

Final Documents  
for  
Annexation to  
**Portland**

MU0109  
Ordinance/Resolution: 183391  
Annexation: A-1-09  
DOR: 26-674-2010  
Secretary of State: AN 2010-0012

OFFICE OF THE SECRETARY OF STATE

KATE BROWN  
SECRETARY OF STATE

BARRY PACK  
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION  
MARY BETH HERKERT  
DIRECTOR  
800 Summer Street NE  
Salem, Oregon 97310  
(503) 373-0701  
Facsimile (503) 378-4118

February 3, 2010

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 February 3, 2010, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
183391 [Portland]	AN 2010-0012

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

January 26, 2010

Linda Martin  
Metro  
Data Resources Department  
600 N.E. Grand Avenue  
Portland, Oregon 97232

RE: Final Boundary Change Documents

Dear Linda,

Attached is the final packet for Boundary Change Proposal No. A-1-09 (MU-0109), annexation to City of Portland. Also included is the Mapping Fee check for \$250. If you have any questions please let me know.

Ken Martin

# Notice to Taxing Districts

ORS 308.225

**DOR 26-674-2010**



OREGON  
DEPARTMENT  
OF REVENUE

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 25, 2010**

**As Per ORS 308.225**

Description     Map received from: Ken Martin  
On: 1/5/2010, 1/20/2010

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

**ANNEX TO CITY OF PORTLAND; WITHDRAW FROM SEVERAL DISTRICTS**

ORD NO 183391 (A-1-09)

has been:     Approved        1/25/2010  
                   Disapproved

Notes:

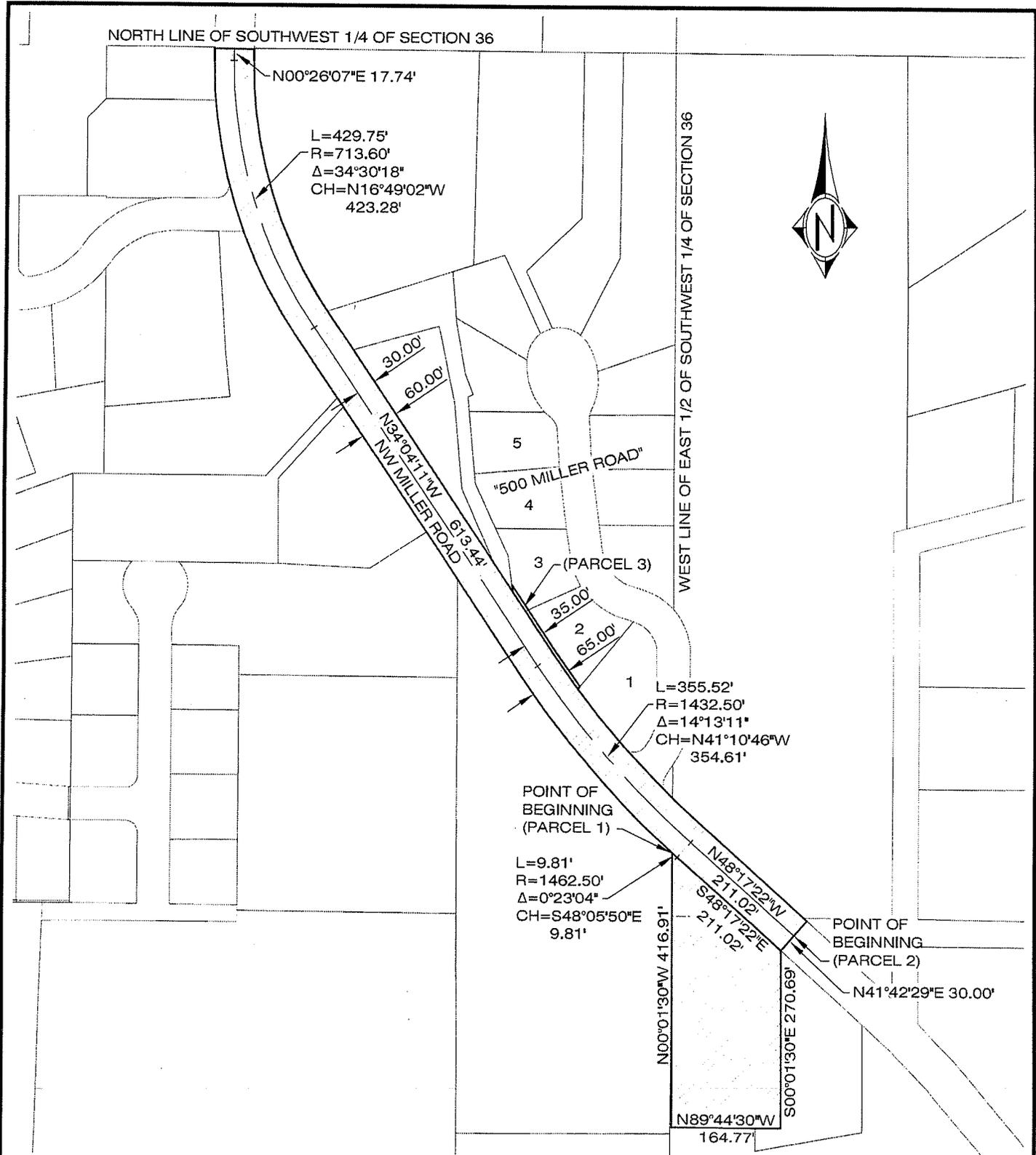
A map with the complete annexation boundary should be included in the final docs that are sent to other agencies.

Department of Revenue File Number: 26-674-2010

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



Note: Bearings and Distances depicted hereon are based upon a compilation of record survey data. They do not represent an on the ground survey of the subject tract.



P.O. BOX 230149, TIGARD, OR 97281  
PHONE & FAX: 503.928.5589  
www.summitlandsurveyors.com

**EXHIBIT "B"**

A TRACT OF LAND LOCATED IN THE STATE OF OREGON, MULTNOMAH COUNTY,  
TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN,  
IN THE SOUTHWEST 1/4 OF SECTION 36

JOB NO.:	DATE:	SCALE:	PREPARED FOR:
103-008	11/11/09	1"=200'	EMERIO DESIGN GROUP

**ORDINANCE No. 183391**

\* Approve annexation to the City of Portland of property in case number A-1-09, on the west edge of NW Miller Rd between NW Cornell Rd and NW Barnes Rd including a portion of the NW Miller Rd right-of-way. (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," Legal Description.
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," Staff Report, Proposal No. A-109 – City of Portland – Annexation, 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 Multnomah County Service District # 14 (street lights) and Tualatin Valley Fire & Rescue.
- c. The City Auditor is authorized and directed to file a certified copy of this Ordinance with the Boundary Change Office of Metro.

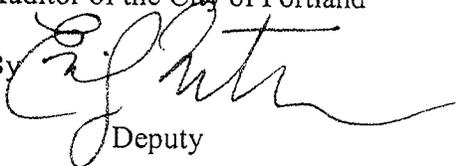
Section 2. The Council declares that an emergency exists in order that there be no delay in extending services, therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council,

DEC 09 2009

LAVONNE GRIFFIN-VALADE  
Auditor of the City of Portland

By



Deputy

Mayor Sam Adams  
Prepared by: Joan Fredericksen  
November 25, 2009

1686

JUD

Agenda No. **ORDINANCE NO. 183391**  
Title

\* Approve annexation to the City of Portland of property in case number A-1-09, on the west edge of NW Miller Road between NW Cornell Road and NW Barnes Road including a portion of the NW Miller Road right-of-way. (Ordinance)

INTRODUCED BY Commissioner/Auditor: <b>MAYOR SAM ADAMS</b>	CLERK USE: DATE FILED <u>DEC 04 2009</u>
COMMISSIONER APPROVAL	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u>Susan Anderson</u> Deputy</p> <p>ACTION TAKEN:</p>
Mayor—Finance and Administration - Adams	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL	
Bureau: Planning and Sustainability Bureau Head: Susan Anderson	
Prepared by: Joan Fredericksen Date Prepared: Nov. 25, 2009	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date <b>December 9, 2009</b>	
City Attorney Approval	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____  Total amount of time needed: _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input checked="" type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	

## EXHIBIT "A"

## Legal Description:

A tract of land located in the State of Oregon, Multnomah County, Township 1 North, Range 1 West of the Willamette Meridian, in the Southwest ¼ of Section 36, being more particularly described as follows:

## (Parcel 1)

Beginning at the intersection of the West line of the East ½ of the Southwest ¼ of said Section 36 and the southwesterly right of way line of NW Miller Road; thence along said southwesterly right of way line 9.81 feet along the arc of a 1462.50 foot radius curve to the left through a central angle of 0°23'04" (the chord of which bears S48°05'50"E, 9.81 feet); thence continuing along said right of way line, S48°17'22"E, 211.02 feet; thence leaving said southwesterly right of way line, S00°01'30"E, 270.69 feet; thence N89°44'30"W, 164.77 feet to a point on said West line of the East ½ of the Southwest ¼ of said Section 36; thence along said line, N00°01'30"W, 416.91 feet to the point of beginning.

## (Parcel 2)

Together with a 60.00 foot wide strip of land, being a portion of NW Miller Road, the centerline thereof described as follows:

Commencing at the intersection of the West line of the East ½ of the Southwest ¼ of said Section 36 and the southwesterly right of way line of NW Miller Road; thence along said southwesterly right of way line 9.81 feet along the arc of a 1462.50 foot radius curve to the left through a central angle of 0°23'04" (the chord of which bears S48°05'50"E, 9.81 feet) to a point of tangency; thence S48°17'22"E, 211.02 feet; thence leaving said southwesterly right of way line, N41°42'29"E, 30.00 feet to the centerline of said NW Miller Road and the true Point of Beginning of the centerline of said 60.00 foot wide strip of land; thence along said centerline, N48°17'22"W, 211.02 feet to a point of curvature; thence 355.52 feet along the arc of a 1432.50 foot radius curve to the right through a central angle of 14°13'11" (the chord of which bears N41°10'46"W, 354.61 feet); thence N34°04'11"W, 613.44 feet to a point of curvature; thence 429.75 feet along the arc of a 713.60 foot radius curve to the right through a central angle of 34°30'18" (the chord of which bears N16°49'02"W, 423.28 feet); thence N00°26'07"E, 17.74 feet to the intersection of the centerline of said NW Miller Road and the North line of the Southwest ¼ of said Section 36, being the terminus of the herein described centerline.

## (Parcel 3)

Together with a 5.00 foot wide strip of land, being a portion of Lots 2 and 3, 500 Miller Road, a plat of record in said county, said 5.00 foot wide strip being more particularly described as follows:

All those portions of said Lots 2 and 3 that lie southwesterly of a line being 35.00 feet northeasterly of, when measured at right angles to, the centerline of N.W. Miller Road.

Containing 3.56 Acres

Note: Bearings and Distances depicted in above legal description are based upon a compilation of record survey data. They do not represent an on the ground survey of the subject tract.

**EXHIBIT B**

December 2, 2009 Meeting

**PROPOSAL NO. A-1-09 - CITY OF PORTLAND - Annexation**

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Petitioner: Cindy & Marcus Ray

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Proposal No. A-1-09 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 northwest edge of the City on the west side of NW Miller Road south of NW Cornell Road. The territory contains 1.27 acres, one single family dwelling, a population of 3 and has an assessed value of \$167,250.

**REASON FOR ANNEXATION**

The owners need sewer service to facilitate construction of a replacement single family dwelling. The existing dwelling will be demolished.

**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.

To approve a boundary change through an expedited process, the City must:

- (1) Find that the change is consistent with expressly applicable provisions in:
  - (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;
  - (B) Any applicable annexation plan adopted pursuant to ORS 195.205;
  - (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;

- (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and
  - (E) Any applicable comprehensive plan; and
- (2) Consider whether the boundary change would:
- (A) Promote the timely, orderly and economic provision of public facilities and services;
  - (B) Affect the quality and quantity of urban services; and
  - (C) Eliminate or avoid unnecessary duplication of facilities and services.

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

#### **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.

Multnomah County Planning. The territory is designated Low Density Residential by Multnomah County and is zoned R-10 with an environmental overlay on a portion of the site. The R-10

permits residential development with a minimum lot size of 10,000 square feet. In 2001 the Multnomah County Board adopted the City's comprehensive plan and implementing regulations as the County's plan and zoning for this area. By intergovernmental agreement signed in January, 2002 the City took over implementation and administration of planning and zoning for this area.

Portland/Multnomah 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.

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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 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.

**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. Sanitary sewer service can be provided from a Clean Water Services sewer line in NW Miller Road approximately 150 feet north of the territory to be annexed. The City of Portland has an intergovernmental agreement with Clean Water Services to provide sewer service to City customers in this area. The property owner will be a City of Portland customer and the City will simply add one more account to its wholesale agreement with the District. The cost of extending the line will be paid by the property owner.

Water Service. The City of Portland already serves this area via a 16 inch water line in NW Miller Road.

Police Service. Police Service will be provided by the City at the same level as currently provided to other City residents.

Fire. The territory currently receives fire protection from the Tualatin Valley Fire & Rescue. The District's nearest station is at NW 87<sup>th</sup> & Cornell Road. Following annexation the City would be responsible for providing fire service. The City's nearest station is Station # 27 at 3130 NW Skyline. The City and the District would both respond to a call in this area under service agreements covering the area.

ORS 222.120(4) 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 Multnomah County Service District No. 14 for street lights. The District's function is primarily administrative, to collect the revenues to pay PGE 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(4) 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 NW Miller Road from NW Cornell Road on the north and NW Barnes Road on the south.

## RECOMMENDATION

Based on the Study and the proposed Findings and Reasons for Decision found in Exhibit A, the staff recommends that Proposal No. A-1-09 be **approved**. It is also recommended that the territory be withdrawn from the Tualatin Valley Fire & Rescue and Multnomah County Service District #14 (street lights).

# A-1-09

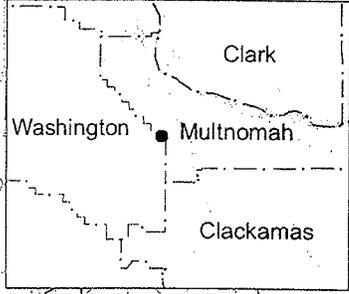
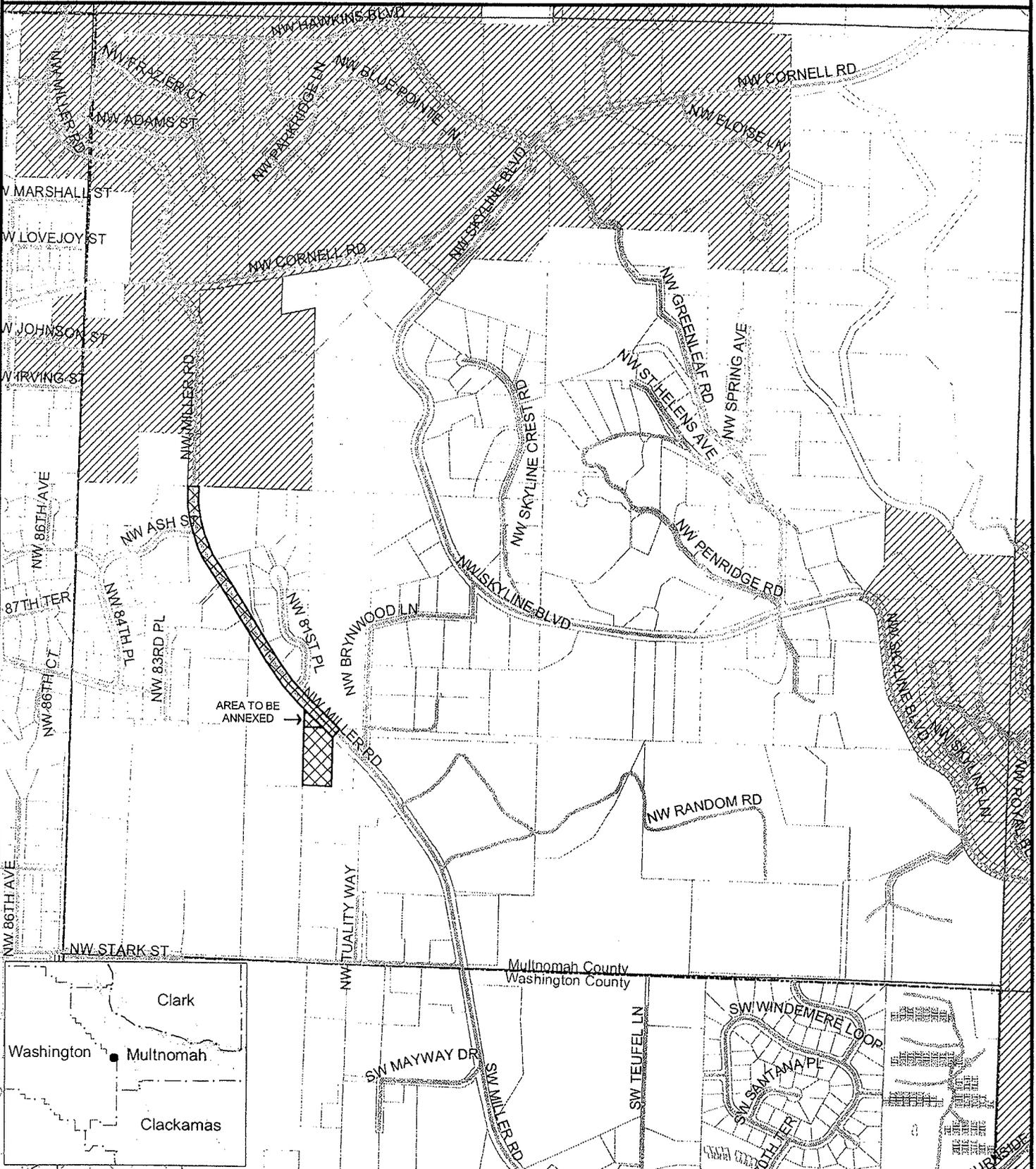
# Exhibit B-1

200801

1n1w36

City of Portland

Multnomah County



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

-  City of Portland
-  Areas to be annexed

A-1-09

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



1:8,770

Exhibit A, Findings to Staff Report  
Proposal No. A-1-09

**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 1.27 acres, one single family dwelling, a population of 3 and has an assessed value of \$167, 250.
2. The owners need sewer service to facilitate construction of a replacement single family dwelling. The existing dwelling will be demolished.
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.

To approve a boundary change through an expedited process, the City must:

- (1) Find that the change is consistent with expressly applicable provisions in:
  - (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;
  - (B) Any applicable annexation plan adopted pursuant to ORS 195.205;
  - (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;
  - (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and
  - (E) Any applicable comprehensive plan; and
- (2) Consider whether the boundary change would:
  - (A) Promote the timely, orderly and economic provision of public facilities and services;
  - (B) Affect the quality and quantity of urban services; and

Exhibit A, Findings to Staff Report  
Proposal No. A-1-09

- (C) Eliminate or avoid unnecessary duplication of facilities and services.

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

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 Multnomah County and is zoned R-10 with an environmental overlay on a portion of the site. The R-10 permits residential development with a minimum lot size of 10,000 square feet. In 2001 the Multnomah County Board adopted the City's comprehensive plan and implementing regulations as the County's plan and zoning for this area. By intergovernmental agreement signed in January, 2002 the City took over implementation and administration of planning and zoning for this area.
6. The property to be annexed falls within the City's Urban Services Boundary.

Exhibit A, Findings to Staff Report  
Proposal No. A-1-09

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-1-09

- (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 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.

- 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. Sanitary sewer service can be provided from a Clean Water Services sewer line in NW Miller Road approximately 150 feet north of the territory to be annexed. The City of Portland has an intergovernmental agreement with Clean Water Services to provide sewer service to City customers in this area. The property owner will be a City of Portland customer and the City will simply add one more account to its wholesale agreement with the District. The cost of extending the line will be paid by the property owner.
- 10. The City of Portland already serves this area via a 16 inch water line in NW Miller Road.
- 11. Police Service will be provided by the City at the same level as currently provided to

Exhibit A, Findings to Staff Report  
Proposal No. A-1-09

other City residents.

12. The territory currently receives fire protection from the Tualatin Valley Fire & Rescue. The District's nearest station is at NW 87<sup>th</sup> & Cornell Road. Following annexation the City would be responsible for providing fire service. The City's nearest station is Station # 27 at 3130 NW Skyline. The City and the District would both respond to a call in this area under service agreements covering the area.

ORS 222.120(4) 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 Multnomah County Service District No. 14 for street lights. The District's function is primarily administrative, to collect the revenues to pay PGE 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(4) 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. Access to the site is provided by NW Miller Road from NW Cornell Road on the north and NW Barnes Road on the south.

Exhibit A, Findings to Staff Report  
Proposal No. A-1-09

### CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the City Council determined:

1. The Metro Code at 3.09.045(d)(1) (A) seeks consistency with expressly applicable provisions in an applicable urban service agreement adopted pursuant to ORS 195.065. There are no such agreements in this area.
2. The Metro Code at 3.09.045(d)(1) (B) seeks consistency with expressly applicable provisions in an applicable annexation plan adopted pursuant to ORS 195.205. There are no such annexation plans in this area.
3. The Metro Code at 3.09.045(d)(1) (C) seeks consistency with expressly applicable provisions in any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the City and a necessary party. There are no such agreements in this area.
4. The Metro Code at 3.09.045(d)(1) (D) seeks consistency with expressly applicable provisions in any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services. Determination that this area should be physically served by Clean Water Services was made many years ago via a public facility plan by Clean Water Services. Determination that the area be included in the City's urban service area was made through adoption of an Urban Services Policy adopted as an element of the City's Comprehensive Plan. The annexation is consistent with the public facility plan as noted in Finding No. 9.
5. The Metro Code at 3.09.045(d)(1) (E) seeks consistency with expressly applicable provisions in any applicable comprehensive plan. 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 11.1 of the Portland Comprehensive Plan 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 14, urban services can be provided to the site.

Exhibit A, Findings to Staff Report  
Proposal No. A-1-09

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.

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.

Policy 11.2 says urban development is appropriate when urban services are available and they are in this case. Therefore the Council finds the annexation consistent Policy 11.2

Policy 11.3 cautions against allowing one urban service to dictate premature extension of other public services. In this case the other public services are readily available. The council concludes the annexatiou is consistent with Policy 11.3.

Policy 11.1 (4) says that Portland will deliver services by annexing areas. This proposed annexation is consistent with policy 11.1 (4).

6. Metro Code 3.09.045(d)(2)(A) calls for consideration of whether the boundary change would "promote the timely, orderly and economic provision of public facilities and services." The Council concludes that the City's adequate services can be provided to serve this area, based on Findings 9 through 14. Therefore the proposed change promotes the timely, orderly and economic provision of services.
7. Metro Code 3.09.045(d)(2)(B) calls for consideration of whether the boundary change would affect the "quality and quantity of urban services." Given the size of this annexation (one dwelling on one lot) the Council concludes this annexation will have no impact on the overall quality and quantity of services available in the area.
8. In accordance with Metro Code 3.09.045(d)(2)(C) Council considered wither this annexation would "eliminate or avoid unnecessary duplication of services" and concludes the annexation will neither negatively nor positively relate to this criterion.
9. The City may specify in its annexation Ordinance that the territory will be simultaneously withdrawn from Multnomah County Service District # 14 and Tualatin Valley Fire & Rescue. To prevent confusion about which units of government are responsible for providing services, the territory should be simultaneously withdrawn from these districts.