,496	1,033
White	9,682	1,402	874
Black / African American	140	0	4
Asian	259	4	65
American Indian, Alaska Native	113	4	0
Pacific Islander	15	0	0
Hispanic	1,115	79	70

Table 13 - Disproportionally Greater Need 0 - 30% AMI

Data 2008-2012 CHAS

Source:

*The four housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than one person per room,
4. Cost Burden greater than 30%

30%-50% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	11,072	3,476	0
White	9,394	3,085	0
Black / African American	55	29	0
Asian	230	45	0
American Indian, Alaska Native	85	25	0
Pacific Islander	0	0	0
Hispanic	1,080	220	0

Table 14 - Disproportionally Greater Need 30 - 50% AMI

Data 2008-2012 CHAS
Source:

*The four housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than one person per room,
4. Cost Burden greater than 30%

50%-80% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	13,272	10,237	0
White	11,843	9,401	0
Black / African American	44	50	0
Asian	319	138	0
American Indian, Alaska Native	59	60	0
Pacific Islander	20	10	0
Hispanic	704	457	0

Table 15 - Disproportionally Greater Need 50 - 80% AMI

Data 2008-2012 CHAS
Source:

*The four housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than one person per room,
4. Cost Burden greater than 30%

80%-100% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	5,720	9,672	0
White	4,805	8,645	0
Black / African American	50	55	0
Asian	350	159	0
American Indian, Alaska Native	105	44	0
Pacific Islander	0	50	0
Hispanic	330	369	0

Table 16 - Disproportionally Greater Need 80 - 100% AMI

Data 2008-2012 CHAS
Source:

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

Discussion

Disproportionate Housing Needs for populations with “one or more of four housing problems” including having a housing cost burden that is more than 30% of the household income are listed in **Tables 13-16**. **Table 13** lists the number of households with incomes that have extremely low income (extreme poverty) are represented by household incomes that are 0-30% of Area Median Income (AMI) were 83.1% White which is 1.38% less than 84.48% of Whites in the county jurisdiction. The Hispanic population in this income level with housing problems were 9.6% of the population which is 1.86% higher than the 7.73% of Hispanics in the county. The Black population represents 1.2% of the 0-30% AMI population which is 0.46% higher than the 0.74% of the county population that is Black. The combined Asian and Pacific Islander population is 2.4% which is 1.44% lower than the 3.84% of the county population. The American Indian population with housing problems at the 0-30% AMI level is 0.97% which is 0.35% higher than the 0.62% in the county.

30 to 50% - Disproportionate Housing Needs for populations with housing problems listed in **Table 14** with incomes that are low income are represented by household incomes that are 30-50% AMI were 84.84% White which is 0.36% more than 84.48% of Whites in the county jurisdiction. The Hispanic population in this income level with housing problems were 9.75% of the population which is 2.02% higher than the 7.73% of Hispanics in the county. The Black population represents 0.5% of the 30-50% AMI population which is 0.24% lower than the 0.74% of the county population that is Black. The combined Asian and Pacific Islander population is 2.08% which is 1.76% lower than the 3.84% of the

county population. The American Indian population with housing problems at the 30-50% AMI level is 0.77% which is 0.15% higher than the 0.62% in the county.

50 to 80% - Disproportionate Housing Needs for populations with housing problems listed in **Table 15** with household incomes that are 50-80% AMI were 89.23% White which is 4.75% more than 84.48% of Whites in the county jurisdiction. The Hispanic population in this income level with housing problems were 5.03% of the population which is 2.7% lower than the 7.73% of Hispanics in the county. The Black population represents 0.33% of the 50-80% AMI population which is 0.41% lower than the 0.74% of the county population that is Black. The combined Asian and Pacific Islander population is 2.55% which is 1.29% lower than the 3.84% of the county population. The American Indian population with housing problems at the 50-80% AMI level is 0.44% which is 0.18% lower than the 0.62% in the county.

80-100% - Disproportionate Housing Needs for populations with housing problems listed in **Table 16** with household incomes that are 80-100% AMI were 84% White which is 0.48% less than 84.48% of Whites in the county jurisdiction. The Hispanic population in this income level with housing problems were 5.77% of the population which is 1.96% lower than the 7.73% of Hispanics in the county. The Black population represents 0.87% of the 80-100% AMI population which is 0.13% more than the 0.74% of the county population that is Black. The combined Asian and Pacific Islander population is 6.12% which is 2.28% more than the 3.84% of the county population. The American Indian population with housing problems at the 80-100% AMI level is 1.84% which is 1.22% higher than the 0.62% in the county.

NA-20 Disproportionately Greater Need: Severe Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

This HUD Comprehensive Housing Affordability Strategy (CHAS) table displays housing cost burden levels of No Cost Burden: less than 30% of household income spent on housing, Cost Burden: 30-50% of household income is spent on housing and, Severe Cost Burden: more than 50% of household income is spent on housing. The Clackamas County general population racial and ethnic demographics in 2012 were reported in HUD CHAS tables as 84.48% White, 7.73% Hispanic, 3.84% Asian or Pacific Islander, 0.74% Black, 0.62% Native American/Non-Hispanic and 0.12% Other/Non-Hispanic.

Housing Cost Burdens in Clackamas County is that the white population has a higher percentage of Cost Burden and Severe Cost Burden (2.84% and 2.93% more than 84.48% of the county population) than other racial and ethnic groups. The next largest ethnic group is the Hispanic population that appears to have a lower rate of Cost Burden and Severe Cost Burden however this measure may be a function of who responded to the data collection surveys at a higher rate. The Hispanic population has increased at a higher rate since 2012 in the jurisdiction as well.

0%-30% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	10,173	2,966	1,033
White	8,518	2,567	874
Black / African American	140	0	4
Asian	209	54	65
American Indian, Alaska Native	73	44	0
Pacific Islander	15	0	0
Hispanic	950	244	70

Table 17 – Severe Housing Problems 0 - 30% AMI

Data 2008-2012 CHAS
Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than 1.5 persons per room,
4. Cost Burden over 50%

30%-50% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	6,687	7,833	0
White	5,749	6,713	0
Black / African American	25	54	0
Asian	95	180	0
American Indian, Alaska Native	30	80	0
Pacific Islander	0	0	0
Hispanic	586	724	0

Table 18 – Severe Housing Problems 30 - 50% AMI

Data 2008-2012 CHAS
Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

50%-80% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	5,702	17,812	0
White	4,988	16,277	0
Black / African American	10	84	0
Asian	149	303	0
American Indian, Alaska Native	29	90	0
Pacific Islander	20	10	0
Hispanic	439	728	0

Table 19 – Severe Housing Problems 50 - 80% AMI

Data 2008-2012 CHAS
Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

80%-100% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	2,062	13,330	0
White	1,533	11,893	0
Black / African American	40	65	0
Asian	160	349	0
American Indian, Alaska Native	75	74	0
Pacific Islander	0	50	0
Hispanic	205	494	0

Table 20 – Severe Housing Problems 80 - 100% AMI

Data 2008-2012 CHAS
Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than 1.5 persons per room,
4. Cost Burden over 50%

Discussion

Per HUD guidance: “A disproportionately greater need exists when members of a racial or ethnic group at a given income level experience housing problems at a greater rate (10% points or more) than the income level as a whole.”

Table 21 lists the number of renter and owner households with no cost burden spending less than 30% (<30%) of their household incomes on housing. The 90,738 total number of <30% no cost burden households were 90.7% White which is 6.22% more than 84.48% of Whites in the county jurisdiction. The Hispanic population in the <30% cost burden level were 3.80% of the population which is 3.93% lower than the 7.73% of Hispanics in the county. The Black population represents 0.5% of the no cost burden which is 0.24% lower than the 0.74% of the county population that is Black. The combined Asian and Pacific Islander population with no cost burden (less than 30%) level are 2.77% which is 1.07% lower than the 3.84% of the county population. The American Indian population at the no cost burden level is 0.36% which is 0.26% lower than the 0.62% in the county.

30-50% Housing Cost Burden - Table 21 lists the number of renter and owner households with housing cost burden at 30-50% of their household incomes. A total of 30,765 households were cost burdened with 30-50% of incomes spent on housing expenses. Of these cost burdened households, 87.32% were White which is 2.84% more than 84.48% of Whites in the county jurisdiction. The Hispanic population in this cost burdened level were 3.80% of the population which is 3.93% lower than the 7.73% of Hispanics

in the county. The Black population represents 0.70% of the cost burdened level which is 0.04% lower than the 0.74% of the county population that is Black. The combined Asian and Pacific Islander population at the cost burdened level are 3.35% which is 0.49% lower than the 3.84% of the county population. The American Indian population at the cost burdened level is 0.55% which is 0.07% lower than the 0.62% in the county.

Severe Cost Burden - More than 50% of income - Table 21 lists the number of renter and owner households in Clackamas County with severe housing cost burdens spending more than 50% of their incomes on housing. A total of 23,712 households were at the severe cost burden level. Of these households, 87.41% were White which is 2.93% more than 84.48% of Whites in the county jurisdiction. The Hispanic population at the severe cost burden level were 5.85% of the population which is 1.88% lower than the 7.73% of Hispanics in the county. The Black population represents 0.63% of the severe cost burdened population which is 0.11% lower than the 0.74% of the county population that is Black. The combined Asian and Pacific Islander population at the severe cost burdened level are 2.98% which is 0.86% lower than the 3.84% of the county population. The American Indian population at the severe cost burden level is 0.79% which is 0.17% lower than the 0.62% in the county.

NA-25 Disproportionately Greater Need: Housing Cost Burdens – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction:

Disproportionate Housing Needs – Severe Housing Needs for households in the 0-30% AMI category is that Black (by 1.38%) and Hispanic (by 1.61%) populations are over represented compared to the county general population. In the 30-50% AMI category the Hispanic population is over represented by 1.03%. In the 50-80% AMI category Whites are over represented by 3% while Asian and Pacific Islanders are underrepresented by 0.88%. In the 80-100% AMI category, Asian and Pacific Islander populations are over represented by 3.92% while Hispanics are over represented by 2.21% compared to the county general population.

Housing Cost Burden

Housing Cost Burden	<=30%	30-50%	>50%	No / negative income (not computed)
Jurisdiction as a whole	90,738	30,765	23,712	1,129
White	82,300	26,863	20,727	974
Black / African American	455	214	150	4
Asian	2,335	1,030	693	65
American Indian, Alaska Native	324	170	188	0
Pacific Islander	180	0	15	0
Hispanic	3,452	1,975	1,388	70

Table 21 – Greater Need: Housing Cost Burdens AMI

Data 2008-2012 CHAS
Source:

Discussion:

Per HUD guidance: “A disproportionately greater need exists when members of a racial or ethnic group at a given income level experience housing problems at a greater rate (10% points or more) than the income level as a whole.”

Table 21 lists the number of renter and owner households with no cost burden spending less than 30% (<30%) of their household incomes on housing. The 90,738 total number of <30% no cost burden households were 90.7% White which is 6.22% more than 84.48% of Whites in the county

jurisdiction. The Hispanic population in the <30% cost burden level were 3.80% of the population which is 3.93% lower than the 7.73% of Hispanics in the county. The Black population represents 0.5% of the no cost burden which is 0.24% lower than the 0.74% of the county population that is Black. The combined Asian and Pacific Islander population with no cost burden (less than 30%) level are 2.77% which is 1.07% lower than the 3.84% of the county population. The American Indian population at the no cost burden level is 0.36% which is 0.26% lower than the 0.62% in the county.

30-50% Housing Cost Burden - Table 21 lists the number of renter and owner households with housing cost burden at 30-50% of their household incomes. A total of 30,765 households were cost burdened with 30-50% of incomes spent on housing expenses. Of these cost burdened households, 87.32% were White which is 2.84% more than 84.48% of Whites in the county jurisdiction. The Hispanic population in this cost burdened level were 3.80% of the population which is 3.93% lower than the 7.73% of Hispanics in the county. The Black population represents 0.70% of the cost burdened level which is 0.04% lower than the 0.74% of the county population that is Black. The combined Asian and Pacific Islander population at the cost burdened level are 3.35% which is 0.49% lower than the 3.84% of the county population. The American Indian population at the cost burdened level is 0.55% which is 0.07% lower than the 0.62% in the county.

Severe Cost Burden - More than 50% of income - Table 21 lists the number of renter and owner households in Clackamas County with severe housing cost burdens spending more than 50% of their incomes on housing. A total of 23,712 households were at the severe cost burden level. Of these households, 87.41% were White which is 2.93% more than 84.48% of Whites in the county jurisdiction. The Hispanic population at the severe cost burden level were 5.85% of the population which is 1.88% lower than the 7.73% of Hispanics in the county. The Black population represents 0.63% of the severe cost burdened population which is 0.11% lower than the 0.74% of the county population that is Black. The combined Asian and Pacific Islander population at the severe cost burdened level are 2.98% which is 0.86% lower than the 3.84% of the county population. The American Indian population at the severe cost burden level is 0.79% which is 0.17% lower than the 0.62% in the county.

NA-30 Disproportionately Greater Need: Discussion – 91.205(b)(2)

Are there any Income categories in which a racial or ethnic group has disproportionately greater need than the needs of that income category as a whole?

Extremely low income renters with incomes in the 0 to 80% of AMI have the greatest need and are most at risk of becoming homeless due to rapidly rising rents and increasing housing market pressure to maximize profits on housing investments. The Hispanic population with Housing Problems and Severe Housing Problems at the 0 to 50% of AMI are 1 to 2% more represented in this category than the jurisdiction's general Hispanic population of 7.73%. The white population is over represented by 3 to 4% in the 50-80% of AMI population with Housing Problems and Severe Housing Problems compared to the 84.48% of the white population in the county.

If they have needs not identified above, what are those needs?

No other needs have been identified.

Are any of those racial or ethnic groups located in specific areas or neighborhoods in your community?

Clackamas County has 218 Census Tract Block Groups. Of those 218 block groups, ten percent (10%) or 22 block groups have a population that is more than 56% low and moderate income (LMI).

According to the Census Bureau 7.73% of Clackamas County residents identified their ethnicity as Hispanic or Latino in the 2010 census.

2010 Census data on ethnicity of County residents indicates that of the more populated cities, Canby and Molalla had the highest percentages of Hispanic/Latino residents (21% and 14% respectively). Among the cities with populations above 10,000 people, Canby, Happy Valley and Wilsonville had greater than 20% minority populations.

Clackamas County Housing and Community Development Division reviewed both race and ethnic information from the 2010 Census Bureau to determine minority ranking. The 22 block groups with the highest minority ranking represent 10 percent of all the block groups in Clackamas County.

Nine (9) block groups rank in the top 22 for both minority and LMI, and represent the block groups with the highest concentrations (HC) of poverty and minorities. Five (5) of the high LMI concentration (HC) block groups are located in the North Clackamas Area along HWY 205. One (1) of the HC block groups is

in Milwaukie and two (2) of the HC block groups are in Canby. A total of 13, 855 people live in these areas of High Concentrations (HC) of minority and low income persons.

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NA-35 Public Housing – 91.205(b)

Introduction

The geographic area of the Housing Authority of Clackamas County (HACC) is the same geographic area as the county jurisdiction. HACC wait list data for 2017 indicated that although 7,892 person applied to be added to the Public Housing Waitlist only 3,629 were added to the waitlist. 35% of current public housing residents have a disability according to Census data provided by HUD. 28% of households on the 2015 wait list had a disabled family member. 84% of the households (984 families) added to the waitlist were extremely low income (Less than 30% of AMI). 33.3% of the households added (365 families) to the waitlist were in elderly households. 384 families (34%) reported having a disabled head of household.

HACC maintains 545 units of public housing, 1561 Section 8 vouchers providing rental assistance to low income households, 264 units of private market housing, over 100 other housing units in various projects including farmworker housing and 51 Veteran's Administration VASH Vouchers. Based on the table below 541 of the 545 households in public housing have requested accessibility features and 106 of th epeople in public housing are elderly.

Totals in Use

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher		
				Total	Project - based	Tenant - based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers in use	0	0	541	1,549	0	1,479	5	0	65

Table 22 - Public Housing by Program Type

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Data Source: PIC (PIH Information Center)

Characteristics of Residents

	Program Type							
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher	
				Total	Project - based	Tenant - based	Veterans Affairs Supportive Housing	Family Unification Program
Average Annual Income	0	0	12,319	11,830	0	11,906	5,889	0
Average length of stay	0	0	7	6	0	6	1	0
Average Household size	0	0	2	2	0	2	1	0
# Homeless at admission	0	0	0	0	0	0	0	0
# of Elderly Program Participants (>62)	0	0	106	347	0	340	1	0
# of Disabled Families	0	0	210	525	0	463	3	0
# of Families requesting accessibility features	0	0	541	1,549	0	1,479	5	0
# of HIV/AIDS program participants	0	0	0	0	0	0	0	0
# of DV victims	0	0	0	0	0	0	0	0

Table 23 – Characteristics of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Race of Residents

Race	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher		
				Total	Project - based	Tenant - based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
White	0	0	500	1,427	0	1,359	4	0	64
Black/African American	0	0	21	71	0	71	0	0	0
Asian	0	0	9	13	0	12	0	0	1
American Indian/Alaska Native	0	0	10	36	0	35	1	0	0
Pacific Islander	0	0	1	2	0	2	0	0	0
Other	0	0	0	0	0	0	0	0	0

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Table 24 – Race of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Ethnicity of Residents

Ethnicity	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher		
				Total	Project - based	Tenant - based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Hispanic	0	0	36	67	0	66	0	0	1
Not Hispanic	0	0	505	1,482	0	1,413	5	0	64

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Table 25 – Ethnicity of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Section 504 Needs Assessment: Describe the needs of public housing tenants and applicants on the waiting list for accessible units:

The Housing Authority of Clackamas County (HACC) (PHA) currently has 35% of public housing residents with a disability according to Census data provided by HUD. The PHA housing needs analysis is based on the HACC public housing Waiting List data from the 2015 Annual Plan. 4,109 Households requested Housing Choice Vouchers and Public Housing. 86% of households (3,528 households) were extremely low income households with incomes of less than 30% of the Area Median Income. 28% of households on the wait list had a disabled family member. 28% of households on the wait list (754 households) were requesting a one-bedroom unit, 21% requested a two-bedroom unit, 862 households or 32% requested a three bedroom unit and, 20% requested a unit with at least 4 bed-rooms.

Most immediate needs of residents of Public Housing and Housing Choice voucher holders

471 households are on the public housing waitlist (2016). 706 households are on the waiting list for Housing Choice Vouchers. Residents of public housing and Housing Choice voucher holders are distributed throughout the county. Currently there is a general lack of affordable housing for low income households in the jurisdiction and in the region. The rapid increasing in housing demand in the private housing market will continue to gentrify some low income neighborhoods and push low-income families further from high opportunity areas. Public Housing residents and voucher holders are experiencing a lack of ability to move due to the lack of affordable accessible units for rent.

The 2016 PHA waitlist had 84% of the households (984 families) that were extremely low income (Less than 30% of AMI). 33.3% of the households were (365 families) in elderly households. 384 families (34%) reported having a disabled head of household.

The PHA goals for 2017 to 2022 detail the following goals as the immediate needs of PHA residents:

1. Develop new housing units with long-term affordability for a broad range of low-income households with an emphasis on dispersal of affordable housing.
2. Improve access & housing choice for everyone, with a focus on protected classes and single parent households.
3. Enforce Fair Housing laws and increase public understanding of Fair Housing laws.
4. Improve the quality of Housing Authority assisted housing and customer service.
5. Improve the community quality of life and economic vitality.
6. Promote self-sufficiency and asset development of families and individuals.

How do these needs compare to the housing needs of the population at large

Residents of public housing and Housing Choice voucher holders have similar housing needs to the population at large who are low-income, elderly and/or disabled. County residents and residents of the Portland Metro region are expressing frustration over the lack of affordable, accessible rental and home ownership housing units.

Public Housing residents would like to have more opportunities for increasing their incomes, providing educational opportunities for their children and getting services for their families.

Discussion

A recent regional Metro Housing Equity 2016 Report detailed the lack of affordable housing units referenced as “missing middle” housing units. “There are currently approximately 30,000 income-restricted units of housing regulated to remain affordable to households making less than 60 percent of median income, and approximately 73,000 units of market-rate housing that are affordable at this level (although rising rents will cause this number to diminish) in the four-county metro region. With over 185,000 households making less than 60 percent of median income, that leaves a shortage of more than 80,000 units of affordable housing.” *Metro Opportunities and challenges for equitable housing, January 2016* website: oregonmetro.gov/equitablehousing.

NA-40 Homeless Needs Assessment – 91.205(c)

Introduction:

Most of the population in Clackamas County lives in urban areas. There are also homeless persons and families camping and living in the several small towns in rural areas and in a very large rural forested area that is part of a national forest. The Homeless Continuum of Care (CoC) covers the entire geographic area of Clackamas County.

The 2017 Point in Time Count was conducted through combined efforts of one hundred volunteers and 36 programs or agencies speaking with homeless people at 43 sites, including food pantries, faith based organizations, agency waiting rooms, shelters, schools and outdoor areas.

Homeless Needs Assessment

Population	Estimate the # of persons experiencing homelessness on a given night		Estimate the # experiencing homelessness each year	Estimate the # becoming homeless each year	Estimate the # exiting homelessness each year	Estimate the # of days persons experience homelessness
	Sheltered	Unsheltered				
Persons in Households with Adult(s) and Child(ren)	45	67	0	0	0	0
Persons in Households with Only Children	0	0	0	0	0	0
Persons in Households with Only Adults	301	84	0	0	0	0
Chronically Homeless Individuals	0	0	0	0	0	0
Chronically Homeless Families	0	0	0	0	0	0
Veterans	0	1	0	0	0	0
Unaccompanied Child	8	12	0	0	0	0
Persons with HIV	0	0	0	0	0	0

Table 26 - Homeless Needs Assessment

Data Source Comments: 2017 Continuum of Care Point in Time Count of sheltered and unsheltered homeless persons conducted in January 2017.

Indicate if the homeless population is: Has No Rural Homeless

If data is not available for the categories "number of persons becoming and exiting homelessness each year," and "number of days that persons experience homelessness," describe these categories for each homeless population type (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth):

Accurate information on the number of persons becoming homeless each year and leaving homelessness is not clearly available due to the multiple sources of varying information including: the CoC Homeless Count, the Coordinated Housing Assess, the CoC Homeless Management Information system and the number of people seeking services directly from churches, social services agencies and homeless services providers.

607 persons were housed in CoC homeless assistance programs, using data from the county's Homeless Management Information System for Jan 1, 2016 to Dec 30, 2016. Of these persons, 229 people or 38% left homeless services. 145 persons or 63% of all leavers left for permanent housing, 76 persons or 33% of all leavers moved to other temporary housing, 4 persons left to move to an institution and 4 persons went to other destinations.

Nature and Extent of Homelessness: (Optional)

Race:	Sheltered:	Unsheltered (optional)
White	115	285
Black or African American	4	14
Asian	1	1
American Indian or Alaska Native	16	13
Pacific Islander	3	2
Ethnicity:	Sheltered:	Unsheltered (optional)
Hispanic	22	25
Not Hispanic	129	321

Data Source

Comments:

2017 CoC Homeless Point in Time Count

Estimate the number and type of families in need of housing assistance for families with children and the families of veterans.

The 208 homeless families living in shelters and transitional housing during the 2015 homeless count included 194 adults and 256 children. 53 persons were identified as homeless veterans since they reported having served in the U.S. military. Another 1,504 persons were counted as “doubled up” or living in overcrowded conditions due to economic hardship.

The 2017 Homeless Count found that 309 adults and 395 children in households containing both adults and children received homeless housing and services during the prior year. Of those who received serves: 547 adults were in households without children, 9 children were in child only households, 24 people were not in an "unknown" household situation. Homeless Veterans: 92 homeless individuals counted between October 1, 2015 and September 30, 2016 reported that they had served in the US Armed Forces.

Describe the Nature and Extent of Homelessness by Racial and Ethnic Group.

The 2015 count found that 43% of the homeless population did not want to provide their race or ethnic identity. 45% reported they were white, 4% identified as American Indian, 2% identified as Black, 2% identified as Asian or Pacific Islander, 4% identified as Hispanic.

The 2017 Count found that 79% of unsheltered homeless persons were white, 7.4% were multi-racial, 3.8% were Native American or Alaska Native, 2.2% were Black and 9.4% were Hispanic.

Describe the Nature and Extent of Unsheltered and Sheltered Homelessness.

Children accounted for 47% of persons that were homeless or in unstable housing. Young adults age 18 to 24 were 11% of homeless persons counted. Elderly persons age 65 and older were only 2% of the homeless population. Chronically homeless persons in Clackamas County were predominantly male between 40 and 64 years old. The gender of chronically homeless persons was 34% female and 66% male.

2017 homeless Household Configurations. Households of all configurations were represented within the count:

298 individuals in households made up of adults with children were counted, School District Homeless Liaisons identified an additional 1,165 homeless children who are known to be in families, but for whom the makeup of their households is not known.

290 children were counted with no adult in their households (including those children designated as Unaccompanied by Homeless School Liaisons) 149 individuals were counted in households with more than one adult and without children.

588 single adult households were counted.

Persons with disabilities made up 55% of people served in housing programs.

Discussion:

The total number of homeless counted in 2017 is 4% higher than the 2015 count total. Counts are much higher in number of unsheltered individuals (↑54%), homeless children (↑35%), and chronically homeless individuals (↑43%). The count of homeless veteran increased (↑15%).

Caution should be taken in identifying trends in the number of homeless counted across years. Many factors affect the results of the Point-in-Time Count. Count methodology, volunteer availability, agency staff involvement, and weather (especially this winter) all impact the count.

NA-45 Non-Homeless Special Needs Assessment - 91.205 (b,d)

Introduction:

Clackamas County Social Services is a division within the larger Clackamas County Health, Housing and Human Services Department that includes Behavioral Health, Public Health, Health Centers, Community Development, the Housing Authority, Community Solutions (workforce programs) and Children Youth and Families.

Clackamas County Social Services (CCSS) was created through the merger of the Area Agency on Aging and the Community Action Agency. The Area Agency on Aging (AAA) and the Community Action Agency (CAA) combine advocacy, program coordination and development activities with social programs to provide opportunities and services for the elderly, people with disabilities, low-income persons, rural residents, and communities of color in Clackamas County. In addition to being an AAA and a Community Action Agency, CCSS includes the County Developmental Disability Program, the County Veterans Service Office, and the Volunteer Connection.

Clackamas County is not a HOPWA grantee. The City of Portland which is just to the north of Clackamas County receives HOPWA funding for the entire region.

The County Department of Transportation and Development (DTD) recently completed an assessment of ADA accessibility needs on all county roadways. The ADA TRANSITION PLAN FOR PUBLIC RIGHTS OF WAY Assessment found that 1,917 Locations had a missing curb ramp, 1,352 locations had a non-functional curb ramp, 1,476 locations failed to meet standards and only 132 ramps met ADA standards.

Describe the characteristics of special needs populations in your community:

2012 American Community Survey (ACS) data for Clackamas County (AFH HUD Table 14) showed that there were 3,478 persons between the ages of 5 and 17 with disabilities. 21,334 persons between the ages of 18-64 had disabilities and 18,738 people over the age of 65 had disabilities.

2012 ACS data for Clackamas County (AFH HUD Table 13 Disability Type) also showed that 14,405 people had hearing difficulty, 5,906 people had vision difficulty, 16,721 people had cognitive difficulty, 21,985 people had ambulatory (mobility) difficulty, 9,217 people had self-care difficulty and 14,826 people had difficulty living independently.

Clackamas County's overall population has grown, and there has been a significant increase in the number of older adults residing in the County. Portland State University Population Research Center estimates the 2016 population of those aged 65 and older to be 66,529, an increase of 17,368 people. In addition to increasing in number, the percentage of older adults has also increased.

According to US Census Bureau estimates, Clackamas County's population of seniors has grown from 18 percent in 2010 to 22 percent, including those aged 85 and over, which is slightly higher, up from 7,409 to 7,693.

The percentage of Hispanic and Latino residents aged 60 and older has increased from 1.7 percent to 2.2 percent. The overall Hispanic population has also increased, from 7.7 percent to 8.4 percent. The 4.5 percent of older adults who identify as non-white include 239 African Americans, 267 Native Americans, and 1,437 Asians.

The overall number of people living below the poverty line is slightly higher in 2016 than it was in the 2010 census, as is the number of people aged 60 and older living in poverty, which has increased from 4,139 to 5,603. This means that 6.6 percent of the people 60 and older in Clackamas County live below the poverty level.

The number of people with a disability has declined since the last Area Plan in all age groups except for those aged 65 and older, which increased from 18,717 to 19,692.

In the FY15-16 service year, the ADRC received 1,672 calls from 1,135 unduplicated callers. Through our Oregon Project Independence program, we provided services to 232 older adults and had a waiting list of 351 people.

What are the housing and supportive service needs of these populations and how are these needs determined?

Based on a State (OHCS) 2013 Clackamas County Housing profile report:

- over 3,000 persons need housing with alcohol and drug rehabilitation services,
- over 2,500 persons with chronic mental illness need housing with services,
- 1,450 persons with developmental disabilities need housing with services,
- 104 households in danger of domestic violence need housing options,
- more than 12,500 elder persons need housing,
- more than 1,000 frail elderly need housing and
- 256 released offenders need housing units.

The Housing Authority of Clackamas County 2017-2022 Plan waitlist identified 365 elderly persons that were eligible for housing assistance and 384 households headed by a disabled person that were eligible for housing assistance.

The goal of the Area Agency on Aging is to provide services, supports and information that allow older adults (and in some cases depending on program guidelines, younger persons with disabilities) to live independently through direct programming, contracting with other organizations, engaging in regional

collaboration, and planning efforts. The primary planning document that is used by the AAA to guide its work is the Area Plan.

The Area Plan describes how CCSS will meet the needs of older adults and persons with disabilities living in Clackamas County, and includes demographic information, a needs assessment, and specific goals and activities for a number of areas that are critical to the population, including Caregiver Services, Transportation and Legal Services.

In order to serve older adults residing in both urban and rural areas of the county, Clackamas County Social Services (CCSS) utilizes a single entry approach, working with a comprehensive network of ten Senior, Adult or Community Centers, to ensure that every older adult in Clackamas County has easy access to information and services.

The Clackamas Resource Connection, an Aging and Disability Resource Center (ADRC), provides additional services for all residents of Clackamas County. In 2013 the Clackamas Resource Connection became part of the regional Metro Aging and Disability Resource Connection and was renamed the Clackamas Aging and Disability Resource Connection.

Discuss the size and characteristics of the population with HIV/AIDS and their families within the Eligible Metropolitan Statistical Area:

The county jurisdiction population with HIV/AIDS was identified as 321 persons by state (OHCS) reports in 2013. HIV/AIDS services and housing is provided in the Portland Metropolitan area by the Cascades Aids Project: <http://www.cascadeaids.org/>

Discussion:

Persons with mobility disabilities including elderly persons continue to face barriers to housing and services in their communities. Rural communities and low-income urban areas lack resources to build sidewalks, pedestrian crossings and other accessible infrastructure for persons with disabilities. The jurisdiction does fund some infrastructure projects including installation of accessible sidewalks in low-income rural areas in the jurisdiction on a limited basis. Cities in urban areas of the jurisdiction are also re-building streets and sidewalks to include accessible sidewalks and crosswalks.

NA-50 Non-Housing Community Development Needs – 91.215 (f)

Describe the jurisdiction’s need for Public Facilities:

Clackamas County is a large and diverse county, covering 1,879 square miles with 15 incorporated cities and towns, as well numerous unincorporated communities. The more urbanized northern section of the county contrasts sharply with the rural and frontier nature of the southern and eastern portions of the county. These were identified as High Needs for Clackamas County: Homeless Facilities, Domestic Violence (services) Facilities, Mental Health Facilities, Senior Centers and Abused/Neglected Children Facilities.

How were these needs determined?

A community survey of cities and the general public was conducted in September and October of 2016. Public Facilities Needs were identified through community surveys, public housing resident surveys, and public meetings with community groups.

Describe the jurisdiction’s need for Public Improvements:

The following public improvements were identified as High Public Improvements Needs for Clackamas County: Water/Sewer Improvements, Street/Alley Improvements, Curbs and Sidewalks, Bike and Pedestrian Paths and, Drainage (street) Improvements.

In 2016, the jurisdiction's Department of Transportation and Development conducted a self-evaluation of street facilities that are barriers to accessibility. The self-assessment resulted in an ADA Transition Plan For the Public Rights-Of-Way (February 2017) which identified 1,917 missing curb ramps, 1,352 non-functional curb ramps, 1,476 curb ramps that failed to meet the standards and only 132 curb ramps that met ADA standards. AN estimate provided that based on the current levels of funding, completing these public facilities improvements would take 70 years.

How were these needs determined?

A community survey of cities and the general public was conducted in September and October of 2016. Public Improvement Needs were identified through community surveys, public housing resident surveys, surveys of city planning staff and public meetings with community groups.

The Department of Transportation and Development ADA Transition Plan for the Public Rights-Of-Way (February 2017) identified the 350 Missing Curb ramps on arterial streets as the top priority for

construction. The second highest priority identified was the 566 non-functional curb ramps on arterial streets.

Describe the jurisdiction’s need for Public Services:

The need assessment conducted in October and November of 2016 included a community survey of cities, the general public and public housing residents. Fair Housing Activities, Homeless Services, Youth Services, Neglected/Abused Children Services, Renter/foreclosure training and Employment/Training Services were identified as High Needs.

How were these needs determined?

A community survey of cities and the general public was conducted in September and October of 2016. Public Services Needs were identified through community surveys, public housing resident surveys and public meetings with community groups.

Housing Market Analysis

MA-05 Overview

Housing Market Analysis Overview:

The Portland metropolitan region that includes the Clackamas County jurisdiction is experiencing an increase in demand for housing due to an influx of new residents. By some estimates over 100,000 people are moving to the Portland Metro area every year. This current demand for housing is causing rapid rent increases and forcing low-income households to look for housing in other parts of the region including Clackamas County.

A regional report: the Metro Housing Equity 2016 Report concluded that there is currently a shortage of 80,000 “missing middle” housing units in the region: “There are currently approximately 30,000 income-restricted units of housing regulated to remain affordable to households making less than 60 percent of median income, and approximately 73,000 units of market-rate housing that are affordable at this level (although rising rents will cause this number to diminish) in the four-county metro region. With over 185,000 households making less than 60 percent of median income, that leaves a shortage of more than 80,000 units of affordable housing.”

MA-10 Number of Housing Units – 91.210(a)&(b)(2)

Introduction

Clackamas County residential properties are 69% single family detached residential units, 4% single unit attached, 4% apartments in 2-4 units, 9% apartments in 5-19 unit developments, 7% in larger 20 or more apartment units and 7% of the housing units are mobile homes, boats, recreational vehicles (RV campers) or vans. The housing market in Clackamas County is under increasing economic pressure due to an influx of persons moving to the region. The region experienced a housing market stagnation during the 2009-2010 economic downturn which caused many foreclosures and halted most housing construction.

Since 2010 the housing market has re-bounded into a high demand market that is causing a rapid increase in rents and housing costs. Most of the housing in Clackamas County is in good condition since most was built after 1980.

All residential properties by number of units

Property Type	Number	%
1-unit detached structure	109,015	69%
1-unit, attached structure	6,897	4%
2-4 units	6,779	4%
5-19 units	14,455	9%
20 or more units	11,232	7%
Mobile Home, boat, RV, van, etc	10,544	7%
Total	158,922	100%

Table 27 – Residential Properties by Unit Number

Data Source: 2008-2012 ACS

Unit Size by Tenure

	Owners		Renters	
	Number	%	Number	%
No bedroom	172	0%	1,635	4%
1 bedroom	1,628	2%	9,875	21%
2 bedrooms	13,181	13%	19,810	43%
3 or more bedrooms	86,443	85%	15,052	32%
Total	101,424	100%	46,372	100%

Table 28 – Unit Size by Tenure

Data Source: 2008-2012 ACS

Describe the number and targeting (income level/type of family served) of units assisted with federal, state, and local programs.

The county jurisdiction is partly within an urban growth boundary that encourages preservation of rural agricultural land and density of residential areas. The state of Oregon (OHCS) maintains a list of assisted housing units in Clackamas County. A total of 2,719 assisted housing units in 49 locations are located in the county jurisdiction not including public housing units. 112 of these assisted units are targeted for alcohol and drug recovery, 176 are for persons with disabilities, 813 units for elders, 1,618 for low income families.

Provide an assessment of units expected to be lost from the affordable housing inventory for any reason, such as expiration of Section 8 contracts.

Three of the twelve Section 8 contract properties in Clackamas County have contract expiration dates between 2017 and 2021. If all three of these Section 8 properties are sold there may be a loss of up to 125 units of affordable housing. Three properties have contracts that will expire in 2022 and six have contracts that extend to or beyond 2030.

48 units with a contract expiring on 11/3/2019 are at the OREGON CITY TERRACE at 600 May Street in Oregon City.

25 units with a contract expiring on 12/31/2020 are at 300 MAIN at 300 SE Main Street in Estacada.

52 units with a contract expiring on 8/31/2020 are at WILLAMALANE at 4707 SE Boardman Avenue in Milwaukie.

Does the availability of housing units meet the needs of the population?

The needs of low income families, elders and persons with disabilities far outweighs the housing availability. Only 6.3% of the 2,678 persons in Clackamas County with chronic mental illness identified in the State of Oregon study in 2013 had housing available to them leaving a gap of 2,509 units.

Only 5.5% of the 1,554 persons with developmental disabilities had housing available leaving a gap of 1,469 units. Only 15.9% of the frail elderly had housing available leaving a gap of 1,316 units.

In the three years since 2013 these needs have not been met by development of assisted housing units. In some cases low-income units may have been lost to expiring contracts and sale to private investors for re-sale of affordable housing units.

Describe the need for specific types of housing:

As the population ages many more small affordable accessible units are needed for low income persons. The market trends are pushing more housing development of larger homes and luxury apartments. The largest gap identified in 2013 was the 6.5% of the elderly with available housing leaving a gap of 12,909 units however some of these households may not be low income.

As mentioned earlier in this plan, there is a general lack of affordable housing for low income households. More than 20,000 households with extremely low incomes of less than 30% of AMI are paying more than 50% of their incomes for housing.

Discussion

A recent Assessment of Fair Housing (2017-2021) report established a jurisdictional goal of constructing 500 new units of affordable (rent restricted units) housing over the next 5 years in areas of high opportunity as well as adoption of a Strategic Housing Plan that includes developing revenue sources for construction of affordable housing projects. While this goal of 500 new units is far from the 20,000 needed units, more affordable and accessible housing in the jurisdiction will directly benefit low-income households, vulnerable populations and protected classes. Affordable housing units once completed will include eligibility requirements for low income and disabled persons. Affordable housing development organizations will be required to reach out to protected classes and vulnerable low income populations in the jurisdiction.

MA-15 Housing Market Analysis: Cost of Housing - 91.210(a)

Introduction

The cost of housing in the Clackamas County jurisdiction has been increasing along with all other housing in the Portland Metropolitan area due to economic pressures generated by an influx of people moving into the area. The housing trends are to build bigger homes for the private market and to build luxury apartments to maximize real estate investments. A news article in the Oregonian on April 4, 2017 stated that the state legislature was considering (HB 2004) a "tenant protection bill" to lift a statewide ban on rent control and stop "no-cause" evictions after a six-month trial period.

Non-profit housing developers are struggling to secure Low Income Housing Tax Credits to finance affordable housing units due to recent changes at the federal level. The public housing authority has been allowed to pay above the fair market rent in some areas yet many Housing Choice Vouchers (HCV) have been returned because no affordable units could be found. The rental housing inventory has a vacancy rate of less than 2% according to an apartment owners' association report in Spring 2016.

Cost of Housing

	Base Year: 2000	Most Recent Year: 2012	% Change
Median Home Value	193,700	300,600	55%
Median Contract Rent	632	858	36%

Table 29 – Cost of Housing

Data Source: 2000 Census (Base Year), 2008-2012 ACS (Most Recent Year)

Rent Paid	Number	%
Less than \$500	5,439	11.7%
\$500-999	25,571	55.1%
\$1,000-1,499	10,441	22.5%
\$1,500-1,999	2,904	6.3%
\$2,000 or more	2,017	4.4%
Total	46,372	100.0%

Table 30 - Rent Paid

Data Source: 2008-2012 ACS

Housing Affordability

% Units affordable to Households earning	Renter	Owner
30% HAMFI	1,407	No Data

% Units affordable to Households earning	Renter	Owner
50% HAMFI	4,936	3,001
80% HAMFI	22,263	8,660
100% HAMFI	No Data	16,895
Total	28,606	28,556

Table 31 – Housing Affordability

Data Source: 2008-2012 CHAS

Monthly Rent

Monthly Rent (\$)	Efficiency (no bedroom)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Fair Market Rent	886	1,021	1,208	1,757	2,109
High HOME Rent	682	793	944	1,208	1,328
Low HOME Rent	643	689	827	955	1,066

Table 32 – Monthly Rent

Data Source: HUD FMR and HOME Rents

Is there sufficient housing for households at all income levels?

No. There is not sufficient housing for all income levels. The cost of home ownership has increased by 55% and the cost of rental housing has increased by 36% in the county since the year 2000. These housing cost measures are from 2012 data. The cost of housing has continued to increase since 2012. As stated earlier over 20,000 households are paying more than 50% of their income for housing. The region has a shortage of 80,000 affordable rental units.

How is affordability of housing likely to change considering changes to home values and/or rents?

The affordability of market rate housing will likely decline in the next few years due to increased market demand for housing units by people moving to the Portland Metropolitan area.

“Overall rents in the Metro area have seen an increase of 13% year-over-year, but additional supply has caused rent increases to slow to 5.3% since the Fall Report, indicating an annualized increase closer to 10%” per year. Source: Multifamily Northwest, The Apartment Report, Spring 2016.

A news article in the Oregonian on April 4, 2017 stated that the state legislature was considering (HB 2004) a "tenant protection bill" to lift a statewide ban on rent control and stop "no-cause" evictions

after a six-month trial period.

How do HOME rents / Fair Market Rent compare to Area Median Rent? How might this impact your strategy to produce or preserve affordable housing?

HOME rents and Fair Market Rents are low compared to Area median Rent. Rents have been rising throughout the Portland metropolitan area. The median rent was \$1,538 and the Fair Market rent as of April 2016 was \$1,021 per month for a one-bedroom apartment. The HIGH HOME rent is \$920 per month and the LOW HOME rent was \$689 per month. The jurisdiction needs to both preserve affordable housing units and seek additional funds to build new affordable and accessible housing units for low-income households. For a 3-bedroom apartment there is a \$500 monthly shortfall between Fair Market and HIGH HOME rents. Fair Market rent in April 2016 was \$1,757, with a HIGH HOME rent of \$1,269 and a LOW HOME rent of \$955 per month.

The jurisdiction will continue to seek partners to develop affordable housing and to preserve existing affordable housing units. The jurisdiction has a limited source of affordable housing funds (\$700,000 per year of HOME funds) that is being reduced annually by the federal government. The jurisdiction is developing a Strategic Housing Plan that will include possible funding sources for new affordable housing units.

Discussion

A recent news article in the Oregonian on March 13, 2017 highlighted 13 neighborhoods in the Portland metro area that were termed "severely rent burdened". One of these neighborhoods (census tract 0215 block group 001) was located in the North Clackamas Park area along Highway 224 between Milwaukie and Happy Valley. The neighborhood is considered middle-income and mostly homeowners. 26% of the homes are rental properties in which 57% of residents spend more than half of their incomes on rent. The median rental housing cost was \$1,538 per month. For a 3-bedroom apartment there is a \$500 monthly shortfall between Fair Market rent and HIGH HOME rents. Fair Market rent in April 2016 was \$1,757, with a HIGH HOME rent of \$1,269 and a LOW HOME rent of \$955 per month.

MA-20 Housing Market Analysis: Condition of Housing – 91.210(a)

Introduction

Clackamas County is primarily single family residential homes. Multi-family housing is located in high-density urban areas. Rural towns have some multi-family housing units and manufactured home parks as well. As indicated in Table 33 below, 49% of the owner-occupied single family homes and 44% of the renter-occupied homes were built after 1980. Only 12% of the owner-occupied homes and 9% of the renter-occupied homes were built before 1950. Very few private homes are vacant and the rental vacancy rate is less than 2%.

A search of the state of Oregon Oregon’s Dwelling Park Directory list in February 2017 found 101 MFH Parks with MFH 6,287 units in Clackamas County with few vacancies. The MFH Parks listed were generally for families or limited to Seniors (55 yrs+) with no children.

Definitions

Clackamas County administers a Housing Rehabilitation Program. The program manual includes a definition of Substandard. A substandard dwelling unit is one that does not meet the HUD Housing Quality Standards at CFR 882.109 or other criteria for an acceptable standard of living. The substandard conditions may be due to the age of unit, neglect, inadequate plumbing facilities, crowded conditions or other code violations.

Substandard but Suitable for Rehabilitation: dwelling unit is considered suitable for rehabilitation if it is structurally sound and can be brought up to standard condition within the cost limits of the Housing Rehabilitation Program.

Substandard not Suitable for Rehabilitation: dwelling unit is considered unsuitable for rehabilitation if it is deteriorated to the extent that rehabilitation is not economically feasible within the cost limits of the Housing Rehabilitation Program and the financial means of the owner.

Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	32,648	32%	20,864	45%
With two selected Conditions	820	1%	2,239	5%
With three selected Conditions	98	0%	99	0%
With four selected Conditions	0	0%	13	0%
No selected Conditions	67,858	67%	23,157	50%
Total	101,424	100%	46,372	100%

Table 33 - Condition of Units

Data Source: 2008-2012 ACS

Year Unit Built

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	16,717	16%	6,466	14%
1980-1999	32,961	33%	18,686	40%
1950-1979	39,960	39%	16,840	36%
Before 1950	11,786	12%	4,380	9%
Total	101,424	100%	46,372	99%

Table 34 – Year Unit Built

Data Source: 2008-2012 CHAS

Risk of Lead-Based Paint Hazard

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	51,746	51%	21,220	46%
Housing Units build before 1980 with children present	12,335	12%	7,601	16%

Table 35 – Risk of Lead-Based Paint

Data Source: 2008-2012 ACS (Total Units) 2008-2012 CHAS (Units with Children present)

Vacant Units

	Suitable for Rehabilitation	Not Suitable for Rehabilitation	Total
Vacant Units	0	0	0
Abandoned Vacant Units	0	0	0
REO Properties	0	0	0
Abandoned REO Properties	0	0	0

Table 36 - Vacant Units

Data Source: 2005-2009 CHAS

Need for Owner and Rental Rehabilitation

The Clackamas County Housing Rehabilitation Program assists 35 to 40 home owners every year with home repair loans and home access grants. As stated earlier, over 20,000 households in the county are paying more than 50% of their incomes for housing. Low income elderly and low income disabled households will income qualify for housing rehabilitation assistance. 32,648 owner-occupied housing units have been identified as having at least one problem/condition representing 32% of all owner occupied housing units. 20,864 renter occupied units have been identified as having at least one condition/problem representing 45% of all renter occupied units.

As indicated in Table 7, the most common housing problems for both renters and owners is the cost burden of greater than 30% of household income and greater than 50%. Of all low income owners with housing problems, 54% of these owner households (11,025 of 20,368) are spending more than 50% of household income for housing and 39% (7,868 of 20,368) are paying more than 30% of their incomes for housing related costs. The combined total of low income home owners that are burdened by housing expenses is 93% (18,893 of 20,368) of all owner households reporting housing problems.

Estimated Number of Housing Units Occupied by Low or Moderate Income Families with LBP Hazards

HUD established estimates for the likelihood of lead-based paint based on the age of units: 90% of units built prior to 1940, 80% for units built between 1940 and 1959 and 62% of units built between 1960 and 1979. However, the presence of lead-based paint (LBP) alone is not a direct indication of lead-based paint hazard. Hazard is a function of several factors, including age and condition.

Recent surveys have attempted to provide a more accurate estimate of lead-based paint hazards. A 1999 national survey found declining chances of hazards with new buildings: 67% for housing build before 1940, 51% for houses built between 1940 and 1959, 10% for houses built between 1960 and 1977, and 1% for houses built after that.

Source: Clickner, R. et. al. (2001). *National Survey of Lead and Allergens in Housing, Final Report, Volume 1: Analysis of Lead Hazards*. Report to Office of Lead Hazard Control, US Department of Housing and Urban Development.

Table 34 Risk of Lead-Based Paint (LBP) Hazard indicates that 12% of the owner-occupied units have children present, a total of 12,335 housing units and 16% of the renter-occupied units have children present for a total of 7,601 units. The combined number of housing units built before 1980 with children present would be 19,936 units that could be at risk of LBP hazard.

The number of households in the county listed in Table 6 with incomes below 100% of Household Area Median Family Income (HAMFI) is 8,790 households. If we use an assumption that 75% of these households are in LBP hazard units then the number would be 6,593 low-income households at risk.

Discussion

A review of single and multi-family new housing building permits from January 2006 to June 2016 reveals that 3,435 permits were issued for single family homes throughout the jurisdiction while 220 permits were issued for multi-family homes of duplexes, 3 or 4 family unit developments and developments with 5 or more units. 47.7% of the multi-family permits (105 permits) were issued in the Clackamas zip code which is an area South of Happy Valley, east of Hwy 205 and north of the Clackamas

River. 11.4% of multi-family permits (25 permits) were issued in Molalla and another 11.4% (25 permits) were issued in Milwaukie.

Of the 3,435 single family permits issued in ten years, 16.51% were issued in the Clackamas zip code (567 permits). 408 permits were issued in Oak Grove/Jennings lodge zip code (11.9% of single family permits). Oregon City had 298 permits issued or 8.68% of the total, Canby had 282 permits issued 8.21% of the total and, Molalla had 246 permits issued 7.16% of all single family permits. The communities with over 100 single family permits each included: Sandy (187), Estacada (167), Boring (146), Happy Valley (125), West Linn (109), and Damascus (110). The housing permits data provided by the county transportation and planning department.

MA-25 Public and Assisted Housing – 91.210(b)

Introduction

The Housing Authority of Clackamas County (HACC) manages 560 units of public housing. This housing portfolio is organized and managed in five separate projects as noted in the table below. All public units are leased to qualified households earning less than 80% of the area median income. Rents are income based where a household pays only 30% of its adjusted monthly income. Public housing is restricted to families, single parent households, elderly and disabled persons. Based on a waiting list of about 5,000 households, the demand for public housing is about five times the supply of qualified units.

Totals Number of Units

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project -based	Tenant -based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers available			560	1,486			0	0	663
# of accessible units									
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition									

Table 37 – Total Number of Units by Program Type

Data Source: PIC (PIH Information Center)

Describe the supply of public housing developments:

Describe the number and physical condition of public housing units in the jurisdiction, including those that are participating in an approved Public Housing Agency Plan:

There are 544 units of public housing and scattered sites owned by the housing authority that are part of the public housing agency plan. Chronic under funding of the capital improvement grants from HUD has made maintaining these units extremely difficult. The housing authority applied for a HOPE VI grant from HUD to re-develop many of these units however that grant request was not funded.

The Housing Authority of Clackamas County (HACC) manages 560 units of public housing. This housing portfolio is organized and managed in five separate projects as noted in the table below. All public units are leased to qualified households earning less than 80% of the area median income. Rents are income based where a household pays only 30% of its adjusted monthly income. Public housing is restricted to families, single parent households, elderly and disabled persons.

Based on a waiting list of about 5,000 households, the demand for public housing is about five times the supply of qualified units.

Public Housing Condition

Public Housing Development	Average Inspection Score
Clackamas Heights	38
Scattered Sites	38
Hillside Park	38
Oregon City View Manor	38
Hillside Manor	38

Table 38 - Public Housing Condition

Describe the restoration and revitalization needs of public housing units in the jurisdiction:

A comprehensive third party capital assessment completed in February of 2106 by EMG, Inc., indicated that the long term capital needs for all projects exceed the annual funding stream by three to four times the amount of available funding. For example, the long term capital needs for Clackamas Heights are about \$121,441 per unit but funding through HUD's capital grant program is only projected be approximately \$31,250 per unit.

To provide a context for the capital needs identified above, projects 1000 & 3000 were constructed in 1943 and have been rehabilitated several times. The construction type although adequate to meet or exceed minimum HUD condition standards these projects have far exceeded their useful life.

Describe the public housing agency's strategy for improving the living environment of low- and moderate-income families residing in public housing:

Based on the capital needs of the public housing inventory described above, the Housing Authority of Clackamas County (HACC) is in the process of studying the feasibility of redevelopment of all projects except for the Scattered Sites. The Scattered Sites are in good condition and have the potential for long term viability. HACC is considering the redevelopment of all its public housing sites other than the Scattered Sites. HACC expects to complete a strategic plan for redevelopment sometime during 2017.

The PHA goals for 2017 to 2022 detail the following goals as the immediate needs of PHA residents:

1. Develop new housing units with long-term affordability for a broad range of low-income households with an emphasis on dispersal of affordable housing.
2. Improve access & housing choice for everyone, with a focus on protected classes and single parent households.

3. Enforce Fair Housing laws and increase public understanding of Fair Housing laws.
4. Improve the quality of Housing Authority assisted housing and customer service.
5. Improve the community quality of life and economic vitality.
6. Promote self-sufficiency and asset development of families and individuals.

Discussion: The Housing Authority of Clackamas County is exploring options to re-develop the 3 public housing parks into more affordable housing units.

MA-30 Homeless Facilities and Services – 91.210(c)

Introduction

The County jurisdiction is also one Continuum of Care region (OR-507). The 2016 total inventory of year-round beds for homeless persons includes 162 beds for households without children, 316 beds for households with children for a total of 478 beds. The 348 permanent supportive housing beds in the chart below include 76 rapid re-housing beds. CoC 2016 Housing Inventory Chart provided these homeless facility numbers.

Facilities and Housing Targeted to Homeless Households

	Emergency Shelter Beds		Transitional Housing Beds	Permanent Supportive Housing Beds	
	Year Round Beds (Current & New)	Voucher / Seasonal / Overflow Beds	Current & New	Current & New	Under Development
Households with Adult(s) and Child(ren)	40	0	73	203	0
Households with Only Adults	4	0	13	145	0
Chronically Homeless Households	0	0	0	0	0
Veterans	0	0	0	0	0
Unaccompanied Youth	0	0	0	0	0

Table 39 - Facilities and Housing Targeted to Homeless Households

Data Source Comments: 2016 Continuum of Care Housing Inventory Chart (HIC).

Describe mainstream services, such as health, mental health, and employment services to the extent those services are used to complement services targeted to homeless persons

Oregon is a Medicaid Expansion state. The county homeless services providers in the Continuum of Care (CoC) collaborate extensively with partners County Health Centers, Oregon Health Plan (OHP), Cover Oregon, Oregon Health Authority, Volunteers in Medicine, VA Medical, and employers to ensure that homeless participants are enrolled in both Medicaid (OHP) and private-pay insurance at affordable rates. Between 10/1/2014 and 9/30/2015, 90% of adult participants who exited CoC programs or remained in programs (stayers) had health insurance. This rate has held at 90% for 2 years. CoC programs also assist participants with referrals to Medicaid/Medicare related programs such as SHIBA for Medicare Part D enrollment, filling out Medicare extra help forms and securing in-home care. One outcome resulting from partnership with VA Medical is that the VASH Social worker stationed at Clackamas County Veterans Service Office helped 30 homeless veterans in FY 15-16 become vested and enroll in VA health care and/or co-enroll in OHP for dental coverage.

List and describe services and facilities that meet the needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. If the services and facilities are listed on screen SP-40 Institutional Delivery Structure or screen MA-35 Special Needs Facilities and Services, describe how these facilities and services specifically address the needs of these populations.

Seasonal Facilities: The County works with several faith-based agencies and non-profit agencies to provide services to homeless persons. In the winter months when the temperature drops below freezing, 5 Severe Weather Warming Shelters provided 107 beds mostly for adults and 25 beds for homeless women and children.

Emergency Shelters: 2 church based shelters provide 3 beds for homeless families and The Annie Ross House provides 10 beds for 5 homeless families.

Clackamas Women's Services provides 29 beds for people in danger of domestic violence.

Transitional Housing Services: 5 facilities provide 33 total units of transitional housing: 8 units for homeless families, 3 units for people fleeing domestic violence, 6 units for single adults or households without children, 9 units for pregnant or parenting youth ages 16 to 21 and, 7 units for homeless youth ages 18-23.

Rapid Re-Housing (permanent supportive housing): 2 agencies provide 23 units for families and 12 units for homeless veterans. 10 units are under development to start in October 2017.

Permanent Supportive Housing: 185 units

Bridges to Housing provides homeless families with 25 units of housing per year.

Clackamas Women's Services PSH provides people fleeing domestic and sexual violence with 4 units of housing.

Chez Ami provides clean and sober homeless adults with mental health needs 40 units of housing.

HOPE Programs provide chronically homeless adults and families, some veterans with 19 units of housing.

Shelter + Care provides 43 households with chronically homeless adults and families

Avalon provides 6 units of clean and sober women, some with children, justice involved.

Housing our Heroes provides chronically homeless veteran households with 18 units of housing.

Veterans Rental Assistance Program provides homeless or high risk veterans with serious mental health issues 30 units of housing.

MA-35 Special Needs Facilities and Services – 91.210(d)

Introduction

Special needs services and facilities including housing are provided by non-profit service agencies, faith-based organizations and county agencies including the Social Services Division, the Behavioral Health Division, the Housing Authority (HACC) and the homeless Continuum of Care providers.

Including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, public housing residents and any other categories the jurisdiction may specify, and describe their supportive housing needs

The needs of low income families, elders and persons with disabilities far outweighs the housing availability.

Only 6.3% of the 2,678 persons in Clackamas County with chronic mental illness identified in the State of Oregon (OHCS) study in 2013 had housing available to them leaving a gap of 2,509 units.

Only 5.5% of the 1,554 persons with developmental disabilities had housing available leaving a gap of 1,469 units.

Only 15.9% of the frail elderly had housing available leaving a gap of 1,316 units.

In the three years since 2013 these needs have not been met by development of assisted housing units.

The Behavioral Health Division staff coordinate special needs housing and services for a total of 391 persons. 35 persons living in 7 Adult Foster Homes are funded by Medicaid. Behavioral Health also works with 11 homes that provide 72 person with care in Residential Treatment Homes/Facilities also funded by Medicaid. Behavioral Health Division staff also coordinate services for 284 persons living in supportive housing units funded by a combination of Continuum of Care, HUD 811 , Section 8 and state mental health funding.

Social Services Division staff provide services to 2,167 youth and adults living independantly or in group homes for persons with developmental disabilities.

Describe programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing

Foster Care Discharge Policy: The Oregon Department of Human Services (DHS), dictates the Foster Care Discharge Policy in Clackamas County. DHS refers willing children to a CoC homeless services provider for a Life Skills/Transition Readiness Assessment.

The assessment provides: 1. Identification of resources and linkages needed to assist the child in transitioning to independent living, including life skills training, housing subsidies, college tuition, and health insurance; and 2. Preparation of an individualized Comprehensive Transition Plan which must be approved by a Family Court Judge every 6 months until the child is successfully transitioned to independent living. Youth can access Chafee rental subsidies to help them secure an apartment as well as tuition-free access to a state college along with Chafee grants to assist with room and board. Youth with developmental disabilities and/or mental illness exiting the foster care system continue to receive an array of services including options such as adult foster care and supported housing that are based on unique client needs.

Health Care: Discharge planning for low income and disabled people is dictated by the State of Oregon through the Medicaid program. The Affordable Care Act (ACA) and the expansion of Oregon's Medicaid program has shifted discharge planning to Coordinated Care Organizations (CCOs) covering Clackamas County. The CCOs integrate physical, mental and dental health services. The ACA Medicaid expansion aligns the financial incentives with clinical outcomes/housing status of patients.

Upon discharge, homeless persons could go to a variety of housing situations: 1. Medical foster home, a family or friend's home with wrap-around in-home services, a licensed residential care, an assisted living facility or a nursing home, depending on level of medical need; 2. Substance abuse treatment; 3. Mental health housing; 4. Shelter or rapid rehousing program.

Mental Health: The Discharge Policy for persons being discharged from a mental health facility is ensured by Clackamas County Behavioral Health Department (CCBH). As part of Health Share, the area's Medicaid Coordinated Care Organization, CCBH has both financial and clinical incentives to ensure that no county residents are discharged from a psychiatric hospital without housing and services.

Corrections: Successful community re-entry for inmates is a local mandate spearheaded by the Clackamas County Sheriff's Office (CCSO) which participates on the homeless CoC governing board. CCSO promotes post-discharge services with housing to reduce recidivism. The Clackamas County Behavioral Health (CCBH) is a provider in the local Medicaid program, Health Share. CCBH understands that successful re-entry will reduce incidence and cost of ER visits and hospitalization. Two full time mental health professionals on-site at the jail identify and treat inmates with behavioral health issues. Mental Health and Drug Courts provide diversion options for inmates with psychiatric and/or addictions problems. Housing, treatment and close supervision are offered through these Court programs. Newly funded by the State's Reentry Reinvestment Fund, services for persons with mental illness and/or addictions who are exiting jail are being augmented with: 2 case managers, one bilingual addictions counselor, peer counselors, a nurse practitioner and short term transitional housing.

Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. 91.315(e)

In the 2017 program year, Clackamas County will fund the following housing projects and supportive services for non-homeless persons:

- WeBuild - a project to design and build a roadway to a multi-family housing development for adults with disabilities.
- Housing Rehabilitation program will fund housing improvements for renters and owners with disabilities
- Pleasant Avenue Veterans Housing - a project to build 22 units of housing for formerly homeless veterans and their families.
- Employment investment program employment training for persons with disabilities and persons in public housing.
- HOME Multifamily Housing project will provide some housing units to persons with disabilities.

For entitlement/consortia grantees: Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. (91.220(2))

See previous answer.

MA-40 Barriers to Affordable Housing – 91.210(e)

Negative Effects of Public Policies on Affordable Housing and Residential Investment

The majority of resident feedback during Assessment of Fair Housing community meetings was that most people liked where they lived, however, many people including persons with disabilities felt that it was very difficult to find another affordable unit should they want to move. Current state law provides a mechanism to ensure that a certain percentage of new development is reserved for low-income tenants (known as “inclusionary housing” or “inclusionary zoning”). Clackamas will be evaluating the feasibility and the various options for implementing inclusionary zoning within the county.

The Low Income Housing Tax Credit (LIHTC) market has come to a screeching halt due to potential tax policy changes at the federal level. Clackamas County relies on the State of Oregon LIHTC Program which recently provided this guidance to all proposed affordable housing projects: State of Oregon OHCS decision....letter dated 2/10/2017...

“anticipated federal corporate tax reform has negatively impacted the LIHTC equity market creating real-time consequences for the 33 multifamily affordable housing projects in the OHCS "pipeline". These projects have received funding reservations based on tax credit pricing that is no longer available. Among projects facing probable gaps are a large number of 4% LIHTC projects, as well as the 9% LIHTC projects that the Housing Stability Council approved in November 2016.”

“Do not issue a 2017 LIHTC and HOME NOFA and instead fund additional 2016 applications, reserving some credits for gaps in 9% LIHTC pipeline projects and use flexible gap funding resources to help fill funding gaps on as many pipeline projects as possible”

Zoning Issues: Multi-family housing developments are typically restricted to areas that are zoned as high or medium density residential in each community and throughout the jurisdiction. Communities have many requirements for multifamily housing including: amenities such as onsite parking, fire access, buildings that “match” the character of the neighborhood and traffic impact studies, etc. All these requirements of multifamily housing projects increase the initial cost and result in affordable housing that is expensive to build and maintain. The State of Oregon has a land use plan (Goal 10) that requires all communities to allocate land for multifamily developments however some communities are more compliant than others. State and regional housing advocates are beginning to challenge communities to meet the Goal 10 requirements to provide land for multi-family housing developments. In 2015 Housing Land Advocates joined the Coalition for Affordable and Safe Housing to repeal Oregon’s ban on inclusionary zoning, and allow Oregon communities access to this important tool for creating affordable housing in areas of opportunity. The ban was lifted in 2016 with the passage of HB1533 which became effective June 2, 2016.

MA-45 Non-Housing Community Development Assets – 91.215 (f)

Introduction

The unemployment rate has dropped from 10.9% in 2012 to the current rate of 3.6 in the third quarter of 2016 based on a HUD PD&R 3Q 2016 report. 58% of the Labor force commutes for less than 30 minutes to get work. Major business activity and employment sectors include; Education and Health Care Services, Retail Trade and Manufacturing. The labor force of over 200,000 persons is well educated with over 110,000 people with some college or a Bachelor’s degree or higher.

Economic Development Market Analysis

Business Activity

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Agriculture, Mining, Oil & Gas Extraction	3,327	3,520	2	3	1
Arts, Entertainment, Accommodations	16,468	14,363	11	11	0
Construction	11,514	10,470	8	8	0
Education and Health Care Services	24,787	21,741	17	17	0
Finance, Insurance, and Real Estate	9,659	7,372	7	6	-1
Information	3,555	1,963	2	2	0
Manufacturing	17,803	18,214	12	14	2
Other Services	6,791	6,321	5	5	0
Professional, Scientific, Management Services	15,824	11,113	11	9	-2
Public Administration	0	0	0	0	0
Retail Trade	19,902	19,256	14	15	1
Transportation and Warehousing	5,529	4,241	4	3	-1
Wholesale Trade	10,448	11,568	7	9	2
Total	145,607	130,142	--	--	--

Table 40 - Business Activity

Data Source: 2008-2012 ACS (Workers), 2011 Longitudinal Employer-Household Dynamics (Jobs)

Labor Force

Total Population in the Civilian Labor Force	200,174
Civilian Employed Population 16 years and over	179,584
Unemployment Rate	10.29
Unemployment Rate for Ages 16-24	26.97
Unemployment Rate for Ages 25-65	6.82

Table 41 - Labor Force

Data Source: 2008-2012 ACS

Occupations by Sector	Number of People
Management, business and financial	47,882
Farming, fisheries and forestry occupations	7,225
Service	17,125
Sales and office	49,200
Construction, extraction, maintenance and repair	15,922
Production, transportation and material moving	9,169

Table 42 – Occupations by Sector

Data Source: 2008-2012 ACS

Travel Time

Travel Time	Number	Percentage
< 30 Minutes	94,560	58%
30-59 Minutes	56,600	35%
60 or More Minutes	10,625	7%
Total	161,785	100%

Table 43 - Travel Time

Data Source: 2008-2012 ACS

Education:

Educational Attainment by Employment Status (Population 16 and Older)

Educational Attainment	In Labor Force		Not in Labor Force
	Civilian Employed	Unemployed	
Less than high school graduate	8,853	1,404	4,556

Educational Attainment	In Labor Force		Not in Labor Force
	Civilian Employed	Unemployed	
High school graduate (includes equivalency)	31,552	3,658	10,950
Some college or Associate's degree	57,372	5,807	16,642
Bachelor's degree or higher	53,991	3,446	11,583

Table 44 - Educational Attainment by Employment Status

Data Source: 2008-2012 ACS

Educational Attainment by Age

	Age				
	18–24 yrs	25–34 yrs	35–44 yrs	45–65 yrs	65+ yrs
Less than 9th grade	406	991	1,599	1,990	1,747
9th to 12th grade, no diploma	3,743	3,267	2,416	4,550	3,487
High school graduate, GED, or alternative	10,654	10,463	10,420	25,277	16,537
Some college, no degree	11,188	13,478	13,792	33,694	14,881
Associate's degree	1,526	4,026	4,356	10,491	2,607
Bachelor's degree	2,642	8,897	12,202	25,218	9,086
Graduate or professional degree	267	2,946	5,765	14,028	6,645

Table 45 - Educational Attainment by Age

Data Source: 2008-2012 ACS

Educational Attainment – Median Earnings in the Past 12 Months

Educational Attainment	Median Earnings in the Past 12 Months
Less than high school graduate	24,789
High school graduate (includes equivalency)	32,132
Some college or Associate's degree	36,766
Bachelor's degree	54,244
Graduate or professional degree	64,779

Table 46 – Median Earnings in the Past 12 Months

Data Source: 2008-2012 ACS

Based on the Business Activity table above, what are the major employment sectors within your jurisdiction?

Major employment sectors in Clackamas County as indicated in Table 39 include; Education and Health Care Services with 21,741 jobs/24,787 workers, Retail Trade with 19,256 jobs/19,902 workers,

Manufacturing with 18,214 jobs/17,803 workers, Arts, Entertainment and Accommodations with 14,363 jobs/16,468 workers. The next three business activities have between 10,000 and 12,000 jobs which are Wholesale Trade, Professional, Scientific, Management Services and Construction.

The employment rate for Clackamas County listed in the Labor Force Table above has dropped to 3.6% in the third quarter of 2016 based on a HUD PD&R 3Q 2016 report.

Describe the workforce and infrastructure needs of the business community:

The Clackamas Workforce Partnership 2016 annual report detailed that 7,245 adults searched for employment opportunities through the Worksource Clackamas System. 85% of participants were able to secure employment with an average wage of \$15.20 per hour. 87% were able to maintain the employment for at least 9 months after being hired. 10% of the adult workers had no high school diploma or GED. 9% had a criminal history. 8% were veterans and 5% had a disability.

The business community workforce needs include: a larger pool of trained, flexible and motivated workers.

Infrastructure needs for the business community includes industrial land to locate businesses and manufacturing as well as roads and bridges to transport goods.

Describe any major changes that may have an economic impact, such as planned local or regional public or private sector investments or initiatives that have affected or may affect job and business growth opportunities during the planning period. Describe any needs for workforce development, business support or infrastructure these changes may create.

As the Portland metropolitan area increases its population over the next 5 years, housing and transportation challenges will impact how the economy and the business community grows. The state of Oregon continues to debate how best to improve public transportation and the federal highways, particularly the Interstate Highway 5 bridge crossing between Oregon and Washington.

Clackamas County government has asked that voters approve a gasoline tax to raise revenue for road maintenance.

How do the skills and education of the current workforce correspond to employment opportunities in the jurisdiction?

Clackamas Community College offers degree and certificate programs in 3 locations including Wilsonville, Milwaukie and Oregon City as well as online. These training programs seem to be

addressing the needs of the workforce and employers. Degree and certificate programs include accounting, business, nursing, gerontology, construction trades, manufacturing, welding, electronic engineering, web design and welding. Clackamas Community College website: <http://www.clackamas.edu/Catalog/>

Describe any current workforce training initiatives, including those supported by Workforce Investment Boards, community colleges and other organizations. Describe how these efforts will support the jurisdiction's Consolidated Plan.

Community Solutions for Clackamas County (CSCC) provides workforce development and business productivity services to the Clackamas County community. We serve employers, as well as people seeking employment. CSCC also oversees an innovative program that assists low-income homeowners and renters in weatherizing their homes. CSCC is a Division of the Health, Housing, and Human Services (H3S) Department. Services for Businesses are a range of services to assist large and small businesses in Clackamas County in need of great employees. Employment and Workforce Training programs are intended to increase the employability and wage potential of special populations. Learn more about our programs here, and see if you may qualify for employment assistance.

See Community Solutions Website: <http://www.clackamas.us/communitysolutions/>

The Consolidated Plan has employment training identified as a high need in public services. Employment training and support for persons with disabilities and for persons living in public housing is provided by Community Solutions. In FY CDBG funds in program year 2017, 2018 and 2019 will support Employment Connections, an employment training program.

Does your jurisdiction participate in a Comprehensive Economic Development Strategy (CEDS)?

No

If so, what economic development initiatives are you undertaking that may be coordinated with the Consolidated Plan? If not, describe other local/regional plans or initiatives that impact economic growth.

Not applicable to Clackamas County. Economic Development activities were not identified as a high need during the community survey and community meetings process.

Discussion

Since Economic Development activities were not identified as a high need during the community survey and community meetings process, no specific economic development activities will be funding during the 2017-2021 Consolidated Plan cycle.

MA-50 Needs and Market Analysis Discussion

Are there areas where households with multiple housing problems are concentrated? (include a definition of "concentration")

At this time the jurisdiction has no data on concentrations of households with multiple housing problems. The jurisdiction has identified several areas of concentrations of low-income and ethnicity however. A recent article in the Oregonian newspaper on March 13, 2017, identified one neighborhood along High 224 between Milwaukie and Happy Valley (census tract 0215 block group 001) as "severely rent burdened". The article stated that 57% of renters in this neighborhood were paying more than 50% of their incomes for housing costs.

Are there any areas in the jurisdiction where racial or ethnic minorities or low-income families are concentrated? (include a definition of "concentration")

Clackamas County has 218 Census Tract Block Groups. Of those 218 block groups, ten percent (10%) have a population that is more than 56% low and moderate income. The 22 block groups (representing the 10% of all block groups in the county) with a population that is more than 56% low and moderate income households according to the Census Bureau.

Eight percent (7.7%) of Clackamas County residents identified their ethnicity (considered separate from race) as Hispanic or Latino in the 2010 census.

2010 Census data on ethnicity of County residents indicates that of the more populated cities, Canby and Molalla had the highest percentages of Hispanic/Latino residents (21% and 14% respectively). Among the cities with populations above 10,000 people, Canby, Happy Valley and Wilsonville had greater than 20% minority populations.

Clackamas County Minority Concentration Definition:

Clackamas County Housing and Community Development Division reviewed both race and ethnic information from the 2010 Census Bureau to determine minority ranking. The 22 block groups with the highest minority ranking represent 10 percent of all the block groups in Clackamas County.

A total of 37,379 persons were living in these high concentrations of minority areas.

Five (5) of the high concentration (HC) block groups are located in the North Clackamas Area. One (1) of the HC block groups is in Milwaukie and two (2) of the HC block groups is in Canby. A total of 13, 855 people live in these areas of concentrated minority and poverty.

What are the characteristics of the market in these areas/neighborhoods?

The communities of North Clackamas and Milwaukie that include the areas of high concentrations are located in urbanized areas with mostly apartment units and rental houses. The City of Canby is a small town in a rural area that has a concentration in a larger census tract of mostly rental units in the north east corner of the city.

Are there any community assets in these areas/neighborhoods?

Each community that has a high concentration of ethnicity and low income persons has community assets including public transportation systems, good schools, services and employment opportunities. The one asset that does not seem to be abundant is affordable housing.

Are there other strategic opportunities in any of these areas?

Yes, each community that has a high concentration of ethnicity and low income persons has good schools, good transportation, employment options and access to services via public transportation. Persons in Canby when interviewed regarding fair housing stated that they had moved to Canby to secure employment, good schools for their children and safe housing for their families.

Strategic Plan

SP-05 Overview

Strategic Plan Overview

The key points of this Strategic Plan:

1. There is a current housing affordability and availability crisis in the Portland metro area that includes Clackamas County.

2. Strategic Plan Priorities

1. Affordable Housing
2. Homelessness
3. Non-housing Community Development

3. Strategic Plan Goals

1. Affordable Housing
2. Housing Rehabilitation
3. Public Services
4. Homeless assistance
5. Public Facilities
6. Community Infrastructure

4. Assessment of Fair Housing Goals in Priority Order:

1. Develop new housing units with long-term affordability for a broad range of low-income households with an emphasis on dispersal of affordable housing.
2. Increase accessibility to affordable housing for persons with disabilities and single parent familial status households. (households with children under 18 yrs.).
3. Improve access to housing and services for all protected classes.
4. Enforce Fair Housing laws and Increase public understanding of Fair Housing laws.
5. Coordinate Fair Housing Advocacy and Enforcement Efforts among regional partners
6. Ensure that all housing in Clackamas County is healthy and habitable.

SP-10 Geographic Priorities – 91.215 (a)(1)

Geographic Area

Table 47 - Geographic Priority Areas

1	Area Name:	Countywide
	Area Type:	Local Target area
	Other Target Area Description:	
	HUD Approval Date:	
	% of Low/ Mod:	
	Revital Type:	Comprehensive
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	The target area is the entire county in both urban and rural areas.
	Include specific housing and commercial characteristics of this target area.	Clackamas County is considered an urban county by HUD. Most of the population lives in urban areas. Housing in the county is mostly single family residential. There are 15 incorporated cities within Clackamas County and a large un-incorporated urban area mostly in the northwest corner of the county.
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	We selected the entire county because our consultation and citizen participation process did not identify any specific target areas within the county.
Identify the needs in this target area.	The community participation process resulted in affordable housing and homeless prevention as needs throughout the county.	
What are the opportunities for improvement in this target area?	We hope to direct more funding to affordable housing developments in high opportunity areas throughout the county.	

<p>Are there barriers to improvement in this target area?</p>	<p>The barriers are the same barriers to affordable housing: lack of available land, lack of funding and in some cases community opposition to affordable housing, special needs housing or multi-family housing projects.</p>
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General Allocation Priorities

Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA)

Clackamas County Housing and Community Development Division (HCD) does not target investment areas. HCD seeks to allocate funding throughout the county in both rural and urban areas.

There are areas identified as "high concentrations" of low-income and ethnicity however these areas are not targeted for investment by the Housing and Community Development Division.

The County also contains 3 Urban Renewal Areas that have been identified by the County's Development Agency. These Renewal Areas use property tax revenues to complete infrastructure projects..

SP-25 Priority Needs - 91.215(a)(2)

Priority Needs

Table 48 – Priority Needs Summary

1	Priority Need Name	Affordable Housing
	Priority Level	High
	Population	Extremely Low Low Families with Children Individuals Families with Children Mentally Ill Chronic Substance Abuse veterans Victims of Domestic Violence Persons with Mental Disabilities Persons with Physical Disabilities
	Geographic Areas Affected	Countywide
	Associated Goals	Public Services Housing Rehabilitation Affordable Housing
	Description	HOME funds and CDBG funds will be allocated during the 2017, 2018 ad 2019 program years for TBRA Rental Assistance, production of new multi-family housing units, Rehabilitation of existing units and Acquisition of existing affordable housing units if possible.
	Basis for Relative Priority	Through the community needs assessment process conducted in October and November of 2016, respondents consistently placed affordable housing as a top priority.
	2	Priority Need Name
Priority Level		High

	Population	Extremely Low Low Families with Children Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse veterans Victims of Domestic Violence
	Geographic Areas Affected	Countywide
	Associated Goals	Homeless Assistance
	Description	The current housing crisis has caused homelessness to be recognised as a brutal problem effecting low-income persons particulrly families with children, veterans, victims of domestic violence and persons with mental illness and substance abuse issues. ESG funds will be allocated for homeless shelters and rapid-rehousing programs in the 2017, 2018 and 2019 program years.
	Basis for Relative Priority	The Housing and Community Development Division has coordinated homeless housing efforts over the last 10 years through the Continuum of Care annual funding application process. The Continuum of Care annual funding level is now over \$2 million per year for services, reporting (HMIS) and rental assistance.
3	Priority Need Name	Non-housing Community Development
	Priority Level	High
	Population	Low
	Geographic Areas Affected	Countywide
	Associated Goals	Community Infrastructure Improvements Public Facilities Improvements Public Services

<p>Description</p>	<p>Public Facilities and Public Improvements were identified as high needs by cities during the community needs assessment process.</p> <p>Public facilities needed include: Homeless facilities, domestic violence services facilities, mental health services facilities, senior centers and abuse/neglected children facilities.</p> <p>Public Improvements needed include: water/sewer improvements, street/alley improvements, curbs and sidewalks, bike and pedestrian paths and street drainage improvements.</p>
<p>Basis for Relative Priority</p>	<p>Community Infrastructure Improvements, Public Facilities and Public Improvements were identified as high needs by cities during the community needs assessment process conducted in October and November of 2016.</p>

Narrative (Optional)

Clackamas County is a large and diverse county, covering 1,879 square miles with 15 incorporated cities and towns, as well numerous unincorporated communities. The more urbanized northern section of the county contrasts sharply with the rural and frontier nature of the southern and eastern portions of the county.

The Priority Needs that have been identified are not for allocating investment of available resources among different needs.

Public Facilities: These were identified as High Needs for Clackamas County: Homeless Facilities, Domestic Violence (services) Facilities, Mental Health Facilities, Senior Centers and Abused/Neglected Children Facilities.

Public Improvements: These were identified as High Public Improvements Needs for Clackamas County: Water/Sewer Improvements, Street/Alley Improvements, Curbs and Sidewalks, Bike and Pedestrian Paths and, Drainage (street) Improvements.

Public Services: Fair Housing Activities, Homeless Services, Youth Services, Neglected/Abused Children Services, Renter/foreclosure training and Employment/Training Services were identified as High Needs.

SP-30 Influence of Market Conditions – 91.215 (b)

Influence of Market Conditions

Affordable Housing Type	Market Characteristics that will influence the use of funds available for housing type
Tenant Based Rental Assistance (TBRA)	The current housing crisis in the Portland metropolitan area is affecting low and extremely low income households that are living in older rental units. These older rental units are being sold and or renovated to increase the rental income for investors and property owners. Low income families that are forced to move when a property is sold or renovated are having difficulty locating and affording a new rental unit. HOME funds will be allocated in the 2017, 2018 and 2019 program years for this activity.
TBRA for Non-Homeless Special Needs	Although the current housing crisis in the Portland metropolitan area is affecting low and extremely low income households that are at risk of homelessness, this type of program will not likely be funded between July 1, 2017 and June 30, 2021.
New Unit Production	The current housing crisis in the Portland metropolitan area is affecting low and extremely low income households that are trying to move to a more affordable home. Clackamas County has identified a gap of over 30,000 units of affordable housing needed for low-income residents in 2016. The private housing market has responded to the housing demand by increasing production of luxury homes and apartments that are not affordable for households with low-incomes.
Rehabilitation	Low income and disabled residents who own their homes may not be able to maintain the homes or afford to repair the homes to improve accessibility or energy efficiency. The Housing and Community Development Division administers a Housing Rehabilitation Program to assist over 35 households per year.
Acquisition, including preservation	The current housing crisis in the Portland metropolitan area is affecting low and extremely low income households that are living in older rental units and affordable housing projects. These older rental units are being sold and or renovated to increase the rental income for investors and property owners. Six properties with Section 8 assistance have been identified as potentially being lost to low income residents when the Section 8 contract expires sometime between July 1, 2017 and June 30 2022.

Table 49 – Influence of Market Conditions

SP-35 Anticipated Resources - 91.215(a)(4), 91.220(c)(1,2)

Introduction

Clackamas County Housing and Community Development Division works closely with the Housing Authority of Clackamas County, the County Behavioral Health Program, the Continuum of Care, non-profit agencies and the local County Social Service agencies to secure and administer many sources of funding for services, programs and rent assistance to benefit low-income residents of Clackamas County.

These expected resources are estimates based on historical funding trends, amounts to be matched and leveraged.

HOME Project-Related Soft Costs

When HOME funds are allocated to an affordable housing project (as opposed to TBRA or CHDO operating), Clackamas County will have the option of charging reasonable and necessary staff and overhead support to the project as project-related soft costs. These may include:

- Processing of applications for HOME funds
- Appraisals required by HOME regulations
- Preparation of work write-ups, specifications, and cost estimates or review of these items if an owner has had them independently prepared
- Project underwriting
- Construction inspections and oversight
- Project documentation preparation
- Costs associated with a project-specific environmental review
- Relocation and associated costs
- Costs to provide information services such as affirmative marketing and fair housing information to prospective tenants
- Staff and overhead costs related any of the above actions

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	1,817,859	100,000	0	1,917,859	6,406,826	The FY 2017 program year is the beginning of the 5-year Consolidated Plan. The expected amount available is based on the assumption that funds will be cut by 5% each year.
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	712,517	200,000	0	912,517	2,511,178	The FY 2017 program year is the beginning of the 5-year Consolidated Plan. The expected amount available is based on the assumption that funds will be cut by 5% each year

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	170,959	0	0	170,959	602,526	The FY 2017 program year is the beginning of the 5-year Consolidated Plan. The expected amount available is based on the assumption that funds will be cut by 5% each year

Table 50 - Anticipated Resources

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Resources reasonably expected to be made available to supplement CDBG funds include local matching to be contributed by project sponsors. Matching contributions (cash or in-kind) equivalent in value to a minimum of 20% of the project cost are required by County policies. It is anticipated that funding available to finance community development activities from local matching sources and will total at least \$xxx,xxx. CDBG anticipates approximately \$100,000 of program income per year from the Housing Rehabilitation program loan repayments and \$25,000 of prior year funds will support annual projects.

The Continuum of Care application process will renew at least \$1,700,000 of funding annually for homeless services, programs and rent assistance for homeless individuals and families. In 2016 CoC was eligible to apply for an additional \$251,421 of funds as a bonus project. In 2016 HUD awarded the Clackamas Continuum a total of \$2,087,390 which includes additional funding due to increased Fair Market Rent (FMR) rates and additional funds for the Housing Our Heros homeless veterans and families housing assistance program.

HOME Program Income

HOME Program Income (PI) is generated from the repayment of HOME loans that the county has made to affordable housing projects. As provided for in the 2016 HOME Interim Rule, Clackamas County will retain HOME PI that is received during the program year, and allocate it to a specific project or projects in the subsequent program year. For the program year ending June 30, 2017, the county anticipates that it will retain approximately \$42,000 of HOME PI, and will allocate the PI to a HOME multi-family housing project in the upcoming program year.

ESG funds will be matched using private donations, local and state homeless prevention funds.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan: No publically owned land is available for this purpose.

Discussion

The Housing and Community Development Division will continue to partner with the Housing Authority of Clackamas County, the County Behavioral Health Program, the County Health Centers, the Continuum of Care, non-profit agencies, for profit housing developers and the local County Social Service agencies to explore new programs, services and financial resources for programs and services that benefit our low-income and special needs residents.

Anticipated Resources amounts are based on anticipated funding levels, anticipated program income, prior year funds carried forward and expected matching funds on individual community projects.

HOME Program Income

HOME Program Income (PI) is generated from the repayment of HOME loans that the county has made to affordable housing projects. As provided for in the 2016 HOME Interim Rule, Clackamas County will retain HOME PI that is received during the program year, and allocate it to a specific project or projects in the subsequent program year. For the program year ending June 30, 2017, the county anticipates that it will retain approximately \$42,000 of HOME PI, and will allocate the PI to a HOME multi-family housing project in the upcoming program year.

SP-40 Institutional Delivery Structure – 91.215(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
CLACKAMAS COUNTY	Government	Homelessness Non-homeless special needs Ownership Planning Rental neighborhood improvements public facilities public services	Jurisdiction
Housing Authority of Clackamas County	PHA	Homelessness Ownership Planning Public Housing Rental	Jurisdiction
NORTHWEST HOUSING ALTERNATIVES	Non-profit organizations	Homelessness Rental public facilities public services	Jurisdiction
CLACKAMAS WOMEN'S SERVICES	Non-profit organizations	Homelessness Rental public facilities public services	Jurisdiction
Cascade AIDS Project	Non-profit organizations	Non-homeless special needs	Region
INN HOME	Non-profit organizations	Homelessness Non-homeless special needs public facilities	Jurisdiction

**Table 51 - Institutional Delivery Structure
Assess of Strengths and Gaps in the Institutional Delivery System**

Clackamas County has a Department of Health, Housing and Human Services (H3S) that is the primary institutional delivery system for services for low-income persons and families, homeless persons and persons with disabilities. H3S provides and contracts with providers to offer a number

services including: energy assistance, veteran outreach, aging and disability services, community primary care and dental care clinics, homeless housing, public housing, behavioral health services, tenant rights training, employment training, behavioral health crisis walk-in clinic, alcohol and drug addictions counseling, homeless Continuum of Care funding and services coordination, rental assistance programs and program planning services.

Availability of services targeted to homeless persons and persons with HIV and mainstream services

Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Homelessness Prevention Services			
Counseling/Advocacy	X		
Legal Assistance	X		
Mortgage Assistance			
Rental Assistance	X		
Utilities Assistance	X		
Street Outreach Services			
Law Enforcement	X		
Mobile Clinics	X	X	
Other Street Outreach Services	X		
Supportive Services			
Alcohol & Drug Abuse	X		
Child Care	X		
Education	X	X	
Employment and Employment Training	X	X	
Healthcare	X		
HIV/AIDS			
Life Skills	X	X	
Mental Health Counseling	X	X	
Transportation	X		
Other			

Table 52 - Homeless Prevention Services Summary

Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)

Persons with HIV/AIDS are referred to the Cascade Aids Project as the provider of HIV/AIDS specific services in the region. Services targeted to homeless person are provided through the Continuum of Care providers including the Housing Authority of Clackamas County, Social Services Division and non-

profit providers including 2 providers of services to survivors of domestic violence, one provider of services to homeless youth, public school homeless youth liaisons. The Social Services Division also coordinates homeless services with several faith based agencies that provide meals, seasonal warming shelters and emergency shelter for homeless families. The Homeless Continuum of Care has designed and implemented a coordinated Housing Access system to better track the number of persons requesting homeless assistance as well as which persons were able to receive services.

Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above

The strength of the H3S service delivery system is that the county can coordinate many services to make the best use of any available funding to provide services. Since the county is the major provider there is very little un-necessary competition for limited federal and state resources. There are also few non-profit organizations that are capable of providing those services without a partnership with the county. The Continuum of Care has been able to effectively re-allocate funds to provide more rapid re-housing services and veteran housing program to respond to annual renewal application requirements. New Continuum of Care projects and funding have been awarded to provide rental assistance for homeless veterans and their families.

The gaps in services continues to be a lack of transitional and permanent supportive housing facilities to house homeless persons and their families. The lack of facilities is due to several factors including community resistance to facilities, lack of funding to build and operate facilities and lack of ongoing financial support of facilities and services for low-income, disabled and homeless persons. The current housing crisis has increased rents thereby reducing the number of persons that can be housed with the same levels of funding.

Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs

One strategy is to develop a county Strategic Housing Plan to direct limited resources to the most effective housing solutions for homeless persons, their families and affordable housing funding options.

SP-45 Goals Summary – 91.215(a)(4)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Housing	2017	2021	Affordable Housing	Countywide	Affordable Housing	CDBG: \$0 HOME: \$2,500,000 ESG: \$0	Rental units constructed: 300 Household Housing Unit Rental units rehabilitated: 100 Household Housing Unit Direct Financial Assistance to Homebuyers: 25 Households Assisted Tenant-based rental assistance / Rapid Rehousing: 100 Households Assisted
2	Housing Rehabilitation	2017	2021	Affordable Housing	Countywide	Affordable Housing	CDBG: \$1,500,000 HOME: \$0 ESG: \$0	Rental units rehabilitated: 30 Household Housing Unit Homeowner Housing Rehabilitated: 120 Household Housing Unit
3	Public Services	2017	2021	Non-Homeless Special Needs	Countywide	Affordable Housing Non-housing Community Development	CDBG: \$1,000,000 HOME: \$0 ESG: \$0	Public service activities other than Low/Moderate Income Housing Benefit: 10000 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
4	Homeless Assistance	2017	2021	Homeless	Countywide	Homelessness	CDBG: \$0 HOME: \$0 ESG: \$750,000	Tenant-based rental assistance / Rapid Rehousing: 150 Households Assisted Homeless Person Overnight Shelter: 4000 Persons Assisted
5	Public Facilities Improvements	2017	2021	Non-Housing Community Development	Countywide	Non-housing Community Development	CDBG: \$2,000,000 HOME: \$0 ESG: \$0	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 7500 Persons Assisted
6	Community Infrastructure Improvements	2017	2021	Non-Housing Community Development	Countywide	Non-housing Community Development	CDBG: \$3,000,000 HOME: \$0 ESG: \$0	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 10000 Persons Assisted

Table 53 – Goals Summary

Goal Descriptions

1	Goal Name	Affordable Housing
	Goal Description	<p>HOME funds will assist in the development of new affordable housing units, preservation of existing affordable housing and Tenant Base Rental Assistance. HOME funds allocated to Clackamas County have been reduced each year due to federal budget cuts. These goal estimates are based on the assumption that HOME funds will not be reduced any further.</p> <p>An estimated 300 new units (60 per year) of affordable housing will be assisted with HOME funds between July 1, 2017 and June 30, 2022.</p> <p>An estimated 100 units of affordable housing (20 per year) will be preserved with HOME funds between July 1, 2017 and June 30, 2022.</p> <p>An estimated 100 households (20 per year) will be assisted with Tenannt Base Rental Assistance HOME funds between July 1, 2017 and June 30, 2022.</p> <p>An estimate 25 households (5 per year) will recieve down payment assistance to purchase homes.</p>
2	Goal Name	Housing Rehabilitation
	Goal Description	<p>New affordable housing and maintaining affordable housing were both identified as high priorities during th ecommunity needs assessment process in September and october of 2016.</p> <p>The Housing Rehabilitation Program assists low-income homeowners and low-income renters with grants and low cost loans to improve accessiblity to their homes, reduce energy consumption and maintain long term affordability of their homes.</p> <p>An estimated 150 households (30 per year) will benefit from housing rehabilitation services between July 1, 2017 and June 30, 2022.</p>

3	Goal Name	Public Services
	Goal Description	<p>A community survey of cities and the general public was conducted in September and October of 2016. Public Services Needs were identified through community surveys, public housing resident surveys and public meetings with community groups. Fair Housing Activities, Homeless Services, Youth Services, Neglected/Abused Children Services, Renter/foreclosure training and Employment/Training Services were identified as High Needs.</p> <p>An estimated 10,000 persons (2,000 per year) will benefit from public services between July 1, 2017 and June 30, 2022.</p>
4	Goal Name	Homeless Assistance
	Goal Description	<p>Homeless assistance is provided through Emergency Solutions Grants and Continuum of Care funding and services. The estimated goals are based on the assumption that annual funding will remain at current year levels.</p> <p>An estimated 1750 homeless low income households (350 households/875 persons per year) will be assisted with emergency shelter, transitional housing or rapid re-housing to stabilize their households to secure additional resources, permanent housing or permanent supportive housing between July 1, 2017 and June 30, 2022.</p>
5	Goal Name	Public Facilities Improvements
	Goal Description	<p>A community survey of cities and the general public was conducted in September and October of 2016. Public Facilities Needs were identified through community surveys, public housing resident surveys, and public meetings with community groups. These were identified as High Needs for Clackamas County: Homeless Facilities, Domestic Violence (services) Facilities, Mental Health Facilities, Senior Centers and Abused/Neglected Children Facilities.</p> <p>An estimated 7500 persons (1500 per year) will benefit from public facilities improvements between July 1, 2017 to June 30, 2022 (5 program years).</p>

6	Goal Name	Community Infrastructure Improvements
	Goal Description	<p>A community survey of cities and the general public was conducted in September and October of 2016. Public Improvement Needs were identified through community surveys, public housing resident surveys, surveys of city planning staff and public meetings with community groups.</p> <p>These were identified as High Public Improvements Needs for Clackamas County: Water/Sewer Improvements, Street/Alley Improvements, Curbs and Sidewalks, Bike and Pedestrian Paths and, Drainage (street) Improvements.</p> <p>An estimated 10000 persons (2000 per year) will benefit from public facilities improvements between July 1, 2017 to June 30, 2022 (5 program years).</p>

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)

HOME funds will assist in the development of new affordable housing units, preservation of existing affordable housing and Tenant Base Rental Assistance. HOME funds allocated to Clackamas County have been reduced each year due to federal budget cuts. These goal estimates are based on the assumption that HOME funds will not be reduced any further.

525 households will be provided with affordable housing between July 1, 2017 and June 30, 2022. See Affordable Housing Goal.

SP-50 Public Housing Accessibility and Involvement – 91.215(c)

Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary Compliance Agreement)

There is no need to increase the number of accessible units at the Housing Authority of Clackamas County public housing units. There is no Section 504 Voluntary Compliance Agreement.

Activities to Increase Resident Involvements

HACC encourages Public Housing residents to engage in management through a Resident Advisory Board (RAB). RAB membership is comprised of public housing and Section 8 Housing Choice Voucher (HCV) leaders that represent residents served by HACC. The RAB convenes not fewer than two times per year to develop, approve, review and evaluate HACC's Annual Plan. The RAB is also consulted for input and approval of any significant amendment or modification to the Annual Plan. A member of the RAB has a permanent seat on the County's Housing Advisory Board.

Is the public housing agency designated as troubled under 24 CFR part 902?

No

Plan to remove the 'troubled' designation

Not Applicable to Clackamas County.

SP-55 Barriers to affordable housing – 91.215(h)

Barriers to Affordable Housing

The majority of resident feedback during Assessment of Fair Housing community meetings was that most people liked where they lived, however, many people including persons with disabilities felt that it was very difficult to find another affordable unit should they want to move. Current state law provides a mechanism to ensure that a certain percentage of new development is reserved for low-income tenants (known as “inclusionary housing” or “inclusionary zoning”). Clackamas will be evaluating the feasibility and the various options for implementing inclusionary zoning within the county.

The Low Income Housing Tax Credit (LIHTC) market has come to a screeching halt due to potential tax policy changes at the federal level. Clackamas County relies on the State of Oregon LIHTC Program which recently provided this guidance to all proposed affordable housing projects: State of Oregon OHCS decision....letter dated 2/10/2017...

“anticipated federal corporate tax reform has negatively impacted the LIHTC equity market creating real-time consequences for the 33 multifamily affordable housing projects in the OHCS "pipeline". These projects have received funding reservations based on tax credit pricing that is no longer available. Among projects facing probable gaps are a large number of 4% LIHTC projects, as well as the 9% LIHTC projects that the Housing Stability Council approved in November 2016.”

“Do not issue a 2017 LIHTC and HOME NOFA and instead fund additional 2016 applications, reserving some credits for gaps in 9% LIHTC pipeline projects and use flexible gap funding resources to help fill funding gaps on as many pipeline projects as possible”

Zoning Issues: Multi-family housing developments are typically restricted to areas that are zoned as high or medium density residential in each community and throughout the jurisdiction. Communities have many requirements for multifamily housing including: amenities such as onsite parking, fire access, buildings that “match” the character of the neighborhood and traffic impact studies, etc. All these requirements of multifamily housing projects increase the initial cost and result in affordable housing that is expensive to build and maintain. The State of Oregon has a land use plan (Goal 10) that requires all communities to allocate land for multifamily developments however some communities are more compliant than others. State and regional housing advocates are beginning to challenge communities to meet the Goal 10 requirements to provide land for multi-family housing developments. In 2015 Housing Land Advocates joined the Coalition for Affordable and Safe Housing to repeal Oregon’s ban on inclusionary zoning, and allow Oregon communities access to this important tool for creating affordable housing in areas of opportunity. The ban was lifted in 2016 with the passage of HB1533 which became effective June 2, 2016.

Strategy to Remove or Ameliorate the Barriers to Affordable Housing

Clackamas County has formed a Housing Advisory Board to provide affordable housing policy guidance to the Housing Authority and the Board of County Commissioners. The Housing Advisory Board (HAB) is an eight member body that convenes once each month to discuss topics and issues pertaining to the development, preservation and promotion of affordable housing of all types in Clackamas County. Currently, the HAB has been working on developing an Affordable Housing Toolkit that may help mitigate some of the impediments to affordable housing development. The toolkit will describe available policies and resources that the county may utilize to address the growing need for affordable housing in the County. Tools that promote both new development and preservation of affordable housing are being considered.

SP-60 Homelessness Strategy – 91.215(d)

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Households with dependent children: Locally funded HomeBase (RRH and homelessness prevention) expanded last year, reaching 459 people & plans to increase capacity next year. The locally funded Bridges to Housing Program stabilizes housing for high need homeless families serving 38 families & 63 children last year. Through the Rent Well-RRH project 25 families from the streets/emergency shelter will be assisted. Clackamas Womens Services and a network of churches and faith-based organizations in North Clackamas are working to address family homelessness in their community.

Survivors/Victims of domestic violence: The CoC includes a TH and a PSH project focused on domestic violence survivors and their families. This provider operates an ESG funded DV emergency shelter which recently doubled its beds, a homelessness prevention program, Beyond Shelter, and the newly opened Family Justice Center. The projects involve a wide range of on-site services from over 12 public safety and services agencies, funded by more than 24 public and private entities. Victims in Clackamas County can now access an advocate, plan for their safety, talk to a police officer, meet with a prosecutor, receive medical assistance, file a protective order in a video court, receive information on shelter and get help with transportation—all in one location on a drop-in basis.

Unaccompanied youth: Springwater is a CoC TH for youth 16- 21 funded with CoC, ESG, local government & private funds. HomeSafe is a CoC TH for pregnant and parenting youth 6 – 21 funded with CoC, local and state grants. Host Homes is funded with local, state and private grants. The program is for 16- 18 year olds attending school houses up to six unaccompanied youth with families. The Outside In program funded with local government grants links with school Homeless Liaisons to provide health services to unaccompanied youth 16-17 in the school & community.

Persons who routinely sleep on the streets or in other places not meant for human habitation:

Clackamas County has a range of services for persons sleeping on the streets or in other places not meant for human habitation. Two major service centers (Clackamas Services Center and Father’s Heart) provide hot meals, clothing, medical services, and severe weather shelter, and are close to where many unsheltered homeless reside. Several smaller agencies also provide basic needs and outreach to homeless on the streets and places not meant for habitation.

Compassion events, similar to Project Homeless Connect, are held throughout the year to provide a “one stop” for basic services, such as food, clothing, medical care, veterans’ services and housing options. A new severe weather winter shelter opened in 2013 in a rural area with a significant homeless camping population.

Homelessness among veterans: Housing Authority of Clackamas County has housed 25 homeless veterans using VASH vouchers. The Veterans Services Office conducts veteran outreach with free medical screenings, warm clothing, information on compensation and other veterans’ benefits,

employment, housing, counseling and other services. Clackamas County is part of a new SSVF grant and is providing office space and supplemental rental assistance using state funds for a nonprofit provider of outreach, homeless placement and homeless prevention for veterans. This grant has streamlined access to the regional Grant Per Diem program for vets who are working on permanent housing placement either through VASH, SSVF or other programs.

Addressing the emergency and transitional housing needs of homeless persons

The activities to address emergency shelter needs within the County will be funded through the Emergency Solutions Grants (ESG) program. Primary emphasis will continue to be on payment of emergency shelter operations expenses including utilities, maintenance, insurance, and staff salary costs. The purpose of emphasizing payment of operations expenses is to provide some predictability and stability to the operation of the shelters by assuring that their most basic expenses are met. This assures the continued operation of the facilities in times of scarce and fluctuating resources, and it compliments specific fundraising efforts for special projects.

Northwest Housing Alternatives' Annie Ross House and Clackamas Women's Services' Evergreen House, provide emergency shelter to homeless families with children and survivors of domestic violence, respectively. Independent living services are provided through The Inn's Springwater program, which targets assistance to the homeless youth population. Los Ninos Cuenten's Casa Hogar provides emergency shelter services to Hispanic/Latino homeless families and individuals who have survived domestic violence. Case management at each program improves vocational and coping skills to make the transition from homelessness to independent living. Continuum of Care funds Also provide 49 beds of transitional housing for homeless households, including families, singles, and youth.

Clackamas County's Coordinated Housing Access system provides a one-stop option for homeless individuals and families to be assessed and matched with all homeless programs in the County for which they are eligible.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

Chronically homeless individuals and families: The Continuum of Care increased the number of beds for chronically homeless persons in Clackamas County in 2014 by leveraging Housing Authority Housing

Choice Vouchers, converting Permanent Supportive Housing (PSH) beds to chronically homeless beds, reaching out to PSH providers to prioritize beds for chronically homeless persons and using Medicaid to provide enhanced services for chronically homeless persons in PSH beds.

Families with children: The CoC increased capacity and worked on outreach goals to end homelessness among households with dependent children. The HomeBase program utilized multiple funding sources to expand and become the largest RRH and homelessness prevention program in the County. Through the reallocated Rent Well RRH project, the CoC will be able to stabilize housing for 15 families from the streets/emergency shelter. The locally-funded Bridges to Housing (B2H) Program stabilizes housing for high-need homeless families and assisted 136 persons last year. Outreach plan includes referrals from different geographic parts of the county. An outreach strategy adopted by the HPC educates landlords on housing choice vouchers.

B2H serves high-needs homeless families with children, with a capacity of 30 families at a time. These homeless families have multiple complex needs which often include but are not limited to housing barriers, domestic violence, addictions, mental health issues and disabling conditions. B2H families receive longer term housing subsidies and intensive services designed to support their income self-sufficiency and permanent housing stability as well as the children's and adult's educational success.

Veterans and their families: Housing Authority of Clackamas County has housed 45 homeless veterans using VASH vouchers. The Veterans Services Office coordinates with Social Services to conduct veteran outreach with free medical screenings, warm clothing, information on compensation and other veterans' benefits, employment, housing, counseling and other services. Clackamas County is part of an SSVF grant and provides office space for a nonprofit provider of outreach, homeless placement and homeless prevention for veteran families. This grant has streamlined access to the regional Grant Per Diem program for vets who are working on permanent housing placement either through VASH, SSVF or other programs.

Unaccompanied youth: Springwater Transitional Housing for youth 18-23 is funded with CoC, ESG, local government, and private funds. Case management, vocational education services, physical and mental health support, supervision and shelter are provided to youth.

HomeSafe Transitional Housing for pregnant and parenting youth 16 – 21 is funded with CoC, local and state grants. Youth have access to rent assistance in scattered apts., case management, referral and linkages to mainstream services.

Independent Living Plans (ILPs) are funded with state and local govt. funds for independent living services to youth transitioning from foster care. Case management is provided for youth discharged from Child Welfare at 18 or 19 years old without permanent housing. Case managers refer and link ex-foster youth to programs and services.

Help low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are likely to become homeless after being discharged from a publicly funded institution or system of care, or who are receiving assistance from public and private agencies that address housing, health, social services, employment, education or youth needs

These discharge plans have been confirmed through the Continuum of Care application and planning process.

Foster Care: The Oregon Department of Human Services (DHS), dictates the Foster Care Discharge Policy in which the County actively participates. DHS refers willing children to a Continuum of Care provider for a Life Skills/Transition Readiness Assessment. This results in: 1. Identification of resources and linkages needed to assist the child in transitioning to independent living, including life skills training, housing subsidies, college tuition, and health insurance and 2. Preparation of an individualized Comprehensive Transition Plan which must be approved by a Family Court Judge every 6 months until the child is successfully transitioned to independent living.

Youth can access Chafee rental subsidies to help them secure an apartment. They can secure tuition-free access to a state college along with Chafee grants to assist with room and board. Youth with developmental disabilities and/or mental illness exiting the foster care system continue to receive an array of services including options such as adult foster care and supported housing that are based on unique client needs. Each option is designed to ensure that youth exiting the foster care system are not routinely discharged into homelessness.

Health Care: The discharge planning for low-income and disabled people has historically resided with the State through the Medicaid program. With the advent of the Affordable Care Act (ACA) and the expansion of Oregon's Medicaid program, discharge planning is shifting to local control. All Medicaid providers are joined in Coordinated Care Organizations (CCOs) covering specific geographic areas. The CCOs integrate physical, mental and dental health services. The ACA Medicaid expansion has been structured to align the financial incentives with clinical outcomes/housing status of patients. This has begun to persuade hospital systems and health care providers to plan and act outside their silo, to begin discussions with CoCs about effective liaison and resource sharing.

Mental Health: The Discharge Policy in place for persons being discharged from a mental health facility is ensured by Clackamas County Behavioral Health Department (CCBH). As part of Health Share, the area's Medicaid Coordinated Care Organization, CCBH has both financial and clinical incentives to ensure that no county residents are discharged from a psychiatric hospital without housing and services. In addition, Oregon is under an U. S. Dept. of Justice 4 year plan to provide better community outcomes for people with mental illness. Specific mandates are subcontracted by the State to CCBH. The local Discharge Policy, which is monitored and enforced by the State, requires all adults leaving a psychiatric hospital be housed consistent with their level of care needs and personal wishes.

Corrections: The purposeful effort to structure successful community re-entry for inmates is a local mandate spearheaded by the Clackamas County Sheriff's Office (CCSO) which participates on the CoC governing board. Because community safety is its #1 priority, CCSO promotes post-discharge services with housing to reduce recidivism. Likewise, the Clackamas County Behavioral Health (CCBH) is a provider in the local Medicaid program, Health Share. CCBH understands that successful re-entry will reduce incidence and cost of ER visits and hospitalization.

SP-65 Lead based paint Hazards – 91.215(i)

Actions to address LBP hazards and increase access to housing without LBP hazards

These actions are coordinated through the Housing Rehabilitation Program.

Clackamas County contracts with a professional firm to provide lead hazard evaluation services at no cost to the owners and buyers participating in its housing rehabilitation and homebuyer programs. When such hazards are discovered, they are addressed in a manner consistent with procedures approved by HUD, the State Health Division and the Department of Environmental Quality. However, the County does not anticipate using HOME funds for its housing rehabilitation and homebuyer programs in the next year. The HOME-funded project will be new construction and will not involve lead-paint hazards.

How are the actions listed above related to the extent of lead poisoning and hazards?

The extent of the lead poisoning and hazards will not have any affect on the plan of action. The county's Housing Rehabilitation program will continue to test homes that are identified as having a high probability of containing lead hazards. The Housing Rehabilitation Program is more likely to provide services to older homes than newer homes with no lead hazards.

How are the actions listed above integrated into housing policies and procedures?

The actions listed above are included in the Housing Rehabilitation program manual. The Housing Authority of Clackamas County also has a lead-based paint policy which is part of all public housing Housing Quality Standards (HQS) inspections and Section Choice Voucher program rental unit inspections.

The Housing Rehabilitation Program has an internal *lead-based paint hazards specialist* that participates in a number of activities aimed at educating the public and addressing lead based paint hazards. Activities of the lead paint hazard reduction specialist may include:

- Participating in the Oregon Childhood Lead Poisoning Elimination Plan.
- Promoting “Lead Safe Work Practices” training for contractors.
- Educating homeowners in lead-based paint hazards.
- Offering lead hazard evaluations of properties for applicants of the Clackamas County Housing Rehabilitation Program.
- Offering lead hazard reduction through our partnership with the regional Portland Lead Hazard Control Program Grant.
- Offering blood lead testing through the Portland Lead Hazard Control Program.

SP-70 Anti-Poverty Strategy – 91.215(j)

Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families

The Housing and Community Development Division (HCD) coordinates efforts with the Social Services Division (SSD) to reduce the number of households below the poverty line. SSDs activities include:

- Participation in and staffing of the Continuum of Care in Clackamas County as well as the Continuum of Care Steering Committee (Governing Board) and the Homeless Policy Council.

- Coordination and maintenance of liaison relationships with McKinney Vento funded homeless liaisons that support the educational success of homeless children. These include each of the School Districts in the county, all Clackamas Educational Service District offices, and the State of Oregon Department of Higher Education.

- Contracting with a community based organization for a Homeless Student Success Project that enhances the capacity of the homeless liaison at the highest poverty school district in Clackamas County.

- Participation as one of the four lead agencies on the regional steering committee for the Rent Well tenant education program.

- Participation in the operations of the Janssen Transitional Housing Project (JTHP). SSD currently provides case management for the families living at Janssen. This HUD funded project, sponsored by the Housing Authority of Clackamas County, has been in operation for more than 20 years. JTHP provides seven (7) transitional housing units, intensive and comprehensive case management, flexible assistance to support residents increasing their income and housing stability, and other supportive services for homeless families with children.

- Maintain the Housing Rights and Resources Program which responds to the general public regarding emergency housing, housing discrimination, landlord-tenant concerns, low-cost housing, rent assistance and a variety of other housing-related issues.

- Maintain a contractual relationship with Legal Aid Services of Oregon and the Fair Housing Council of Oregon to support the delivery of Fair Housing services to Clackamas County residents. This contractual relationship hastens service delivery for people experiencing potential discrimination and/or fair housing violations.

How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan

Clackamas County Housing and Community Development Division (HCD) works in conjunction with the Housing Authority of Clackamas County, the Social Services Division, the Behavioral Health Division, Community Health Centers and community non-profit housing providers and private non-profit social services providers to address obstacles to meeting underserved needs, foster and maintain affordable housing, develop institutional structure, encourage public housing residents to become more involved in management and encourage public housing residents to attain home ownership.

In 2017 through 2019 HCD plans to fund several affordable housing projects, an employment training program, a fair housing rights and information program, homeless prevention and rapid rehousing services, and a youth mentoring program for youth in public housing.

The overall number of people living below the poverty line is slightly higher in 2016 than it was in the 2010 census, as is the number of people aged 60 and older living in poverty, which has increased from 4,139 to 5,603. This means that 6.6 percent of the people 60 and older in Clackamas County live below the poverty level.

The number of people with a disability has declined since the last Area Plan in all age groups except for those aged 65 and older, which increased from 18,717 to 19,692.

SP-80 Monitoring – 91.230

Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The following standards and procedures will assure long-term compliance with federal program requirements:

1. Citizen participation mailing list is maintained to encourage involvement of citizen participation in public meetings and community surveys for the Consolidated Planning process.
2. Project proposals are evaluated to ensure compliance with a National Objective before award. Project Agreements reference 24 CFR 570.505 specifying requirements for maintaining eligible use for the life of the project.
3. Agreements for public facilities in excess of \$25,000 include a provision for continued service primarily to low and moderate persons until 5 years after closeout of the Community Development Block Grant.
4. Solicitations for contractors indicate the County's intent to promote Equal Employment opportunities in all program activities. Contractors for all construction work exceeding \$10,000 must submit documentation of equal employment opportunities afforded to subcontractors.
5. Construction contracts are awarded and managed directly by Clackamas County to assure HUD Labor Standards compliance.
6. A Fair Housing Information & Referral program is funded to promote equal housing opportunity and to process housing opportunities and complaints regarding housing discrimination.
7. All project budgets, transactions, reimbursements through HUD's IDIS and project status are recorded in a project tracking data base.

HCD staff monitor HOME-assisted Rental Housing to ensure that owners are managing projects in compliance with the HOME regulations. Monitoring activities include both desk and on-site monitoring specifically: 1. Affordable rental housing requirements at 24 CFR 92.252, 92.253, 92.351; 2. Specific provisions of the HOME rental project agreement; and, 3. Inspection and record-keeping requirements at 24 CFR 92.504 and 92.508.

During on-site inspections at least 25 percent of HOME-assisted rental units are inspected. Checklists used include: 1. Facility must be maintained in compliance with the property standards at 24 CFR 92.251. An inspection form is used for this purpose. 2. Policies and procedures must comply with the HOME regulations and the provisions of the HOME Rental Housing Agreement; and 3. Tenant files

including leases, tenant incomes, rents and utility allowances must be current, complete, accurate and in compliance with the HOME regulations.

Frequency of on-site inspections of HOME-assisted rental housing projects is not less than; every 3 years for projects of one to four units, every 2 years for projects with five to 25 units, and annually for projects with 26 or more units.

Homebuyer monitoring ensures beneficiaries of direct homebuyer assistance continue to occupy the home as their primary residence as required by 24CFR 92.254.

ESG Sub-recipient agreements include: an annual budget, including proposed match; an annual audit; certification of homeless or formerly homeless person(s) participation in policymaking; and retention of non-financial records for 4 years.

Sub-recipient monitoring has 3 stages: Stage 1 involves monthly review of invoices to ensure expenditures do not exceed funding cap limitations, and that each invoice is billed to the correct eligibility category, Stage 2 involves quarterly review of performance outputs and, Stage 3 involves on-site monitoring. Monitoring is conducted on a 3-year cycle with one sub-recipient reviewed each year.

Attachments

Citizen Participation Comments

Clackamas County Community Development Public Meeting Summary

6:00p.m. Wednesday, October 26, 2016
150 Beavercreek Road, Rm 118
Oregon City, Oregon

In Attendance:

Brianna Williamson, Clackamas County Social Services Division
Erika Silver, Clackamas County Social Services Division
Emily Reiman, NEDCO (Neighborhood Economic Development Corporation)
Amy Hamilton, NEDCO (Neighborhood Economic Development Corporation)
Shelly Mcad, Bridges to Change
Martha McLennan, Northwest Housing Alternatives (NHA)
Kevin Ko, Housing and Community Development (HCD) Manager
Mark Sirois, Project Coordinator, Community Development Program

Kevin Ko, Community Development Division, opened the meeting at 6:00p.m. by thanking everyone for attending. Kevin explained that the public meeting was a chance for community members to learn about the Community Development Program and the funding that HUD provides. The meeting also provides an opportunity to get information from citizens on the specific community needs and discuss any proposal ideas for housing and community development projects in the County.

Mark Sirois continued by discussing the anticipated federal funding levels of approximately \$1.2 million dollars for projects in each coming year. Mark explained that this next 3-year funding cycle will be using an online application system. Mark handed out a Helpful Hints document and a ZoomGrants document to provide guidance on completing a CDBG or ESG project application using the online application. The application process will open on November 9 and close on December 21, 2016 for projects beginning July 1, 2017. Applicants should be awarded funds sometime in late February or early March 2017 after review and approval by the CDBG Program Policy Advisory Board. HCD will get notification from HUD in April about the actual allocations from HUD.

Mark opened the floor for people to introduce themselves and discuss the needs they see in the community and their particular project ideas.

Public Comments:

Brianna Williamson provided a description of the Housing Rights and Resources program that is funded by CDBG. Brianna stated that the program helps residents avoid being evicted. Last year the program process over 2500 called from people seeking help with housing problems. The program is unique in that program staff help people describe the specifics of their particular housing issues as well as properly screen persons before referring them to legal Aid Services of Oregon if needed. The Housing Rights and

Resources program also helps landlords get accurate information regarding their rights as landlords in addressing any concerns about difficult tenants.

Erika Silver added that this service is much needed in Clackamas County to prevent people from becoming homeless and to help the County maintain good relationships with landlords.

Martha McLemman, executive director of NHA, thanked Clackamas County for supporting the Annie Ross House and the HomeBase housing stabilization and homeless prevention program. The NHA campus in Milwaukie, Oregon is preparing for re-building the Annie Ross Shelter and other buildings to increase the number of housing units at the site. NHA is working with SIN network to provide additional shelter services if needed while Annie Ross Housing is being re-constructed. NHA has secured a site on Pleasant Street and will be applying for funding to build up to 20 units of homeless veterans family housing.

Shelly Mead with Bridges to Change (B2C) explained that they provide transitional housing for persons exiting correctional facilities. B2C housing has services for homeless persons, persons who need alcohol and drug additions counseling and housing for sex offenders. B2C will be looking for additional funding for permanent affordable housing for persons leaving transitional housing services.

Emily and Amy with NEDCO explained that they were at the meeting to learn more about the Clackamas County funding and application process. NEDCO has provided foreclosure counseling, business incubation for food and beverage entrepreneurs, home ownership assistance as well as apartment deposit assistance for families with Section 8 vouchers. NEDCO is exploring options to assist youth who are aging out of foster care and into independent living. NEDCO would like to develop cottage housing to provide first time home owner options.

Mark thanked everyone for attending the meeting and providing information about needs in the county. Mark asked everyone to make sure they had signed in so that they could be added to the Citizen Participation list. The public meeting concluded at 7:15p.m.

**Clackamas County Community Development
Public Meeting Summary**

**6:00p.m. Tuesday, November 15, 2016
150 Beaver Creek Road, Rm 115
Oregon City, Oregon**

In Attendance:

Lori Mack, Community Solutions
Jim Whynot, Public Works Director, City of Gladstone
Mellani Calvin, Assist program
Katie Ullrich, Proud Ground
Tina Kennedy, Fort Kennedy
Mark Sirois, Project Coordinator, Community Development Program

Mark Sirois, Community Development Division, opened the meeting at 6:00p.m. by thanking everyone for attending. Mark explained that the public meeting was a chance for community members to learn about the Community Development Program and the funding that HUD provides. The meeting also provides an opportunity to get information from citizens on the specific community needs and discuss any proposal ideas for housing and community development projects in the County.

Mark Sirois continued by discussing the anticipated federal funding levels of approximately \$1.2 million dollars for projects in each coming year. Mark explained that this next 3-year funding cycle will be using an online application system. Mark handed out a Helpful Hints document and a ZoomGrants document to provide guidance on completing a CDBG or ESG project application using the online application. The application process opened on November 9 and will close on December 21, 2016. Funding will be awarded for 3 years of projects which is the first of 2 application funding cycles to complete a 5 year Consolidated Plan. Applicants should be awarded funds sometime in late February or early March 2017 after review and approval by the CDBG Program Policy Advisory Board. HCD will get notification from HUD in April about the actual allocations from HUD.

Mark opened the floor for people to introduce themselves and discuss the needs in the community and their particular project ideas.

Public Comments:

Lori Mack talked about the need for working with individuals living in poverty and providing job readiness training, intensive employment and career case management, access to employment skill building, customized job placement, and job retention. The Community Solutions employment program target populations are: residents of HACC, individuals served through Clackamas Women's Services, individuals successfully managing a mental illness, referrals

from the Oregon Youth Authority, Clackamas County Social Services, and the long term unemployed.

Katie Ullrich discussed Proud Ground's various programs including a home ownership program for low income families. Proud Ground maintains ownership of the land only. Families purchase the house, gain equity and may sell the house to another low income family.

Mellani Calvin, asked about possible funding for the Assist Program to help individuals with disabilities apply for social security benefits. The program would include home visits in Clackamas County to meet with individuals and families to complete the application process.

Jim Whynot with the City of Gladstone confirmed that he was working with his engineer to review potential street improvement projects and that the city would be submitting an application for CDBG funding.

Tina Kennedy asked about the funding for services for veterans in emergency and transitional housing. Funding can cover a 3 year period. Tina's group is working with the County Social Services Division to provide housing to homeless veterans.

Mark thanked everyone for attending the meeting and providing information about needs in the county. Mark asked everyone to make sure they had signed in so that they could be added to the Citizen Participation list. The public meeting concluded at 7:15p.m.

PUBLIC HEARING MEETING SUMMARY

Board of County Commissioners

Public Services Building, Hearings Room - 4th Floor, Room 409

2051 Kaen Road, Oregon City, Oregon

Thursday, April 6, 2017

Commissioner Martha Schrader opened the public hearing at 10:56 a.m. Chuck Robbins, Housing and Community Development (HCD) Division Director, introduced himself to the Board of County Commissioners and the audience. Chuck explained the purpose of the meeting was to get public comments on the community development program, the Consolidated Plan and the annual 2017 Action Plan. Chuck stated that the Consolidated Plan and the Action Plan were currently out for a 30-day public comment period ending on April 17. The plan would come back to the Board of County Commissioners for final approval after HUD announced the final funding allocations for FY 2017.

Chuck informed the Board that the 2017 Action Plan is the first year of the 5-year Consolidated Plan for program years 2017 to 2021. The Action Plan is an annual application for funding from the U.S. Housing and Urban Development (HUD). The amount of CDBG, HOME and ESG funds coming to the County is based on population, poverty and the agreements that the County has with each city in the County. At this time HUD is expecting a 5% cut however the federal budget approval process is unclear as to the amounts of funding for CDBG and HOME. The HOME grant has been reduced by over 50% in the last 10 years.

Chuck highlighted a few 2016 accomplishments including the recently completed Town Center Courtyard affordable housing project funded with HOME funds and private funds. Some 2017 projects will include a veteran housing project in Oregon City and a waterline improvement project in rural Colton. HCD continues to work with the board, the Housing Authority and others to complete affordable housing projects such as the PFDCOR Rosewood Terrace project in Clackamas.

The public hearing was then opened for public comment.

Ycsika Arevalo, Outreach Coordinator for Proud Ground, provided written testimony and asked that the board prioritize home ownership opportunities for low income residents. The current housing crisis is directly impacting low-income residents who want to buy a home and is preventing them from home ownership. Proud Ground home ownership programs provide a permanent investment in the community.

Jane Turville with Ecumenical Ministries of Oregon stated that their proposal for HomeShare had not been awarded funds for the program in Clackamas County. Jane

wanted to attend the meeting to give the board information about HomeShare services. The primary goal of HomeShare is to connect low-income individuals seeking housing with cost burdened home providers to create sustainable rental matches. The program's peripheral benefits include establishing meaningful relationships among individuals that might not otherwise meet and maintaining strong neighborhoods and a sense of community for program participants. Program participants are provided with a week of training and participants are allowed to self-match between owners and renters.

Martha McLennan of Northwest Housing Alternatives (NHA), thanked the board for their continuing support of affordable housing projects. Martha reminded the board that 35 years ago the first 2 projects that were supported by the board became Northwest Housing Alternatives. NHA has completed 550 affordable housing units to date and is currently re-developing an office and housing campus in Milwaukie. Martha thanked the board for approving funds for the 2017 veteran housing project. Martha responded to board member questions about 2 affordable housing projects in Lake Oswego. 1 of the projects was a new project and the other was a preservation project involving a purchase and remodel of an existing housing project.

Angela Trimble of Northwest Housing Alternatives thanked the board for funding to support homeless persons in Clackamas County. The Annie Ross House and the HomeBase program have provided services for 678 persons in 235 households in the last calendar year which is an increase of 15% since the previous year. The HomeBase program provides up to 24 months of assistance to families stabilize and move back to permanent housing. As the Annie Ross House is re-constructed on the NHA campus, HomeBase staff will conduct outreach to homeless persons in the community.

Amy Hamilton, the asset building coordinator with NEDCO, explained that NEDCO was relatively new to Clackamas County. Amy thanked the board for funding the project to buy land and build cottages for sale to low-income residents. This project will use a land trust model where the land ownership remains with NEDCO but the small homes will be owned by low-income households.

Additional written testimony was provided by Kira Meyrick of Clackamas Womens Services. Kira thanked the board for their commitment to homeless services and requested additional services for survivors of domestic violence programs and services.

The public hearing was concluded at 11:45 a.m.

Sirois, Mark

From: Katie Ullrich <katie@proudground.org>
Sent: Wednesday, April 05, 2017 5:21 PM
To: Sirois, Mark
Subject: Written testimony for consideration in the consolidated planning process

Hi Mark,

Yesika plans to attend tomorrow to testify, but I also wanted to provide written testimony for the consolidated planning process. Thank you!

Testimony to the Clackamas County Board of Directors in consideration of their 2017 Action Plan and the 2017-2021 Consolidated Plan

Proud Ground is the region's community land trust committed to creating homeownership opportunities for working families so that they can live or remain in the community of their choice. On behalf of the entire board and staff of Proud Ground, we ask you to prioritize the need for critical and effective homeownership investments in Clackamas County in future funding cycles. As you know, the need facing our communities is urgent and growing.

- As of February of 2017, the median sales price for a home in Clackamas County (from RMLS) is \$355,000, which is an increase of 11% from the previous year.
- 106 households on Proud Ground's waiting list either currently live in OR want to live in Clackamas County
- Of those households on the waiting list, the median household income is \$36,000/year, which equates to 58% median MFI. With this amount so close to 60%, it is representative of 60% employees who have earned the new jobs created in Oregon
- With the housing crisis creating aggressive market forces, it is essential that Proud Ground helps create truly affordable options for these families, which do not currently exist.
- With the rental market migrating more and more out of reach for average working families and causing instability for families renting in the area, homeownership offers an affordable solution, to permanently solve housing needs. Research of our Proud Ground owners shows that when families own their homes, kids do better in school, employment is more stable, health indicators improve, and owners are more engaged in the community.

While Proud Ground did not receive funding in 2017-2019 funding cycle, one of our partner agency's, NEDCO, did received funds for a permanently affordable homeownership project. We support their

1



efforts and due to our expertise have been invited to collaborate with them on the project. At the same time, we also believe that Buyer Initiated Grants/Downpayment Assistance Grant (DPAG's) should be used as a fast and efficient way to get working families into homeownership. Proud Ground has a successful history of deploying Benefits of Downpayment Assistance Grants and have seen the community benefits, which include:

- **Demonstrated ability to spend all the resources allotted** – Proud Ground can get the money out the door on the timelines identified.
- **Cost effectiveness** – A \$60,000 to \$80,000 downpayment assistance grant is the least expensive way to create a new homeownership opportunity. To compare, the subsidy in the new construction project Svaboda Court averaged \$150,000 per unit--and that was with 2011 construction costs. We understand that new units will need to be built to meet inventory needs, but believe the best solution to be a mix of both.
- **Time efficient and no risk** - There is no faster way to gain a new homeownership opportunity than to acquire an existing home with a DPAG. New construction carries risks that cannot be avoided while acquiring existing homes carries virtually no risk of failure.
- **Serves families historically left out of homeownership** – Since 2010, 53% of Proud Ground's DPAG/NSP money served families of color. When comparing location, the number of bedrooms, and square footage, the price points for households of color vs. white homebuyers is comparable. Using this tool, we provide neighborhood choice and larger-sized homes to households, making homeownership more possible for families of color.
- **Quality homes** – All homes purchased using DPAGs are in solid, sound operating condition, meeting durability, health, safety, and energy efficiency standards.
- **Serves MFI's for working families** – The MFI of households of color served through DPAGs/NSP since 2010 is 63% and 65% for white households. Further, 100% of households of color had children at the time of purchase, compared to 50% of white households.
- **Continued partnership with other homeownership agencies** - We are committed to continuing our partnership with local housing organizations going forward, as evidenced by our collaborative efforts with statewide homeownership agencies.
- **Successful homeownership** - No homes have been lost to foreclosure (even through the recession). Our pre- and post-purchase support, including access to home repair IDAs, helps ensure that Proud Ground homeowners have a successful homeownership experience.
- **Permanent affordability** - These homes are permanent community assets, retaining affordability in perpetuity, preventing displacement and promoting the economic and cultural diversity in neighborhoods. Proud Ground has demonstrated the ability to steward the public resources with compliance and security into the future given the administrative and fiscal infrastructure of the organization.

Continuing and growing Downpayment Assistance Grants will significantly contribute to the County achieving its goals of stability for local families. This was proven in the success of families when Clackamas CLT integrated with Proud Ground over 8 years ago. We do hope to address modifications to the mechanisms within the program to make it even more effective, and look forward to working with you to create an even more effective and efficient program.

Thank you for your consideration of our testimony.

Katie Ullrich * Homeownership Program Director * Principal Broker, Licensed in Oregon
Proud Ground * 5288 N. Interstate Ave.* Portland, OR 97217
(503) 493-0293 x12 (503) 493-7333 fax * katie@proudground.org * www.proudground.org

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****Please note: Please note I am not in the office on Wednesdays.****

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clackamas women's services
256 Warner Milne Road, Oregon City, OR 97045
(503) 655-8000 | www.cwsor.org

April 6, 2017

Public Services Building
2051 Kaen Road
Oregon City, OR 97045

Dear Chair Bernard and Clackamas County Board of Commissioners:

My name is Kira Meyrick and I am the Administrative Projects Coordinator at Clackamas Women's Services, a Clackamas County based non-profit agency that has supported survivors of domestic and sexual violence, stalking, and elder abuse on their pathways to safety and stability for over 30 years. I appreciate your scheduling of this Public Hearing on the proposed 2017-2021 Housing and Community Development Consolidated Plan and Proposed 2017 Action Plan. I want to take this opportunity to provide testimony regarding these funding priorities, as well as highlight the critical needs of survivors in our community.

In reviewing the Consolidated Plan and Proposed Action Plan, the care you took in trying to discern and meet the County's most pressing needs is highly evident. I especially appreciate your clear commitment to Homeless Assistance, as well as your continued support of the Emergency Shelter for domestic violence and sexual assault survivors in Clackamas County. Your prioritization of this issue enables CWS and our partners at A Safe Place-Family Justice Center to provide core services to women and children fleeing violence and abuse. These vital supports include emergency shelter, a 24-hour crisis line, assistance filing temporary restraining orders, financial empowerment programming, mental health counseling, and other wrap around services.

The funding the County generously designates for these core services, while greatly appreciated, meets only a portion of the immense need. Nationally, domestic violence is the third leading cause of homelessness among families. Further, survivors of domestic violence often experience unique economic challenges, exacerbated by financial abuse. This tactic keeps the survivor dependent on their abuser, making it difficult to leave the relationship or establish financial independence. When the survivor does leave, she often finds herself jobless, homeless, in debt, and unable to provide for her children.

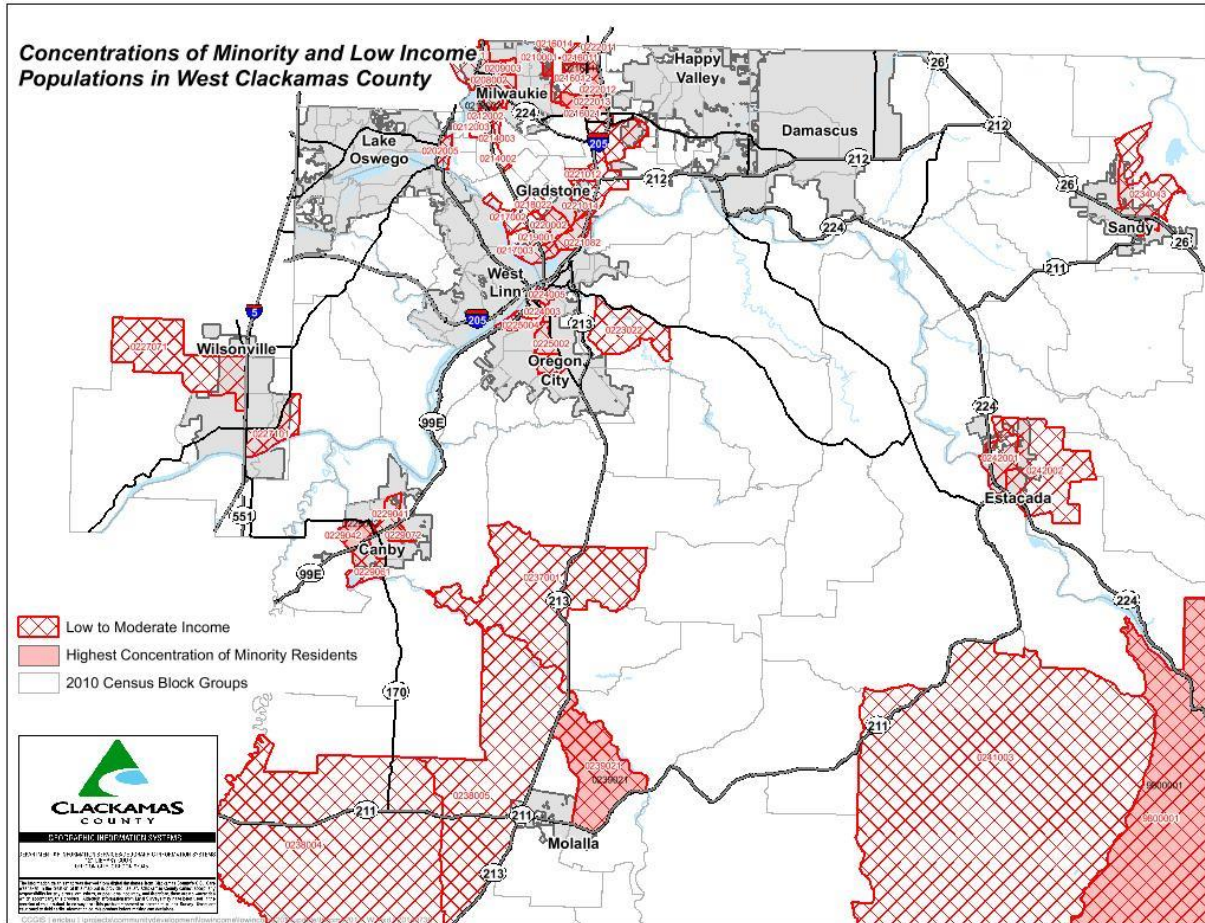
This problem is especially stark in Oregon, which has one of the highest and deadliest rates of domestic and sexual violence in the nation. From 2003 to 2012, over 225 people were killed in the context of domestic violence in our state. Disturbingly, it seems that those numbers are on the rise. For instance, in January 2017 alone, there were 12 domestic violence-related deaths compared to only four in January 2015, according to the Oregon Coalition Against Domestic and Sexual Violence. These somber statistics highlight the overwhelming need for access to emergency and comprehensive supportive services which — for so many survivors — can literally mean the difference between life and death. However, without adequate funding, the majority of the approximately 1 million Oregon women and girls who will experience domestic violence and/or sexual assault in their lifetime will be without these critical safety supports.

I appreciate your time and consideration of my testimony. On behalf of CWS, I also want to thank you for your continued support of our agency, our partners at ASP-FJC, and, most importantly, the survivors we serve.

Sincerely,

Kira Meyrick, MSW
Administrative Projects Coordinator

Grantee Unique Appendices - CONCENTRATIONS OF LOW INCOME AND MINORITY/ETHNICITY



Grantee SF-424's and Certification(s)

OMB Number: 4040-0004
Expiration Date: 8/31/2016

Application for Federal Assistance SF-424		
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		* 2. Type of Application: <input type="checkbox"/> New <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Revision * If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>
* 3. Date Received:	4. Applicant Identifier: CLACKAMAS COUNTY 2017 CDHC	
5a. Federal Entity Identifier:		5b. Federal Award Identifier: B-17-UC-41-0001
State Use Only:		
6. Date Received by State:	7. State Application Identifier:	
8. APPLICANT INFORMATION:		
* a. Legal Name: CLACKAMAS COUNTY, OREGON		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 93-8002286		* c. Organizational DUNS: 0369926560000
d. Address:		
* Street 1:	2051 MAEN ROAD #275	
* Street 2:		
* City:	OREGON CITY	
* County/Parish:		
* State:	OR: Oregon	
* Province:		
* Country:	USA: UNITED STATES	
* Zip / Postal Code:	97045-4000	
e. Organizational Unit:		
Department Name: HEALTH, HOUSING & HUMAN SERVICES		Division Name: COMMUNITY DEVELOPMENT DIVISION
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix:	Mr.	* First Name: CHUCK
Middle Name:		
* Last Name:	ROBBINS	
Suffix:		
Title:	DIRECTOR	
Organizational Affiliation: HOUSING AND COMMUNITY DEVELOPMENT DIVISION		
* Telephone Number:	503-650-8593	Fax Number: 503-655-8563
* Email:	CHUCK@CO.CLACKAMAS.OR.US	

Application for Federal Assistance SF-424	
* 9. Type of Applicant 1: Select Applicant Type: <input type="text" value="B: County Government"/> Type of Applicant 2: Select Applicant Type: <input type="text"/> Type of Applicant 3: Select Applicant Type: <input type="text"/> * Other (specify): <input type="text"/>	
* 10. Name of Federal Agency: <input type="text" value="US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT"/>	
11. Catalog of Federal Domestic Assistance Number: <input type="text" value="14-213"/> CFDA Title: <input type="text" value="CDEB - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM"/>	
* 12. Funding Opportunity Number: <input type="text"/> * Title: <input type="text"/>	
13. Competition Identification Number: <input type="text"/> Title: <input type="text"/>	
14. Areas Affected by Project (Cities, Counties, States, etc.): <input type="text"/> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>	
* 15. Descriptive Title of Applicant's Project: <input type="text" value="ANNUAL APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)"/>	
Attach supporting documents as specified in agency instructions <input type="button" value="Add Attachments"/> <input type="button" value="Delete Attachments"/> <input type="button" value="View Attachments"/>	

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
* a. Applicant: <input type="text" value="1, 3, 5"/>	* b. Program/Project: <input type="text" value="1, 3, 5"/>
Attach an additional list of Program/Project Congressional Districts if needed.	
<input type="text"/>	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
17. Proposed Project:	
* a. Start Date: <input type="text" value="07/01/2017"/>	* b. End Date: <input type="text" value="06/30/2018"/>
18. Estimated Funding (\$):	
* a. Federal	<input type="text" value="1,898,825.00"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="1,898,825.00"/>
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?	
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on <input type="text"/>	
<input checked="" type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.	
<input type="checkbox"/> c. Program is not covered by E.O. 12372.	
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If "Yes", provide explanation and attach	
<input type="text"/>	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 28, Section 1001)	
<input checked="" type="checkbox"/> ** I AGREE	
** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.	
Authorized Representative:	
Prefix: <input type="text" value="Mr."/>	* First Name: <input type="text" value="BLUWARD"/>
Middle Name: <input type="text"/>	
* Last Name: <input type="text" value="BRIFF"/>	
Suffix: <input type="text"/>	
* Title: <input type="text" value="DIRECTOR, DEPT OF HEALTH, HOUSING & HUMAN SERV"/>	
* Telephone Number: <input type="text" value="503-670-5690"/>	Fax Number: <input type="text"/>
* Email: <input type="text" value="BSWIFF@CO.CLACKAMAS.OR.US"/>	
* Signature of Authorized Representative: <input type="text"/>	* Date Signed: <input type="text"/>

Application for Federal Assistance SF-424		
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input type="checkbox"/> New <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Revision	* f Revision, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>
^ 3. Date Received: <input type="text"/>	4. Applicant Identifier: CLACKAMAS COUNTY 2017 HOME	
5a. Federal Entity Identifier: <input type="text"/>	5b. Federal Award Identifier: M17-0C-11-C201	
State Use Only:		
6. Date Received by State: <input type="text"/>	7. State Application Identifier: <input type="text"/>	
8. APPLICANT INFORMATION:		
* a. Legal Name: CLACKAMAS COUNTY, OREGON		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 93-6002286	* c. Organizational DUNS: 0969926560000	
d. Address:		
* Street1: Street2: * City: County/Parish: * State: Province: * Country: * Zip / Postal Code:	2051 KARR ROAD #243 OREGON CITY OR; Oregon USA; UNITED STATES 97045-4035	
e. Organizational Unit:		
Department Name: HEALTH, HOUSING & HUMAN SERVICES	Division Name: COMMUNITY DEVELOPMENT DIVISION	
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: Middle Name: * Last Name: Suffix: Title:	Mr. * First Name: CHECK ROBBINS DIRECTOR	
Organizational Affiliation: HOUSING AND COMMUNITY DEVELOPMENT DIVISION		
* Telephone Number: 503-650-3591	Fax Number: 503-655-8362	
* Email: CHECK@CO.CLACKAMAS.OR.US		

Application for Federal Assistance SF-424	
<p>* 9. Type of Applicant 1: Select Applicant Type:</p> <input type="text" value="B: County Government"/> <p>Type of Applicant 2: Select Applicant Type:</p> <input type="text"/> <p>Type of Applicant 3: Select Applicant Type:</p> <input type="text"/> <p>* Other (specify):</p> <input type="text"/>	
<p>* 10. Name of Federal Agency:</p> <input type="text" value="US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT"/>	
<p>11. Catalog of Federal Domestic Assistance Number:</p> <input type="text" value="14-235"/> <p>CFDA Title:</p> <input type="text" value="HOME - HOME INVESTMENT PARTNERSHIP PROGRAM"/>	
<p>* 12. Funding Opportunity Number:</p> <input type="text"/> <p>* Title:</p> <input type="text"/>	
<p>13. Competition Identification Number:</p> <input type="text"/> <p>Title:</p> <input type="text"/>	
<p>14. Areas Affected by Project (Cities, Counties, States, etc.):</p> <input type="text"/> <div style="display: flex; justify-content: space-around;"> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/> </div>	
<p>* 15. Descriptive Title of Applicant's Project:</p> <input type="text" value="ANNUAL APPLICATION FOR HOME INVESTMENT PARTNERSHIP PROGRAM"/>	
<p>Attach supporting documents as specified in agency instructions.</p> <div style="display: flex; justify-content: space-around;"> <input type="button" value="Add Attachments"/> <input type="button" value="Delete Attachments"/> <input type="button" value="View Attachments"/> </div>	

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
* a. Applicant: <input type="text" value="1, 3, 5"/>	* b. Program/Project: <input type="text" value="1, 3, 5"/>
Attach an additional list of Program/Project Congressional Districts if needed.	
<input type="text"/> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>	
17. Proposed Project:	
* a. Start Date: <input type="text" value="07/01/2017"/>	* b. End Date: <input type="text" value="06/30/2018"/>
18. Estimated Funding (\$):	
* a. Federal	<input type="text" value="712,517.00"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="712,517.00"/>
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?	
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on <input type="text"/>	
<input checked="" type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.	
<input type="checkbox"/> c. Program is not covered by E.O. 12372.	
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If "Yes", provide explanation and attach	
<input type="text"/> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>	
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 215, Section 1001)	
<input checked="" type="checkbox"/> ** I AGREE	
<small>* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.</small>	
Authorized Representative:	
Prefix: <input type="text" value="Mr."/>	* First Name: <input type="text" value="RICHARD"/>
Middle Name: <input type="text"/>	
* Last Name: <input type="text" value="SWIFT"/>	
Suffix: <input type="text"/>	
* Title: <input type="text" value="DIRECTOR, HEALTH, HOUSING & HUMAN SERV. DEPT"/>	
* Telephone Number: <input type="text" value="503-650-5696"/>	Fax Number: <input type="text"/>
* Email: <input type="text" value="R.SWIFT@CO.CLACKAMAS.OR.US"/>	
* Signature of Authorized Representative: <input type="text"/>	* Date Signed: <input type="text"/>

Application for Federal Assistance SF-424		
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input type="checkbox"/> New <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>
* 3. Date Received: <input type="text"/>	4. Applicant Identifier: CLACKAMAS COUNTY 2017 HERS	
5a. Federal Entity Identifier: <input type="text"/>	5b. Federal Award Identifier: CL-17-CC-01-0008	
State Use Only:		
6. Date Received by State: <input type="text"/>	7. State Application Identifier: <input type="text"/>	
8. APPLICANT INFORMATION:		
* a. Legal Name: CLACKAMAS COUNTY, OREGON		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 93-6032286	* c. Organizational DUNS: 0969326560006	
d. Address:		
* Street1: 2051 WASH ROAD #245	<input type="text"/>	
Street2: <input type="text"/>	<input type="text"/>	
* City: OREGON CITY	<input type="text"/>	
County/Parish: <input type="text"/>	<input type="text"/>	
* State: OR: Oregon	<input type="text"/>	
Province: <input type="text"/>	<input type="text"/>	
* Country: USA: UNITED STATES	<input type="text"/>	
* Zip / Postal Code: 97045-4035	<input type="text"/>	
e. Organizational Unit:		
Department Name: HEALTH, HOUSING & HUMAN SERVICE	Division Name: COMMUNITY DEVELOPMENT DIVISION	
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: MR.	* First Name: CHECK	<input type="text"/>
Middle Name:	<input type="text"/>	
* Last Name: ROBBINS	<input type="text"/>	
Suffix:	<input type="text"/>	
Title: DIRECTOR	<input type="text"/>	
Organizational Affiliation: HOUSING AND COMMUNITY DEVELOPMENT DIVISION		
* Telephone Number: 503-650-8481	Fax Number: 503-655-0563	
* Email: CHECK@CO.CLACKAMAS.OR.US		

Application for Federal Assistance SF-424	
* 9. Type of Applicant 1: Select Applicant Type: <input type="text" value="B: County Government"/>	
Type of Applicant 2: Select Applicant Type: <input type="text"/>	
Type of Applicant 3: Select Applicant Type: <input type="text"/>	
* Other (specify): <input type="text"/>	
* 10. Name of Federal Agency: <input type="text" value="US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT"/>	
11. Catalog of Federal Domestic Assistance Number: <input type="text" value="14-239"/>	
CFDA Title: <input type="text" value="EMERGENCY SOLUTIONS GRANT PROGRAM - HHSO"/>	
* 12. Funding Opportunity Number: <input type="text"/>	
* Title: <input type="text"/>	
13. Competition Identification Number: <input type="text"/>	
Title: <input type="text"/>	
14. Areas Affected by Project (Cities, Counties, States, etc.): <input type="text"/> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>	
* 15. Descriptive Title of Applicant's Project: <input type="text" value="ANNUAL APPLICATION FOR EMERGENCY SOLUTIONS GRANT PROGRAM - HHSO"/>	
Attach supporting documents as specified in agency instructions. <input type="button" value="Add Attachments"/> <input type="button" value="Delete Attachments"/> <input type="button" value="View Attachments"/>	

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
* a. Applicant: <input type="text" value="1,3,5"/>	* b. Program/Project: <input type="text" value="1,3,5"/>
Attach an additional list of Program/Project Congressional Districts if needed.	
<input type="text"/>	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
17. Proposed Project:	
* a. Start Date: <input type="text" value="07/01/2017"/>	* b. End Date: <input type="text" value="08/30/2018"/>
18. Estimated Funding (\$):	
* a. Federal	<input type="text" value="170,959.00"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text"/>
* g. TOTAL	<input type="text" value="170,959.00"/>
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?	
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on <input type="text"/>	
<input checked="" type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.	
<input type="checkbox"/> c. Program is not covered by E.O. 12372.	
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If "Yes", provide explanation and attach	
<input type="text"/>	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 216, Section 1001)	
<input checked="" type="checkbox"/> ** I AGREE	
<small>** The list of certifications and assurances, or an Internet site where you may obtain this list, is contained in the announcement or agency specific instructions.</small>	
Authorized Representative:	
Prefix: <input type="text" value="MR."/>	* First Name: <input type="text" value="RICHARD"/>
Middle Name: <input type="text"/>	
* Last Name: <input type="text" value="SWIFT"/>	
Suffix: <input type="text"/>	
* Title: <input type="text" value="DIRECTOR, DEPT OF HEALTH, HOUSING & HUMAN SERV"/>	
* Telephone Number: <input type="text" value="503-630-3696"/>	Fax Number: <input type="text"/>
* Email: <input type="text" value="RSWIFT@CO.CLACKAMAS.CO.US"/>	
* Signature of Authorized Representative: <input type="text"/>	* Date Signed: <input type="text"/>

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature/Authorized Official Date

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation – It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan – Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds – It has complied with the following criteria:

1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
2. **Overall Benefit.** The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) _____, _____ (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
3. **Special Assessments.** It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its

jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws – The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint – Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, subparts A, B, J, K and R;

Compliance with Laws – It will comply with applicable laws.

Signature/Authorized Official

Date

Title

**OPTIONAL CERTIFICATION
CDBG**

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities which are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

Signature/Authorized Official

Date

Title

Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

Signature/Authorized Official

Date

Title

ESG Certifications

The Emergency Solutions Grants Program Recipient certifies that:

Major rehabilitation/conversion – If an emergency shelter's rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation. If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion. In all other cases where ESG funds are used for renovation, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation.

Essential Services and Operating Costs – In the case of assistance involving shelter operations or essential services related to street outreach or emergency shelter, the jurisdiction will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long the jurisdiction serves the same type of persons (e.g., families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or persons in the same geographic area.

Renovation – Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

Supportive Services – The jurisdiction will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, victim services, counseling, supervision, and other services essential for achieving independent living), and other Federal State, local, and private assistance available for such individuals.

Matching Funds – The jurisdiction will obtain matching amounts required under 24 CFR 576.201.

Confidentiality – The jurisdiction has established and is implementing procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project, except with the written authorization of the person responsible for the operation of that shelter.

Homeless Persons Involvement – To the maximum extent practicable, the jurisdiction will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted under the program.

Consolidated Plan – All activities the jurisdiction undertakes with assistance under ESG are consistent with the jurisdiction's consolidated plan.

Discharge Policy – The jurisdiction will establish and implement, to the maximum extent practicable and where appropriate policies and protocols for the discharge of persons from

publicly funded institutions or systems of care (such as health care facilities, mental health facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent this discharge from immediately resulting in homelessness for these persons.

Signature/Authorized Official

Date

Title

HOPWA Certifications

The HOPWA grantee certifies that:

Activities – Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building -- Any building or structure assisted under that program shall be operated for the purpose specified in the plan:

1. For at least 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility.
2. For at least 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.

Signature/Authorized Official

Date

Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Appendix - Alternate/Local Data Sources

1	<p>Data Source Name</p> <p>Consolidated Plan Table 10</p>
	<p>List the name of the organization or individual who originated the data set.</p> <p>U.S. Census Bureau</p>
	<p>Provide a brief summary of the data set.</p> <p>Data set from Census Bureau CHAS and CON Plan Table 10</p>
	<p>What was the purpose for developing this data set?</p> <p>Since no other data is available for low income households with children present, Clackamas County uses the assumption that Small Related Households paying more than 50% of their incomes (Cost Burden >50%) as listed in Table 10 is representative of families with children</p>
	<p>Provide the year (and optionally month, or month and day) for when the data was collected.</p> <p>2012</p>
	<p>Briefly describe the methodology for the data collection.</p> <p>Since no other data is available for low income households with children present, Clackamas County uses the assumption that Small Related Households paying more than 50% of their incomes (Cost Burden >50%) as listed in Table 10 is representative of families with children</p>
	<p>Describe the total population from which the sample was taken.</p> <p>Since no other data is available for low income households with children present, Clackamas County uses the assumption that Small Related Households paying more than 50% of their incomes (Cost Burden >50%) as listed in Table 10 is representative of families with children</p>
	<p>Describe the demographics of the respondents or characteristics of the unit of measure, and the number of respondents or units surveyed.</p> <p>Since no other data is available for low income households with children present, Clackamas County uses the assumption that Small Related Households paying more than 50% of their incomes (Cost Burden >50%) as listed in Table 10 is representative of families with children</p>

May 11, 2017

Board of County Commissioner
 Clackamas County

Members of the Board:

Authorization to Sign Grant Award Documents with the U.S Department of Housing and Urban Development for Continuum of Care Program (CoC) funds

Purpose/Outcomes	Authorization to sign grant award documents for the HMIS (Homeless Management Information Systems) and CoC Planning grants from the US Department of Housing and Urban Development (HUD) for Continuum of Care funding. HMIS is required by HUD to track data about serving the homeless population. CoC Planning funds are used to strategically plan for homeless services, manage our Coordinated Housing Access program, and complete the next annual application for HUD CoC funding.
Dollar Amount and Fiscal Impact	The HMIS and CoC Planning grant agreements total \$131,957 of funding revenue.
Funding Source	U.S. Department of Housing & Urban Development
Duration	July 1, 2017- June 30, 2018
Previous Board Action	Board has approved project applications on August 11, 2016. 081116-A13 .
Strategic Plan Alignment	1. Houseless individuals served by CoC programs will move to or maintain stable housing. 2. Ensure safe, healthy and secure communities
Contact Person	Abby Ahern, Program Planner, 503-650-5663
Contract No.	NA

BACKGROUND:

The Housing and Community Development Division of the Health, Housing and Human Services Department requests the authorization to sign grand award documents with the U.S. Department of Housing and Urban Development for Continuum of Care Program funding. The Continuum of Care is a HUD-mandated administrative and organizational local response to homelessness. Applications for these grants were submitted on September 13, 2016 to HUD.

RECOMMENDATION:

Staff recommends the approval to execute these CoC grant agreements and that Richard Swift, be authorized to sign all documents necessary to accomplish this action on behalf of the Board of County Commissioners.

Respectfully submitted,

Richard Swift, Director
 Health, Housing & Human Services

Healthy Families. Strong Communities.



U.S. Department of Housing and Urban Development
Office of Community Planning and Development
1220 SW 3rd Avenue
Suite 400
Portland, OR 97204-2830

Tax ID No.: 93-6002286
CoC Program Grant Number: OR0099L0E071609
Effective Date: 3/29/2017
DUNS No.: 096992656

CONTINUUM OF CARE PROGRAM GRANT AGREEMENT

This Grant Agreement (“this Agreement”) is made by and between the United States Department of Housing and Urban Development (“HUD”) and Clackamas Dept. Health, Housing & Human Svcs (the “Recipient”).

This Agreement is governed by title IV of the McKinney-Vento Homeless Assistance Act 42 U.S.C. 11301 et seq. (the “Act”) and the Continuum of Care Program rule (the “Rule”).

The terms “Grant “ or “Grant Funds” represents the funds that are provided under this Agreement. The term “Application” means the application submissions on the basis of which the Grant was approved by HUD, including the certifications, assurances, and any information or documentation required to meet any grant award condition. All other terms shall have the meanings given in the Rule.

The Application is incorporated herein as part of this Agreement, except that only those project listed, and only in the amount listed on the Scope of Work exhibit, are funded by this Agreement. In the event of any conflict between any application provision and any provision contained in this Agreement, this Agreement shall control.

Exhibit 1, the FY2016 Scope of Work, is attached hereto and made a part hereof. If in the future appropriations are made available for Continuum of Care grants; if the Recipient applies under a Notice of Funds Availability published by HUD; and, if pursuant to the selection criteria in the Notice of Funds Availability, HUD selects Recipient and one or more projects listed on Exhibit 1 for renewal, then additional Scope of Work exhibits may be attached to this Agreement. Those additional exhibits, when attached, will also become a part hereof.

The effective date of the Agreement shall be the date of execution by HUD and it is the date the usage of funds under this Agreement may begin. Each project will have a performance period that will be listed on the Scope of Work exhibit(s) to this Agreement. For renewal projects, the period of performance shall begin at the end of the Recipient’s final operating year for the project being renewed and eligible costs incurred for a project between the end of the Recipient’s final operating year under the grant being renewed and the execution of this Agreement may be paid with funds from the first operating year of this Agreement. For each new project funded under this Agreement, the Recipient and HUD will set an operating start date in eLOCCS, which will be used to track expenditures, to establish the project performance period and to determine when a project is eligible for renewal. The Recipient hereby authorizes HUD to insert the project performance period for new projects into the exhibit without the Recipient’s signature, after the operating start date is established in eLOCCS.

This Agreement shall remain in effect until termination either: 1) by agreement of the parties; 2) by HUD alone, acting under the authority of 24 CFR 578.107; 3) upon expiration of the final performance period for all projects funded under this Agreement; or 4) upon the expiration of the period of availability of funds for all projects funded under this Agreement.

Recipient agrees:

1. To ensure the operation of the project(s) listed on the Scope of Work in accordance with the provisions of the Act and all requirements of the Rule;
2. To monitor and report the progress of the project(s) to the Continuum of Care and HUD;
3. To ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;
4. To require certification from all subrecipients that:
 - a. Subrecipients will maintain the confidentiality of records pertaining to any individual or family that was provided family violence prevention or treatment services through the project;
 - b. The address or location of any family violence project assisted with grant funds will not be made public, except with written authorization of the person responsible for the operation of such project;
 - c. Subrecipients will establish policies and practices that are consistent with, and do not restrict, the exercise of rights provided by subtitle B of title VII of the Act and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;
 - d. In the case of projects that provide housing or services to families, subrecipients will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under subtitle B of title VII of the Act;
 - e. The subrecipient, its officers, and employees are not debarred or suspended from doing business with the Federal Government; and
 - f. Subrecipients will provide information, such as data and reports, as required by HUD;
5. To establish such fiscal control and accounting procedures as may be necessary to assure the proper disbursement of, and accounting for grant funds in order to ensure that all financial transactions are conducted, and records maintained in accordance with generally accepted accounting principles, if the Recipient is a Unified Funding Agency;
6. To monitor subrecipient match and report on match to HUD;
7. To take the educational needs of children into account when families are placed in housing and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education;
8. To monitor subrecipients at least annually;
9. To use the centralized or coordinated assessment system established by the Continuum of Care as required by the Rule. A victim service provider may choose not to use the Continuum of Care's centralized or coordinated assessment system, provided that victim service providers in the area use a centralized or coordinated assessment system that meets HUD's minimum requirements ;

10. To follow the written standards, developed by the Continuum of Care, for providing Continuum of Care assistance, including those required by the Rule;
11. Enter into subrecipient agreements requiring subrecipients to operate the project(s) in accordance with the provisions of this Act and all requirements of the Rule; and
12. To comply with such other terms and conditions as HUD may have established in the applicable Notice of Funds Availability.

HUD notifications to the Recipient shall be to the address of the Recipient as stated in the Application, unless HUD is otherwise advised in writing. Recipient notifications to HUD shall be to the HUD Field Office responsible for executing the Agreement. No right, benefit, or advantage of the Recipient hereunder may be assigned without prior written approval of HUD.

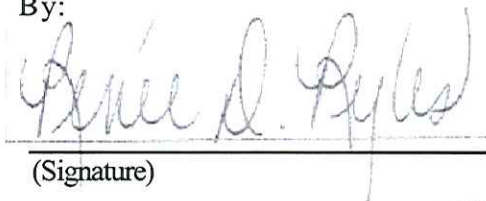
The Agreement constitutes the entire agreement between the parties hereto, and may be amended only in writing executed by HUD and the Recipient.

By signing below, Recipients that are states and units of local government certify that they are following a current HUD approved CHAS (Consolidated Plan).

This agreement is hereby executed on behalf of the parties as follows:

**UNITED STATES OF AMERICA,
Secretary of Housing and Urban Development**

By:



(Signature)

Renee Ryles, Director

(Typed Name and Title)

March 30, 2017

(Date)

RECIPIENT

Clackamas Dept. Health, Housing & Human Svcs

(Name of Organization)

By:

(Signature of Authorized Official)

(Typed Name and Title of Authorized Official)

(Date)

Tax ID No.: 93-6002286
CoC Program Grant Number: OR0099L0E071609
Effective Date: 3/29/2017
DUNS No.: 096992656

EXHIBIT 1
SCOPE OF WORK for FY2016 COMPETITION

1. The projects listed on this Scope of Work are governed by the Continuum of Care Program Interim Rule attached hereto and made a part hereof as Exhibit 1a. Upon publication for effect of a Final Rule for the Continuum of Care program, the Final Rule will govern this Agreement instead of the Interim Rule. The projects listed on this Exhibit at 4., below, is also subject to the terms of the Notice of Funds Availability for the fiscal year listed above.
2. The Continuum that designated the Recipient to apply for grant funds has not been designated a high performing community by HUD for the applicable fiscal year.
3. The Recipient is not the only Recipient for the Continuum of Care. HUD's total funding obligation for this grant is \$ 70862, allocated between budget line items, as indicated in 4., below. In accordance with the Rule, the Recipient is prohibited from moving more than 10% from one budget line item in a project's approved budget to another without a written amendment to this Agreement.
4. Subject to the terms of this Agreement, HUD agrees to provide the Grant funds, in the amount specified for the project application listed, to be used during the performance period established below. However, no funds for new projects may be drawn down by Recipient until HUD has approved site control pursuant to the Rule and no funds for renewal projects may be drawn down by Recipient before the end date of the project's final operating year under the grant that has been renewed.

Project No.	Performance Period	Total Amount
OR0099L0E071609	-	\$ 70862

Allocated between budget line items as follows:

a. Continuum of Care planning activities	\$
b. UFA costs	\$ 0
c. Acquisition	\$ 0
d. Rehabilitation	\$ 0
e. New construction	\$ 0
f. Leasing	\$ 0
g. Rental assistance (of which \$ 0 is for short-term and medium-term rental assistance for persons at risk of homelessness)	\$ 0
h. Supportive services	\$ 0
i. Operating costs	\$ 0
j. Homeless Management Information System	\$ 66372

- | | |
|--|---------|
| k. Administrative costs | \$ 4490 |
| l. Relocation Costs | \$ 0 |
| m. Housing relocation and stabilization services | \$ 0 |
5. If grant funds will be used for payment of indirect costs, pursuant to 2 CFR 200, Subpart E - Cost Principles, the Recipient is authorized to insert the Recipient's federally recognized indirect cost rates (including if the de minimis rate is charged per 2 CFR §200.414) on the attached Federally Recognized Indirect Cost Rates Schedule, which Schedule shall be incorporated herein and made a part of the Agreement. No indirect costs may be charged to the grant by the Recipient if their federally recognized cost rate is not listed on the Schedule. Do not include indirect cost rates for Subrecipients; however, Subrecipients may not charge indirect costs to the grant if they do not also have a federally recognized indirect cost rate.
 6. The following project has not been awarded project-based rental assistance for a term of fifteen (15) years. Funding is provided under this Scope of Work for the performance period stated in paragraph 4. Additional funding is subject to the availability of annual appropriations.
 7. Program income earned during the grant term shall be retained by the recipient and used for eligible activities. Program income may also be counted as match.

Tax ID No.: 93-6002286
CoC Program Grant Number: OR0099L0E071609
Effective Date: 3/29/2017
DUNS No.: 096992656

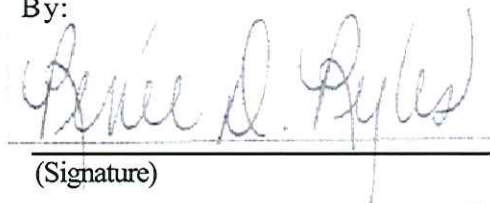
FEDERALLY RECOGNIZED INDIRECT COST RATE SCHEDULE

<u>Grant No.</u>	<u>Recipient Name</u>	<u>Indirect cost rate</u>	<u>Cost Base</u>
------------------	-----------------------	---------------------------	------------------

This agreement is hereby executed on behalf of the parties as follows:

**UNITED STATES OF AMERICA,
Secretary of Housing and Urban Development**

By:



(Signature)

Renee Ryles, Director

(Typed Name and Title)

March 30, 2017

(Date)

RECIPIENT

Clackamas Dept. Health, Housing & Human Svcs

(Name of Organization)

By:

(Signature of Authorized Official)

(Typed Name and Title of Authorized Official)

(Date)



U.S. Department of Housing and Urban Development
Office of Community Planning and Development
1220 SW 3rd Avenue
Suite 400
Portland, OR 97204-2830

Tax ID No.: 93-6002286
CoC Program Grant Number: OR0236L0E071600
Effective Date: 3/29/2017
DUNS No.: 096992656

CONTINUUM OF CARE PROGRAM GRANT AGREEMENT

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The Application is incorporated herein as part of this Agreement, except that only those project listed, and only in the amount listed on the Scope of Work exhibit, are funded by this Agreement. In the event of any conflict between any application provision and any provision contained in this Agreement, this Agreement shall control.

Exhibit 1, the FY2016 Scope of Work, is attached hereto and made a part hereof. If in the future appropriations are made available for Continuum of Care grants; if the Recipient applies under a Notice of Funds Availability published by HUD; and, if pursuant to the selection criteria in the Notice of Funds Availability, HUD selects Recipient and one or more projects listed on Exhibit 1 for renewal, then additional Scope of Work exhibits may be attached to this Agreement. Those additional exhibits, when attached, will also become a part hereof.

The effective date of the Agreement shall be the date of execution by HUD and it is the date the usage of funds under this Agreement may begin. Each project will have a performance period that will be listed on the Scope of Work exhibit(s) to this Agreement. For renewal projects, the period of performance shall begin at the end of the Recipient’s final operating year for the project being renewed and eligible costs incurred for a project between the end of the Recipient’s final operating year under the grant being renewed and the execution of this Agreement may be paid with funds from the first operating year of this Agreement. For each new project funded under this Agreement, the Recipient and HUD will set an operating start date in eLOCCS, which will be used to track expenditures, to establish the project performance period and to determine when a project is eligible for renewal. The Recipient hereby authorizes HUD to insert the project performance period for new projects into the exhibit without the Recipient’s signature, after the operating start date is established in eLOCCS.

This Agreement shall remain in effect until termination either: 1) by agreement of the parties; 2) by HUD alone, acting under the authority of 24 CFR 578.107; 3) upon expiration of the final performance period for all projects funded under this Agreement; or 4) upon the expiration of the period of availability of funds for all projects funded under this Agreement.

Recipient agrees:

1. To ensure the operation of the project(s) listed on the Scope of Work in accordance with the provisions of the Act and all requirements of the Rule;
2. To monitor and report the progress of the project(s) to the Continuum of Care and HUD;
3. To ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;
4. To require certification from all subrecipients that:
 - a. Subrecipients will maintain the confidentiality of records pertaining to any individual or family that was provided family violence prevention or treatment services through the project;
 - b. The address or location of any family violence project assisted with grant funds will not be made public, except with written authorization of the person responsible for the operation of such project;
 - c. Subrecipients will establish policies and practices that are consistent with, and do not restrict, the exercise of rights provided by subtitle B of title VII of the Act and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;
 - d. In the case of projects that provide housing or services to families, subrecipients will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under subtitle B of title VII of the Act;
 - e. The subrecipient, its officers, and employees are not debarred or suspended from doing business with the Federal Government; and
 - f. Subrecipients will provide information, such as data and reports, as required by HUD;
5. To establish such fiscal control and accounting procedures as may be necessary to assure the proper disbursement of, and accounting for grant funds in order to ensure that all financial transactions are conducted, and records maintained in accordance with generally accepted accounting principles, if the Recipient is a Unified Funding Agency;
6. To monitor subrecipient match and report on match to HUD;
7. To take the educational needs of children into account when families are placed in housing and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education;
8. To monitor subrecipients at least annually;
9. To use the centralized or coordinated assessment system established by the Continuum of Care as required by the Rule. A victim service provider may choose not to use the Continuum of Care's centralized or coordinated assessment system, provided that victim service providers in the area use a centralized or coordinated assessment system that meets HUD's minimum requirements ;

10. To follow the written standards, developed by the Continuum of Care, for providing Continuum of Care assistance, including those required by the Rule;
11. Enter into subrecipient agreements requiring subrecipients to operate the project(s) in accordance with the provisions of this Act and all requirements of the Rule; and
12. To comply with such other terms and conditions as HUD may have established in the applicable Notice of Funds Availability.

HUD notifications to the Recipient shall be to the address of the Recipient as stated in the Application, unless HUD is otherwise advised in writing. Recipient notifications to HUD shall be to the HUD Field Office responsible for executing the Agreement. No right, benefit, or advantage of the Recipient hereunder may be assigned without prior written approval of HUD.

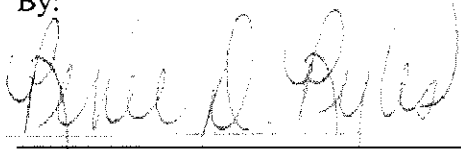
The Agreement constitutes the entire agreement between the parties hereto, and may be amended only in writing executed by HUD and the Recipient.

By signing below, Recipients that are states and units of local government certify that they are following a current HUD approved CHAS (Consolidated Plan).

This agreement is hereby executed on behalf of the parties as follows:

**UNITED STATES OF AMERICA,
Secretary of Housing and Urban Development**

By:



(Signature)

Renee Ryles, Director

(Typed Name and Title)

March 29, 2017

(Date)

RECIPIENT

Clackamas County

(Name of Organization)

By:

(Signature of Authorized Official)

Richard Swift, Director

(Typed Name and Title of Authorized Official)

(Date)

Tax ID No.: 93-6002286
CoC Program Grant Number: OR0236L0E071600
Effective Date: 3/29/2017
DUNS No.: 096992656

EXHIBIT 1
SCOPE OF WORK for FY2016 COMPETITION

1. The projects listed on this Scope of Work are governed by the Continuum of Care Program Interim Rule attached hereto and made a part hereof as Exhibit 1a. Upon publication for effect of a Final Rule for the Continuum of Care program, the Final Rule will govern this Agreement instead of the Interim Rule. The projects listed on this Exhibit at 4., below, is also subject to the terms of the Notice of Funds Availability for the fiscal year listed above.
2. The Continuum that designated the Recipient to apply for grant funds has not been designated a high performing community by HUD for the applicable fiscal year.
3. The Recipient is not the only Recipient for the Continuum of Care. HUD's total funding obligation for this grant is \$ 61095, allocated between budget line items, as indicated in 4., below. In accordance with the Rule, the Recipient is prohibited from moving more than 10% from one budget line item in a project's approved budget to another without a written amendment to this Agreement.
4. Subject to the terms of this Agreement, HUD agrees to provide the Grant funds, in the amount specified for the project application listed, to be used during the performance period established below. However, no funds for new projects may be drawn down by Recipient until HUD has approved site control pursuant to the Rule and no funds for renewal projects may be drawn down by Recipient before the end date of the project's final operating year under the grant that has been renewed.

Project No.	Performance Period	Total Amount
OR0236L0E071600	-	\$ 61095

Allocated between budget line items as follows:

a. Continuum of Care planning activities	\$ 61095
b. UFA costs	\$ 0
c. Acquisition	\$ 0
d. Rehabilitation	\$ 0
e. New construction	\$ 0
f. Leasing	\$ 0
g. Rental assistance (of which \$ 0 is for short-term and medium-term rental assistance for persons at risk of homelessness)	\$ 0
h. Supportive services	\$ 0
i. Operating costs	\$ 0
j. Homeless Management Information System	\$ 0

- | | |
|--|------|
| k. Administrative costs | \$ 0 |
| l. Relocation Costs | \$ 0 |
| m. Housing relocation and stabilization services | \$ 0 |
5. If grant funds will be used for payment of indirect costs, pursuant to 2 CFR 200, Subpart E - Cost Principles, the Recipient is authorized to insert the Recipient's federally recognized indirect cost rates (including if the de minimis rate is charged per 2 CFR §200.414) on the attached Federally Recognized Indirect Cost Rates Schedule, which Schedule shall be incorporated herein and made a part of the Agreement. No indirect costs may be charged to the grant by the Recipient if their federally recognized cost rate is not listed on the Schedule. Do not include indirect cost rates for Subrecipients; however, Subrecipients may not charge indirect costs to the grant if they do not also have a federally recognized indirect cost rate.
 6. The following project has not been awarded project-based rental assistance for a term of fifteen (15) years. Funding is provided under this Scope of Work for the performance period stated in paragraph 4. Additional funding is subject to the availability of annual appropriations.
 7. Program income earned during the grant term shall be retained by the recipient and used for eligible activities. Program income may also be counted as match.

Tax ID No.: 93-6002286
CoC Program Grant Number: OR0236L0E071600
Effective Date: 3/29/2017
DUNS No.: 096992656

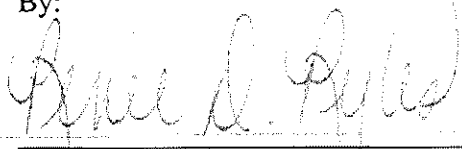
FEDERALLY RECOGNIZED INDIRECT COST RATE SCHEDULE

<u>Grant No.</u>	<u>Recipient Name</u>	<u>Indirect cost rate</u>	<u>Cost Base</u>
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This agreement is hereby executed on behalf of the parties as follows:

**UNITED STATES OF AMERICA,
Secretary of Housing and Urban Development**

By:



(Signature)

Renee Ryles, Director

(Typed Name and Title)

March 29, 2017

(Date)

RECIPIENT

Clackamas County

(Name of Organization)

By:

(Signature of Authorized Official)

Richard Swift, Director

(Typed Name and Title of Authorized Official)

(Date)

May 11, 2017

Board of County Commissioner
Clackamas County

Members of the Board:

Approval for Amendment #1 of the Intra-Agency Agreement with Clackamas County
Health Centers Division, to provide shared services.

Purpose/Outcomes	The purpose of Amendment #1 is to increase the contract value to cover costs for the duration of the Agreement.
Dollar Amount and Fiscal Impact	Contract is increased by \$61,256 bringing the maximum contract value to \$171,256.00.
Funding Source	This program is funded by fee for services. No County General Funds are involved.
Duration	Effective upon signature and terminates on June 30, 2017
Strategic Plan Alignment	1. Efficient and effective Services 2. Build a strong infrastructure
Previous Board Action	No Previous Board Actions
Contact Person	Dawn Emerick, Director, Public Health Division – (503) 655-8479
Contract No.	7829-01

BACKGROUND:

The Clackamas County Public Health Division (CCPHD) of the Health, Housing & Human Services Department requests the approval of Amendment #01 to the Intra-Agency Agreement with Clackamas County Health Centers Division (CCHCD) to provide shared services.

CCPHD provides support staff as needed to facilitate CCHCD program elements.

The new contract maximum is \$171,256. The Amendment is effective upon signature and expires June 30, 2017. This Amendment was reviewed by County Counsel on March 15, 2017.

RECOMMENDATION:

Staff recommends the Board approval of this agreement and authorizes Richard Swift, H3S Director to sign on behalf of Clackamas County.

Respectfully submitted,

Richard Swift, Director
Health, Housing, and Human Services

**Contract Amendment
Health, Housing and Human Services Department**

H3S Contract Number 7829 Board Agenda Number _____

and Date _____

Division Public Health Amendment No. 01

Contractor Health Centers Division

Amendment Requested By Dawn Emerick

Changes: Scope of Services Contract Budget
 Contract Time Other _____

Justification for Amendment:

This contract provides shared services from Public Health Staff to assist Health Centers Division.

This amendment increases the contract value by \$61,256. bringing the maximum contract value to \$171,256.

This amendment is effective **February 1, 2017** and continues through **June 30, 2017**.

Except as amended hereby, all other terms and conditions of the contract remain in full force and effect. The County has identified the changes with ***“bold/italic”*** font for easy reference.

AMEND:

III. Compensation

The bill rate will be as follows:

The bill rate will be calculated by salary plus fringe for each staff services received. Regular County Staff will track their time via Workforce Labor Distribution. Temporary staff shall complete a time tracking form.

The maximum compensation for this agreement is **\$110,000**. **CCPHD** will submit a request for interfund transfer to CCHCD monthly for hours of service provided.

TO READ:

III. Compensation

The bill rate will be as follows:

Clackamas County Health Centers Division

Intra-Agency Agreement – Amendment # 1

Page 2 of 2

The bill rate will be calculated by salary plus fringe for each staff services received. Regular County Staff will track their time via Workforce Labor Distribution. Temporary staff shall complete a time tracking form.

The maximum compensation for this agreement is **\$171,256**. CCPHD will submit a request for interfund transfer to CCHCD monthly for hours of service provided.

IN WITNESS WHEREOF, the parties hereto have caused this amendment to be executed by their duly authorized officers.

**CLACKAMAS COUNTY
HEALTH CENTER DIVISION**

By: _____
Deborah Cockrell

Date

**CLACKAMAS COUNTY
PUBLIC HEALTH DIVISION**

By: _____
Dawn Emerick

Approved to Form

By: _____
County Counsel

Date

CLACKAMAS COUNTY

Commissioner: Jim Bernard, Chair
Commissioner: Sonya Fischer
Commissioner: Ken Humberston
Commissioner: Paul Savas
Commissioner: Martha Schrader

Signing on Behalf of the Board:

Richard Swift, Director
Health, Housing and Human Services Department

Date

May 11, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Professional, Technical, and Personal Services Agreement with
The Mental Health Association of Oregon for Peer Support Services in Collaboration with
Clackamas County Sherriff's Office Behavioral Health Unit and Riverstone

Purpose/Outcomes	Provide Peer Support Services in collaboration with the Clackamas County Sherriff's Office ("CCSO") Behavioral Health Unit ("BHU") and Riverstone's clinicians working with the BHU.
Dollar Amount and Fiscal Impact	Contract maximum payment for two years is \$291,372.80.
Funding Source	State of Oregon (Service Element 63). No County General Funds are involved.
Duration	Effective May 15, 2017 and terminates on May 15, 2019
Previous Board Action	NA
Strategic Plan Alignment	1. Provide coordination, assessment, outreach, and recovery services to Clackamas County residents experiencing mental health and addiction distress so they can achieve their own recovery goals 2. Ensure safe, healthy and secure communities
Contact Person	Mary Rumbaugh, Director – Behavioral Health Division 503-742-5305
Contract No.	# 8069

BACKGROUND:

The Behavioral Health Division of the Health, Housing & Human Services Department requests the approval of a Professional, Technical, and Personal Services Agreement with The Mental Health Association of Oregon ("MHAO") for Peer Support Services in collaboration with Clackamas County Sherriff's Office ("CCSO") Behavioral Health Unit ("BHU") and Riverstone's clinicians working with BHU. MHAO will work collaboratively with Clackamas County's Peer Services Coordinator to develop and implement peer supports within the BHU.

As part of Clackamas County's Behavioral Health Redesign, which was started in 2009, Clackamas Behavioral Health committed to the development and implementation of a Peer Delivered Services System of Care for children, families, transition age youth, and adults receiving mental health and addiction services. The term "peer" refers to a person who self-identifies as an individual who is, or has been the recipient of inpatient or outpatient mental health and/or addiction treatment services and are successfully living in recovery. Peers provide support to an individual who has similar lived experiences. The supports provided are defined by the person asking for support. The individual defines their interests and goals and sets tasks to achieve those goals. The peer provides the support needed to develop the plan, complete those tasks, and achieve the goals laid out in the plan. Peer services are designed by peers for peers and intended to be flexible and community-based to meet the unique needs of each individual.

Healthy Families. Strong Communities.

2051 Kaen Road, Oregon City, OR 97045 • Phone (503) 650-5697 • Fax (503) 655-8677

Clackamas.us/h3s

The Agreement is effective May 15, 2017 and terminates on May 15, 2019 with a maximum payment of \$291,372.80. County Counsel reviewed and approved this Agreement on April 24, 2017.

RECOMMENDATION:

Staff recommends the Board approval of this contract and authorizes Richard Swift, H3S Director to sign on behalf of Clackamas County.

Respectfully submitted,

Richard Swift, Director
Health, Housing & Human Services Department

PROFESSIONAL, TECHNICAL, AND CONSULTANT SERVICES AGREEMENT

AGREEMENT # 8069

This Professional, Technical, and Consultant Services Agreement (this "Agreement") is between Clackamas County acting by and through its Health, Housing and Human Services Department, Behavioral Health Division, hereinafter called "COUNTY" and The Mental Health Association of Oregon hereinafter called "CONTRACTOR"

AGREEMENT

1.0 Engagement

COUNTY hereby engages CONTRACTOR to provide **CCSO BHU Peer Support Services** as more fully described in Exhibit A, Scope of Work, attached hereto and incorporated herein.

2.0 Term

Services provided under the terms of this Agreement shall commence **May 15, 2017** and shall terminate **May 15, 2019** unless terminated earlier by one or both parties as provided for in paragraph 6.0.

3.0 Compensation and Fiscal Records

3.1 Compensation. COUNTY shall compensate CONTRACTOR for satisfactorily performing contracted services as specified in Exhibit A as follows:

Total payment to CONTRACTOR shall not exceed **\$291,372.80**.

Payment shall be full compensation for work performed, for services rendered, and for all labor, materials, supplies, equipment, travel expenses, mileage, and incidentals necessary to perform the work and services.

3.2. Method of Payment. To receive payment, CONTRACTOR shall submit invoices as follows:

CONTRACTOR shall submit **itemized invoices by the 10th day of the month following the month services were performed**. The invoice shall include the contract # **8069** dates of service and the total amount due for all service provided during the month. Invoices shall be submitted electronically to:

BHAP@co.clackamas.or.us and
alinfoot@co.clackamas.or.us

Or by mail to:

Clackamas County Behavioral Health Division
Attn: Accounts Payable
2051 Kaen Road, 154
Oregon City, Oregon 97045

When submitting electronically, designate CONTRACTOR name and Agreement # **8069** in the subject of the e-mail.

Within thirty (30) days after receipt of the bill, provided COUNTY has approved the service specified on the invoice, COUNTY shall pay the amount requested to CONTRACTOR.

3.3 Withholding of Agreement Payments. Notwithstanding any other payment provision of this Agreement, should CONTRACTOR fail to perform or document the performance of contracted services,

The Mental Health Association of Oregon

Professional, Technical and Consultant Agreement #8069

Page 2 of 16

COUNTY shall immediately withhold payments hereunder. Such withholding payment for cause may continue until CONTRACTOR performs required services or establishes to COUNTY'S satisfaction that such failure arose out of causes beyond the control, and without the fault or negligence, of CONTRACTOR.

3.4 Financial Records. CONTRACTOR shall maintain complete and legible financial records pertinent to payments received. Such records shall be maintained in accordance with Generally Accepted Accounting Principles. Financial records shall be retained for at least five (5) years after final payment is made under this Agreement or until all pending matters are resolved, whichever period is longer. If an audit of financial records discloses that payments to CONTRACTOR were in excess of the amount to which CONTRACTOR was entitled, CONTRACTOR shall repay the amount of the excess to COUNTY.

3.4.1 CONTRACTOR shall maintain up-to-date accounting records that accurately reflect all revenue by source, all expenses by object of expense, and all assets, liabilities and equities consistent with Generally Accepted Accounting Principles and Oregon Administrative Rules. CONTRACTOR shall make reports and fiscal data generated under and for this Agreement available to COUNTY upon request.

3.4.2 COUNTY shall conduct a fiscal compliance review of CONTRACTOR as part of compliance monitoring of this Agreement. CONTRACTOR agrees to provide, upon reasonable notice, access to all financial books, documents, papers and records of CONTRACTOR which are pertinent to this Agreement to ensure appropriate expenditure of funds under this Agreement. COUNTY shall monitor compliance with COUNTY's financial reporting and accounting requirements.

3.4.3 CONTRACTOR may be subject to audit requirements. CONTRACTOR agrees that audits must be conducted by Certified Public Accountants who satisfy the independence requirement outlined in the rules of the American Institute of Certified Public Accountants (Rule 101 of the AICPA Code of Professional Conduct), the Oregon State Board of Accountancy, the independence rules contained within Governmental Auditing Standards (1994 Revision), and rules promulgated by other federal, state and local government agencies with jurisdiction over CONTRACTOR.

3.4.4 CONTRACTOR shall establish and maintain systematic written procedures to assure timely and appropriate resolution of review or audit findings and recommendations. CONTRACTOR shall make such procedures and documentation of resolution of audit findings available to COUNTY upon request.

4.0 Manner of Performance

4.1 Compliance with Applicable Laws and Regulations, and Special Federal Requirements

CONTRACTOR shall comply with all Federal and State regulations and laws, Oregon Administrative Rules, local laws and ordinances applicable to work performed under this Agreement, including, but not limited to, all applicable Federal and State civil rights and rehabilitation statutes, rules and regulations, and as listed in Exhibit B, Performance Standards, attached hereto and incorporated herein.

CONTRACTOR must, throughout the duration of this Agreement and any extensions, comply with all tax laws of this state and all applicable tax laws of any political subdivision of this state. Any violation of this section shall constitute a material breach of this Agreement. Further, any violation of CONTRACTOR'S warranty, in this Agreement that CONTRACTOR has complied with the tax laws of this state and the applicable tax laws of any political subdivision of this state also shall constitute a material breach of this Agreement. Any violation shall entitle COUNTY to terminate this Agreement, to pursue and recover any and all damages that arise from the breach and the termination of this Agreement, and to pursue any or all of the remedies available under this Agreement, at law, or in equity, including but not limited to:

- i. Termination of this Agreement, in whole or in part;

- ii. Exercise of the right of setoff, and withholding of amounts otherwise due and owing to CONTRACTOR, in an amount equal to COUNTY'S setoff right, without penalty; and
- iii. Initiation of an action or proceeding for damages, specific performance, declaratory or injunctive relief. COUNTY shall be entitled to recover any and all damages suffered as the result of CONTRACTOR'S breach of this Agreement, including but not limited to direct, indirect, incidental and consequential damages, costs of cure, and costs incurred in securing replacement performance.

These remedies are cumulative to the extent the remedies are not inconsistent, and COUNTY may pursue any remedy or remedies singly, collectively, successively, or in any order whatsoever.

4.2 Subcontracts. CONTRACTOR shall not enter into any subcontracts for any of the work scheduled under this Agreement.

4.3 Independent Contractor. CONTRACTOR certifies that it is an independent contractor and not an employee or agent of Clackamas County, State of Oregon or Federal government. CONTRACTOR is not an officer, employee or agent of Clackamas County as those terms are used in ORS 30.265. Responsibility for all taxes, assessments, and any other charges imposed upon employers shall be the solely the responsibility of CONTRACTOR.

4.4. Tax Laws. The CONTRACTOR represents and warrants that, for a period of no fewer than six calendar years preceding the effective date of this Agreement, has faithfully complied with:

- i. All tax laws of this state, including but not limited to ORS 305.620 and ORS chapters 316, 317, and 318;
- ii. Any tax provisions imposed by a political subdivision of this state that applied to CONTRACTOR, to CONTRACTOR'S property, operations, receipts, or income, or to CONTRACTOR'S performance of or compensation for any work performed by CONTRACTOR;
- iii. Any tax provisions imposed by a political subdivision of this state that applied to CONTRACTOR, or to goods, services, or property, whether tangible or intangible, provided by CONTRACTOR; and
- iv. Any rules, regulations, charter provisions, or ordinances that implemented or enforced any of the foregoing tax laws or provisions.

5.0 General Conditions

5.1 Indemnification. CONTRACTOR agrees to indemnify, save, hold harmless, and defend COUNTY, its officers, elected officials, agents, and employees from and against all claims and actions, and all expenses incidental to the investigation and defense thereof, arising out of actions, suits, claims or demand attributable in whole or in part to the acts or omissions of CONTRACTOR, and CONTRACTOR'S officers, agents, and employees, in performance of this Agreement.

CONTRACTOR shall defend, save, hold harmless and indemnify the State of Oregon, Oregon Health Authority and their officers, agents and employees from and against all claims, suits, actions, damages, liabilities, costs and expenses of whatsoever nature resulting from, arising out of, or relating to the activities or omissions of CONTRACTOR, or its agents or employees under this Agreement.

If CONTRACTOR is a public body, CONTRACTOR'S liability under this Agreement is subject to the limitations of the Oregon Tort Claims Act.

5.2 Insurance. During the term of this Agreement, CONTRACTOR shall maintain in force at its own expense each insurance noted below:

5.2.1 Commercial General Liability

Required by COUNTY Not required by COUNTY

CONTRACTOR shall obtain, at CONTRACTOR's expense, and keep in effect during the term of this Agreement, Commercial General Liability Insurance covering bodily injury and property damage on an "occurrence" form in the amount of **not less than \$1,000,000 per occurrence/ \$2,000,000 general aggregate for the protection of COUNTY, its officers, commissioners, and employees**. This coverage shall include Contractual Liability insurance for the indemnity provided under this Agreement. This policy(s) shall be primary insurance as respects to the COUNTY. Any insurance or self-insurance maintained by COUNTY shall be excess and shall not contribute it.

5.2.2 Commercial Automobile Liability

Required by COUNTY Not required by COUNTY

CONTRACTOR shall obtain at CONTRACTOR's expense, and keep in effect during the term of the Agreement, Commercial Automobile Liability coverage including coverage for all owned, hired, and non-owned vehicles, or CONTRACTOR shall obtain at CONTRACTOR'S expense, and keep in effect during the term of the Agreement, Personal auto coverage. The limits shall be **no less than \$250,000/occurrence, \$500,000/aggregate, and \$100,000 property damage. The combined single limit per occurrence shall not be less than \$1,000,000.**

5.2.3 Professional Liability

Required by COUNTY Not required by COUNTY

CONTRACTOR agrees to furnish COUNTY evidence of professional liability insurance **in the amount of not less than \$1,000,000 combined single limit per occurrence/\$2,000,000 general annual aggregate for malpractice or errors and omissions coverage for the protection of COUNTY, its officers, commissioners and employees** against liability for damages because of personal injury, bodily injury, death, or damage to property, including loss of use thereof, and damages because of negligent acts, errors and omissions in any way related to this Agreement. COUNTY, at its option, may require a complete copy of the above policy.

5.2.4 Tail Coverage. If liability insurance is arranged on a "claims made" basis, "tail" coverage will be required at the completion of this Agreement for a duration of thirty-six (36) months or the maximum time period the CONTRACTOR'S insurer will provide "tail" coverage as subscribed, or continuous "claims made" liability coverage for thirty-six (36) months following the Agreement completion. Continuous "claims made" coverage will be acceptable in lieu of "tail" coverage, provided it's retroactive date is on or before the effective date of this Agreement.

5.2.5 Additional Insurance Provisions. All required insurance other than Professional Liability, Workers' Compensation, and Personal Automobile Liability insurance shall include "Clackamas County, its agents, officers, and employees" as an additional insured.

5.2.6 Notice of Cancellation. There shall be no cancellation, material change, exhaustion of aggregate limits or intent not to renew insurance coverage without 60 days written notice to the COUNTY. Any failure to comply with this provision will not affect the insurance coverage provided to COUNTY. The 60 days' notice of cancellation provision shall be physically endorsed on to the policy.

The Mental Health Association of Oregon

Professional, Technical and Consultant Agreement #8069

Page 5 of 16

5.2.7 Insurance Carrier Rating. Coverages provided by CONTRACTOR must be underwritten by an insurance company deemed acceptable by COUNTY. Insurance coverage shall be provided by companies admitted to do business in Oregon or, in the alternative, rated A- or better by Best's Insurance Rating. COUNTY reserves the right to reject all or any insurance carrier(s) with an unacceptable financial rating.

5.2.8 Certificates of Insurance. As evidence of the insurance coverage required by this Agreement, CONTRACTOR shall furnish a Certificate of Insurance to COUNTY. No Agreement shall be in effect until required certificates have been received, approved and accepted by COUNTY. A renewal certificate will be sent to COUNTY ten days prior to coverage expiring.

Certificate holder should be:

Clackamas County, 2051 Kaen Road, Oregon City, Oregon 97045

Certificates of Insurance should be submitted electronically to:

BHcontracts@co.clackamas.or.us

Or by mail to:

Clackamas County Behavioral Health Division
Attention: Contracts
2051 Kaen Road, # 154
Oregon City, OR 97045

5.2.9 Primary Coverage Clarification. CONTRACTOR's coverage will be primary in the event of a loss and will not seek contribution from any insurance or self-insurance maintained by, or provided to, the additional insureds listed above.

5.2.10 Cross Liability Clause. A cross-liability clause or separation of insureds condition will be included in all general liability, professional liability, and errors and omissions policies required by the Agreement.

5.2.11 Waiver of Subrogation. CONTRACTOR agrees to waive their rights of subrogation arising from the work performed under this Agreement.

5.3 Governing Law; Consent to Jurisdiction. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without giving effect to the conflict of law provisions thereof. Any claim, action, or suit between COUNTY and CONTRACTOR that arises out of or relates to performance under this Agreement shall be brought and conducted solely and exclusively within the Circuit Court for Clackamas County, State of Oregon. Provided, however, that if any such claim, action or suit may be brought only in a federal forum, it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. CONTRACTOR by execution of this Agreement consents to the in personal jurisdiction of said courts.

5.4 Amendments. The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended, in any manner whatsoever, except by written instrument signed by CONTRACTOR and COUNTY.

5.5 Severability. If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

The Mental Health Association of Oregon

Professional, Technical and Consultant Agreement #8069

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5.6 Waiver. The failure of either party to enforce any provision of this Agreement shall not constitute a waiver of that or any other provision.

5.7 Future Support. COUNTY makes no commitment of future support and assumes no obligation for future support for the activity contracted herein except as set forth in this Agreement.

5.8 Oregon Public Contracting Requirements. Pursuant to the requirements of Oregon law, the following terms and conditions are made a part of this Agreement:

5.8.1 Workers' Compensation. All subject employers working under this Agreement must either maintain workers' compensation insurance as required by ORS 656.017, or qualify for an exemption under ORS 656.126. CONTRACTOR shall maintain employer's liability insurance with limits of \$500,000 each accident, \$500,000 disease each employee, and \$500,000 each policy limit.

5.8.2 Oregon Constitutional Limitations. This Agreement is expressly subject to the debt limitation of Oregon counties set forth in Article XI, Section 10 of the Oregon Constitution, and is contingent upon funds being appropriated therefore. Any provisions herein, which would conflict with such law, are deemed inoperative to that extent.

5.8.3 Oregon Public Contracting Conditions. Pursuant to the terms of ORS 279B.220, CONTRACTOR shall:

- i. Make payments promptly, as due, to all persons supplying to CONTRACTOR labor or materials for the performance of the work provided for in this Agreement.
- ii. Pay all contributions or amounts due the Industrial Accident Fund from such CONTRACTOR or subcontractor incurred in performance of this Agreement.
- iii. Not permit any lien or claim to be filed or prosecuted against Clackamas County on account of any labor or material furnished.
- iv. Pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

5.8.4 CONTRACTOR shall pay employees for work in accordance with ORS 279B.020 and ORS 279B.235, which is incorporated herein by this reference.

5.8.5 As required by ORS 279B.230, CONTRACTOR shall promptly, as due, make payment to any person or partnership, association, or corporation furnishing medical, surgical, and hospital care or other needed care and attention incident to sickness and injury, to the employees of CONTRACTOR, of all sums that CONTRACTOR agrees to pay for the services and all monies and sums that CONTRACTOR collected or deducted from the wages of its employees pursuant to any law, agreement or agreement for the purpose of providing or paying for such services.

5.9 Integration. This Agreement contains the entire Agreement between COUNTY and CONTRACTOR and supersedes all prior written or oral discussions or Agreements.

5.10 Ownership of Work Product. All work products of CONTRACTOR which result from this Agreement are the exclusive property of COUNTY.

6.0 Termination

6.1 Termination Without Cause. This Agreement may be terminated by mutual consent of both parties, or by either party upon thirty (30) business days' notice, in writing and delivered by certified mail or in person.

6.2 Termination With Cause. COUNTY, by written notice of default (including breach of Agreement) to CONTRACTOR, may terminate this Agreement effective upon delivery of written notice to CONTRACTOR, or at such later date as may be established by COUNTY, under any of the following conditions:

- i. If COUNTY funding from Federal, State, or other sources is not obtained and continued at levels sufficient to allow for purchase of the indicated quantity of services, the Agreement may be modified to accommodate a reduction in funds.
- ii. If Federal or State regulations or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this Agreement or are no longer eligible for the funding authorized by this Agreement.
- iii. If any license or certificate required by law or regulation to be held by CONTRACTOR to provide the services required by this Agreement is for any reason denied, revoked, or not renewed.
- iv. If CONTRACTOR fails to provide services, outcomes, reports as specified by COUNTY in this Agreement.
- v. If CONTRACTOR fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from COUNTY, fails to correct such failures within 10 days or such longer period as COUNTY may authorize.

6.3 Transition. Any such termination of this Agreement shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination. CONTRACTOR and COUNTY shall continue to perform all duties and obligations under this Agreement with respect to individuals under care of CONTRACTOR to the date of termination.

7.0 Notices

Any notice under this Agreement shall be deemed received the earlier of the time of delivery of two (2) business days after mailing certified and postage prepaid through the U.S. Postal Service addressed as follows:

If to CONTRACTOR:
The Mental Health Association of Oregon
10373 NE Hancock Suite 132
Portland, OR 97220

If to COUNTY:
Clackamas County Behavioral Health Division
2051 Kaen Road, # 154
Oregon City, OR 97045

This Agreement consists of seven (7) sections plus the following exhibits, which by this reference are incorporated herein:

Exhibit A	Scope of Work
Exhibit B	Performance Standards
Exhibit C	Budget

(signature page follows)

SIGNATURE PAGE

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers.

THE MENTAL HEALTH ASSOCIATION OF OREGON

By: Janie Marsh

May 1, 2017

Date

10373 NE Hancock, Suite 132
Portland, Oregon 97203
Phone: 503-922-2377
Fax: 503-922-2360

CLACKAMAS COUNTY

Commissioner Jim Bernard, Chair
Commissioner Sonya Fischer
Commissioner Ken Humberston
Commissioner Paul Savas
Commissioner Martha Schrader

Signing on Behalf of the Board:

Richard Swift, Director
Health, Housing & Human Service Department

Date

Recording Secretary

Date

Approved to Form:

[Signature]
County Counsel

20 April 2017
Date

May 11, 2017

Board of County Commissioner
Clackamas County

Members of the Board:

Approval of Amendment #2 to the Professional Services Agreement with
CompHealth Locum Tenens for temporary physician staff

Purpose/Outcomes	This Amendment extends the term and adds funding.
Dollar Amount and Fiscal Impact	Amendment #2 adds \$200,000 bringing the contract value to \$350,000
Funding Source	Health Centers Clinic's fee for service No County General Funds are involved.
Duration	May 25, 2016 – December 31, 2017.
Strategic Plan Alignment	1. Efficient and Effective Services 2. Ensure safe, healthy and secure communities.
Previous Board Action	Previous Board Action on December 19, 2016 Agenda item-121916-A-4
Contact Person	Deborah Cockrell, Health Centers Director – 503-742-5495
Contract No.	7758-02

BACKGROUND:

Clackamas County Health Centers Division (CCHCD) of the Health, Housing & Human Services Department requests the approval of Amendment #2 to the Professional Services Agreement with CompHealth Locum Tenens for temporary physician staff.

The physician position remains vacant, these services are used to supplement coverage at the Health Center clinics while vacancies are filled and for vacation coverage. Amendment #02 extends the term of the Agreement to December 31, 2017 and adds \$200,000 bringing the maximum value of this contract to \$350,000. Amendment is effective upon signature and will terminate on December 31, 2017. This Amendment was reviewed by County Counsel on May 1, 2017.

Recommendation

We recommend approval of this amendment and that Richard Swift be authorized to sign on behalf of the Board of County Commissioners.

Respectfully submitted

Richard Swift, Director
Health, Housing, and Human Services

Contract Amendment
Health, Housing and Human Services Department

H3S Contract Number 7758 Board Agenda Number _____

and Date _____

Division Health Centers Amendment No. 02

Contractor CompHealth Locum Tenens

Amendment Requested By Deborah Cockrell

Changes: Scope of Services Contract Budget
 Contract Time Other _____

Justification for Amendment:

Due to a vacancy for a physician in the Health Centers it is necessary to continue temporary staffing in order to maintain service to our clients. This Amendment extends the term of this agreement through December 31, 2017 and increases the contract value by \$200,000, bringing the contract maximum to \$350,000. This Amendment is effective **upon signature** and continues through **December 31, 2017**.

Except as amended hereby, all other terms and conditions of the Contract remain in full force and effect. The County has identified the changes with "***bold/italic***" font for easy reference.

AMEND:

5.E Term. The term of this Agreement ("Term") shall begin on the ***Effective Date and continue for a period of one (1) year.*** The Parties agree that the maximum Agreement value shall not exceed ***\$150,000.00***

TO READ:

5.E Term. The term of this Agreement ("Term") shall begin on the ***Effective Date and continue through December 31, 2017.*** The Parties agree that the maximum Agreement value shall not exceed ***\$350,000.00***

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their duly authorized officers.

Signature on Next Page

COMPHEALTH LOCUM TENENS

Professional Services Contract – Amendment #21

Page 2 of 2

COMPHEALTH LOCUM TENENS

By: _____
Shay Rolfson, Director

Date
6440 S Millrock Dr. Suite 175
Street Address
Salt Lake City, UT 84171
City/State/Zip
801-930-3595 / _____
Phone / Fax

County Counsel
Approved as to Form

S:\Admin\CONTRACTS\HEALTH CENTERS\Expense\CompHealth Locum
Tenens\2016\H3SHCompHealthLocumTenens7758_02.doc

CLACKAMAS COUNTY

Commissioner: Jim Bernard, Chair
Commissioner: Sonya Fischer
Commissioner: Ken Humberston
Commissioner: Paul Savas
Commissioner: Martha Schrader

Signing on Behalf of the Board:

Richard Swift, Director
Health, Housing and Human Services Department

Date

May 11, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Grant Agreement from the
U.S. Department of Housing and Urban Development (HUD),
Supportive Housing Program for the Housing Our Heroes Project

Purpose/Outcomes	This is a HUD grant for the purpose of providing permanent housing and services for the homeless. Veterans and others who have served in the military are the priority. People with no military service will be served only in the unlikely event that sufficient eligible veterans cannot be enrolled in the project.
Dollar Amount and Fiscal Impact	\$302,013 revenue
Funding Source	HUD – The grant requires a 25% match or in-kind contribution which will be met with State of Oregon Emergency Housing Assistance funds
Duration	July 1, 2017 through June 30, 2018
Previous Board Action	None
Strategic Plan Alignment	1. This funding aligns with the Social Services Division’s strategic priority to provide housing stabilization and supportive services to people who are homeless or at risk of becoming homeless so they can obtain and maintain permanent housing. 2. This funding aligns with the County’s strategic priority to ensure safe, healthy and secure communities.
Contact Person	Brenda Durbin, Director, Social Services Division – (503)655-8641
Contract No.	8301

Background:

Social Services Division of the Health, Housing & Human Services Department requests the approval of a grant from the U.S. Department of Housing and Urban Development, Supportive Housing Program for the Housing Our Heroes Project to provide permanent housing and services for homeless veterans.

This program will provide housing assistance, supportive services, and case management to chronically homeless households with at least one person who has served in the military. These funds provide the Social Services Division resources to procure permanent housing through the payment of deposits and rental assistance. Up to 18 households will be assisted annually.

The value of this grant agreement is \$302,013. The agreement is effective July 1, 2017 through June 30, 2018. This agreement was reviewed and approved by County Counsel on May 2, 2017.

Recommendation:

Staff recommends the approval of this agreement and that Richard Swift, Director of Health, Housing, and Human Services be authorized to sign all documents necessary on behalf of the Board of Commissioners.

Respectfully submitted,

Richard Swift, Director,
Health, Housing and Human Services Department

Healthy Families. Strong Communities.



U.S. Department of Housing and Urban Development
Office of Community Planning and Development
1220 SW 3rd Avenue
Suite 400
Portland, OR 97204-2830

Tax ID No.: 93-6002286
CoC Program Grant Number: OR0217L0E071601
Effective Date: 4/10/2017
DUNS No.: 096992656

CONTINUUM OF CARE PROGRAM GRANT AGREEMENT

This Grant Agreement (“this Agreement”) is made by and between the United States Department of Housing and Urban Development (“HUD”) and Clackamas Dept. Health, Housing & Human Svcs (the “Recipient”).

This Agreement is governed by title IV of the McKinney-Vento Homeless Assistance Act 42 U.S.C. 11301 et seq. (the “Act”) and the Continuum of Care Program rule (the “Rule”).

The terms “Grant “ or “Grant Funds” represents the funds that are provided under this Agreement. The term “Application” means the application submissions on the basis of which the Grant was approved by HUD, including the certifications, assurances, and any information or documentation required to meet any grant award condition. All other terms shall have the meanings given in the Rule.

The Application is incorporated herein as part of this Agreement, except that only those project listed, and only in the amount listed on the Scope of Work exhibit, are funded by this Agreement. In the event of any conflict between any application provision and any provision contained in this Agreement, this Agreement shall control.

Exhibit 1, the FY2016 Scope of Work, is attached hereto and made a part hereof. If in the future appropriations are made available for Continuum of Care grants; if the Recipient applies under a Notice of Funds Availability published by HUD; and, if pursuant to the selection criteria in the Notice of Funds Availability, HUD selects Recipient and one or more projects listed on Exhibit 1 for renewal, then additional Scope of Work exhibits may be attached to this Agreement. Those additional exhibits, when attached, will also become a part hereof.

The effective date of the Agreement shall be the date of execution by HUD and it is the date the usage of funds under this Agreement may begin. Each project will have a performance period that will be listed on the Scope of Work exhibit(s) to this Agreement. For renewal projects, the period of performance shall begin at the end of the Recipient’s final operating year for the project being renewed and eligible costs incurred for a project between the end of the Recipient’s final operating year under the grant being renewed and the execution of this Agreement may be paid with funds from the first operating year of this Agreement. For each new project funded under this Agreement, the Recipient and HUD will set an operating start date in eLOCCS, which will be used to track expenditures, to establish the project performance period and to determine when a project is eligible for renewal. The Recipient hereby authorizes HUD to insert the project performance period for new projects into the exhibit without the Recipient’s signature, after the operating start date is established in eLOCCS.

This Agreement shall remain in effect until termination either: 1) by agreement of the parties; 2) by HUD alone, acting under the authority of 24 CFR 578.107; 3) upon expiration of the final performance period for all projects funded under this Agreement; or 4) upon the expiration of the period of availability of funds for all projects funded under this Agreement.

Recipient agrees:

1. To ensure the operation of the project(s) listed on the Scope of Work in accordance with the provisions of the Act and all requirements of the Rule;
2. To monitor and report the progress of the project(s) to the Continuum of Care and HUD;
3. To ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;
4. To require certification from all subrecipients that:
 - a. Subrecipients will maintain the confidentiality of records pertaining to any individual or family that was provided family violence prevention or treatment services through the project;
 - b. The address or location of any family violence project assisted with grant funds will not be made public, except with written authorization of the person responsible for the operation of such project;
 - c. Subrecipients will establish policies and practices that are consistent with, and do not restrict, the exercise of rights provided by subtitle B of title VII of the Act and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;
 - d. In the case of projects that provide housing or services to families, subrecipients will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under subtitle B of title VII of the Act;
 - e. The subrecipient, its officers, and employees are not debarred or suspended from doing business with the Federal Government; and
 - f. Subrecipients will provide information, such as data and reports, as required by HUD;
5. To establish such fiscal control and accounting procedures as may be necessary to assure the proper disbursement of, and accounting for grant funds in order to ensure that all financial transactions are conducted, and records maintained in accordance with generally accepted accounting principles, if the Recipient is a Unified Funding Agency;
6. To monitor subrecipient match and report on match to HUD;
7. To take the educational needs of children into account when families are placed in housing and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education;
8. To monitor subrecipients at least annually;
9. To use the centralized or coordinated assessment system established by the Continuum of Care as required by the Rule. A victim service provider may choose not to use the Continuum of Care's centralized or coordinated assessment system, provided that victim service providers in the area use a centralized or coordinated assessment system that meets HUD's minimum requirements ;

10. To follow the written standards, developed by the Continuum of Care, for providing Continuum of Care assistance, including those required by the Rule;
11. Enter into subrecipient agreements requiring subrecipients to operate the project(s) in accordance with the provisions of this Act and all requirements of the Rule; and
12. To comply with such other terms and conditions as HUD may have established in the applicable Notice of Funds Availability.

HUD notifications to the Recipient shall be to the address of the Recipient as stated in the Application, unless HUD is otherwise advised in writing. Recipient notifications to HUD shall be to the HUD Field Office responsible for executing the Agreement. No right, benefit, or advantage of the Recipient hereunder may be assigned without prior written approval of HUD.

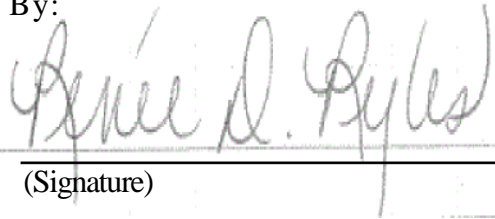
The Agreement constitutes the entire agreement between the parties hereto, and may be amended only in writing executed by HUD and the Recipient.

By signing below, Recipients that are states and units of local government certify that they are following a current HUD approved CHAS (Consolidated Plan).

This agreement is hereby executed on behalf of the parties as follows:

**UNITED STATES OF AMERICA,
Secretary of Housing and Urban Development**

By:



(Signature)

Renee Ryles, Director

(Typed Name and Title)

April 10, 2017

(Date)

RECIPIENT

Clackamas Dept. Health, Housing & Human Svcs

(Name of Organization)

By:

(Signature of Authorized Official)

(Typed Name and Title of Authorized Official)

(Date)

Tax ID No.: 93-6002286
CoC Program Grant Number: OR0217L0E071601
Effective Date: 4/10/2017
DUNS No.: 096992656

EXHIBIT 1
SCOPE OF WORK for FY2016 COMPETITION

1. The projects listed on this Scope of Work are governed by the Continuum of Care Program Interim Rule attached hereto and made a part hereof as Exhibit 1a. Upon publication for effect of a Final Rule for the Continuum of Care program, the Final Rule will govern this Agreement instead of the Interim Rule. The projects listed on this Exhibit at 4., below, is also subject to the terms of the Notice of Funds Availability for the fiscal year listed above.
2. The Continuum that designated the Recipient to apply for grant funds has not been designated a high performing community by HUD for the applicable fiscal year.
3. The Recipient is not the only Recipient for the Continuum of Care. HUD’s total funding obligation for this grant is \$ 302013, allocated between budget line items, as indicated in 4., below. In accordance with the Rule, the Recipient is prohibited from moving more than 10% from one budget line item in a project’s approved budget to another without a written amendment to this Agreement.
4. Subject to the terms of this Agreement, HUD agrees to provide the Grant funds, in the amount specified for the project application listed, to be used during the performance period established below. However, no funds for new projects may be drawn down by Recipient until HUD has approved site control pursuant to the Rule and no funds for renewal projects may be drawn down by Recipient before the end date of the project’s final operating year under the grant that has been renewed.

Project No.	Performance Period	Total Amount
OR0217L0E071601	07-01-2017 - 06-30-2018	\$ 302013

Allocated between budget line items as follows:

a. Continuum of Care planning activities	\$ 0
b. UFA costs	\$ 0
c. Acquisition	\$ 0
d. Rehabilitation	\$ 0
e. New construction	\$ 0
f. Leasing	\$ 0
g. Rental assistance (of which \$ 0 is for short-term and medium-term rental assistance for persons at risk of homelessness)	\$ 210552
h. Supportive services	\$ 66884
i. Operating costs	\$ 0
j. Homeless Management Information System	\$ 0

k. Administrative costs	\$ 24577
l. Relocation Costs	\$ 0
m. Housing relocation and stabilization services	\$ 0

5. If grant funds will be used for payment of indirect costs, pursuant to 2 CFR 200, Subpart E - Cost Principles, the Recipient is authorized to insert the Recipient's federally recognized indirect cost rates (including if the de minimis rate is charged per 2 CFR §200.414) on the attached Federally Recognized Indirect Cost Rates Schedule, which Schedule shall be incorporated herein and made a part of the Agreement. No indirect costs may be charged to the grant by the Recipient if their federally recognized cost rate is not listed on the Schedule. Do not include indirect cost rates for Subrecipients; however, Subrecipients may not charge indirect costs to the grant if they do not also have a federally recognized indirect cost rate.
6. The following project has not been awarded project-based rental assistance for a term of fifteen (15) years. Funding is provided under this Scope of Work for the performance period stated in paragraph 4. Additional funding is subject to the availability of annual appropriations.
7. Program income earned during the grant term shall be retained by the recipient and used for eligible activities. Program income may also be counted as match.

Tax ID No.: 93-6002286
CoC Program Grant Number: OR0217L0E071601
Effective Date: 4/10/2017
DUNS No.: 096992656

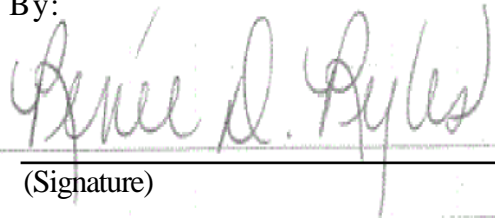
FEDERALLY RECOGNIZED INDIRECT COST RATE SCHEDULE

<u>Grant No.</u>	<u>Recipient Name</u>	<u>Indirect cost rate</u>	<u>Cost Base</u>
OR0217L0E071601	Clackamas County	10.00%	245,780

This agreement is hereby executed on behalf of the parties as follows:

**UNITED STATES OF AMERICA,
Secretary of Housing and Urban Development**

By:



(Signature)

Renee Ryles, Director

(Typed Name and Title)

April 10, 2017

(Date)

RECIPIENT

Clackamas Dept. Health, Housing & Human Svcs

(Name of Organization)

By:

(Signature of Authorized Official)

(Typed Name and Title of Authorized Official)

(Date)



MARC GONZALES
DIRECTOR

DEPARTMENT OF FINANCE

PUBLIC SERVICES BUILDING

2051 KAEN ROAD | OREGON CITY, OR 97045

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of Amendment #1 to the Agreement Documents with
Piper, Jaffray & Co. for Financial Services

Purpose/Outcome	<i>Extend the term of the Agreement, increase compensation and add additional services to the scope of work.</i>
Dollar Amount and fiscal Impact	<i>\$290,000.00 maximum over Fiscal Year 2015-2016 through Fiscal Year 2019-2020</i>
Funding Source	<i>100-9110-00-431000</i>
Duration	<i>Through June 30, 2020</i>
Previous Board Action/Review	<i>N/A</i>
Strategic Plan Alignment	<i>Building Public Trust Through Good Government</i>
Contact Person	<i>Marc Gonzales, 503-742-5405</i>
Contract No.	<i>N/A</i>

BACKGROUND: The original agreement for Financial Services was executed on Sept. 21, 2015. The County has contracted with Piper, Jaffray and Company, for financial advisory services in support of County debt issues, financing proposals, and project funding planning since 2015 under this contract. This amendment updates and extends the term of the current agreement, and modifies the compensation amount for 2016-17. The amendment also includes language to reflect current regulatory requirements of the Municipal Securities Rulemaking Board.

The County contemplates one or more debt issues to refund outstanding debt and take advantage of an interest rate market that has changed sufficiently to allow significant interest cost savings, and to provide funding for capital projects planned and approved by the Board of Commissioners.

The specific project commencing in 2016-17 is planning, design and construction of a building to house the Clackamas County Extension Service, which has been located on the County's Red Soils Campus for many years. This project was been proposed to create additional necessary space for the operations of the Extension Service, through its Advisory Board, and the Board of Commissioners has approved both the project concept and the location at the corner of Warner Milne Road and Beaver Creek Road. A provision for additional compensation for the fiscal year 2016-17 has also been included in anticipation of potential costs to be incurred for services supporting these two efforts.

The contract has also been updated to reflect current requirements under regulations of the Municipal Securities Rulemaking Board (Rule G-42), governing the relationship between municipal advisors and clients.

This amendment has been reviewed and approved as to form by County Counsel.

RECOMMENDATION: Staff recommends the Board approve the attached Amendment.

Respectfully Submitted,

Marc Gonzales
Finance Director

*Placed on the _____ Agenda by the Procurement Division

AMENDMENT #1

TO THE AGREEMENT DOCUMENTS WITH PIPER JAFFRAY & CO. FOR FINANCIAL SERVICES

This Amendment #1 (“Amendment #1”) is entered into between Piper Jaffray & Co. (the “Financial Services Provider”) and Clackamas County (“Issuer”) and it shall become part of the contract between the parties which consists of the Financial Services Agreement, dated September 21, 2015 (the “Agreement”).

The Purpose of the Amendment #1 is to extend the term of the Agreement, increase compensation and add additional services to the scope of work.

1. The Governmental Contracting Addendum in the Agreement is hereby deleted in its entirety and replaced with the **Oregon Governmental Contracting Addendum** dated March 2, 2017, attached and hereby incorporated as **Exhibit A**.
2. Section 3. Compensation, is hereby deleted in its entirety and replaced with the following:

For services associated with the issuance of bonds or obligations by the Issuer, such duties shall be covered by the Financial Services Provider as a direct cost of issuance in a bond or obligation issue as follows:

1. General Obligation Bonds - a base fee of \$25,000 per bond issue plus \$0.25 per \$1,000 of principal issued.
2. Full Faith & Credit Obligations (general fund secured) – a base fee of \$30,000 per obligation issue plus \$0.25 per \$1,000 of principal issued.
3. Revenue Bonds (includes FFC with additional revenue pledge) - a base fee of \$35,000 per bond issue plus \$0.50 per \$1,000 of principal issued.
4. Bank loans – to the extent any of the transactions identified above are placed directly with a bank, the fee will be limited to a maximum of \$30,000.

For an issue of refunding bonds, add \$5,000 to the base fee identified above.

The fiscal year of this Agreement is between July 1 and June 30. The County fiscal year maximum compensation is as follows:

Fiscal Year 2015/2016	\$ 50,000.00
Fiscal Year 2016/2017	\$ 90,000.00 *
Fiscal Year 2017-2018	\$ 50,000.00
Fiscal Year 2018/2019	\$ 50,000.00
<u>Fiscal Year 2019/2020</u>	<u>\$ 50,000.00</u>
Agreement Maximum Total	\$ 290,000.00

*Fiscal Year 2016/2017 is increased for extra bond issuance services for fiscal year 2016/2017.

3. Section 5 of the Agreement is hereby deleted in its entirety and replaced with the following:

The term of this Agreement shall begin on the date of execution set forth and shall continue through **June 30, 2020**. The services shall be performed on a schedule acceptable to Issuer. In performing its duties, the Financial Services Provider shall meet

the highest standards prevalent in the industry or business most closely involved in providing the appropriate goods or services. The Issuer and Financial Services Provider may terminate this Agreement at any time without liability or penalty upon at least 30 days written notice. All fees due to the Financial Services Provider for work done prior to the date of termination shall be due and payable immediately upon termination by the Issuer. Upon termination of this Agreement, the Financial Services Provider shall thereafter have no continuing fiduciary or other duties to the Issuer under this Agreement. The provisions of Sections 4, 10, 11, 14 and 15 shall survive termination of this Agreement.

- 4. ADD: "New Required Disclosures Under MSRB Rule G-42 and Affirmation of Certain Aspects of our Relationship", dated June 21, 2016, attached and hereby incorporated by reference as **Exhibit B**.

Except as expressly amended above, all other terms and conditions of the Agreement shall remain in full force and effect.

By signature below, the parties agree to this Amendment #1, effective upon the date of the last signature below.

Piper Jaffray & Co.
 1300 SW Fifth Ave., Ste. 3650
 Portland, OR 97201

Clackamas County


 _____ 6/33/23
 Authorized Signature Date

 Chair Date

Recording Secretary

 Name and Title

011478-26

 Oregon Business Registry Number

 Date

FBC/ Delaware

 Entity Type / State of Formation

Approved as to form

 County Counsel Date

EXHIBIT A

EXHIBIT A – 3/02/17
OREGON GOVERNMENTAL CONTRACTING ADDENDUM

This Oregon Governmental Contracting Addendum (“Addendum”) is entered as an additional agreement to those certain contracting documents entered into by Clackamas County, a political subdivision of the State of Oregon (“**Issuer**”), Piper Jaffray & Co. (The “**Financial Services Provider**”). As used below, (“**Agreement**”) or “Agreement Documents” or similar term shall include this Addendum. To the extent there is any conflict between the Agreement Documents, the terms of this Addendum shall control.

- A.** All employers, including Financial Services Provider, which employ workers who work under this Agreement in the State of Oregon shall comply with Oregon Revised Statutes (“ORS”) Chapter 656.017 and provide required workers' compensation coverage, unless such employers are exempt under ORS 656.126. Financial Services Provider shall ensure that each of its subcontractors complies with these requirements. Financial Services Provider shall maintain employer’s liability insurance with limits of \$500,000 each accident, \$500,000 per disease for each employee, and \$500,000 minimum policy limit.
- B.** The Agreement Documents are expressly subject to the debt limitation of Oregon counties set forth in Article XI, Section 10, of the Oregon Constitution, and is contingent upon funds being appropriated therefore. Any provisions herein which would conflict with law are deemed inoperative to that extent. The following terms and conditions are made a part of this Agreement:
- 1.** Financial Services Provider shall:
 - a)** Make payments promptly, as due, to all persons supplying to Financial Services Provider labor or materials for the prosecution of the work provided for in the Agreement Documents.
 - b)** Pay all contributions or amounts due the Industrial Accident Fund from such Financial Services Provider or subcontractor incurred in the performance of the Agreement Documents.
 - c)** Not permit any lien or claim to be filed or prosecuted against Issuer on account of any labor or material furnished.
 - d)** Pay the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.
 - 2.** If Financial Services Provider fails, neglects or refuses to make prompt payment of any claim for labor or services furnished to Financial Services Provider or a subcontractor by any person in connection with the Agreement Documents as such claim becomes due, the proper officer representing Issuer may pay such claim to the person furnishing the labor or services and charge the amount of the payment against funds due or to become due Financial Services Provider by reason of the Agreement Documents.
 - 3.** The Financial Services Provider shall pay employees for work in accordance with ORS 279B.020 and ORS 279B.235, which is incorporated herein by this reference.
 - 4.** Financial Services Provider shall promptly, as due, make payment to any person or co-partnership, association or corporation furnishing medical, surgical and hospital care or other needed care and attention incident to sickness and injury to the employees of Financial Services Provider, of all sums which Financial Services Provider agrees to pay for such services and all moneys and sums which Financial Services Provider collected or deducted from the wages of Financial Services Provider's employees pursuant to any law, Agreement or agreement for the purpose of providing or paying for such services.
- C.** The insurance described in Subsection A above shall provide thirty (30) days written notice to the Financial Service Provider in the event of a cancellation or material change that reduces coverage below what is prescribed under this subsection C. The Financial Services Provider shall promptly notify the Issuer upon receipt of such notice. This policy(s) shall be primary insurance as respects to the Issuer. Any insurance or self-insurance maintained by the Issuer shall be excess and shall not contribute to it.
- 1.** The Financial Services Provider agrees to furnish the Issuer evidence of commercial general liability insurance in the amount of not less than \$1,000,000 combined single limit per occurrence/\$2,000,000 general annual aggregate for personal injury and property damage. The Issuer, its officers, commissioners, agents and employees shall be named as additional insureds under the policy.

2. Financial Services Provider may not arrange for required liability insurance on “claims made” basis. Financial Services Provider will have occurrence coverage that meets at least the minimums set forth in this Agreement at all times.
 3. The Financial Services Provider agrees to furnish the Issuer evidence of business automobile liability insurance in the amount of not less than \$500,000 combined single limit for bodily injury and property damage. The Issuer, its officers, commissioners, and employees shall be named as an additional insured under the policy.
 4. The insurance, other than the Workers’ Compensation, Professional liability insurance, shall include the Issuer as an additional insured and proof of the same. There shall be no cancellation, or intent not to renew insurance coverage, or material change that would result in Financial Services Provider not meeting minimum thresholds or otherwise impair its ability to meet its obligations hereunder, without 30 days written notice by the Financial Services Provider to the Issuer. Any insurance or self-insurance maintained by the Issuer shall be excess and shall not contribute to it,
 5. The Financial Services Provider will provide written notice to the Issuer within sixty (60) days after any reduction in the general aggregate limit below the limits prescribed under this subsection C whether provided in primary or excess/umbrella policies.
- D.** The laws of the State of Oregon shall govern as to the interpretation, validity, and effect of this Agreement without giving effect to conflict of law provisions thereof.
- E.** This Agreement may be terminated by either party upon at least ten (10) days written notice to the other.
- F.** The Financial Services Provider shall comply with all federal, state and local laws, regulation, executive orders and ordinances applicable to the Work under this Agreement. Financial Services Provider must, throughout the duration of this Agreement and any extensions, comply with all tax laws of this state and all applicable tax laws of any political subdivision of this state. Any violation of this section shall constitute a material breach of this Agreement. Further, any violation of Financial Services Provider’s warranty, in Section G of this Agreement that Financial Services Provider has complied with the tax laws of this state and the applicable tax laws of any political subdivision of this state also shall constitute a material breach of this Agreement. Any violation shall entitle Issuer to terminate this Agreement, to pursue and recover any and all damages that arise from the breach and the termination of this Agreement, and to pursue any or all of the remedies available under this Agreement, at law, or in equity, including but not limited to:
1. Termination of this Agreement, in whole or in part;
 2. Exercise of the right of setoff, and withholding of amounts otherwise due and owing to Financial Services Provider, in an amount equal to Issuer’s setoff right, without penalty; and
 3. Initiation of an action or proceeding for damages, specific performance, declaratory or injunctive relief. Issuer shall be entitled to recover any and all damages suffered as the result of Financial Services Provider's breach of this Agreement, including but not limited to direct, indirect, incidental and consequential damages, costs of cure, and costs incurred in securing replacement performance.
- These remedies are cumulative to the extent the remedies are not inconsistent, and Issuer may pursue any remedy or remedies singly, collectively, successively, or in any order whatsoever.
- G.** The Financial Services Provider represents and warrants that, for a period of no fewer than six calendar years preceding the effective date of this Agreement, has faithfully complied with:
1. All tax laws of this state, including but not limited to ORS 305.620 and ORS chapters 316, 317, and 318;

2. Any tax provisions imposed by a political subdivision of this state that applied to Financial Services Provider, to Financial Services Provider's property, operations, receipts, or income, or to Financial Services Provider's performance of or compensation for any work performed by Financial Services Provider;
3. Any tax provisions imposed by a political subdivision of this state that applied to Financial Services Provider, or to goods, services, or property, whether tangible or intangible, provided by Financial Services Provider; and
4. Any rules, regulations, charter provisions, or ordinances that implemented or enforced any of the foregoing tax laws or provisions.

H. Indemnification

1. The Financial Services Provider agrees to indemnify, hold harmless and defend the Issuer, its officers, elected officials, agents and employees from and against all claims and actions, and all expenses incidental to the investigation and defense thereof, arising out of or based upon damage or injuries to persons or property caused by the errors, omissions, fault or negligence of the Financial Services Provider or the Financial Services Provider's employees or agents, but not including any incidental or consequential damages therein. Notwithstanding anything else in this Agreement, no recourse shall be had against Financial Services Provider for any loss, damage, liability, cost or expense (whether direct, indirect or consequential) of the Issuer arising out of or in defending, prosecuting, negotiating or responding to any inquiry, questionnaire, audit, suit, action, or other proceeding brought or received from the Internal Revenue Service in connection with any bonds or otherwise relating to the tax treatment of interest on any bonds, or in connection with any opinion or certificate rendered by bond or disclosure counsel or any other person at closing.
 2. Any obligation of the Issuer to indemnify, hold harmless and defend the Financial Services Provider, its officers, agents and employees, or any other indemnitee, shall only be to the extent provided by Article XI, Section 10 of the Oregon Constitution and the Oregon Tort Claims Act (ORS 30.260 through 30.300) from and against all claims and actions, and all expenses incidental to the investigation and defense thereof, arising out of or based on damage or injuries to persons or property caused by the errors, omissions, fault or negligence of the Issuer or the Issuer's employee or agents.
- I.** No attorney fees shall be paid for or awarded to either party in the course of any dispute, indemnification, or other recovery. It is the intent of the parties that each shall bear the costs of its own legal counsel.
- J.** Any documents that are requested to be maintained as confidential by either party shall only be maintained as confidential to the extent permitted by the Oregon Public Records Law (ORS 192.410-.505).
- K.** This Addendum may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.

By their signatures below, the parties to this Addendum agree to the terms, conditions, and content expressed herein. The Financial Services Provider agrees to perform the scope of work as described in the Agreement documents and meet the performance standards set forth therein.

Piper Jaffray & Co.

Clackamas County

Carol Samuels 4/11/2017
Authorized Signature Date

Chair Date

Carol Samuels, Managing Director
Name/Title (Printed)

Recording Secretary

Date

Approved As To Form:

Clackamas County Counsel Date

EXHIBIT B

New Required Disclosures under MSRB Rule G-42 and
Affirmation of Certain Aspects of Our Relationship

Dated: June 21, 2016

Marc Gonzales
Clackamas County
2051 Kaen Road
Oregon City, Oregon 97045

Re: New Required Disclosures under MSRB Rule G-42 and Affirmation of Certain Aspects of Our Relationship

Sent via email: marcgc@co.clackamas.or.us

Dear Marc,

This letter is being provided to you because of the new Municipal Securities Rulemaking Board (MSRB) Rule G-42, (which we refer to herein as the Rule), effective June 23, 2016, which will apply to Piper Jaffray in its capacity as a financial advisor or municipal advisor. The Rule applies to all municipal advisors. The Rule applies in connection with our current engagement under **Financial Advisory Services** dated 9/16/2015 (the "Agreement") between Piper Jaffray & Co. ("us" or "Piper Jaffray") and Clackamas County ("you" or the "Client"). The Rule generally requires that we make certain disclosures. It also requires that we affirm in writing certain aspects of our existing relationship. This letter will serve as written documentation required by our regulators under the Rule of certain specific terms, disclosures and other items of information relating to our relationship. We ask that you acknowledge receipt of this letter and if you have any questions, we invite you to contact Rebecca Lawrence directly at 612-303-6460.

1. Scope of Services.

(a) **Services to be provided.** We are required under the Rule to affirm the scope of the services we have agreed to provide for you and any limitations on the scope. We believe the Scope of Services with respect to our engagement is as described in the Agreement. If you disagree with this assessment, or desire to amend the Scope of Services, please contact us accordingly.

(b) **Limitations on Scope of Services.** The Scope of Services is subject to the limitations as may be provided in the Agreement. In addition, the following further limitations apply. With respect to any preliminary or final official statement,

Piper Jaffray will assemble the preliminary and final official statement from information received from you, third parties and your agents, such as bond counsel. Piper Jaffray will rely on you to provide us with accurate and complete information, access to relevant personnel and agents, and your final approval to the distribution and use of the preliminary and final official statements to carry out these duties. In addition you agree to allow us to rely on any opinion or representation of you or your counsel as to the accuracy or completeness of the preliminary and final official statement.

Unless explicitly directed by you in writing and included in the Agreement, the Scope of Services does not include evaluating advice or recommendations received by you from third parties. The Scope of Services also does not include tax, legal, accounting or engineering advice with respect to any Issue or in connection with any opinion or certificate rendered by counsel or any other person at closing.

(c) **IRMA status.** You may decide to designate Piper Jaffray as your Independent Registered Municipal Advisor (“IRMA”) under SEC Rule 15Ba1-1(d)(3)(vi)(B). If so, Piper Jaffray requests that you provide to us, for review prior to posting or mailing, any written representation of you contemplated under SEC Rule 15Ba1-1(d)(3)(vi)(B) (i.e. an IRMA letter) that references Piper Jaffray, its personnel and its role as IRMA.

2. Piper Jaffray’s Regulatory Duties When Servicing the Client. The Rule requires that Piper Jaffray make a reasonable inquiry as to the facts that are relevant to your determination whether to proceed with a course of action or that form the basis for any advice provided by Piper Jaffray to you. The rule also requires that Piper Jaffray undertake a reasonable investigation to determine that it is not basing any recommendation on materially inaccurate or incomplete information. Piper Jaffray is also required under the rule to use reasonable diligence to know the essential facts about you as the Client and the authority of each person acting on your behalf.

Accordingly, Piper Jaffray seeks your assistance and cooperation and that of your agents (for example, bond or disclosure counsel) in carrying out these regulatory duties, including providing to us accurate and complete information and reasonable access to relevant documents, other information and personnel needed to fulfill such duties. In addition, if you ask Piper Jaffray to provide advice with regard to any recommendation made by a third party such as an underwriter, because we have regulatory duties to document the suitability of that recommendation, we request that you provide to us written direction to do so as well as any information you have received from such third party relating to its recommendation.

3. Term. The term of Piper Jaffray’s engagement and the terms on which the engagement may be terminated are as provided in the Agreement.

4. Compensation. The form and basis of compensation for Piper Jaffray’s services are as provided in the Agreement.

5. Required Disclosures. The Rule requires that Piper Jaffray provide you with the following disclosures of material conflicts of interest and of information regarding certain legal events and disciplinary history.

(a) **Disclosures of Conflicts of Interest.** The Rule requires that Piper Jaffray provide to you disclosures relating to any actual or potential material conflicts of interest, including certain categories of potential conflicts of interest identified in the Rule, if applicable. If no such material conflicts of interest are known to exist based on the exercise of reasonable diligence by us, Piper Jaffray is required to provide a written statement to that effect.

Accordingly, we make the following disclosures with respect to material conflicts of interest in connection with the Scope of Services under the Agreement, together with explanations of how we address or intend to manage or mitigate each conflict. To that end, with respect to all of the conflicts disclosed below, we mitigate such conflicts through our adherence to our fiduciary duty to you in connection with municipal advisory activities, which includes a duty of loyalty to you in performing all municipal advisory activities for you. This duty of loyalty obligates us to deal honestly and with the utmost good faith with you and to act in your best interests without regard to our financial or other interests. In addition, as a broker-dealer with a client oriented business, our success and profitability over time is based on assuring the foundations of integrity and quality of service are paramount. Furthermore, Piper Jaffray’s supervisory structure, utilizing our long-standing and comprehensive broker-dealer supervisory processes and practices, provides strong safeguards against individual representatives of Piper Jaffray potentially departing from their regulatory duties due to personal interests. The disclosures below describe, as applicable, any additional mitigations that may be relevant with respect to any specific conflict disclosed below.

Compensation-Based Conflicts. We are required to provide you with disclosures of potential conflicts of interest related to the fees due to us under the Agreement. If the compensation paid by you is based on the size of an issue, while this form of compensation is customary in the municipal securities market, it may present the appearance of a conflict or the potential for a conflict because it could create an incentive for Piper Jaffray to recommend unnecessary financings or financings that are disadvantageous to you, or create an incentive for Piper Jaffray to advise you to increase the size of the issue. If the fees expected to be paid by you are in a fixed amount established at the outset of the agreement, the amount is usually based upon an analysis by you and Piper Jaffray of, among other things, the expected duration and complexity of the transaction and the scope of services to be performed by Piper Jaffray. This form of compensation presents the appearance of a conflict or a potential conflict of interest because, if the transaction requires more work than originally contemplated, Piper Jaffray may suffer a loss. Thus, Piper Jaffray may have an incentive to recommend less time-consuming alternatives, or fail to do a thorough analysis of alternatives. If the fees expected to be paid by you are based on hourly fees of Piper Jaffray's personnel, with the aggregate amount equaling the number of hours worked by such personnel times an agreed-upon hourly billing rate, this form of compensation presents the appearance of a conflict or a potential conflict of interest if we do not agree on a reasonable maximum amount at the outset of the engagement, because Piper Jaffray does not have a financial incentive to recommend alternatives that would result in fewer hours worked. In addition, any contingent-based compensation, i.e. based upon the successful delivery of the issue, while customary in the municipal securities market, may present the appearance of a conflict or the potential for a conflict because it could create an incentive for Piper Jaffray to recommend unnecessary financings or financings that are disadvantageous to you. We believe that each of these potential conflicts of interest are mitigated by our duty of care and fiduciary duty to you and by the general mitigations related to our duties to you, as described above.

Transactions in Client's Securities. As a municipal advisor, Piper Jaffray cannot act as an underwriter in connection with the same issue of bonds for which Piper Jaffray is acting as a municipal advisor. From time to time, Piper Jaffray or its affiliates may submit orders for and acquire your securities issued in an Issue under the Agreement from members of the underwriting syndicate, either for its own trading account or for the accounts of its customers. Again, while we do not believe that this activity creates a material conflict of interest, we note that to mitigate any perception of conflict and to fulfill Piper Jaffray's regulatory duties to you, Piper Jaffray's activities are engaged in on customary terms through units of Piper Jaffray that operate independently from Piper Jaffray's municipal advisory business, thereby eliminating the likelihood that such investment activities would have an impact on the services provided by Piper Jaffray to you under the Agreement.

(b) **Disclosures of Information Regarding Legal Events and Disciplinary History.** The Rule requires that all municipal advisors provide to their clients certain disclosures of legal or disciplinary events material to a client's evaluation of the municipal advisor or the integrity of the municipal advisor's management or advisory personnel. Accordingly, Piper Jaffray sets out below required disclosures and related information in connection with such disclosures.

I. **Material Legal or Disciplinary Event.** There are no legal or disciplinary events that are material to the Client's evaluation of Piper Jaffray or the integrity of Piper Jaffray's management or advisory personnel disclosed, or that should be disclosed, on any Form MA or Form MA-I filed with the SEC.

II. **Most Recent Change in Legal or Disciplinary Event Disclosure.** Piper Jaffray has not made any material legal or disciplinary event disclosures on Form MA or any Form MA-I filed with the SEC.

(c) **How to Access Form MA and Form MA-I Filings.** Piper Jaffray's most recent Form MA and each most recent Form MA-I filed with the SEC are available on the SEC's EDGAR system at <http://www.sec.gov/edgar/searchedgar/companysearch.html>. The Form MA and the Form MA-I include

information regarding legal events and disciplinary history about municipal advisor firms and their personnel, including information about any criminal actions, regulatory actions, investigations, terminations, judgments, liens, civil judicial actions, customer complaints, arbitrations and civil litigation. The SEC permits certain items of information required on Form MA or MA-I to be provided by reference to such required information already filed by Piper Jaffray in its capacity as a broker-dealer on Form BD or Form U4 or as an investment adviser on Form ADV, as applicable. Information provided by Piper Jaffray on Form BD or Form U4 is publicly accessible through reports generated by BrokerCheck at <http://brokercheck.finra.org>, and Piper Jaffray's most recent Form ADV is publicly accessible at the Investment Adviser Public Disclosure website at <http://www.adviserinfo.sec.gov>. For purposes of accessing such BrokerCheck reports or Form ADV, Piper Jaffray's CRD number is 665.

(d) **Future Supplemental Disclosures.** As required by the Rule, this Section 5 may be supplemented or amended, from time to time as needed, to reflect changed circumstances resulting in new conflicts of interest or changes in the conflicts of interest described above, or to provide updated information with regard to any legal or disciplinary events of Piper Jaffray. Piper Jaffray will provide you with any such supplement or amendment as it becomes available throughout the term of the Agreement.

Piper Jaffray & Co.

By: 

Title: Senior Vice President
Administrative Manager

Date: June 21, 2016

ACKNOWLEDGED:

Marc Gonzales

By: 

Title: Director, Finance

Date: November 16, 2016



GEORGE MARLTON, JD
PROCUREMENT DIVISION DIRECTOR

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

Members of the Board:

**Approval for Clackamas County Public Health Division
to Purchase Video Laryngoscopes from Physio-Control, Inc.**

Purpose / Outcome	Approval to purchase eighty-two (82) McGrath MAC EMS Video Laryngoscopes from Physio-Control, Inc. using a competitively bid cooperative contract through the National Association of State Procurement Officers (NASPO).
Dollar Amount and Fiscal Impact	\$192,946.00
Funding Source	252-3290-8940-452003 Public Health Fund / Ambulance Medical Response
Duration	July 31, 2017.
Previous Board Action/Review	n/a
Contact Person	Dawn Emerick, Public Health Division Director (503) 655-8479

Background:

Clackamas county EMS is requesting System Enhancement funding to support the purchase of McGrath Video Laryngoscopes. Video Laryngoscopy (VL) allows Paramedics an unsurpassed method for advanced airway placement with much higher first attempt success rates versus other traditional airway methods, especially involving patients with difficult airway morphologies.

The County, as part of a consortium, has been researching new and alternative methods for improving advanced airway placement for more than 2 years. The McGrath device was tested by Paramedics in Clackamas County and showed a 40-60% reduction in the amount of time for placing an endotracheal tube versus traditional means. Use of VL also reduced repeated attempts by 25%, while ensuring correct tube placement.

Several brands of video laryngoscopes were field tested and utilized during EMS Multi-Agency Trainings to determine the most cost effective, durable, and user friendly advanced Airway placement tool for Advanced Life Support care. AMR and Clackamas Fire District #1 both did field trials of the King Vision, McGrath, and Glidescope devices. The McGrath device was the most economical, user friendly, and most effective device available. Similar devices are also available that offer recording (video and photo) capability. These devices are 4-5 times the cost of the McGrath Laryngoscope.

Clackamas County Local Contract Review Board Rule ("LCRB") C-046-400 authorizes the County to purchase off existing cooperative contracts if the cooperative contract was awarded in a method

that was substantially equivalent to the method required under the LCRB. NASPO Contract #SW300 with Physio-Control, Inc. is effective from April 1, 2011 to July 31, 2017, and was entered into by a method substantially equivalent to the method required under the LCRB and established the pricing for this purchase.

Recommendation:

Staff recommends the Board of County Commissioners give approval to Clackamas County Public Health Division to purchase eighty-two McGrath MAC EMS Video Laryngoscopes from Physio-Control, Inc., utilizing NASPO Contract No. SW300.

Guy Melton, Procurement & Contract Analyst, Sr.
Clackamas County Procurement

Placed on the Board Agenda of May 11, 2017 by the Procurement Division.



Dave Cummings
Chief Information Officer

Technology Services

121 Library Court Oregon City, OR 97045

May 11, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Approval to Amend and Extend a Service Level Agreement with the North Clackamas School District

Purpose/Outcomes	Clackamas Broadband eXchange (CBX) is looking for approval to amend and extend a Service Level Agreement (SLA) with the North Clackamas School District for its dark fiber network to handle the school district's communication needs.
Dollar Amount and Fiscal Impact for CBX	CBX maintains a dark fiber network and collects maintenance fees from the North Clackamas School District. The North Clackamas School District has 31 fiber connections. The school district would like a 10 year contract which equates to an overall \$948,600.00 increase in revenue for CBX.
Funding Source	North Clackamas School Districts fiber connection funding will come from internal school funds. North Clackamas School District will then seek partial utility cost reimbursement from the Universal Service Administration Company.
Safety Impact	N/A
Duration	Effective July 1, 2017 and terminates on June 30, 2027. The contract will roll to an automatic one year extension upon the contracts termination unless either party protests.
Previous Board Action	Board previously approved similar Service Level Agreements with the Lake Oswego School District and the West Linn-Wilsonville School District.
Strategic Plan Alignment	<ol style="list-style-type: none"> 1. Provide a robust, reliable and secure communication network for the NCSD. 2. The dark fiber network will save the NCSD thousands of dollars that can be utilized for other school priorities. 3. Ensures CBX a flow of revenue for the next 10 years.
Contact Person	Dave Devore (503)723-4996

BACKGROUND:

Clackamas Broadband eXchange is seeking approval to enter amend and extend its Service Level Agreement with the North Clackamas School District to provide dark fiber connections to 31 school sites. CBX has an existing Service Level Agreement with the school district but would like to amend the Service Level Agreement to increase the term to 10 years with an annual renewal. This amendment is required by the Universal Service Administration Company to ensure that the school district can continue to receive partial reimbursement on their operational utility costs. The contract amendment has been reviewed and approved by County Counsel.

RECOMMENDATION:

Staff respectfully recommends approval to amend and extend the term of this Service Level Agreement. This SLA will allow CBX to continue to provide fast effective fiber connectivity to the North Clackamas School District at an affordable cost. Staff further recommends the Board delegate authority to the Technology Services Director to sign agreements necessary in the performance of this agreement.

Sincerely,

Dave Cummings
CIO Technology Services

**AMENDMENT # 1 TO THE FIBER OPTIC SERVICE LEVEL AGREEMENT WITH
THE NORTH CLACKAMAS SCHOOL DISTRICT FOR THE LEASE OF DARK FIBER.**

This Amendment # 1, when signed by the North Clackamas School District (“Customer”) and Clackamas County (“County”) will become part of the Fiber Optic Service Level Agreement ("Contract"), superseding applicable provisions in the original and any other amendments to the extent indicated. This Amendment complies with the County’s Local Contract Review Board Rules.

WHEREAS, the Customer and County entered the Contract for the provision of services dated 05/12/2016;

WHEREAS, the Customer and County desire to amend and extend the Contract pursuant to this Amendment; and

NOW, THEREFORE, the County and Customer agree that the Contracts are amended as follows:

- 1. Section 5 Term of Agreement is deleted in its entirety and replaced with the following new language which extends the term of the Agreement:**

5. Term of Agreement

At such time as County completes installation and connection of the necessary facilities and equipment to provide service herein, County shall then certify and notify Customer in writing that the service is available for use, and the date of such notice shall be called the "Service Start Date" which shall not be sooner than July 1, 2017. Unless terminated with 30 days’ notice as herein provided, this agreement shall continue through June 30, 2027. This agreement shall continue to July 1 following the date of commencement, for a term of one year, at the County’s then-current rate schedule.

Except as set forth above, the County and the Customer ratify the remainder of the Contract and affirm that no other changes to the Contract were made.

CUSTOMER
North Clackamas School District

COUNTY
Clackamas County

Authorized Signature

Dave Cummings
Chief Information Officer

Name, Title

Date

Date

Clackamas County

FIBER OPTIC SERVICE LEVEL AGREEMENT

North Clackamas School District

1. Recitals

WHEREAS, Clackamas County (County) desires to provide to North Clackamas School District (Customer) the Services set forth in this Agreement, between the specified Customer sites listed in Appendix A, and at the price contained in Appendix A; and

WHEREAS, Customer desires to use the Services; and

WHEREAS, the Parties desire to set forth herein their respective rights and obligations with respect to the provision of Services,

NOW, THEREFORE, in consideration of the foregoing, and the mutual covenants and promises set forth herein, intending to be legally bound, the Parties agree as follows.

2. Fiber Optic Network Description

County will provide Customer with point-to-point single mode fiber optic network connectivity, including a termination panel for the fiber optic cables at each Customer premises.

3. Service Description

Service provided to Customer by County is physical connectivity of one (or more) strands of optical fiber ("Fiber"), between sites specifically identified in Appendix A. Each site listed in Appendix A will have a single mode fiber termination.

4. Construction and Installation Requirements

a. County, when installing fiber optic cables on the property of Customer, shall do so in a neat and professional manner. Routing and location of these cables shall be mutually agreed upon between the parties.

- b. Customer shall secure any easements, leases, permits or other agreements necessary to allow County to use existing pathways to, into and within each site to the demarcation point for service. Customer shall provide a path for the fiber optic cable from the point of entry into the site to the termination panel that complies with all applicable building, electrical, fire and related codes.
- c. Subject to the terms of this Agreement, and at no cost to County, Customer shall provide adequate environmentally controlled space and electricity required for installation, operation, and maintenance of the County's fiber optic cables used to provision the service within each site.
- d. Customer shall provide a clean, secure, relatively dry and cool location (consistent with environmental requirements for fiber optic network connectivity equipment) at each of its premises for necessary equipment.
- e. Customer will provide or arrange for County and its employees, agents, lessees, officers and its authorized vendors, upon reasonable notice, to have reasonable ingress and egress into and out of Customer properties and buildings in connection with the provision of service.
- f. If the presence of asbestos or other hazardous materials exists or is detected, Customer must have such hazardous materials removed immediately at Customer's expense or notify County to install the applicable portion of the fiber optic network in areas of any such site not containing such hazardous material. Any additional expense incurred as a result of encountering hazardous materials, including but not limited to, any additional equipment shall be borne by Customer.
- g. County shall have no obligation to install, operate, or maintain Customer-provided facilities or equipment.
- h. County shall construct Fiber into each Customer building enumerated herein; splice fiber into existing County fiber optic resources; terminate County's optical fiber in each Customer building; test and certify appropriate Fiber performance at each Customer location; and provide the appropriate "hand-off's" at each location for Customer utilization. Test results for physical connection will be made available upon request.

5. Term of Agreement

At such time as County completes installation and connection of the necessary facilities and equipment to provide service herein, County shall then certify and notify Customer in writing that the service is available for use, and the date of such notice shall be called the "Service Start Date" which shall not be sooner than July 1, 2017. Unless terminated with 30 days' notice as herein provided, this

agreement shall continue through June 30, 2027. This agreement shall continue to July 1 following the date of commencement, for a term of one year, at the County's then-current rate schedule.

6. Rates

In return for County providing the services described in Appendix A for the term indicated herein, Customer shall pay County both nonrecurring construction/installation charges and recurring charges for services as specified in Appendix A as it shall be amended from time to time.

7. Payment Options

a. Annual Payments

County shall provide an invoice for six months of service (July 1 through December 31 and January 1 through June 30), or prorated weekly for any portion thereof, to Customer at the beginning of the service period. The semi-annual charge shall be payable within thirty (30) days of receipt of invoice. Interest charges shall be assessed for late payments in accordance with Appendix A. If the Customer fails to pay within sixty (60) days of receipt of an invoice it shall constitute grounds for County to terminate the Agreement upon appropriate advance written notice to Customer.

b. Alternative Payment Frequency

If Customer demonstrates that prepaid billings present a hardship, Customer may prepay quarterly, and in extreme circumstances may pay monthly. County shall provide an invoice for one quarter or month of service, or prorated weekly for any portion thereof, to Customer at the beginning of the service period. The quarterly or monthly charge shall be payable within thirty (30) days of receipt of invoice. Interest charges shall be assessed for late payments in accordance with Appendix A. If the Customer fails to pay within sixty (60) days of receipt of an invoice it shall constitute grounds for County to terminate the Agreement upon appropriate advance written notice to Customer.

c. Electronic Payments

Customer shall coordinate with County to make all payments by electronic means unless it is infeasible to do so.

8. Fiber Maintenance

County shall maintain the structural aspects of the Fiber in good operating condition, utilizing sound engineering practices and in accordance with Appendix B, throughout the Agreement Term. In the event the Fiber fails at any time to meet the specifications outlined in Appendix C, County shall endeavor to restore the

Fiber to meet the specification standards in as timely and expedited a manner as reasonably possible.

County may subcontract for testing, maintenance, repair, restoration, relocation, or other operational and technical services it is obligated to provide hereunder.

Customer shall promptly notify County of any matters pertaining to any damage or impending damage to or loss of the use of the Fiber that are known to it and that could reasonably be expected to adversely affect the Fiber. County shall promptly notify Customer of any matters pertaining to any damage or impending damage to or loss of the Fiber that are known to it and that could reasonably be expected to adversely affect the Fiber and/or Customer's use thereof.

9. Confidentiality

All Customer data, voice, or video transmission using County fiber optic facilities shall be treated by County as confidential information, to the extent allowable by law. County agrees that this information shall not be made available, in any form, to any party other than County or its agents or contractors as may be necessary to conduct maintenance or repair activity, without written permission of Customer, except as required by law.

10. Content Control and Privacy

Customer shall have full and complete control of, and responsibility and liability for, the content of any and all communications transmissions sent or received using the Fiber.

11. Assignment and Successors

Either party may assign this Agreement upon prior written consent of the other party. Such consent shall not be unreasonably withheld. Upon such assignment, all rights and obligations of County and Customer under this Agreement shall pass in total without modification to any successor(s) regardless of the manner in which the succession may occur.

12. Damage

County shall be responsible for restoring, or otherwise repairing to its prior condition, any portion of the Customer's premises or facilities, which are damaged by County or its agents. Customer shall be responsible for restoring, or otherwise repairing to its prior condition, any portion of County's connectivity equipment or other facilities, located at Customer premises, which are damaged by Customer or its agents.

Customer will reimburse all related Costs associated with damage to the Fiber caused by the negligence or willful misconduct of Customer, its affiliates, employees, agents, contractors or customers, except to the extent caused by the gross negligence or willful misconduct of County, its affiliates, employees, contractors or agents. "Cost(s)", as used herein include the following: (a) labor costs, including wages, salaries, and benefits together with overhead allocable to such labor costs; and (b) other direct costs and out-of-pocket expenses on a pass-through basis (such as equipment, materials, supplies, contract services, sales, use or similar taxes, etc.).

13. Force Majeure

Neither party hereto shall be deemed to be in default of any provision of this Agreement, for any failure in performance resulting from acts or events beyond the reasonable control of such party. For purposes of this Agreement, such acts shall include, but shall not be limited to, acts of nature, civil or military authority, civil disturbance, war, strikes, fires, power failure, other catastrophes or other force majeure events beyond the parties' reasonable control, provided however that the provisions of this paragraph and article shall not preclude Customer from cancelling or terminating this Agreement as otherwise permitted hereunder, regardless of any force majeure event occurring to County.

14. Consequential Damages

NOTWITHSTANDING ANY PROVISION OF THIS AGREEMENT TO THE CONTRARY, IN NO EVENT SHALL EITHER PARTY BE LIABLE TO THE OTHER PARTY FOR ANY SPECIAL, INCIDENTAL, INDIRECT, CONSEQUENTIAL, OR PUNITIVE DAMAGES, WHETHER FORSEEABLE OR NOT, ARISING OUT OF, OR IN CONNECTION WITH, TRANSMISSION INTERRUPTIONS OR DEGRADATION, INCLUDING BUT NOT LIMITED TO DAMAGE OR LOSS OF PROFITS OR EQUIPMENT, LOSS OF PROFITS OR REVENUE, COST OF CAPITAL, COST OF REPLACEMENT SERVICES OR CLAIMS OF CUSTOMERS, WHETHER OCCASIONED BY ANY REPAIR OR MAINTENANCE PERFORMED BY OR FAILED TO BE PERFORMED BY A PARTY, OR ANY OTHER CAUSE WHATSOEVER, INCLUDING WITHOUT LIMITATION BREACH OF CONTRACT, BREACH OF WARRANTY, NEGLIGENCE OR STRICT LIABILITY.

15. Public Contracting Provisions

The provisions of Oregon public contracting law, ORS 279B.020 through 279B.235, to the extent applicable, are incorporated herein by this reference.

16. Non-Appropriation

Notwithstanding any other provisions of this Agreement, the parties hereby agree and understand that any obligation of Customer to obtain services as provided herein is subject to fund availability and appropriation by Customer for such services through its adoption of an annual budget. Should funds not be appropriated or be available from Customer during the term of this Agreement, the Agreement shall terminate and Customer shall pay County any remaining pro rata fees for services due to the date of such termination payable pursuant to Section 7 of this Agreement.

17. Compliance with Laws

Customer shall comply with all applicable federal, state, county and city laws, ordinances and regulations, including regulations of any administrative agency thereof, heretofore or hereafter adopted or established, during the entire term of this Agreement.

18. Taxes and Assessments

- a. Customer agrees to pay any and all applicable national, federal, state, county and local taxes, fees, assessments or surcharges, and all other similar or related charges, which are imposed or levied on the Fiber, or because of Customer's use of the Services under this Agreement (collectively, "Taxes"), whether or not the Taxes are imposed or levied directly on the Customer, or imposed or levied on the County because of or arising out of the use of the Services either by the Customer, or its affiliates, or anyone to whom Customer has sold or otherwise granted access to the Services. Customer agrees to pay these Taxes in addition to all other fees and charges as set forth elsewhere in this Agreement.
- b. "Taxes" include, but are not limited to, business and occupation, commercial, district, excise, franchise fee, gross receipts, license, occupational, privilege, property, Public Utility Commission, right-of-ways, utility user, or other similar taxes, fees surcharges and assessments as may be levied against Customer, or against County and passed through to Customer.

19. Termination

- a. This Agreement shall terminate ninety (90) days following written notice by either party.
- b. In the event Customer terminates this Agreement based upon County's default or failure to perform as described in this Agreement, County shall reimburse to Customer the pro rata amounts paid on the unexpired term of this Agreement.

- c. If Customer terminates this Agreement for any reason other than that based on non-appropriation or on County's default or failure to perform, County shall be entitled to 5% of the remaining contract amount for the unexpired term of this Agreement.

20. Default

- 1. Either of the following events shall constitute a default:
 - a. Failure to perform or comply with any material obligation or condition of this Agreement by any party; or
 - b. Failure to pay any sums due under this Agreement.
- 2. Any defaulting party shall have thirty (30) days in which to cure following written notice of default by the non-defaulting party.

21. Amendment

Any amendments to this Agreement shall be in writing and shall be signed by all parties.

22. No recourse Against the Grantor

Customer shall have no recourse whatsoever against County or its officials, boards, commissions, or employees for any loss, costs, expense, or damage arising out of any provision or requirement contained herein, or in the event this Agreement or any part thereof is determined to be invalid.

23. Notice

Any notice hereunder shall be in writing and shall be delivered by personal service or by United States certified or registered mail, with postage prepaid, or by facsimile addressed as follows:

Notice to the County

Manager, Clackamas Broadband eXchange
Clackamas County Technology Services
121 Library Court
Oregon City, Oregon 97045
Fax Number (503) 655-8255

with a copy to

Chief Information Officer
Clackamas County Technology Services
121 Library Court
Oregon City, Oregon 97045
Fax Number: (503) 655-8255

Notice to the Customer

[Name or Title of Individual]
[Customer]
[Address]
[City and Zip Code]
[Fax Number]

Either Party, by similar written notice, may change the address to which notices shall be sent.

24. Whole Contract

THIS CONTRACT CONSTITUTES THE COMPLETE AND EXCLUSIVE STATEMENT OF THE CONTRACT BETWEEN THE PARTIES RELEVANT TO THE PURPOSE DESCRIBED HEREIN AND SUPERSEDES ALL PRIOR AGREEMENTS OF PROPOSALS, ORAL OR WRITTEN, AND ALL OTHER COMMUNICATION BETWEEN THE PARTIES RELATING TO THE SUBJECT MATTER OF THIS CONTRACT. NO WAIVER, CONSENT, MODIFICATION, OR CHANGE OF TERMS OF THIS CONTRACT WILL BE BINDING ON EITHER PARTY EXCEPT AS A WRITTEN ADDENDUM SIGNED BY AUTHORIZED AGENTS OF BOTH PARTIES.

Signature Page Follows

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the date and year first above written.

Clackamas County

By (signature): _____

Name (print or type): David Cummings

Title: Chief Information Officer, Clackamas County Technology Services

Date: _____

Customer

North Clackamas School District

By (signature): _____

Name (print or type): _____

Title: _____

Date: _____

APPENDIX A

SERVICE AND RATE SCHEDULE

1. Specified Services and Rates

The following are the sites, services, and rates agreed to by County and Customer at which Customer shall be provided services on the fiber optic network during the term of the Agreement. It is understood by both parties that service to these sites shall be provided for the rates below, subject to any rate increases otherwise applicable in accordance with terms herein. It is further understood that, during the term of the Agreement, Customer may add services to existing or new locations, or change services and/or locations, but that such changes are subject to the rates for such additional services.

2. Construction, Installation and Activation

For construction, installation and activation work and provision of fiber optic network components, the County shall charge Customer nonrecurring charge(s) as specified in Section 5 of Appendix A.

3. Service Changes and Conversions

Both parties agree that Customer may add or change services during the term of the Agreement, but that such changes are subject to applicable rates, and upgrade and downgrade charges.

4. Annual Recurring Charges

	From (Site Name & Address)	To (Site Name & Address)	Service	Monthly Rate (\$)
1	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Clackamas Education Service District 13455 SE 97th Ave. Clackamas, Oregon 97015	One Pair (two) dark fibers	\$255.00
2	Ardenwald Elementary School 8950 SE 36th Ave. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
3	Lewelling Elementary School 5325 SE Logus Rd. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
4	Milwaukie Elementary School 11250 SE 27th Ave. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
5	Whitcomb Elementary School 7400 SE Thompson Rd. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
6	Milwaukie High School 11300 SE 23rd Ave.	Sabin Tech Center 14211 SE Johnson Rd.	One Pair (two) dark fibers	\$255.00

	Milwaukie, Oregon 97222	Milwaukie, Oregon 97267		
7	Rowe Middle School 3606 SE Lake Rd. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
8	Concord Elementary School 3811 SE Concord Rd. Milwaukie, Oregon 97267	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
9	Alder Creek Middle School 13801 SE Webster Rd. Milwaukie, Oregon 97267	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
10	New Urban High School 1901 SE Oak Grove Blvd. Milwaukie, Oregon 97267	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
11	Linwood Elementary School 11909 SE Linwood Ave. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
12	Oak Grove Elementary School 2150 SE Torbank Rd. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
13	Riverside Elementary School 16303 SE River Rd. Milwaukie, Oregon 97267	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
14	Putman High School 4950 SE Roethe Rd. Milwaukie, Oregon 97267	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
15	North Clackamas School District Administration Building 4444 SE Lake Rd. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
16	Clackamas High School 14486 SE 122nd Ave. Clackamas, Oregon 97015	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
17	Oregon Trail Elementary School 13895 SE 152nd Dr. Clackamas, Oregon 97015	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
18	Sunnyside Elementary School 13401 SE 132nd Ave. Clackamas, Oregon 97015	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
19	Spring Mountain Elementary School 11645 SE Masa Ln. Happy Valley, Oregon 97236	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
20	Mount Scott Elementary School 11201 SE Stevens Rd. Portland, Oregon 97266	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
21	Rock Creek Middle School 14897 Parklane Dr. Damascus, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
22	Wichita Family Center 6031 SE King Rd. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
23	North Clackamas Administration 12400 SE Freeman Way Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00

24	North Clackamas Physical Plant 12451 SE Fuller Rd. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
25	Scouter's Mountain 10811 SE 172 nd Ave. Happy Valley, Oregon 97086	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
26	North Clackamas Transportation Department 13797 SE Webster Rd. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
27	Happy Valley Middle School 13865 – A SE King Rd. Happy Valley, Oregon 97086	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
28	View Acres Elementary School 4828 SE View Acres Rd. Milwaukie, Oregon 97267	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
29	Bilquist Elementary School 15708 SE Webster Rd. Milwaukie, Oregon 97267	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
30	Campbell Elementary 113260SE 47 th Ave Milwaukie, OR 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00
31	North Clackamas School District Land Lab 13021 SE Hubbard Rd Clackamas, OR 97015	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	One Pair (two) dark fibers	\$255.00

5. Nonrecurring Charges

	From (Site Name & Address)	To (Site Name & Address)	Service	Amount (\$)
1	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Clackamas Education Service District 13455 SE 97 th Ave. Clackamas, Oregon 97015	Construction	\$0
2	Ardenwald Elementary School 8950 SE 36 th Ave. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
3	Lewelling Elementary School 5325 SE Logus Rd. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
4	Milwaukie Elementary School 11250 SE 27 th Ave. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
5	Whitcomb Elementary School 7400 SE Thompson Rd. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
6	Milwaukie High School 11300 SE 23 rd Ave. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
7	Rowe Middle School 3606 SE Lake Rd.	Sabin Tech Center 14211 SE Johnson Rd.	Construction	\$0

	Milwaukie, Oregon 97222	Milwaukie, Oregon 97267		
8	Concord Elementary School 3811 SE Concord Rd. Milwaukie, Oregon 97267	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
9	Alder Creek Middle School 13801 SE Webster Rd. Milwaukie, Oregon 97267	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
10	New Urban High School 1901 SE Oak Grove Blvd. Milwaukie, Oregon 97267	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
11	Linwood Elementary School 11909 SE Linwood Ave. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
12	Oak Grove Elementary School 2150 SE Torbank Rd. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
13	Riverside Elementary School 16303 SE River Rd. Milwaukie, Oregon 97267	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
14	Putman High School 4950 SE Roethe Rd. Milwaukie, Oregon 97267	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
15	North Clackamas School District Administration Building 4444 SE Lake Rd. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
16	Clackamas High School 14486 SE 122nd Ave. Clackamas, Oregon 97015	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
17	Oregon Trail Elementary School 13895 SE 152nd Dr. Clackamas, Oregon 97015	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
18	Sunnyside Elementary School 13401 SE 132nd Ave. Clackamas, Oregon 97015	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
19	Spring Mountain Elementary School 11645 SE Masa Ln. Happy Valley, Oregon 97236	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
20	Mount Scott Elementary School 11201 SE Stevens Rd. Portland, Oregon 97266	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
21	Rock Creek Middle School 14897 Parklane Dr. Damascus, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
22	Wichita Family Center 6031 SE King Rd. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
23	North Clackamas Administration 12400 SE Freeman Way Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
24	North Clackamas Physical Plant 12451 SE Fuller Rd. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
25	Scouter's Mountain	Sabin Tech Center	Construction	\$0

	10811 SE 172 nd Ave. Happy Valley, Oregon 97086	14211 SE Johnson Rd. Milwaukie, Oregon 97267		
26	North Clackamas Transportation Department 13797 SE Webster Rd. Milwaukie, Oregon 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
27	Happy Valley Middle School 13865 – A SE King Rd. Happy Valley, Oregon 97086	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
28	View Acres Elementary School 4828 SE View Acres Rd. Milwaukie, Oregon 97267	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
29	Bilquist Elementary School 15708 SE Webster Rd. Milwaukie, Oregon 97267	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
30	Campbell Elementary 113260SE 47 th Ave Milwaukie, OR 97222	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0
31	North Clackamas School District Land Lab 13021 SE Hubbard Rd Clackamas, OR 97015	Sabin Tech Center 14211 SE Johnson Rd. Milwaukie, Oregon 97267	Construction	\$0

6. Late Payment Interest

Customer will be charged interest for any payment made after its due date (thirty (30) days after receipt of invoice). Interest is charged at a rate of one and a half percent (1.5%) per month, or eighteen percent (18%) annually, on any installment not paid when due.

7. Annual Consumer Price Index (CPI) Adjustments

All fees and minimum charges are subject to Consumer Price Index (CPI) adjustments, to be applied annually. The amount of the fees and charges specified herein may increase annually by a percentage up to the change in the Consumer Price Index (CPI) for urban wage earners and clerical workers for the Portland, Oregon metropolitan region for the prior year, unadjusted for seasonal variations, as determined by the Bureau of Labor Statistics of the Department of Labor and as published in such Bureau of Labor Statistics Detailed Report.



DAN JOHNSON
MANAGER

DEVELOPMENT AGENCY

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

May 11, 2017

Development Agency Board
Clackamas County

Members of the Board:

**Granting of a Permanent Right of Way Easement for Road Purposes
and a Permanent Public Utility Easement**

Purpose/Outcomes	Granting an easement to Clackamas County for the new SE 120 th Avenue extension right-of-way and an associated public utility easement on the Clackamas Industrial Area Opportunity site.
Dollar Amount and Fiscal Impact	N/A
Funding Source	No funding is tied to this request.
Duration	Permanent acceptance upon execution.
Previous Board Action	The Board approved a contract for construction of the SE 120 th extension on July 9, 2015.
Strategic Plan Alignment	Build a Strong Infrastructure Grow a Vibrant Economy
Contact Person	Ken Itel, Senior Project Planner, 503.742.4324

BACKGROUND: The Development Agency constructed an extension of SE 120th Avenue in 2015. The new road promotes redevelopment by providing access into a former quarry site now known as the Clackamas Industrial Area Opportunity site. At the Board's direction, the Agency is marketing the property as an industrial business park, focusing on family wage manufacturing jobs. Construction of the road was one element of making the site "shovel ready" and also a key component of qualifying the site for certification under Business Oregon's industrial site certification program.

The Agency is requesting the Board grant a permanent right-of-way easement for the extension of SE 120th Avenue. The roadway will be a public road, maintained by future industrial park tenants. A permanent public utility easement adjacent to the roadway will provide for placement and maintenance of public utility services. The easements are described in the attached Exhibits A and B, Legal Description and Survey.

County Counsel has reviewed and approved the proposed easements.

RECOMMENDATION: Staff recommends the Board approve and authorize the Chair to sign the attached permanent right-of-way easement and permanent public utility easement. The easements will be recorded by DTD.

Respectfully submitted,

Dan Johnson, Manager
Clackamas County Development Agency