

A Discussion Concerning HB2640 – The Boring Bill

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Preface

After over 35 years, the evolution of the Portland Metropolitan Service District known as “Metro” and the advent and expansion of urbanization has caused the Community of Boring to look at its surroundings and identify options for its future.

This discussion is designed to show the perspective of the Boring Community and its desire to have an active voice and control over its future. Ultimately, the goal is to ensure that the rural character of the Boring Community is not diminished and that its future choices will allow the perpetuation of this historic community.

With the discord in Damascus and the growth pressures to the West of Boring, it is imperative that Boring be allowed to reset the direction for its community and identify its future based upon the will of its people.

Historic Perspective

Boring was established in 1903.

Newspaper accounts state that Boring was the center of commerce 100 years ago.

Boring had a very strong economy relying on forest products up to and including the early 1980's.

The territory known as Boring stretched from Rock Creek to the west and the city limits of Sandy to the east.

At the time zip codes were established, the 97009 Zip Code included Damascus and stretched to the western boundaries of Sandy.

(Upon the incorporation of Damascus, the 97089 Zip Code was established.)

The Boring Fire District has existed for 65 years and includes all of Damascus and stretches to the western boundaries of Sandy.

Reasonable Expectations

With this history, the community of Boring has had reasonable expectation that the area between the city limits of Damascus and the city limits of Sandy would be known as Boring in perpetuity.

Without action now, it is conceivable that this reasonable expectation will not come to pass.

The people of Damascus had reasonable expectations 10 years ago when they voted to incorporate as a City. 10 years have passed and with idea after idea, and meeting after meeting, there is strife, division and a sense of failure.

It has been reported that the influence of Metro and its Metro Code have caused some of this negative environment.

The people of Boring wish to avoid a similar fate as Damascus.

Without action now, the reasonable expectations of the people of Boring and its ultimate goal are in jeopardy.

A Problem Is Identified

Be it known that half of the community of Boring is within the Metro boundary and half of the community of Boring is outside the Metro boundary.

In 1977, the Oregon State Legislature referred to the voters, Measure 6, to form the Metropolitan Service District, currently known as Metro.

The boundaries established for that Legislation by Representatives Glenn Otto and Mike Ragsdale were arbitrary and without reason. The Oregon State Legislature further identified the boundaries of the "Metropolitan area" as of October 4, 1997.

Boring is a divided community because of the Metro boundary.

Boring has neighborhoods that are fractured by the Metro boundary.

One side of the street is in Metro and the other side of the street is outside of the Metro boundaries.

This boundary was used to separate the Boring community into Urban and Rural Reserves.

Half of Boring is subject to the Metro Code and Regional Plans, the other half of Boring is subject to the Administrative Rules of LCDC. Metro Code Title 3 and Title 13 as well as other Titles vary from the LCDC Administrative Rules, having requirements which add to the regulations applicable to those within the Metro boundary.

The Metro boundary has been a problem in the past and, if not changed now, will cause angst and division within Boring in the future.

Not only does this boundary cause unequal treatment of Boring neighbors, it inhibits the ability of Boring to apply for various grants because the portion that is within the Metro boundary can be a disqualifier.

Study

The community of Boring has identified a desire to be completely outside of these boundaries. Why?

Looking to the Future, with a divided community, Boring neighbors are treated differently depending on whether they are in or out of Metro.

A Clackamas County official advised the Boring Community Planning Organization in a Public Meeting that Clackamas County, under certain circumstances, must treat those within the Metro boundaries differently than those outside the Metro boundaries. (If this official was actually referring to the Urban Growth Boundary, this demonstrates that the Metro Code does cause greater restriction and regulation than the LCDC Administrative Rules.)

In the event of incorporation, if or when that happens, two distinct and different comprehensive plans will need to be developed. One plan would cover the area within Metro, the other plan for the area outside of the Metro boundaries. These two plans will have to be melded into one comprehensive plan. This will cause divisions within the Boring Community. This will cause unequal treatment of Boring residents. Look at the Damascus experience; over ten years and they still have not passed a comprehensive plan.

Ultimately, this scenario of a divided community with fractured neighborhoods presents a distinct challenge and demonstrates the lack of fairness for all.

It is imperative to treat all within a community equally.

Boring needs to be completely outside of the Metro boundaries to be enabled to compete for residents, businesses and jobs. Boring has a rural atmosphere and has attributes similar to the Sandy and Estacada areas.

Being half in Metro and half out, puts Boring at a disadvantage to compete with similar rural communities which are outside of the Metro boundaries.

This will also inhibit grant applications, present and future.

Review of Future Boring Options as a part of Metro and under the Metro Code and Regional Plans

It is not known when, but it is inevitable that at some time urbanization will come to Boring. But to what end?

Once again, the consensus in Boring is to be a rural community and embrace its rural values.

The options for Boring under Metro in the future are seen as follows:

a) Incorporation as the City of Boring

1) Metro has stated its opinion that the Community of Boring cannot incorporate in its current configuration under current rules, laws and agreements.

2) This, however, contradicts the spirit and intent of ORS 221.020 which states that “The people of an area.....may incorporate a city”. Unfortunately for the people of Boring, ORS 221 has been revised many times over the years. These changes can be interpreted that incorporation may no longer be an option under Metro.

3) Metro states that the only area in Boring that can urbanize is the portion currently within the Metro boundaries and in the Clackanomah Urban Reserves.

4) This area is 50 city blocks wide with a population of about 4,000.

5) When the UGB buffer required by statute is applied, this area is about 40% of the size of the City of Damascus and according to cursory calculations, would not be capable of generating enough tax revenue to sustain itself as a city, especially taking compression into consideration.

b) Annex to Gresham

This will be met with great resistance as Gresham is a large city located in a different county.

c) Annex to Damascus

This is questionable as the future of Damascus is uncertain.

d) Annex to Sandy via a Cherry Stem Annexation

While this is not readily popular, this option is one to be considered heavily.

Sandy is a Rural Community similar to Boring. Sandy and Boring share a School District and a High School. The rural values of these two communities would make this a positive option, provided Boring cannot incorporate.

If the Sandy Annexation option is considered, one must identify that the City of Sandy is outside of the Metro boundaries. It is not subject to the Metro Code and Regional Plans. It is subject to the LCDC Administrative Rules.

This inherently creates unfair governance, as the City of Sandy would have to modify its comprehensive plan to incorporate the appropriate rules for the Boring area within the Metro boundary. This will make two distinct plans within one comprehensive plan and treat people differently.

Review of Future Boring Options outside of Metro and under LCDC Administrative Rules

It is understood that the Clackanomah Reserves Agreement between Metro and Clackamas County would have to be modified by a new agreement. In consideration thereof, if and when urbanization is to be considered and Boring is completely outside of the Metro boundaries, the following options are envisioned:

- a) Incorporation as a City
Boring could elect to become a City of similar size with Damascus.
That size of city is sustainable and ample tax revenue can be generated.
- b) Develop as a Hamlet or a Village under the auspices of Clackamas County
- c) Urbanization as an unincorporated community within Clackamas County
The Metro Code requires City Hood for urbanization.
We have yet to locate any such requirement in the Oregon Revised Statutes concerning cities and planning. (ORS 197 and ORS 221)
Therefore, the option to urbanize without incorporation exists. This model has been successful for the Clackamas County communities of Oak Grove and Oak Lodge.
- d) Annexation to Sandy
An easier application of the annexation laws would be available under the LCDC Administrative Rules and all residents would be under the same rules of the subsequent comprehensive plan.

In any of the above cases, Boring would be under the same rules as its neighboring rural communities, Sandy and Estacada, allowing it to compete appropriately for residents, businesses and jobs.

Action

Over the past two years, people in Boring have invested hours into research, met with many elected officials and most importantly, conducted a series of Public Meetings. No one offered an appropriate solution for the Boring problem.

Metro was contacted and initially refused to participate in the discussion. Eventually, Metro was represented at some of the meetings, but, Metro made no suggestions as to how to solve the problems that were identified. This was interpreted as indifference.

As a result, the community of Boring supported its only option: Withdraw from Metro. A petition was circulated and a House Bill for a State Law to change the Metro boundaries was sought.

The will of the people is evident. Over twenty volunteers collected almost 700 signatures. This number represents about 30% of the registered voters of the withdrawal area. Of the people approached to sign the petition, it was experienced that on average about 90% would sign. This petition was signed by Democrats, Republicans, Independents and Non Affiliated Voters.

On January 8, 2015, this petition was delivered to the Clackamas County Board of Commissioners and the Metro Council. Both bodies were asked to support the House Bill that changes the Metro boundaries and excludes Boring from Metro's jurisdiction. A copy of this petition will be presented to the State Legislature at the appropriate time.

House Bill 2640 Impacts

There have been some who have taken jabs at Boring and its position to be outside of the Metro boundaries. It has been said that Boring needs Metro for Solid Waste Disposal. Areas outside of the Metro boundaries in Boring are receiving the same solid waste disposal services as those who reside within the Metro boundaries in Boring. In addition, the Sandy and Estacada areas are outside of Metro and they receive adequate solid waste disposal services. The conclusion is that withdrawal will not affect solid waste disposal services.

Others have questioned the Boring position by referencing the Urban and Rural Reserves. The Clackanomah Urban and Rural Reserves which include Boring were established by Inter-Governmental Agreement between Clackamas County and Metro and that Agreement meets with the requirements of State Law. Furthermore, that Inter-Governmental Agreement is in force for fifty years from the date of signing and has NO termination clause. The conclusion is that withdrawal will not affect the Clackanomah Reserves.

There has been discussion about Boring's withdrawal from Metro upsetting the Urban Growth Boundary. Be it known that according to maps provided by Metro, some territory within the current Urban Growth Boundary is outside the jurisdictional boundaries of Metro. In addition, the Urban Growth Boundary expansion requires agreement between Metro and the three counties. Once again the conclusion is that withdrawal will not impact future expansions of the Urban Growth Boundary.

For those who are concerned about Metro and its practice of purchasing land for future green space and parks, be advised that Metro currently owns land for these purposes outside of its jurisdictional boundaries. Therefore, the conclusion is that Boring's withdrawal will not impact Metro land ownership and future green space and park development.

Conclusion

The facts are pure. There is a strong case for Boring's desire to have its outlook for future local governance to be free from the jurisdiction of Metro, but under the LCDC Administrative Rules like its neighbors, Sandy and Estacada.

Existing with half of Boring in Metro and half of Boring outside of Metro only confounds the outlook for Boring's future. The people of Boring seek fairness and equity for all within the Boring Community. The people of Boring desire to have viable options and choices for its future.

To keep its rural character in tact, the only future options that are reasonable and acceptable that satisfy the ultimate goal for Boring are: Incorporation as a City, Hamlet or Village, no incorporation, or, annexation to Sandy. All of these options require withdrawal from Metro to ensure fairness and equal treatment for all.

This measure is bi-partisan and this is not a motion of a few, but the cause of many.

This measure is brought forth to establish unity in the Boring community, which requires that local governance be fair and equitable.

The people of Boring look for the passage of House Bill 2640 that takes Boring out of the Metro jurisdictional boundaries and creates a positive environment with multiple options for future local governance under the LCDC Administrative Rules.

This will ensure a bright and prosperous future for the Community of Boring.