

Final Documents
for
Annexation to
Portland

MU0111

Ordinance/Resolution: 184720

Annexation: A-1-11

DOR: 26-677-2011

Secretary of State: AN 2011-0070

Secretary of State Effective Date: 8/24/2011

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

August 24, 2011

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 the date below, the following records annexing territory to the following:

Ordinance/ Resolution Number(s)	Date	Our File Number
184720	08/ 24/ 2011	AN 2011-0070

For your records please verify the effective date through the applicable ORS.

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

Sincerely,

Linda Bjornstad
Official Public Documents

Cc: Department of Revenue
ODOT
Population Research Center

August 18, 2011

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-1-11 (MU-0111), annexation to City of Portland. Also included is the Mapping Fee check for \$150. If you have any questions please let me know.

Ken Martin

Notice to Taxing Districts

ORS 308.225

DOR 26-677-2011



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

August 12, 2011

As Per ORS 308.225

Description Map received from: KEN MARTIN
On: 7/20/2011

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

ANNEX TO CITY OF PORTLAND; WITHDRAW FROM SEVERAL DISTRICTS

ORD NO. 184720 (A-1-11)

has been: Approved 8/12/2011
 Disapproved

Notes:

The maps, legal descriptions and signed ordinance must also be filed with the COUNTY ASSESSOR prior to March 31, 2012 per ORS 308.225.

Department of Revenue File Number: 26-677-2011

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

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

1/4 COR.

NW1/4 NE1/4 SEC. 34 T.1S. R.1E. W.M.
MULTNOMAH COUNTY
1" = 100'

SEE MAP IS IE 270C

APPROX 1/16 COR.

IS IE 34AB
PORTLAND

CANCELLED NO.
400
1400
1402
3500

SEE MAP IS IE 34BA

SEE MAP IS IE 34AA



SEE MAP IS IE 34AC

S.W. BIDDINGTON CT.

IS IE 34AB
PORTLAND

ORDINANCE No. 184720

* Approve annexation to the City of Portland of property within the boundaries of the City Urban Services Boundary in case number A-1-11, on the south edge of the City on the west side of SW Palatine Hill Road east of SW Terwilliger Blvd. (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, for this property within the boundaries of the City's Urban Services Boundary.
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 Multnomah County Service District # 14 (street lights), Palatine Hill Water District and Multnomah County R.F.P.D. # 11.
- c. The City Auditor is authorized and directed to file a certified copy of this Ordinance with the Boundary Change Office of Metro.

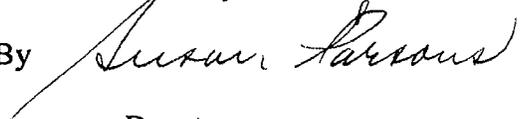
Section 2. The Council declares that an emergency exists in order that there be no delay in extending services, therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council,

JUL 13 2011

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland

By



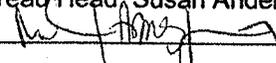
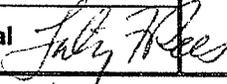
Deputy

Mayor Sam Adams
Deborah Stein
June 30, 2011

-705-

Agenda No. **184720**
ORDINANCE NO.
Title

* Approve annexation to the City of Portland of property within the boundaries of the City's Urban Services Boundary in case number A-1-11, on the south edge of the City on the west side of SW Palatine Hill Road east of SW Terwilliger Blvd. (Ordinance)

INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED <u>JUL 08 2011</u>
COMMISSIONER APPROVAL	<p align="right">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By:  Deputy</p>
Mayor—Finance and Administration - Adams	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	ACTION TAKEN:
BUREAU APPROVAL	
Bureau: Planning and Sustainability Bureau Head: Susan Anderson 	
Prepared by: Deborah Stein Date Prepared: June 30, 2011	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <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 July 13, 2011	
City Attorney Approval 	

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

Proposal No. A-1-11

LEGAL DESCRIPTION

ALL OF LOTS 9, 10, AND 11, BLOCK 89, PALATINE HILL NO. 3, IN THE COUNTY OF MULTNOMAH AND STATE OF OREGON. EXCEPTING THE SOUTHEASTERLY 40 FEET OF LOTS 9 AND 11, DEDICATED FOR ROAD PURPOSES. ALSO FURTHER EXCEPTING THAT PORTION OF VACATED SYLVAN AVENUE LYING NORTH OF THE CENTER LINE OF BELLONA AVENUE. TOGETHER WITH ALL OF VACATED BELLONA STREET LYING BETWEEN BLOCKS 89 AND 90 AS VACATED BY ORDER NO. 1001 RECORDED FEBRUARY 1, 1922. TOGETHER WITH THAT PORTION OF VACATED SW NORTHGATE AVENUE AS VACATED BY ORDER NO. 1538 RECORDED MARCH 27, 1946, IN BOOK 1033, PAGE 62, WHICH INURES BY LAW. TOGETHER WITH A TRACT OF LAND IN THE NORTHEAST ONE-QUARTER OF SECTION 34, TOWNSHIP 1 SOUTH. RANGE 1 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MULTNOMAH AND STATE OF OREGON, BEING THAT PORTION OF VACATED SW NORTHGATE AVENUE AS VACATED MARCH 27, 1946, BY ORDER NO. 1538 AND SAID TRACT LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF SW PALATINE STREET BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS COMMENCING AT THE NORTHWEST CORNER OF LOT 8, BLOCK 89 OF PALATINE HILL NO. 3 THENCE NORTH 29 DEGREES WEST PERPENDICULAR TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID SW PALATINE STREET, A DISTANCE OF 40.00 FEET TO AN IRON PIPE IN THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID SW PALATINE STREET THENCE WEST ALONG SAID NORTH LINE 28.58 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN TO BE DESCRIBED THENCE CONTINUING WEST 30.82 FEET TO THE NORTHERLY EXTENSION OF THE CENTER LINE OF SW NORTHGATE AVENUE THENCE NORTH ALONG SAID EXTENDED CENTER LINE, 55.60 FEET TO AN IRON PIPE THENCE SOUTH 29 DEGREES EAST, 63.57 FEET TO THE POINT OF BEGINNING. PARCEL ID R232892 AND R232893

EXHIBIT B

July 13, 2011 Meeting

PROPOSAL NO. A-1-11 - CITY OF PORTLAND - Annexation

Petitioners: J. Duncan Porter

Proposal No. A-1-11 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 south edge of the City on the west side of SW Palatine Hill Road east of SW Terwilliger Blvd. The territory contains 0.38 acres, 1 single family dwelling, a population of 5 and has an assessed value of \$ 667,690.

REASON FOR ANNEXATION

The property owners want to annex to Portland to obtain City services, particularly sewer service.

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 also allows cities to adopt procedures for an "expedited" annexation and Portland has done so.

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 or services.

There are no urban service agreements, cooperative agreements or annexation plans under ORS 195 covering this area. The City is the designated sewer service provider for this area. As noted in the section below, the action is consistent with the applicable plan and the City has appropriate urban service available to the site.

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. 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. The territory is designated Low Density Residential by Multnomah County and is zoned R-20 (which permits residential development with a minimum lot size of 20,000 square feet).

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.

* * *

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 will be available from the City via an 8 inch Dunthorpe-Riverdale County Service District sanitary sewer line in Palatine Hill Rd.. The City and the District have an intergovernmental agreement which allows each entity access to the other's lines to get sewage back to their own pipes and facilities. The District covers areas to the north and east of this parcel but the sewage will ultimately re-enter the City's system to be treated at the City's Tryon Creek regional treatment facility.

Water Service. Water service is currently provided by the Palatine Hill Water District. The City of Portland supplies the Palatine Hill District with water. The City and the District have an agreement under which Palatine Hill may continue to provide water to this property through a City-installed meter. Subsequent to annexation the property owner will pay the City for water and the City will reimburse the District for the cost of the District-supplied water. Since the City is the District's ultimate supplier of water, this reimbursement is in the form of a credit against the District's bill from the City.

ORS 222.120(5) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a water district. The effective date of a withdrawal from the water district would be July 1, 2012 (ORS 222.120 (5) & ORS 222.465). The City Water Bureau favors withdrawal of the territory from the Palatine Hill Water District. Under the City-District agreement the District will serve the territory for the City but the residents will be billed as City customers.

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 Multnomah County R.F.P.D. # 11 which contracts for service with the Lake Oswego Fire Department. Following annexation the City would provide fire service. The City's nearest station is the Burlingame Station #10 at 451 SW Taylor's Ferry Road. The City of Portland and the City of Lake Oswego have a mutual response agreement so that initial service might still come from either jurisdiction.

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 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(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 SW Palatine Hill Road.

RECOMMENDATION

Based on the Study and the proposed Findings and Reasons for Decision found in Exhibit A, the staff recommends that Proposal No. A-1-11 be **approved**. It is also recommended that territory to be annexed be withdrawn from Multnomah County R.F.P.D. # 11, Multnomah County Service District #14 (street lights) and the Palatine Hill Water 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 0.38 acres, 1 single family dwelling, a population of 5 and has an assessed value of \$ 667,690.
2. The property owners want to annex to Portland to obtain City services, particularly sewer service.
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 also allows cities to adopt procedures for an "expedited" annexation and Portland has done so.

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;

Exhibit A, Findings to Staff Report
Proposal No. A-1-11

- (B) Affect the quality and quantity of urban services; and
- (C) Eliminate or avoid unnecessary duplication of facilities or services.

There are no urban service agreements, cooperative agreements or annexation plans under ORS 195 covering this area. The City is the designated sewer service provider for this area. As noted in Findings # 7 and 9-14, the action is consistent with the applicable plan and the City has appropriate urban service available to the site.

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. 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. The territory is designated Low Density Residential by Multnomah County and is zoned R-20 (which permits residential development with a minimum lot size of 20,000 square feet).

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

Exhibit A, Findings to Staff Report
Proposal No. A-1-11

- 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 Findings 9-14, 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 will be available from the City via an 8 inch Dunthorpe-Riverdale County Service District sanitary sewer line in Palatine Hill Rd.. The City and the District have an intergovernmental agreement which allows each entity access to the other's lines to get sewage back to their own pipes and facilities. The District covers areas to the north and east of this parcel but the sewage will ultimately re-enter the City's system to be treated at the City's Tryon Creek regional treatment facility.
10. Water service is currently provided by the Palatine Hill Water District. The City of

Exhibit A, Findings to Staff Report
Proposal No. A-1-11

Portland supplies the Palatine Hill District with water. The City and the District have an agreement under which Palatine Hill may continue to provide water to this property through a City-installed meter. Subsequent to annexation the property owner will pay the City for water and the City will reimburse the District for the cost of the District-supplied water. Since the City is the District's ultimate supplier of water, this reimbursement is in the form of a credit against the District's bill from the City.

ORS 222.120(5) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a water district. The effective date of a withdrawal from the water district would be July 1, 2012 (ORS 222.120 (5) & ORS 222.465). The City Water Bureau favors withdrawal of the territory from the Palatine Hill Water District. Under the City-District agreement the District will serve the territory for the City but the residents will be billed as City customers.

11. Police Service will be provided by the City at the same level as currently provided to other City residents.
12. The territory currently receives fire protection from Multnomah County R.F.P.D. # 11 which contracts for service with the Lake Oswego Fire Department. Following annexation the City would provide fire service. The City's nearest station is the Burlingame Station #10 at 451 SW Taylor's Ferry Road. The City of Portland and the City of Lake Oswego have a mutual response agreement so that initial service might still come from either jurisdiction.

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 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(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. Access to the site is provided by SW Palatine Hill Road.

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 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. 7.
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 "acknowledge its role as the principal provider of urban services" within the City's urban services boundary and "coordinate closely" with other service providers in the area. The City serves adjacent areas within the City and coordinates with the Dunthorpe-Riverdale County Service District which serves adjacent areas.

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 with 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 annexation is consistent with Policy 11.3.

Policy 11.4 calls for maximum use of existing facilities. This proposed annexation is consistent with policy 11.4.

Under Policy 11.5, to the maximum extent possible costs for new public facilities & services should be borne by those benefiting from them. The major facility to be extended in this case – sewer service – will be paid for by the applicant. Therefore the Council concludes the proposal is consistent with this policy.

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 whether 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 for street lights, the Palatine Hill Water District and Multnomah County F.F.P.D. # 11. To prevent confusion about which units of government are responsible for providing services, the territory should be simultaneously withdrawn from these districts.

Portland, Oregon
FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT
For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Deborah Stein		2. Telephone No. 503-823-6991	3. Bureau/Office/Dept. Planning and Sustainability
4a. To be filed (hearing date): July 13, 2011	4b. Calendar (Check One) Regular Consent 4/5ths <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		5. Date Submitted to Commissioner's office and FPD Budget Analyst: July 1, 2011
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

1) Legislation Title:

* Approve annexation to the City of Portland of property within the boundaries of the City's Urban Services Boundary in case number A-1-11, on the south edge of the City on the west side of SW Palatine Hill Road east of SW Terwilliger Blvd. (Ordinance)

2) Purpose of the Proposed Legislation:

To authorize and complete process for owner-requested annexation of property within Urban Services Boundary.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- | | | | |
|---|------------------------------------|---|--------------------------------|
| <input type="checkbox"/> City-wide/Regional | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast | <input type="checkbox"/> Southeast | <input checked="" type="checkbox"/> Southwest | <input type="checkbox"/> East |
| <input type="checkbox"/> Central City | | | |

FINANCIAL IMPACT

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

The territory to be annexed is located generally on the south edge of the City on the west side of SW Palatine Hill Road east of SW Terwilliger Blvd. The territory to be annexed contains 0.38 acres, 1 single family dwelling, a population of 5 and has an assessed value of \$ 667,690.

5) Expense: What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the level of confidence.)

The cost of serving this lot is not expected to be greater than the property tax revenue that will result from the annexation of this property.

6) Staffing Requirements:

- Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? (If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)

No.

- Will positions be created or eliminated in future years as a result of this legislation?

No.

(Complete the following section only if an amendment to the budget is proposed.)

7) Change in Appropriations (If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)

Not applicable.

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

- YES: Please proceed to Question #9.
 NO: Please, explain why below; and proceed to Question #10.

The purpose of the agenda item is to approve annexation to the City of Portland of a property in unincorporated Multnomah County according to requirements for initiation of an annexation request described in ORS 222.170(2) and Metro Code 3.09.040(a). An annexation expands the territory of the City in accordance with adopted policy and procedures. There is no policy or regulatory change accompanying the annexation request. Annexation requests must meet City, Metro and State filing and processing requirements.

Annexation Proposal No.A-1-11 was initiated by a consent petition of the property owners and registered voters in the designated location. Property owners within the City's Urban Services Boundary in unincorporated Multnomah County petition for annexation when they desire urban services, particularly sewer.

The City has retained a consultant to administer the City's annexation program and provide required notifications to adjacent property owners, service providers, neighborhood associations and regional jurisdictions. The Metro Code allows cities to adopt procedures for an "expedited" annexation. This annexation request follows these procedures.

9) If "YES," please answer the following questions:

- a) **What impacts are anticipated in the community from this proposed Council item?**
- b) **Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?**
- c) **How did public involvement shape the outcome of this Council item?**
- d) **Who designed and implemented the public involvement related to this Council item?**
- e) **Primary contact for more information on this public involvement process (name, title, phone, email):**

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not. No. The adopted annexation will allow for the expansion of the City territory. The subject site will henceforth be under City jurisdiction and services. No legislative review or regulatory changes will be necessary as a result of this change.

Susan Anderson/Michael Armstrong

APPROPRIATION UNIT HEAD (Typed name and signature)



184720

Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.

MEMORANDUM

To: Mayor Sam Adams

From: Susan Anderson, Director *[Signature]*

Date: July 6, 2011

-
1. Ordinance Title: * Approve annexation to the City of Portland of property within the boundaries of the City's Urban Services Boundary in case number A-1-11, on the south edge of the City on the west side of SW Palatine Hill Road east of SW Terwilliger Blvd. (Ordinance)
 2. Contact Name, Department, & Phone Number: Deborah Stein, BPS, 823-6991
 3. Requested Council Date: July 13, 2011
-

Consent Agenda Item: or Regular Agenda Item: _____

Emergency Item (answer below): or Non-Emergency Item: _____

If emergency, why does this need to take effect immediately: This Ordinance is part of an expedited process for voluntary annexation enacted by Metro through adoption of Section 3.09 of the Metro Code.

4. **History of Agenda Item/Background:**

The City has not been actively annexing additional land within our Urban Services Boundary (USB) since the mid-1990s, although the City of Portland intends to be the eventual provider of urban services. Most all annexations are initiated by property owners who want access to City services. Some of these property owners have failing septic systems and need to connect to the sewer system. Others want to develop their properties at urban densities. The property owners who initiated Case No. A-1-11 want to annex to Portland to obtain City services, particularly sewer services. The property is within the USB.

City Council adopted an expedited review process on September 17, 2003, for owner-initiated annexation cases where the property is within Portland's USB. This process allows staff to place these uncontested annexations on the Council's Consent Calendar. The expedited process is intended to save processing time for staff and the property owners and meeting time for Council. Since there are only one or two annexation requests a year, the City annexation cases are processed by annexation consultant Ken Martin, who is under contract with the Bureau of Planning and Sustainability.

5. **Purpose of Agenda Item:**

To approve annexation to the City of Portland of a property in unincorporated Multnomah County according to requirements for initiation of an annexation request described in ORS 222.170(2) and Metro Code 3.09.040(a).



6. **Legal Issues:** The proposal is consistent with legal requirements for process.
7. **What individuals or groups are or would be opposed to this resolution? Supportive?**
Urban service providers, neighboring property owners, and neighborhood organizations have been notified of this annexation. No problems are anticipated.
8. **How Does This Relate to Current City Policies?** The Portland Comprehensive Plan describes the City's role as principal provider of urban services within the city's established Urban Services Boundary and plan for the eventual delivery of urban services according to a phased program of improvements meeting the service needs of individual areas.

