

Final Documents
for
Annexation to
Portland

CL3107

Ordinance: 181486

Annexation: A-6-07

DOR: 3-1822-2008

Secretary of State: AN 2008-0010

Office of the Secretary of State

BILL BRADBURY
Secretary of State



Archives Division
MARY BETH HERKERT
Director

800 Summer St. NE
Salem, Oregon 97310
(503) 373-0701

Facsimile (503) 373-0953

January 30, 2008

Metro
Linda Martin
600 NE Grand Ave
Portland, Oregon 97232-2736

Dear Ms. Martin:

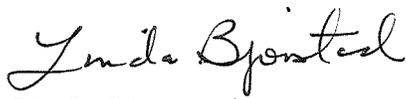
Please be advised that we have received and filed, as of January 30, 2008, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
181520 (Portland)-withdrawal	AN 2008-0009
181486 (Portland)	AN 2008-0010

For your records please verify the effective date through the application of ORS 199.519.

Our assigned file number(s) are included in the above information.

Sincerely,


Linda Bjornstad
Official Public Documents

cc: County Clerk(s)
Department of Revenue
ODOT
Population Research Center

Notice to Taxing Districts

ORS 308.225

DOR 3-1822-2008



Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
(503) 945-8297, fax 945-8737

City of Portland
Budget Officer
1120 SW Fifth, Room 1250
Portland, OR 97204

Description and Map Approved

January 23, 2008

As Per ORS 308.225

Description Map received from: METRO
On: 1/17/2008

This is to notify you that your boundary change in Clackamas County for

ANNEX TO CITY OF PORTLAND; WITHDRAW FROM SEVERAL DISTRICTS IN
CLACKAMAS CO.

ORD.#181486 (A-6-07)

has been: Approved 1/23/2008
 Disapproved

Notes:

Department of Revenue File Number: 3-1822-2008

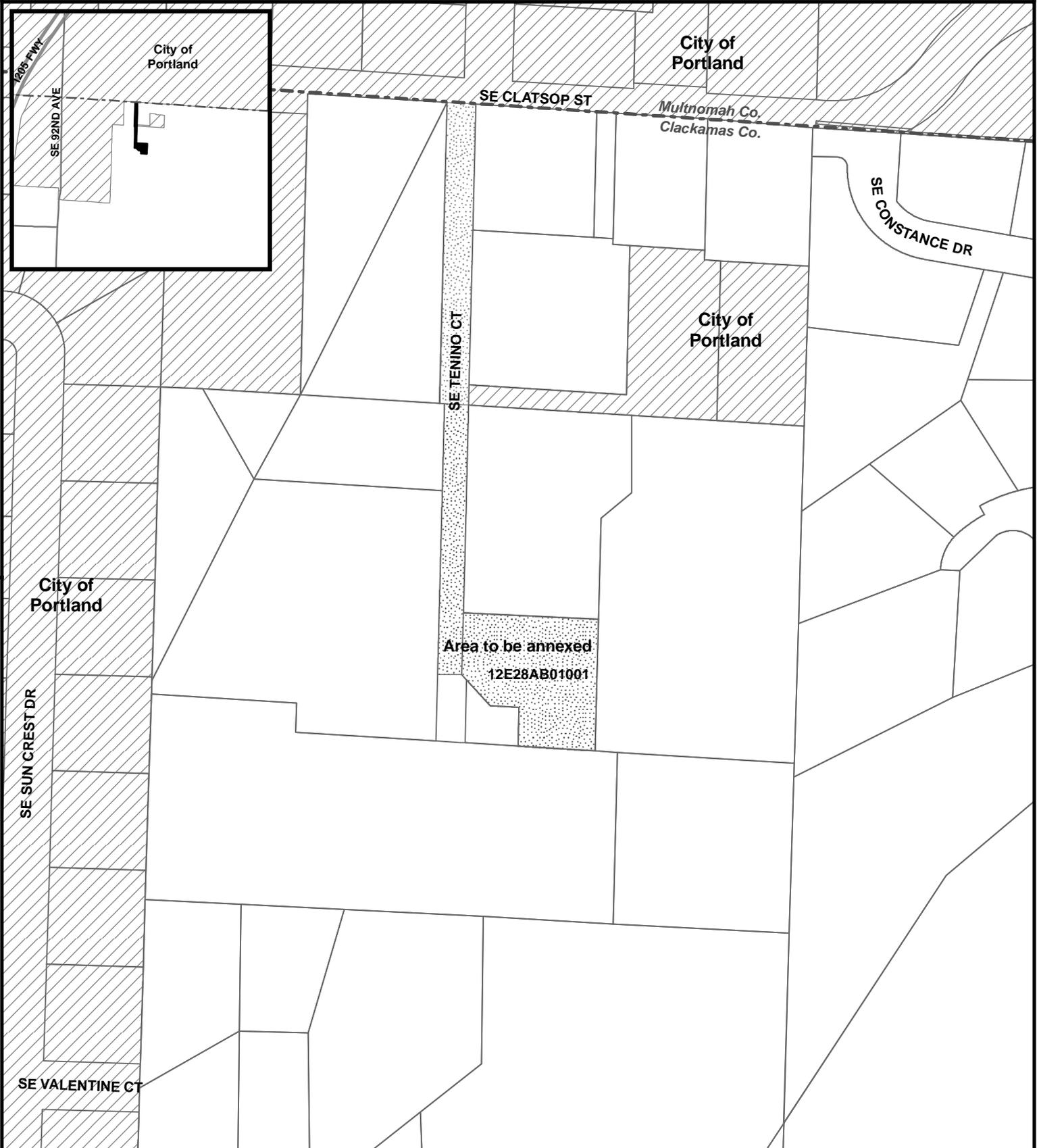
Prepared by: Elise Bruch, 503-945-8344

Boundary: Change Proposed Change
The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge

Proposal No. A-6-07

1s2e28 Annexation to Portland Clackamas Co.



Data Resource Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
<http://www.metro-region.org/drc>

- County boundary
- City of Portland
- Area to be annexed

Figure 1
CL3107 1:1,600
A-6-07

Ken Martin Consulting
P.O. Box 29079
Portland, OR 97296-9079
(503) 222-0955





CITY OF

PORTLAND, OREGON

OFFICE OF THE CITY AUDITOR

Gary Blackmer, City Auditor
Council/Contracts Division
1221 SW 4th Ave, Room 140
Portland, Oregon 97204-1987
Phone: (503) 823-4022
Fax: (503) 823-4571

January 8, 2008

Joanna Mensher
Data Resource Center
Metro
600 NE Grand Avenue
Portland, Oregon 97232-2736

Dear Ms. Mensher:

Please find enclosed certified copy of Ordinance No. 181486 to approve annexation to the City of Portland of property in case number A-6-07. The ordinance directs that this be filed with your office.

If you need any further assistance, do not hesitate to contact me.

Sincerely,

Toni Anderson
Deputy Auditor

Encl

ORDINANCE No. 181486

* Approve annexation to the City of Portland of property in case number A-6-07, on the east edge of SE Tenino Court south of SE Clatsop Street. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The property owners and registered voters have initiated a proposal by a consent petition to annex to the City of Portland the property described in Exhibit "A."
2. The property owners want to annex to Portland to obtain City services, particularly sewer service.
3. Based on the findings and reasons for decision detailed in Exhibit "B," this proposal for annexation sufficiently meets applicable criteria for approval.

NOW, THEREFORE, the Council directs:

- a. The proposed annexation described in Exhibit "A" is approved.
- b. The subject territory, shown on the map in Exhibit "B," is withdrawn from the Clackamas County Enhanced Law Enforcement District, Clackamas County Service District for street lights, Clackamas County Rural Fire Protection District # 1 and North Clackamas Park District.
- c. The City Auditor is authorized and directed to file a certified copy of this Ordinance with the Boundary Change Office of Metro.

Section 2. The Council declares that an emergency exists in order that there be no delay in extending services, therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council, JAN 02 2008

GARY BLACKMER
Auditor of the City of Portland

By 
Deputy

Mayor Tom Potter
Barry Nugent/jh
December 6, 2007

EXHIBIT A

Proposal No. AN-6-07

THIS DESCRIPTION IS INTENDED TO DESCRIBE THE AREA OF A TRACT OF LAND TO BE INCORPORATED INTO THE CITY OF PORTLAND.

BEGINNING AT THE NORTH ONE-QUARTER CORNER OF SECTION 28, T.1S., R2E., W.M. THENCE S87°50'00"E ALONG THE SECTION LINE OF SAID SECTION 28, A DISTANCE OF 986.34' TO A POINT ON THE EAST RIGHT OF WAY LINE OF SE TENINO CT. AND THE TRUE PLACE OF BEGINNING;

THENCE S0°05'00"W ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 311.15 FEET TO THE NORTHWEST CORNER OF DOCUMENT NO. 2001-044359 AND A 5/8" IRON ROD;

THENCE CONTINUING S0°05'00"W ALONG THE WEST LINE OF SAID DOCUMENT NO. 2001-044359, A DISTANCE OF 214.49 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING";

THENCE S87°50'00"E, A DISTANCE OF 139.68 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING";

THENCE S0°05'00"W A DISTANCE OF 134.36 FEET TO A 5/8" IRON ROD;

THENCE N87°50'00"W, A DISTANCE OF 79.68 FEET TO A 5/8" IRON ROD;

THENCE N0°05'00"E, A DISTANCE OF 40.00 FEET;

THENCE N87°50'00"W, A DISTANCE OF 30.00 FEET;

THENCE N43°32'30"W, A DISTANCE OF 43.19 FEET AND A POINT ON THE EAST RIGHT OF WAY LINE OF SAID SE TENINO CT.;

THENCE N87°50'00"W A DISTANCE OF 25.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SE TENINO CT.;

THENCE N0°05'00"E ALONG THE WEST LINE OF SAID SE TENINO CT., A DISTANCE OF 273.78 FEET;

THENCE N87°50'00"W, A DISTANCE OF 5.00 FEET;

THENCE N0°05'00"E ALONG THE WEST RIGHT OF WAY LINE OF SAID SE TENINO CT., A DISTANCE OF 311.15 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 28;

THENCE S87°50'00"E ALONG SAID SECTION LINE A DISTANCE OF 30.00 FEET AND THE PLACE OF BEGINNING.

THE BASIS OF BEARING FOR THIS DESCRIPTION IS SN 2005-318 AND PS 11536, CLACKAMAS COUNTY SURVEY RECORDS.

RECEIVED
 PLANNING BUREAU
 2007 DEC -3 A 9

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

[Handwritten Signature]

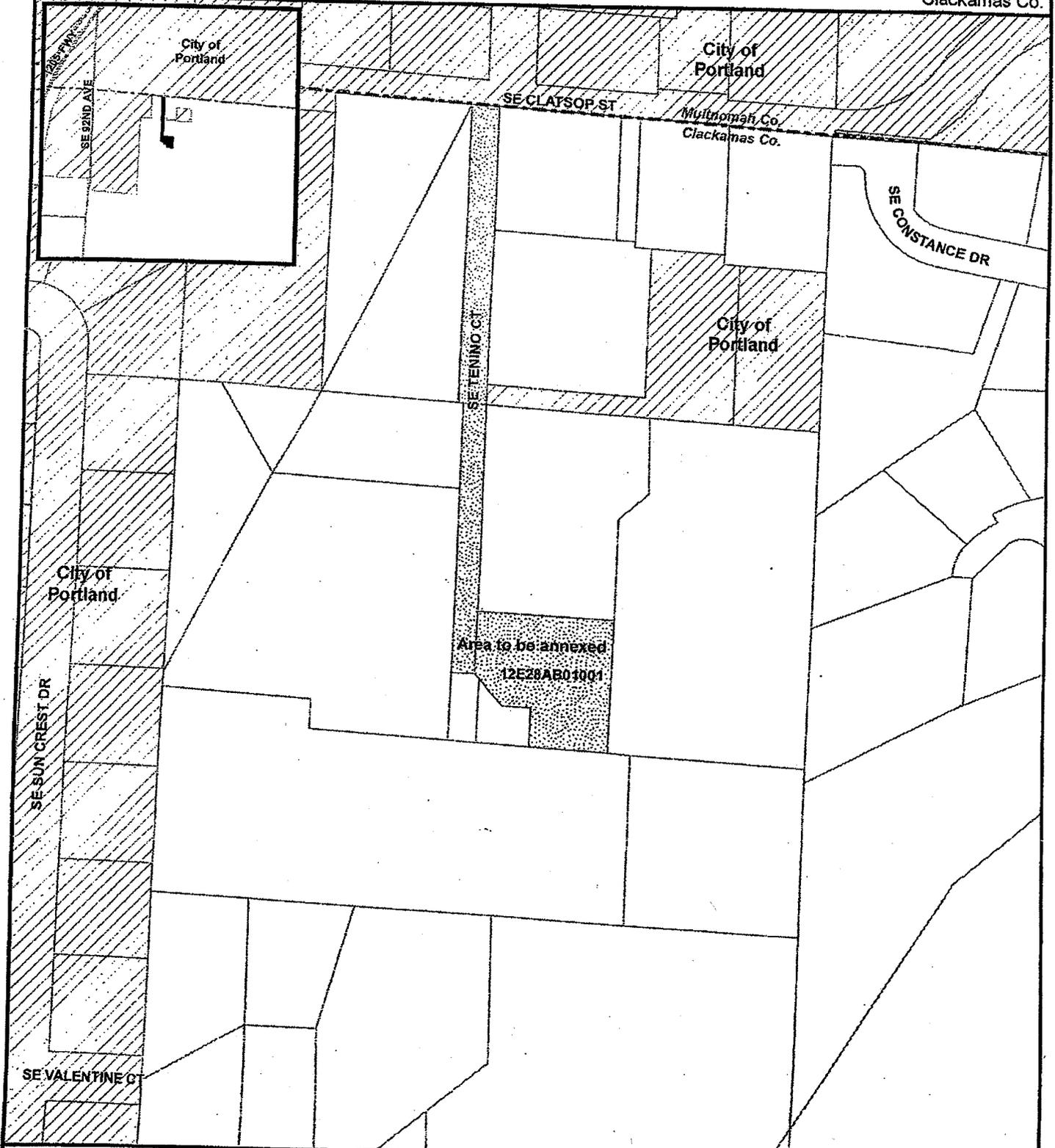
OREGON
 JULY 28, 1990
 JOE H. FERGUSON
 2445

Proposal No. A-6-07

1s2e28

Annexation to Portland

Clackamas Co.



Data Resource Center
 600 NE Grand Ave
 Portland, O R 97232-2736
 (503) 797-1742
<http://www.metro-region.org/drc>

METRO

- County boundary
- City of Portland
- Area to be annexed

Figure 1
 CL3107
 A-6-07

1:1,600

Ken Martin Consulting
 P.O. Box 29079
 Portland, O R 97296-9079
 (503) 222-0955

K M C

EXHIBIT B

December 19, 2007 Meeting

PROPOSAL NO. A-6-07 - CITY OF PORTLAND - Annexation

Petitioner: Trisha Lattimer

Proposal No. A-6-07 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 222.170(2) (double majority annexation law) and Metro Code 3.09.040(a) (Metro's minimum requirements for a petition).

The territory to be annexed is located generally on the southeast edge of the City on the east edge of SE Tenino Ct. south of SE Clatsop Street. The territory contains .27 acres, is vacant and has an assessed value of \$27,281.

REASON FOR ANNEXATION

The owners need sewer service to facilitate construction of a single family dwelling.

CRITERIA FOR DECISION-MAKING

The only criterion for deciding city boundary changes within the statutes is the territory must be contiguous to the City. However, the 1997 Legislature directed Metro to establish criteria that must be used by all cities within the Metro boundary and Metro has done so through adoption of Section 3.09 of the Metro Code.

The Metro Code states that a final decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065. [urban service provider agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are timelines for annexations that may only be done after all required urban service provider agreements are in place and that must have been voted on by the City residents and the residents of the area to be annexed.]
2. Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party.

3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.
4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional framework or any functional plan.
5. Whether the proposed change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. The territory lies within the Urban Growth Boundary.
7. Consistency with other applicable criteria for the boundary change in question under state and local law.

Each of these factors is addressed below. The Metro Code also contains a second set of 10 factors which are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those 10 factors are not applicable at this time to this annexation because no necessary party has contested the proposed annexation.

LAND USE PLANNING

Regional Planning. The territory is within the regional Urban Growth Boundary and the jurisdictional boundary of Metro.

Regional Framework Plan. The law that requires Metro to adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are now part of Metro's Regional Framework Plan. The Regional Framework Plan also includes the 2040 Growth Concept. Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern and which mandate local plan changes. Metro has adopted two functional plans - the Urban Growth Management Functional Plan and the Regional Transportation Plan.

The Urban Growth Management Functional Plan requires cities and counties to amend their comprehensive plans and implementing ordinances to accord with elements in the Functional Plan. Included in these requirements are such items as minimum density standards, limitations on parking standards, mandated adoption of water quality standards and rules relating to Urban Growth Boundary expansion into Urban Reserve areas. None of these requirements relate directly to the issue of annexation to a city. The Regional Transportation Plan was examined and no specific criteria applicable to boundary changes were discovered.

The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

Clackamas County Planning. The territory is designated Low Density Residential by Clackamas County and is zoned R-10 which permits residential development with a minimum lot size of 10,000 square feet.

Portland/Clackamas County Urban Services Agreement.

The property to be annexed falls within the City's Urban Services Boundary.

Portland Planning. The Portland Comprehensive Plan contains the following Urban Development Policies & Objectives:

2.3 Annexation

Phase the annexation program of the City to allow for the incorporation of urban and urbanizable land in a manner that is consistent with the Comprehensive Plan and the Urban Growth Boundary as administered by the Metropolitan Service District, provides smooth transition in urban improvements programming. Annex land within the Urban Services Boundary in accordance with this Policy and Policy 11.1. Annexations outside the Urban Services Boundary will not be accepted.

The Comprehensive Plan contains the following public facilities Goal and policies and objectives:

GOAL 11A Provide a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities.

POLICIES & OBJECTIVES

11.1 Service Responsibility

A. Outside its boundaries of incorporation, the City of Portland shall:

- (3) Consider requests for delivery of services within the Urban Services Boundary wherever the following conditions exist:
- Residents or property owners within an area to be served desire delivery of services by the City of Portland.
 - The City can meet the new demands without diminishing its ability to serve existing City of Portland residents and businesses.
 - The City can supply the needed services most effectively and efficiently.
 - The City can expect to recapture its service investment.

- (4) Deliver services within the Urban Services Boundary by means of annexation to Portland . . .

* * *

11.2 Orderly Land Development

Urban development should occur only when urban public facilities and services exist or can be reasonably made available.

11.3 Orderly Service Extension

The improvement and expansion of one urban public facility or service should not stimulate development that significantly precedes the City's, or other appropriate jurisdiction's ability to provide all other necessary urban public facilities and services at uniform levels.

As discussed below in the Facilities and Services section of the staff report, urban services are readily available to the site from the City. There is no evidence that serving the area would diminish the City's ability to serve existing residents and businesses.

The City's urban service policy found that a full-service city government can provide urban services most cost-effectively. The City of Portland is the only available city to provide services to this area.

The City Bureau of Development Services indicates the eastern half of the lot would likely lie in the Environmental Conservation Overlay Zone which would limit development to the western half of the lot. The Bureau also notes that some right-of-way improvements may be required by Portland Department of Transportation (PDOT). The significant slope would require dealing with storm run-off. The Bureau also states that the site is located in a "potential Landslide Hazard area" which would need to be addressed as part of any development.

FACILITIES AND SERVICES

ORS 195 Agreements. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but no urban service agreements have yet been adopted in this area.

Sanitary Sewer Service. City sanitary sewer service is available in SE Tenino Ct. approximately 200 feet north of the area to be annexed.

Water Service. The property is within the Sunrise Water Authority. The Authority has an 8 inch water line SE Tenino Ct. which serves residences both inside and outside the City of Portland. Following annexation to the City, the Authority would continue to provide water service. The City may not withdraw the territory from the Authority.

Police Service. Police service is currently provided by Clackamas and the Clackamas County Service District for Enhanced Law Enforcement.

Following annexation police service will be provided by the City at the same level as currently provided to other City residents.

ORS 222.120(5) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a county service district. The effective date of a withdrawal from a county service district is the effective date of the annexation.

Fire. The territory currently receives fire protection from the Clackamas Rural Fire Protection District No. 1. Following annexation the City would be responsible for providing fire service.

ORS 222.120(5) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a fire district. The effective date of a withdrawal from a fire district is the effective date of the annexation.

Street Lights. The territory is within the boundary of Clackamas County Service District for street lights. The District's function is primarily administrative, to collect the revenues to pay the power company for lighting services. The District charges a flat annual fee for street lighting services. Portland has a property tax levy to finance street lights.

ORS 222.120(5) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a county service district. The effective date of a withdrawal from a county service district is the effective date of the annexation.

Parks. The territory is within North Clackamas County Park District. Following annexation the City would provide this service.

ORS 222.120(5) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a county service district. The effective date of a withdrawal from a county service district is the effective date of the annexation.

Transportation. Access to the site is provided by SE Clatsop Street and SE Tenino Court. The Bureau of Environmental Services notes that 2006 aerial photos show encroachment in the right-of-way by some other properties along unimproved SE Tenino Ct. This might create some problems in improving the r-o-w if that is required for future development.

RECOMMENDATION

Based on the Study and the proposed Findings and Reasons for Decision found in Exhibit A, the staff recommends that Proposal No. A-6-07 be **approved**. It is also recommended that the territory be withdrawn from Clackamas County Enhanced Law Enforcement District, Clackamas County R.F.P.D. # 1, Clackamas County Service District for Street Lights and the North Clackamas County Park District.

PROPOSED FINDINGS AND REASONS FOR DECISION

Based on the staff study and the public hearing the City Council found:

1. The territory to be annexed contains .27 acres, is vacant and has an assessed value of \$27,281.
2. The owners need sewer service to facilitate construction of a single family dwelling.
3. The only criterion for deciding city boundary changes within the statutes is the territory must be contiguous to the City. However, the 1997 Legislature directed Metro to establish criteria that must be used by all cities within the Metro boundary and Metro has done so through adoption of Section 3.09 of the Metro Code.

The Metro Code states that a final decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065. [urban service provider agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are timelines for annexations that may only be done after all required urban service provider agreements are in place and that must have been voted on by the City residents and the residents of the area to be annexed.]
2. Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party.
3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.
4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional framework or any functional plan.
5. Whether the proposed change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.

Exhibit A, Findings to Staff Report
Proposal No. A-6-07

6. The territory lies within the Urban Growth Boundary.
7. Consistency with other applicable criteria for the boundary change in question under state and local law.

The Metro Code also contains a second set of 10 factors which are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those 10 factors are not applicable at this time to this annexation because no necessary party has contested the proposed annexation.

4. The territory is within the regional Urban Growth Boundary and the jurisdictional boundary of Metro.

The law that requires Metro to adopt criteria for boundary changes specifically states that those criteria shall include ". . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are now part of Metro's Regional Framework Plan. The Regional Framework Plan also includes the 2040 Growth Concept. Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern and which mandate local plan changes. Metro has adopted two functional plans - the Urban Growth Management Functional Plan and the Regional Transportation Plan.

The Urban Growth Management Functional Plan requires cities and counties to amend their comprehensive plans and implementing ordinances to accord with elements in the Functional Plan. Included in these requirements are such items as minimum density standards, limitations on parking standards, mandated adoption of water quality standards and rules relating to Urban Growth Boundary expansion into Urban Reserve areas. None of these requirements relate directly to the issue of annexation to a city. The Regional Transportation Plan was examined and no specific criteria applicable to boundary changes were discovered.

The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

5. The territory is designated Low Density Residential by Clackamas County and is zoned R-10 which permits residential development with a minimum lot size of 10,000 square feet.
6. The property to be annexed falls within the City's Urban Services Boundary.

Exhibit A, Findings to Staff Report
Proposal No. A-6-07

7. The Portland Comprehensive Plan contains the following Urban Development Policies & Objectives:

2.3 Annexation

Phase the annexation program of the City to allow for the incorporation of urban and urbanizable land in a manner that is consistent with the Comprehensive Plan and the Urban Growth Boundary as administered by the Metropolitan Service District, provides smooth transition in urban improvements programming. Annex land within the Urban Services Boundary in accordance with this Policy and Policy 11.1. Annexations outside the Urban Services Boundary will not be accepted.

The Comprehensive Plan contains the following public facilities Goal and policies and objectives:

GOAL 11A Provide a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities.

POLICIES & OBJECTIVES

11.1 Service Responsibility

Outside its boundaries of incorporation, the City of Portland shall:

- (3) Consider requests for delivery of services within the Urban Services Boundary wherever the following conditions exist:
 - Residents or property owners within an area to be served desire delivery of services by the City of Portland.
 - The City can meet the new demands without diminishing its ability to serve existing City of Portland residents and businesses.
 - The City can supply the needed services most effectively and efficiently.
 - The City can expect to recapture its service investment.

Exhibit A, Findings to Staff Report
Proposal No. A-6-07

- (4) Deliver services within the Urban Services Boundary by means of annexation to Portland . . .

11.2 Orderly Land Development

Urban development should occur only when urban public facilities and services exist or can be reasonably made available.

11.3 Orderly Service Extension

The improvement and expansion of one urban public facility or service should not stimulate development that significantly precedes the City's, or other appropriate jurisdiction's ability to provide all other necessary urban public facilities and services at uniform levels.

As discussed in the findings below, urban services are readily available to the site from the City. There is no evidence that serving the area would diminish the City's ability to serve existing residents and businesses.

The City's urban service policy found that a full-service city government can provide urban services most cost-effectively. The City of Portland is the only available city to provide services to this area.

The City Bureau of Development Services indicates the eastern half of the lot would likely lie in the Environmental Conservation Overlay Zone which would limit development to the western half of the lot. The Bureau also notes that some right-of-way improvements may be required by Portland Department of Transportation (PDOT). The significant slope would require dealing with storm run-off. The Bureau also states that the site is located in a "potential Landslide Hazard area" which would need to be addressed as part of any development.

8. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but no urban service agreements have yet been adopted in this area.
9. City sanitary sewer service is available in SE Tenino Ct. approximately 200 feet north of the area to be annexed.

Exhibit A, Findings to Staff Report
Proposal No. A-6-07

10. The property is within the Sunrise Water Authority. The Authority has an 8 inch water line SE Tenino Ct. which serves residences both inside and outside the City of Portland. Following annexation to the City, the Authority would continue to provide water service. The City may not withdraw the territory from the Authority.
11. Police service is currently provided by Clackamas and the Clackamas County Service District for Enhanced Law Enforcement.

Following annexation police service will be provided by the City at the same level as currently provided to other City residents.

ORS 222.120(5) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a county service district. The effective date of a withdrawal from a county service district is the effective date of the annexation.
12. The territory currently receives fire protection from the Clackamas Rural Fire Protection District No. 1. Following annexation the City would be responsible for providing fire service.

ORS 222.120(5) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a fire district. The effective date of a withdrawal from a fire district is the effective date of the annexation.
13. The territory is within the boundary of Clackamas County Service District for street lights. The District's function is primarily administrative, to collect the revenues to pay the power company for lighting services. The District charges a flat annual fee for street lighting services. Portland has a property tax levy to finance street lights.

ORS 222.120(5) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a county service district. The effective date of a withdrawal from a county service district is the effective date of the annexation.
14. The territory is within North Clackamas County Park District. Following annexation the City would provide this service.

ORS 222.120(5) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a county service district. The effective date of a withdrawal from a county service district is the effective date of the annexation.
15. Access to the site is provided by SE Clatsop Street and SE Tenino Court. The Bureau of Environmental Services notes that 2006 aerial photos show encroachment in the right-of-way by some other properties along unimproved SE Tenino Ct. This might create some problems in improving the r-o-w if that is required for future development.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the City Council determined:

1. The Metro Code at 3.09.050(d)(1) calls for consistency between the City's decision and an agreement adopted pursuant to ORS 195.065. There are no such agreements in this area.
2. The Metro Code at 3.09.050(d)(2) calls for consistency between the City's decision and urban planning area agreements, or other agreements. The territory to be annexed is within both the urban planning area boundary and urban services boundary of the City of Portland recognized in the City / County urban planning area agreement (UPAA). The agreement recognizes that Portland will eventually annex and service the area. The annexation is consistent with the UPAA. Portland has agreements with other service providers but none contains criteria that are directly applicable to annexation decisions.
3. The Metro Code at 3.09.050(d)(3) calls for consistency between the City's decision and any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The Council has reviewed the City Comprehensive Plan and the County Comprehensive Plan. The County plan contains no criteria that are directly applicable to annexation decisions.

Policy 4 of the Portland Urban Services Policies contains criteria related to annexation. It says that the city shall "consider" requests for the delivery of services within the urban services boundary when certain conditions exist. This policy is not a mandatory approval criterion, but rather contains a set of factors to consider.

The first factor is "residents and property owners within an area to be served desire delivery of services by the City of Portland." The area to be served is limited to the parcel that is proposed to be annexed. The owners have petitioned for annexation.

The second factor is "the City can meet the new demands without diminishing its ability to serve existing City of Portland residents and businesses." As discussed above in Findings numbered 9 through 15, urban services can be provided to the site.

The third factor is that "the City can supply the needed services most effectively and efficiently." The urban service policy found that a full-service city government can provide urban services most cost-effectively. The City of Portland is the only available city to provide services to this area.

Exhibit A, Findings to Staff Report
Proposal No. A-6-07

The fourth factor is "the City can expect to recapture its service investment." The new development (one single family dwelling) will produce very little demand on sewer, police, fire or other City services.

The Council concludes that the annexation is consistent with policy 11.1 B. (4).

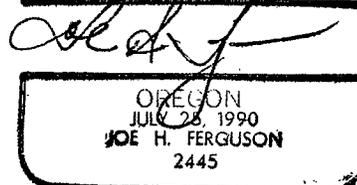
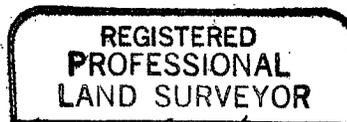
Policy 5 says that Portland will deliver services by annexing areas. This proposed annexation is consistent with policy 11.1 B (5).

4. Metro Code 3.09.050(d)(4) requires the City's decision to be consistent with directly applicable standards or criteria in the Regional Framework Plan or any functional plan. The Council has reviewed these plans and found no directly applicable criteria.
5. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly and economic provision of public facilities and services." The Council concludes that adequate services can be provided to serve this area, based on Findings 9 through 15. Therefore the proposed change promotes the timely, orderly and economic provision of services.
6. The City may specify in its annexation Ordinance that the territory will be simultaneously withdrawn from Clackamas County Enhanced Law Enforcement District, Clackamas County Service District for street lights, Clackamas county Rural Fire Protection District #1 and North Clackamas County Park District. To prevent confusion about which units of government are responsible for providing services, the territory should be simultaneously withdrawn from these districts.

THIS DESCRIPTION IS INTENDED TO DESCRIBE THE AREA OF A TRACT OF LAND TO BE INCORPORATED INTO THE CITY OF PORTLAND.

BEGINNING AT THE NORTH ONE-QUARTER CORNER OF SECTION 28, T.1S., R2E., W.M. THENCE S87°50'00"E ALONG THE SECTION LINE OF SAID SECTION 28, A DISTANCE OF 986.34' TO A POINT ON THE EAST RIGHT OF WAY LINE OF SE TENINO CT. AND THE TRUE PLACE OF BEGINNING; THENCE S0°05'00"W ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 311.15 FEET TO THE NORTHWEST CORNER OF DOCUMENT NO. 2001-044359 AND A 5/8" IRON ROD; THENCE CONTINUING S0°05'00"W ALONG THE WEST LINE OF SAID DOCUMENT NO. 2001-044359, A DISTANCE OF 214.49 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING"; THENCE S87°50'00"E, A DISTANCE OF 139.68 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING"; THENCE S0°05'00"W A DISTANCE OF 134.36 FEET TO A 5/8" IRON ROD; THENCE N87°50'00"W, A DISTANCE OF 79.68 FEET TO A 5/8" IRON ROD; THENCE N0°05'00"E, A DISTANCE OF 40.00 FEET; THENCE N87°50'00"W, A DISTANCE OF 30.00 FEET; THENCE N43°32'30"W, A DISTANCE OF 43.19 FEET AND A POINT ON THE EAST RIGHT OF WAY LINE OF SAID SE TENINO CT.; THENCE N87°50'00"W A DISTANCE OF 25.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SE TENINO CT.; THENCE N0°05'00"E ALONG THE WEST LINE OF SAID SE TENINO CT., A DISTANCE OF 273.78 FEET; THENCE N87°50'00"W, A DISTANCE OF 5.00 FEET; THENCE N0°05'00"E ALONG THE WEST RIGHT OF WAY LINE OF SAID SE TENINO CT., A DISTANCE OF 311.15 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 28; THENCE S87°50'00"E ALONG SAID SECTION LINE A DISTANCE OF 30.00 FEET AND THE PLACE OF BEGINNING.

THE BASIS OF BEARING FOR THIS DESCRIPTION IS SN 2005-318 AND PS 11536, CLACKAMAS COUNTY SURVEY RECORDS.



0013
2/2



After recording return to:
O. Ray Morgan and Kathryn Morgan
9643 SE Tenino Ct.
Portland, OR 97266

Until a change is requested all tax statements shall be sent to the following address:

Same as above

Escrow No. 01020446
Title No. 919044

RECORDED IN CLACKAMAS COUNTY
JOHN KAUFFMAN, COUNTY CLERK

2001-044359



\$31.00

06/12/2001 03:18:44 PM

D-D Cnt=1 Sln=3 BEVERLY
\$10.00 \$11.00 \$10.00

STATUTORY BARGAIN AND SALE DEED

Marie M. Beaman, Grantor, conveys to O. Ray Morgan and Kathryn Morgan, as tenants by the entirety, Grantee, the following described real property:

See Exhibit "A" attached.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$0.00 (Here comply with the requirements of ORS 93.030)

Dated this 5th, day of June, 2001.

Marie M Beaman
Marie M Beaman

Recorded by
First American Title Insurance Company, Inc.
No. 919044 ES

STATE OF Oregon
County of Multnomah } ss.

This instrument was acknowledged before me on this 5 day of June, 2001
by Marie M. Beaman
m.

Shelley Kennebeck
Notary Public for Oregon

My commission expires: 7/22/04

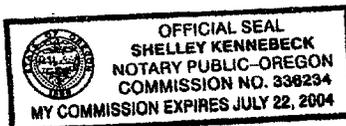


EXHIBIT 'A'

X A TRACT OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER OF THE
NORTHEAST ONE-QUARTER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 2
EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED
"DEA INC." AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER
OF THE NORTHEAST ONE-QUARTER OF SECTION 28, TOWNSHIP 1 SOUTH,
RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON;
THENCE ALONG THE EAST LINE OF SAID NORTHWEST ONE-QUARTER OF THE
NORTHEAST ONE-QUARTER OF SAID SECTION 28, S.00°16'22"W., 306.16 FEET
TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS
ENGINEERING"; THENCE N.87°50'00"W., 173.91 FEET TO A 5/8" IRON ROD WITH A
YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING" AT THE POINT-OF-
BEGINNING; THENCE S.00°05'00"W., 80.00 FEET TO A 5/8" IRON ROD WITH A
YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING"; THENCE
S.45°04'57"W., 41.38 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP
STAMPED "COMPASS ENGINEERING"; THENCE S.00°05'00"W., 133.45 FEET TO A
5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS
ENGINEERING"; THENCE N.87°50'00"W., 139.68 FEET TO A 5/8" IRON ROD WITH A
YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING"; THENCE
N.00°05'00"E., 243.78 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP
STAMPED "COMPASS ENGINEERING"; THENCE S.87°50'00"E., 168.96 FEET TO
THE POINT-OF-BEGINNING, CONTAINING 36,813 SQUARE FEET, MORE OR LESS.

This map was prepared for assessment purposes only.

9200

NW 1/4 NE 1/4 SEC. 2
CLACKAMAS

1" = 10'

MULTNOMAH

CLATSOP

AVENUE

SUN CREST DRIVE

12-19

GRAND

VIEW CREST TERRACE

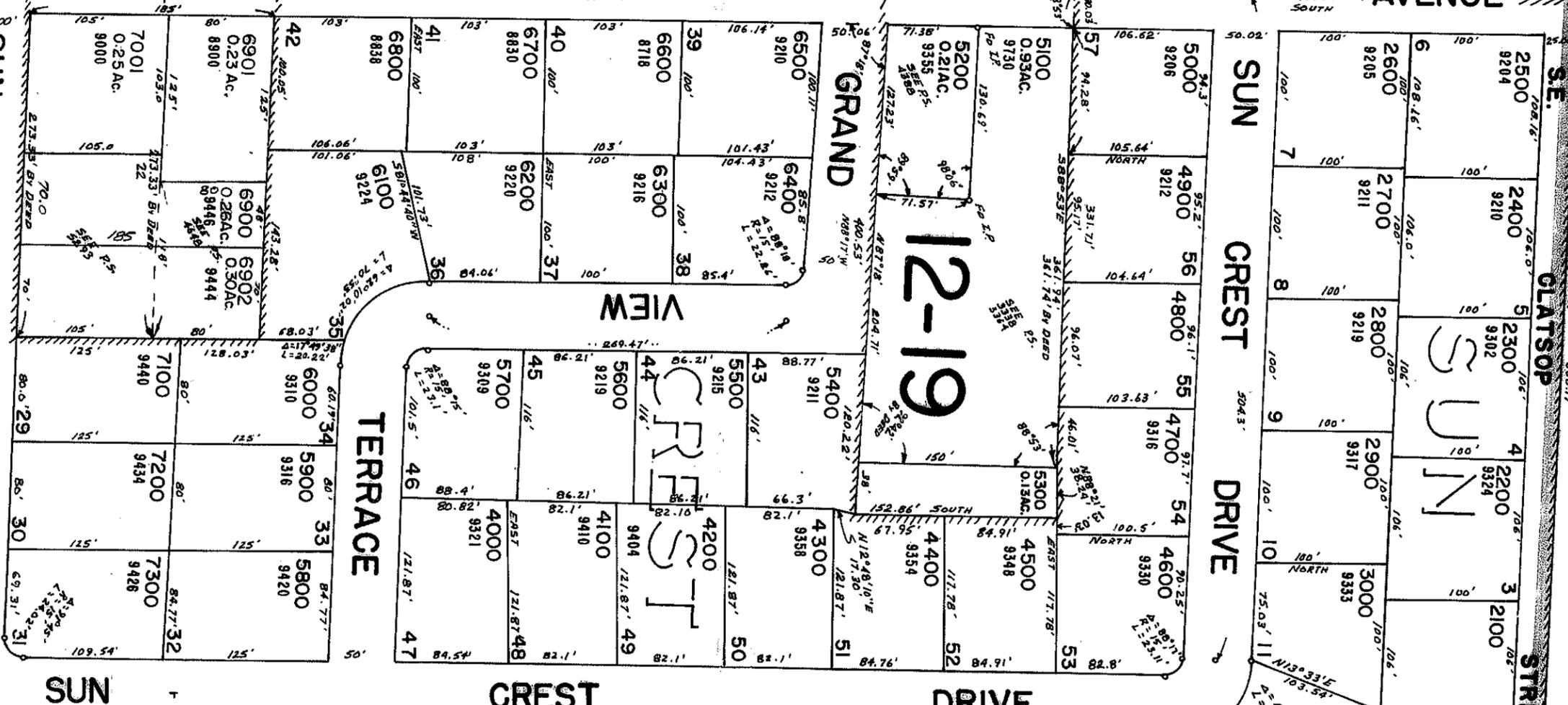
SUN CREST DRIVE

SEE MAP I 2E 28BA

92nd.

SUN CREST DRIVE

VILLAGES



SEE MAP I 2

NE 1/4 SEC. 28 T.1S. R.2E. W.M.
CLACKAMAS COUNTY

1 2E 28AB
PORTLAND

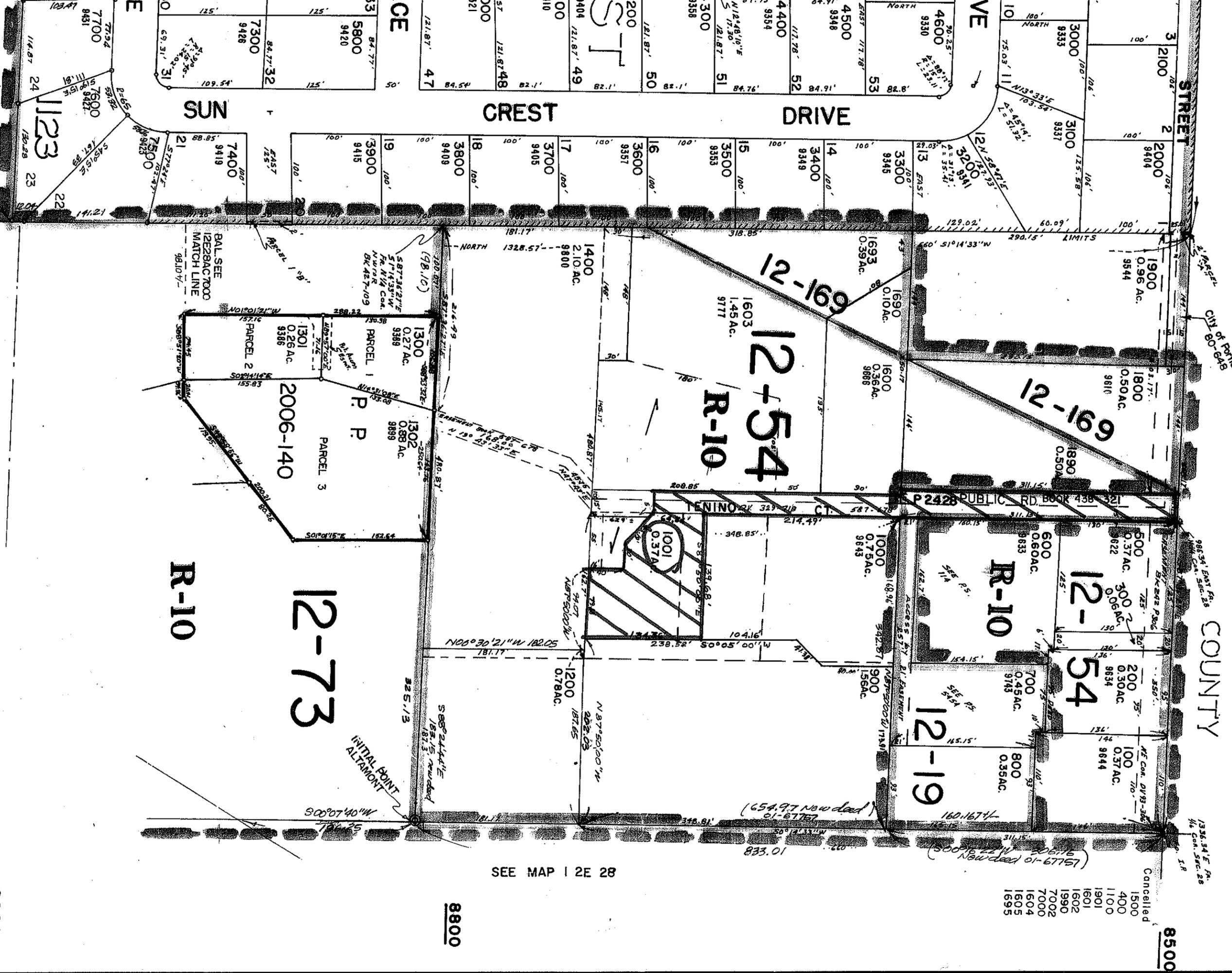
1" = 100'

9500

9700

8500

Cancelled
1500
1400
1100
1901
1601
1602
1990
7002
7000
1604
1605
1695



SEE MAP 1 2E 28

8800

9000

SEE MAP 1 2E 28AC

OCT 08 2007