Burlington Unincorporated Community Plan











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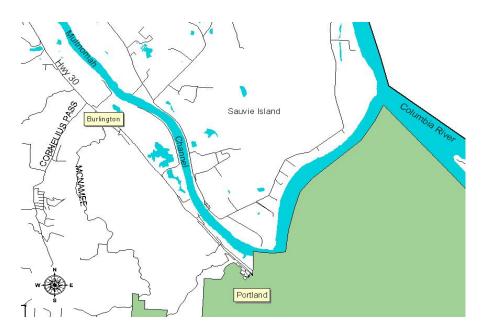
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I. Background

a. Location and Community Description

Burlington is approximately 2.5 miles from the city of Portland, and is located along Highway 30. The community is comprised primarily of residential uses, with some commercial uses. Commercial uses include a tavern and a utility building for Qwest Communications. The community also includes the Native American Rehabilitation Association of the Northwest (NARA) Facility. There is no sewer service for the area. Provisions of water are available through the Burlington Water District. Fire protection is provided by the Scappoose Fire District.

The elevation of the Burlington area ranges from close to sea level to 200 feet above sea level. Elevation rises severely from Highway 30 to the Burlington Northern Cornelius Pass line railroad tracks to the south, and more gently to the north. Property beyond the Burlington Northern Astoria line railroad tracks to the north and east is subject to flooding from high water levels in Multnomah Channel.



b. Planning for Unincorporated Communities

In December of 1994, the State of Oregon's Land Conservation Development Commission (LCDC) adopted Oregon Administrative Rule (OAR) Chapter 660, Division 22, or the Unincorporated Communities Rule ("the Rule"). The Rule provides a framework for counties to use in identifying and designating unincorporated communities outside established Urban Growth Boundaries (UGB), and establishes planning rules for unincorporated communities pertaining to development standards, allowed land uses and public facilities.

New state rules affecting the Rural Center have been implemented since the County's last plan was prepared. These new regulations are referred to as the Unincorporated Communities Rule as discussed above. Due to the characteristics of the Burlington Rural Center area, county staff has determined that it should be designated as a Rural Community. Specific provisions for Rural

Communities require that counties adopt rural community zoning designations for the uses within the area. The type and extent of specific uses permitted are subject to provisions outlined in the Rule.

Burlington was recognized as an unincorporated rural community in the Multnomah County Comprehensive Plan and was zoned Rural Center in 1977. The established Rural Center zoning district applied to approximately 30 acres in the Burlington Community. This zoning district is intended to encourage concentrations of rural residential development, together with limited local and tourist commercial uses, light industrial uses, and public service uses and centers such as churches, fire stations, schools, etc.

The state Unincorporated Communities Rule (OAR 660-022) requires counties to adopt land use and zoning measures specific to unincorporated communities in order to ensure that cumulative development in the communities will not:

- Result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations, or
- Exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

The Unincorporated Communities Rule limits the types of land that can be included in an officially designated Unincorporated Community. Lands identified as "exception areas" (i.e., rural lands that are zoned for commercial, industrial or residential use, not farm or forest use) can be included if they have historically been considered part of the community. The land included must represent a "contiguous concentration" of commercial, industrial, public use, or residential land. Residential land to be included must be of a greater density than residential exception lands that are outside of identified Unincorporated Communities. Further, the designated community must have been identified in a county's acknowledged comprehensive plan as a "rural community," "service center," "rural center," "resort community," or similar term before the adoption of the Rule (October 28, 1994), or the community is listed in the Department of Land Conservation and Development's January 30, 1997 "Survey of Oregon's Unincorporated Communities."

Land zoned for farm or forest use may only be included in the Unincorporated Community if it is adjacent to exception lands included in the community boundary and was occupied on October 28, 1994 (the date of the Unincorporated Community Rule) by one or more of the following public uses: church, cemetery, school, park, playground, community center, fire station, museum, golf course, or utility facility.

The Burlington Unincorporated Community is consistent with these requirements. The community boundary encircles a contiguous area of "exception land," specifically properties that are currently zoned Rural Center. Additionally, the proposed boundary does not include any properties surrounding the area which are zoned Commercial Forest Use-2 (CFU-2), Commercial Forest Use-1 (CFU-1), or Multiple Use Agriculture-20 (MUA-20).

c. Plan Process

The county identified a process in completing the work for the Burlington Unincorporated Community Plan. The process included public outreach with a series of public meetings held in the

community, and distribution of a community survey to gather community input. The results of these meetings and community input are provided in the Appendices of this plan.

As part of the planning effort, the following processes were undertaken:

- Identified the community boundary recognizing the extent of the established Rural Center zoning boundary
- Inventoried and analyzed data and information about the community related to the existing land uses, available public services, parcel sizes, and current plan policies and zoning regulations
- Reviewed the characteristics of the community and existing zoning regulations for consistency with the State Rule

Staff conducted an introductory community meeting on April 27th, 2010 where approximately 15 citizens attended. Other community meetings are scheduled for June and September, with a goal of adoption by the end of the calendar year.

II. Land Use Planning

a. Land Use

In order to determine the appropriate designation for the Springdale area consistent with the Rule, county staff conducted a parcel-by-parcel inventory of the area. The inventory included an analysis of Assessor's Data, site visits, and inspections of aerial photographs. In addition, staff conducted an inventory and observation of area businesses. The findings from this inventory are illustrated in Maps 1, 2, and 6, which appears at the end of this report. Information on land uses are also provided in Table 1 below, which illustrates the types and acreage of land inventoried.

Burlington is comprised of 40 parcels. A majority of the acreage is in Single Family Use, with a small number in commercial use or vacant land. Existing uses include 22 residences, and 3 commercial uses.

Burlington

Table 1

		LANDUSE D	LANDUSE DESIGNATION		
Range of Parcel			SFR (Single Family		
Sizes (Acres)	Data	Commercial	Residence)	Vacant	Grand Total
0.05	Total Acres	0.36 ac	3.69 ac	1.81 ac	5.86 ac
	Number of Parcels	2	17	13	32
.51-1.99	Total Acres	1.04	3.84 ac	0	4.88 ac
	Number of Parcels	2	5	0	7
2.00-11.00	Total Acres	10.99	0	0	10.99
	Number of Parcels	1	0	0	1
Total Acres		12.39	7.53	1.81	21.73
Number of					
Parcels		5	22	13	40

^{*}Doesn't include acreage in right-of-way Updated 4/22/10

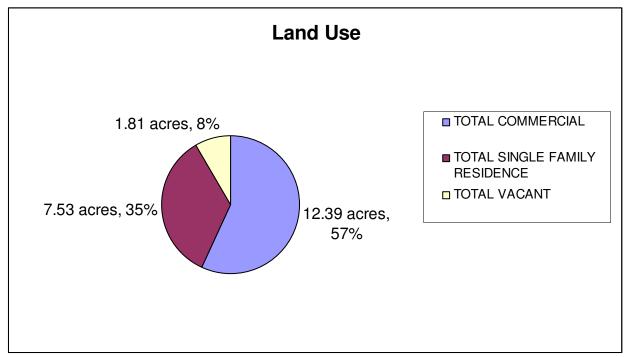


Chart 1: Land Use Acres and Percentages

None of the parcels within the community boundary are in a farm or forest tax deferral program. A total of 37.7 acres is located within the identified community boundary, with 21.73 acres of which is private property, minus the public right-of-way. A majority of the parcels are less than 2 acres, with the largest parcel being the NARA Facility parcel at 10.99 acres. Most of the area, with the exception of the northern portion, is within the Burlington Subdivision, platted in 1909, with an average lot size at 8,000 square feet. This subdivision-extends west and south of the Burlington Northern Cornelius Pass line railroad tracks into commercial forest lands. Most of the subdivision located outside of the existing rural center boundary is under a single ownership.

b. Zoning and Development Requirements

Residential Uses

The Rule identifies that county plans and regulations may permit any residential use and density as long as the density of residential development is greater than that of surrounding rural areas, and as long as it will not exceed the carrying capacity of the soil for waste disposal and of existing water supply resources.

Residential uses are permitted outright in the current Rural Center (RC) zoning designation for the area. Under the zoning regulations the minimum lot size for new parcels or lots shall be one acre for lands inside the boundary of an "acknowledged unincorporated community." For lands outside of an "acknowledge unincorporated community" the minimum lot size shall be two acres except for those properties within one mile of the Urban Growth Boundary and then the minimum lot size shall be as currently required in the Oregon Administrative Rules Chapter 660, Division 004 (20 acre minimum as of October 4, 2000). Dimensional requirements consist of front, side, and rear setback

requirements. Listed Conditional Uses include more intensive commercial and industrial uses require demonstration of adequate parcel size for approval.

Commercial Uses

The Unincorporated Community Rule sets restrictions on the size and type of commercial uses that counties may allow in unincorporated communities. Specifically, the rule allows new commercial uses that are:

- Authorized under Goals 3 (Agricultural Lands) or 4 (Forest Lands);
- Considered "small-scale" and "low-impact;" or
- Intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

In rural unincorporated communities, a commercial use is considered "small-scale, low-impact" if it takes place "in a building or buildings not exceeding 4,000 square feet of floor space." Additionally, hotels and motels of up to 35 units may be authorized in any unincorporated community that is at least 10 miles from any urban growth boundary bordering Interstate Highway 5 and is served by a community sewer system. In this instance, the Burlington Community doesn't fit this criterion and therefore the zoning regulation will need be revised to not allow development of hotels and motels. Currently, the only commercial uses that are permitted outright in the Rural Center zone are farming and forestry uses and home occupations. Other uses are permitted only as a Review Use or Conditional Use. Listed Review Uses are limited to wholesale and retail sales of products raised or grown in the area, with the location and building standards subject to review and permits. Conditional Uses in the Rural Center zone include local stores, shops, offices, repair shops, restaurants, and gas stations.

Industrial Uses

Per the State guidelines for Rural Communities, permitted industrial uses include:

- Uses authorized under Goals 3 and 4;
- Expansion of a use existing on the date of this rule (December 5, 1994);
- Small-scale, low-impact uses;
- Uses that require proximity to rural resource, as defined in OAR 660-004-0022(3)(a), such as geothermal wells, mineral or aggregate deposits, water reservoirs and natural features; or
- New uses that will not exceed the capacity of water and sewer service available to the site on the effective date of this rule, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage.

Uses that are more intensive than those identified above may be allowed provided an analysis set forth in the comprehensive plan demonstrates, and land use regulations ensure:

- 1. That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;
- 2. That such uses would not rely upon a work force employed by uses within urban growth boundaries; and

3. That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.

Current county zoning permits light industrial activities as a Conditional Use. These uses should require no more than 20 daily employees and include uses such as wholesale distribution of bakery goods, photo processing, building maintenance, and automobile repair work. Uses may be expanded up to 40 daily employees when it is found that the use:

- 1. The proposed expansion is a result of normal growth of the existing use and not required as a result of diversification of the business;
- 2. The use provides a public benefit to the rural center by employing primarily persons who reside within the rural center or surrounding rural area, and this same employment pattern will continue with the proposed expansion;
- 3. The proposed expansion satisfies the applicable elements of Comprehensive Framework Plan Policies:
 - No. 20 Arrangement of Land Uses;
 - No. 30 Industrial Location (Isolated Light Industrial);
 - No. 36 Transportation System Development Requirements;
 - No. 37 Utilities; and
 - No. 38 Facilities
- 4. The proposed expansion satisfies the Design Review provisions of County Code.

c. Potential Growth Scenario

Under the identified zoning regulations of Multnomah County Code 35.3355 for the Rural Center Zone the minimum lot size for new parcels or lots shall be one acre for lands inside the boundary of an "acknowledged unincorporated community." For lands outside of an "acknowledged unincorporated community" the minimum lot size shall be two acres except for those properties within one mile of the Urban Growth Boundary and then the minimum lot size shall be as currently required in the Oregon Administrative Rules Chapter 660, Division 004 (20 acre minimum as of October 4, 2000).

As an "acknowledged unincorporated community," one parcel that could possibly be further divided to one acre lots has been identified as part of the land use inventory and analysis. Under this scenario the 10.99 acres parcel could potentially be further divided into one acre lots for a potential of 10 additional lots, contingent on being able to meet county code requirements, including on-site septic requirements.

III. Public Facilities

OAR 660-022-0050 requires that unincorporated community plans assess the capacity of the local public facility infrastructure (i.e., sewer system or septic conditions, water, and transportation systems), and determine if they will be adequate to serve future growth anticipated or planned in the unincorporated community. If the public facilities are found to be inadequate to serve future growth, then the unincorporated plan must identify the improvements needed to accommodate the growth

and establish a procedure to limit growth in the community until the necessary public facility improvements have been made.

a. Septic Conditions

The Burlington area is not served by a community sewer district or system. All wastewater treatment in the area is accomplished through septic systems. The Rule requires counties to adopt public facilities plans for unincorporated communities with a population over 2,500. The current population of the area is significantly smaller than this; therefore this criterion does not apply.

The Rule further requires that sewer and water community public facility plans are required in any of the following circumstances:

- Existing sewer or water facilities are insufficient for current needs, or are projected to become insufficient due to physical conditions, financial circumstances or changing state or federal standards; or
- The plan for the unincorporated community provides for an amount, type or density of additional growth or infill that cannot be adequately served with individual water or sanitary systems or by existing community facilities and services; or
- The community relies on groundwater and is within a groundwater limited or groundwater critical area as identified by the Oregon Department of Water Resources; or
- Land in the community has been declared a health hazard or has a history of failing septic systems or wells.

The land use analysis conducted finds that a minimal number of lots could potentially be developed under the zoning standard of a one acre minimum lot size. All new parcels would have to be served with on-site septic and stormwater control systems. Two main factors will influence the growth potential of the area, one being the desire to develop the parcels, and the other being the ability to support an on-site septic system and control stormwater on-site. In considering these factors, the potential for additional growth may be limited.

In taking a look at these factors, staff determined that a public facility plan is not needed for the Burlington Community. The size and location would require a costly system to serve a small number of lots in the area. Review of the area's carrying capacity is already being reviewed by the City of Portland Bureau of Development Services Site Development Office with the office being able to deny or approve building permits based on percolation tests and site inspections. County requirements currently address stormwater management, and the area is served by the Burlington Water District. In addition, the community vision established as part of the planning process is to maintain a rural area. The development of urban services, such as a sewer system, would be contrary to this vision.

b. Water System

The Burlington area is served by the Burlington Water District. Community input indicates no issues with the service.

c. Transportation System

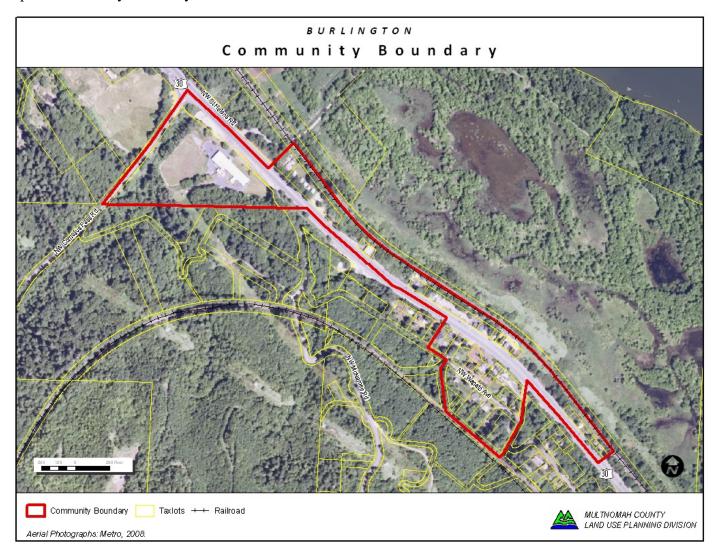
The Rule requires that county plans and land use regulations shall allow only those uses which are consistent with the identified function, capacity and level of service of transportation facilities serving the community, pursuant to OAR 660-012-0060(1)(a) through (c), requiring that where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided consistent with OAR 660-012-0060(2) to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. As identified in the State Guidelines a plan or land use regulation amendment significantly affects a transportation facility if it would:

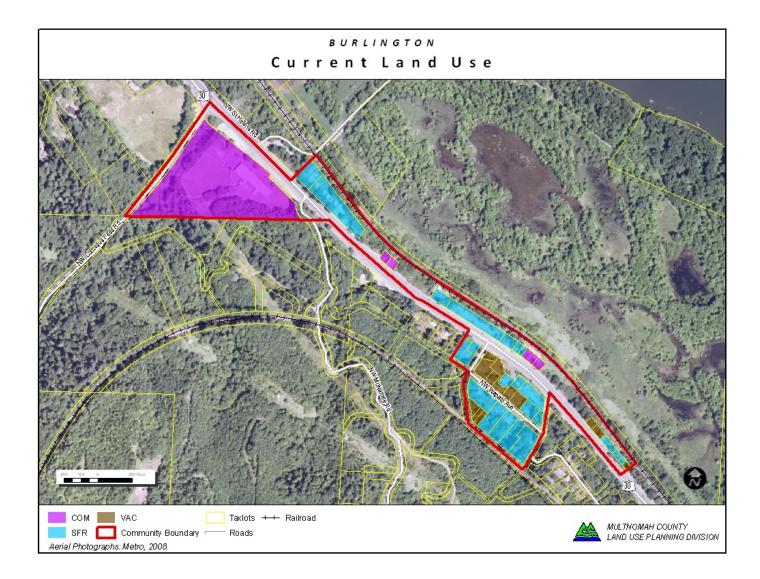
- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

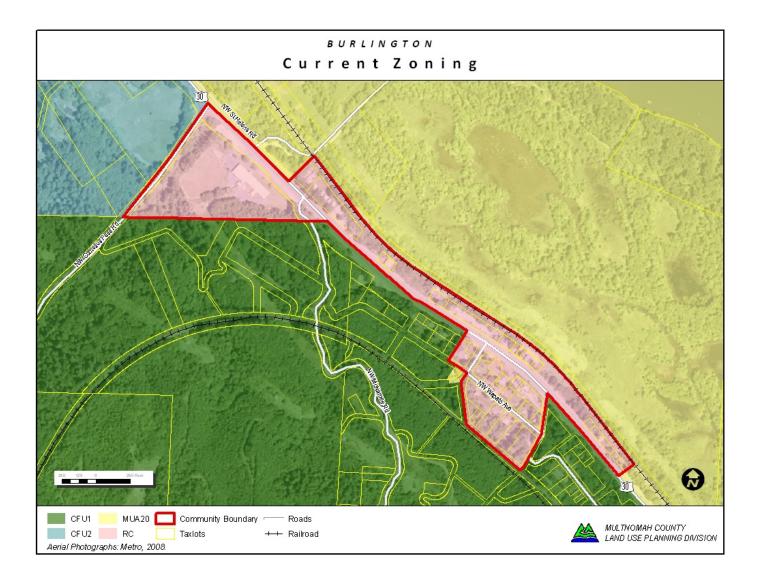
According to county policies and zoning regulations in place, and staff discussions with the Oregon Department of Transportation, and results from the community inventory and analysis, it is found that the Rural Community Plan for the Burlington Community will not affect the existing or planned transportation facilities. Roads in the area are adequate to accommodate existing and future traffic levels. State Highway 30 and Cornelius Pass Rd. provide major access to Burlington. The remaining roads in the area, Burlington, and Wapato provide access to homes and properties abutting them. Many "paper" roads, unbuilt and in some cases unbuildable, criss-cross the area. Burlington and Wapato are classified as Rural Local Roads and are addressed in the county policies. Highway 30 is addressed as part of the Oregon Highway Plan administered by the Oregon Department of Transportation (ODOT). Improvements to existing local streets and/or construction of new internal local streets to support specific developments could be required as part of a future subdivision approval process and would be addressed on a site-specific basis.

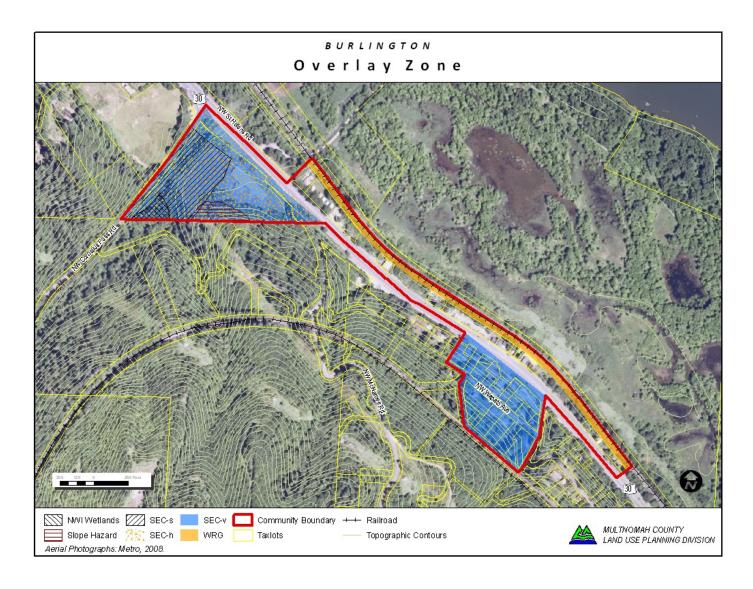
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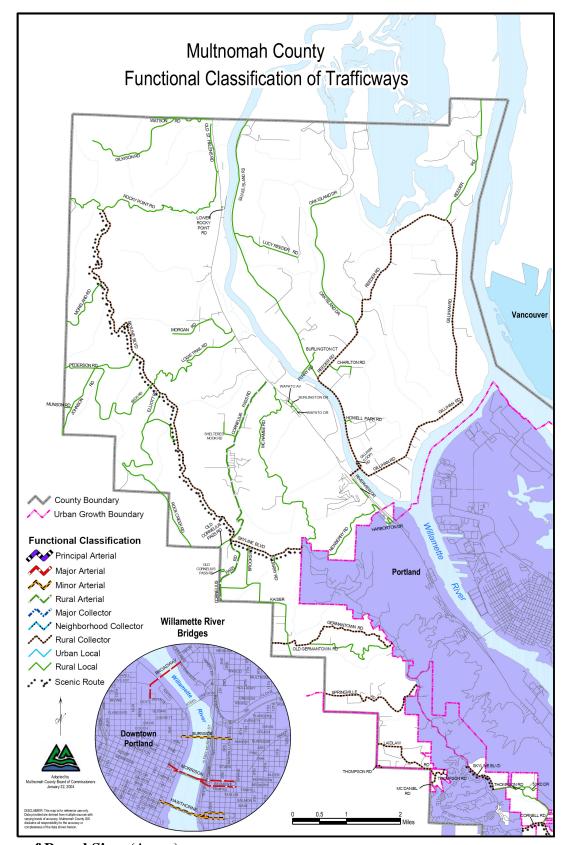
IV.	Appendices	
Appe	endix 1: Zoning (Proposed zoning code to be attached)	
		June 30, 2010 Meeting Draf



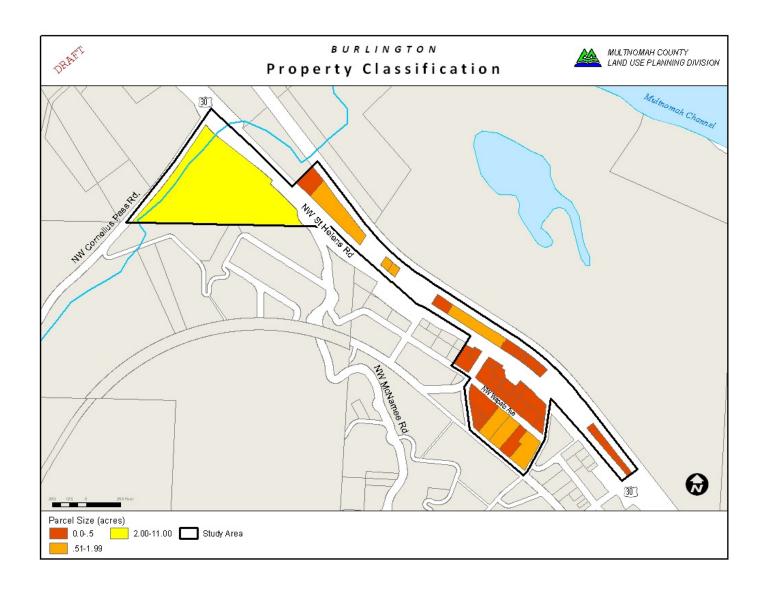








Map 6: Range of Parcel Sizes (Acres)



Inventory/Data Table

	Parcel Size	
RNO	Class	LANDUSE
R119900060	.51-1.99	COM
R119900080	.51-1.99	COM
R119900210	0.05	SFR
R119900250	.51-1.99	SFR
R119900410	0.05	SFR
R119900430	0.05	SFR
R119900440	0.05	COM
R119900470	0.05	COM
R119900640	0.05	VAC
R119900660	0.05	VAC
R119900690	0.05	SFR
R119900740	0.05	SFR
R119900750	0.05	SFR
R119900760	0.05	VAC
R119901640	0.05	VAC
R119901650	0.05	VAC
R119901670	0.05	VAC
R119901680	0.05	VAC
R119901690	0.05	SFR
R119901720	0.05	VAC
R119901740	0.05	VAC
R119901770	0.05	SFR
R119901800	0.05	SFR
R119901820	0.05	SFR
R119901880	0.05	SFR
R119901920	0.05	VAC
R119902130	0.05	SFR
R119902150	0.05	SFR
R119903080	0.05	VAC
R119903100	0.05	VAC
R119903110	0.05	VAC
R119903120	.51-1.99	SFR
R119903150	.51-1.99	SFR
R119903180	0.05	SFR
R119903210	.51-1.99	SFR
R119903370	0.05	SFR
R649862770	0.05	SFR
R649875730	0.05	SFR
R649875740	.51-1.99	SFR
R971180070	2.00-11.00	COM

SFR: Single Family Residence

VAC: Vacant COM: Commercial

Public Involvement and Process

- Fliers
- Website

April 27, 2010 Community Meeting

- Handouts
- PowerPoint Presentation
- Community Input

The April 27th Community Meeting, included a staff presentation and a staff led Community Input Session. The staff facilitated Community Input Session involved a large group discussion with those in attendance. Staff posed the three questions below and initiated discussion and noted the feedback received during the input session. The information below reflects the community input received in response to the three questions asked by staff.

Community Input Session

Burlington Community Meeting April 27, 2010 Skyline Grange, 7-8:30pm

1. What aspects of the Burlington Community do you like? What is important to you?

Preserve what's there. Preserve the community

Like location and proximity to cities but still be in the county (rural)

It's a walkable community

Community feel

Good water service

Like the current density

Feel safe

Neighborhood

2. What issues are important to the Burlington Community?

Why was the boundary set where it is?

Can it be expanded to include lots currently outside of Rural Center zoning?

Small lots

Sewer and water service on small lots

Want a place to live. Being able to replace home if destroyed.

Septic regulations

Concerned about being able to maintain current residence

Make sure that we preserve the interest of the community while meeting state laws

METRO owns approximately 20 lots. METRO interested in expanding boundary. Current CFU zoning is restricting. METRO is interested in getting rid of smaller lots in their ownership.

Being able to develop vacant lots with setback and septic requirements

Would like a grocery store, gas station, restaurant in the community

No TriMet bus service. Can we get service?

Columbia County Riders Service? Commuting. Can we collaborate to establish service?

Traffic congestion- commuters from Columbia County

What about a commuter rail line?

Difficult at times to get on Highway 30

We don't have enough room for services (grocery stores, etc.)

Access to Highway 30 (safety)

Burlington Avenue intersection to Highway 30- sight distance concerns

Explore reduction of speed limit

3. What suggestions do you have for improving the Burlington Community?

Look into expanding community boundary to recognize "de facto" community boundary. Smaller lots not currently in boundary.

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Health Clinic Hillsboro

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Burlington Community Survey

Please fill out and return to the Multnomah County Land Use and Transportation Program Office by May 7, 2010. Attach additional sheets if needed. The survey is also available online at www.multco.us/burlingtonplan.

- 1. What aspects of the Burlington Community do you like? What is important to you? That it is a forested area/sin. Community dose to ptind.
- 2. What issues are important to the Burlington Community?

 Traffic, Clean H2O, not minimal increase in development,

 Keeping Metro areas in mind (green space and opening individual lots to purchase from adjacent home owners)
- 3. What suggestions do you have for improving the Burlington Community?

Dublic transit is VERY MICH needed and his part of Multhornah Cainty 16 join up & MAX Lines both downtown & Hills Your Bet'n Dayle When completed, please return to:

Attention: Burlington Aural Community Project

Your Name: Beth Doylc | When completed, please return to: Attention: Burlington Rural Community Project 1600 SE 190th Ave, Suite 116 Portland, OR 97233 Email: burlingtonplan@co.multnomah.or.us Fax: 503-988-3389 Phone: 503-988-3043 Staff Contacts: George Plummer or Joanna Valencia

4. Include any additional comments, suggestions or questions you may have:

We live in an area of Multino man country that has been ignored by the country for a long time. That's not entirely bad, we don't need a lot of attention, but an organized plan for development is a good thing. Getting public transit to our area would be a VERY good thing.

Thank you

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PLANNING SECTION

George Plummer
Joanna Valencia
Multnomah County Land Use Planning
1600 SE 190th Ave, Suite 116
May 5, 2010

Dear Joanna and George,

Thank you for the opportunity to provide our input at the recent Burlington Neighborhood meeting. On behalf of my wife Julie and myself I would like to recap the most important points we attempted to make at the meeting.

First, the neighborhood boundary should reflect the actual residential neighborhood that exists now, rather than excluding existing homes in this contiguous geographic area. The actual Burlington neighborhood is well separated from any other residential area by substantial stretches of open or forested land. It makes little sense — even from a land use perspective — to exclude residences in this clearly distinct area from the neighborhood boundary. Although we can in all possibility never reconstruct the process that led to the boundary drawn in 1977, I would respectfully submit that the process that led to the present boundary excluding then-existing homes was flawed at best. This should be an opportunity to correct that error. If necessary I can provide you with a list of the addresses currently outside the boundary which should be included although 5 minutes with one of your GIS technicians would produce the same results. I suspect that a property by property search of the tax records would confirm that most, if not all of these homes existed when the 1977 boundary was established.

Second, the zoning within the ultimate boundary should reflect its residential use. We would like to make it clear that we do not necessarily seek to increase development or density within the neighborhood but rather to increase the likelihood that existing homes on undersized lots might have a means to improve or repair their properties should the occasion arise. As was repeatedly pointed out during the meeting, wastewater disposal is a primary concern for any rural property, and septic systems are to a significant degree limited by the space available to install them. METRO is the owner of most of the property in the Burlington area that does not have a home presently situated on it. They would of course play a prominent role in facilitating this idea of continuance of any individual residence adjacent to land METRO currently owns, but establishing the neighborhood identity might lend significant weight to their future decisions on the disposition of such properties.

Our final point concerns Multnomah County's role in embracing the needs of its citizens. Public hearings may provide an opportunity to voice our concerns, but we are a very small and isolated constituency – we need advocates. When members of your staff meet with other departments or agencies to discuss issues that concern or affect us, how do we make our little voice heard over the cacophony of ever increasing bureaucratic infrastructure which act as a barrier to public agencies being able to serve the needs of their citizens?

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Think of us as a pedestrian on a sidewalk. The sidewalk is for walking. We have a right to walk. But other uses have begun to encroach onto the sidewalk: utility poles, signal boxes, fire hydrants, bike racks, paper boxes, sidewalk cafes, etc. Each of these is legitimate too, and each has an advocacy of sorts, but collectively and without oversight they can begin to displace the primary purpose of the sidewalk: to facilitate pedestrian transportation.



Allow me to cite one example of this. The Burlington area is not served by TRIMET. If we wanted to take the bus, we would have to walk two miles to a stop which offered infrequent service at best. The St Helens based transit agency *Columbia County Rider* goes by our neighborhood several times a day but does not stop — apparently can't stop — in Burlington. Why? Is it because it would be poaching on potential TRIMET turf? Is it because all transit agencies are subsidized to some extent by taxes of their home jurisdiction and Burlington is out of that jurisdiction? We don't know really, and we're not suggesting that it's Multnomah County's problem to solve, but we feel that anything we can do to strengthen our neighborhood identity also strengthens our chance of solving the problem in the future.

Meanwhile, anything your office can do to support our cause would be very much appreciated.

Respectfully,

Charles Morrow 16501 NW Wapato Drive Portland, OR 97231

By way of a postscript, one of my neighbors who couldn't attend the meeting asks that you add him to the e-mail update list. His name is Lee Heckman, his e-mail address is mailto:hummingbirdprojector@gmail.com Thanks again. CM