

Final Documents
for
Annexation to
Gresham

MU0208
Ordinance: 2940
Annexation: AX 07-2600038
DOR: 26-672-2008
Secretary of State: AN 2008-0131

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

June 24, 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 June 23, 2008, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
2940 (Gresham)	AN 2008-0131
08-1185 (Metro)	AN 2008-0134

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



CITY OF GRESHAM

Planning Services

1333 NW Eastman Parkway
Gresham, Oregon 97030-3825

MIKE ABBATÉ
Director
503-618-2504
FAX: 503-618-3301

COMMUNITY
REVITALIZATION
503-618-2211
FAX: 503-669-1376

COMPREHENSIVE
PLANNING
503-618-2252
FAX: 503-669-1376

DEVELOPMENT PLANNING
503-618-2779
FAX: 503-669-1376

E-MAIL:
first.last@ci.gresham.or.us

June 13, 2008

Joanna Mensher
Metro Resource Data Center
Boundary Change Office
600 NE Grand Avenue
Portland, OR 97232-2737

RE: Expedited Annexation into the City of Gresham (City File No. AX 07-26000386)

Dear Ms. Mensher,

Attached is Gresham City Council Resolution No. 2940 approving an expedited annexation request into the City of Gresham. The annexation will be effective July 11, 2008 or the date of filing of the annexation records with the Secretary of State.

Also enclosed are the following documents:

- Filing Fee of \$300
- Resolution No. 2940 with exhibits
- Final Approval from Oregon Dept. of Revenue

Please contact me if you have any questions about these materials. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Tammy J. Richardson".

Tammy J. Richardson
Planning Services Coordinator

Notice to Taxing Districts
ORS 308.225

DOR 26-672-2008



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

City of Gresham
Community and Economic Dev. Dept.
1333 NW Eastman Parkway
Gresham, OR 97030

Description and Map Approved
June 10, 2008
As Per ORS 308.225

Description Map received from: CITY PLANNING
On: 5/27/2008

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

ANNEX TO CITY OF GRESHAM ; WITHDRAW MULTNOMAH CO. RFPD NO.
10(RENAISSANCE HOMES)

RES. #2940(AX 07-2600038)

has been: Approved 6/10/2008
 Disapproved

Notes:

Department of Revenue File Number: 26-672-2008

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

RESOLUTION NO. 2940

A RESOLUTION FOR AN EXPEDITED ANNEXATION IN THE CITY OF GRESHAM

The City of Gresham Finds:

WHEREAS, on November 2, 2007, Renaissance Homes submitted an application to the City of Gresham for a proposed expedited annexation process for the annexation of a 4.44 acre parcel plus 2.5 acres of SE Hogan Road right-of-way for a total of 6.94 acres of unincorporated Multnomah County land into the City of Gresham. Said application was deemed complete on February 29, 2008. The property is identified as State ID# 1S3E22A-800.

WHEREAS, an expedited annexation process does not include a public hearing. The expedited annexation proposal is placed on the Council consent agenda, and the Council decision is considered the final decision of the annexation proposal. However, Council requested the expedited annexation be placed on the business agenda to allow discussion.

WHEREAS, the proposed annexation is consistent with the applicable procedures and approval criteria of Community Development Code (CDC) Sections A1.003, A1.004 and A1.006 and with the applicable requirements and approval criteria of Metro Code 3.09.050(b), 3.09.050(d) and 3.09.050(g).

WHEREAS, Metro Code 3.09.045(b) provides that the City cannot use the expedited procedure if a necessary party gives written notice of its intent to contest the decision prior to the date of the decision date of May 20, 2008. A necessary party is defined by Metro Code 3.09.020(j) as a service provider who provided an urban service to the affected territory. No such written notice has been received.

WHEREAS, CDC Section A1.004(C) requires that 100% of the property owners of the affected territory and at least 50% of any electors residing in the affected territory must provide written consent to utilize the expedited annexation process. The annexation application was accompanied by written consent from all property owners of the territory. There are no electors within the territory.

WHEREAS, the expedited decision process must provide for a minimum of 20 days notice to all interested parties. A notice was mailed on April 29, 2008 to all interested parties including all necessary parties and property owners located within 300 feet of the affected territory. A second notice with a map correction was mailed on May 1, 2008. A notice was published in the Gresham *Outlook* newspaper and posted on the site on April 30, 2008. The notice stated that the petition is subject to the expedited process and included a map and description of the territory (except the published notice did not include a map), the date, time and location of the decision, and provided information on how the staff report could be obtained.

WHEREAS, a staff report which addresses applicable annexation criteria was required to be available to the public at least seven days before the final decision date. The staff report, attached hereto as Exhibit A, was made available to the public on May 1, 2008, and is hereby incorporated;

WHEREAS, the annexation territory will be withdrawn from Multnomah County Rural Fire Protection District No. 10.

THE CITY OF GRESHAM RESOLVES:

1. The proposed expedited annexation meets the applicable Gresham Community Development Code and Metro Code approval criteria.

2. The City Council hereby approves the annexation of the affected territory as shown on the attached site map (Staff Report Exhibit A) and as described in the attached legal description (Staff Report Exhibit B) and known as State ID# 1S3E22A-800.

3. The affected territory as shown on the attached site map (Staff Report Exhibit A) and as described in the attached legal description (Staff Report Exhibit B) and known as State ID# 1S3E22A-800 is withdrawn from Multnomah County Rural Fire Protection No. 10.

4. The Springwater Plan District shall apply to the annexation territory as shown on the attached Community Plan Map (Staff Report Exhibit C).

5. The effective date of the resolution. The effective date of the resolution shall be the date of Council adoption of the resolution as allowed by Metro Code 3.09.050(f) that provides that a decision that is not contested by a necessary party may become effective upon adoption.

6. The effective date of the annexation. Following the filing of the annexation records with Secretary of State as required by ORS 222.177, the annexation shall be effective upon the later of either:

- (a) July 11, 2008; or
- (b) the date of filing of the annexation records with the Secretary of State.

7. City of Gresham Planning Services staff is directed to:

(a) Mail a copy of this ordinance to all persons and governmental entities and public utilities who appeared at the public hearing or provided written comment or who requested a copy of the ordinance or who are otherwise required to receive a copy of the decision.

(b) Mail a copy of this Resolution along with the copies of the property owner and electors written consent (petitions) to Metro including the required fee consistent with Metro Code 3.09.030(e) and ORS 222.177.

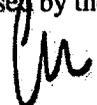
Yes: WARR-KING, CRADDICK, STRATHERN, NIELSEN-HOOD

No: NONE

Absent: BEMIS, WIDMARK, BENNETT

Abstain: NONE

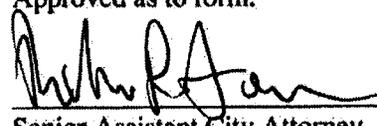
Passed by the Gresham City Council on May 20, 2008.



City Manager



Mayor Council President

Approved as to form:


Senior Assistant City Attorney



Memorandum

Planning Services

STAFF REPORT EXPEDITED ANNEXATION RENAISSANCE HOMES DEVELOPMENT COMPANY

To: Mayor and Members of the Council

From: Lauren M. McGuire, RLA; Senior Planner; Planning Services

File No. AX 07-26000386 Renaissance Homes Expedited Annexation in Springwater

Report Date: May 1, 2008

Business Agenda: May 20, 2008

Location: 6925 S.E. Hogan Road, 1S3E22A-800

Proposal: To annex 4.44 acres consisting of one parcel plus 2.5 acres of S.E. Hogan Road right-of-way for a total of 6.94 acres of territory of unincorporated Multnomah County land into the City of Gresham using the expedited annexation process. The proposed annexation territory is located within the adopted Springwater Plan area.

Exhibits:

- 'A' – Annexation Site Map
- 'B' – Annexation Legal Description (Metes and Bounds)
- 'C' – Community Development Plan Map Designations
- 'D' – Annexation Petition (Statement of Consent)
- 'E' – Resident Contact Letters
- 'F' – Memorandum Dated March 10, 2008 from Erik Kvarsten, City Manager, and David Lerwick, Police Lieutenant

Recommendation: Staff recommends **approval** of the proposed annexation.

PROCESS

This application was reviewed for conformance with the procedures and criteria for annexations as provided in Appendix 1.000 of the Gresham Community Development Code (GCDC), applicable provisions of Metro Code 3.08.225, 3.09 and the Oregon Revised Statutes (ORS) Chapters 190, 195, 222 and other chapters. The annexation is processed

under a Type IV legislative procedure except there is no Planning Commission hearing. The purpose of the annexation procedures and criteria is to achieve the orderly and efficient annexation of lands to the City that will result in providing a complete range of urban services and consistency with the Community Development Plan.

The Expedited Annexation Process is summarized as follows:
(GCDC Appendix A.1004 –Annexations, Metro Code 3.09.045)

1. Initiation of an Expedited Annexation Proposal.

Initiation of an expedited annexation proposal can occur per GCDC Section A1.004 with written consent to the City of 100% of the property owners of the affected territory and at least 50% of the electors, if any, within the affected territory pursuant to Metro Code 3.09.045(a). On November 2, 2007, Renaissance Homes submitted an expedited annexation application by petition from all property owners of the territory. There are no electors within the territory.

2. Determination of Application Completeness.

The application was deemed complete on February 29, 2008, after several incompleteness reviews.

3. Establishment of a Council Agenda Date

According to the Gresham Community Development Code Volume 3 (GCDC), Appendix A1.004 (B), an expedited boundary change proposal can be considered by the City Council without a public hearing and can be placed on the Council consent agenda. The purpose of the consent agenda item is for the Council to consider passing a resolution that will establish an expedited annexation. The resolution can be approved as part of the consent agenda based on findings of consistency with GCDC Appendix 1.000 Annexations.

However, the City Council has requested that this expedited annexation be placed on the business agenda to allow discussion. This application was initially scheduled for a Council hearing for April 15, 2008. With the applicant's approval, the annexation was rescheduled for May 20, 2008 as a business agenda item.

4. Application Review

The annexation application originally submitted on November 2, 2007 included the single parcel of 4.44 acres plus 2.12 acres of S.E. Hogan Road right-of-way to the north of the subject property for a total of 6.56 acres. The right-of-way on S.E. Hogan Road to the north of the property was necessary in order for the application to meet the criterion that the parcel must be contiguous to the City. The initial application left a small piece of S.E. Hogan Road to the south of the subject site in Multnomah County. The City of Gresham currently owns S.E. Hogan Road right-of-way to the north of the subject site

and also to the south of the subject site from just north of Butler Road to the Clackamas County line.

Upon review by City Staff, it was suggested that the applicant include all the remaining S.E. Hogan Road right-of-way between the city limit to the north and the city limit to the south that is not to date within the City of Gresham. The request was made to simplify road jurisdictional matters and to facilitate emergency services and public works maintenance to the area. The applicant amended the request on the February 20, 2008 submittal. See Exhibit F.

5. Resident Contact

The suggestion by the City to include all of the S.E. Hogan Road right-of-way in Springwater not currently within the city limits has been addressed in the current application under consideration. The current expedited annexation application includes 4.44 acres of land area and 2.50 acres of S.E. Hogan Road right-of-way for a total of 6.94 acres. The current annexation request does create a land "island" of unincorporated territory that is essentially surrounded by the City of Gresham on all sides. Per Oregon State Law Provision ORS 222.750, "Annexation of Unincorporated Territory Surrounded by City", the City has a legal right to annex unincorporated "island" land areas.

"When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore, a river, creek, a bay, a lake or Interstate Highway 5, the city may annex the territory pursuant to this section after holding at least one public hearing on the subject..."

City Management determined that all property owners whose properties fall within the "island" area be contacted both by letter and by phone. There are eight parcels, owned by six property owners, which are affected by the creation of the island. The City of Gresham Parks Department is currently purchasing two of the eight parcels. All property owners were contacted by telephone by Planning Services staff and letters were mailed to the individual property owners. No response letters were received as of the date of this staff report. See Exhibit E for the letters dated March 13, 2008. The affected tax lots numbers areas follows:

- 1S3E22A 300
- 1S3E22A 400
- 1S3E22A 500
- 1S3E22A 600
- 1S3E22A 700
- 1S3E22A 1000
- 1S3E22A 1100
- 1S3E22BD 3500

6. Provision of Notice of Petition for an Expedited Process

Notices were mailed on Tuesday, April 29, 2008 to all property owners within 300 feet of the subject site, to necessary parties and to the "island" property owners. A second notice with a map correction was mailed on May 1, 2008. Notice of petition for an expedited process must be provided a minimum of 20 days prior to the final decision and shall follow the notification procedures GCDC Table 11.0314 as required for a Type IV application process and the expedited notice requirements of Metro Code Section 3.09.045 (b).

7. Recommendation via Staff Report

A report must be issued at least seven (7) days prior to the decision date pursuant to the requirements of the Metro Code 3.09.045 (c).

8. Review and Decision by City Council

According to the GCDC, an expedited annexation can be approved by Council without a public hearing after the notice period by passing a resolution on its consent agenda. The decision record shall demonstrate compliance with the criteria contained in Metro Code 3.09.050(d) and (g). The resolution is required to specify an effective date for the annexation. The Council has determined that this annexation will be placed on the Council business agenda. The resolution proposes an effective date of July 11, 2008 or the date of filing with the Secretary of State whichever is the later date. According to 3.09.045(d), decisions made pursuant to an expedited process are not subject to appeal by the necessary party pursuant to Section 3.09.070.

9. Review by Metro

Once approved by the Council, the annexation is forwarded to Metro. Metro reviews the documents and after approval sends notice to State for final approval.

10. Review by the State of Oregon

The documents are submitted to the State for final approval. The approved Annexation becomes effective upon the date of filing correct documents with the Secretary of State, or a later date if specified in the resolution. The annexation must be effective by March 31, 2009 in order to be included in the next tax year.

DOCUMENTS (ORS 308.225, ORS 222)

Exhibit A is a map of the proposed annexation territory.

Exhibit B is a metes and bounds legal description of the proposed annexation territory. A legal description for an annexation is required to meet provisions of Oregon Revised Statutes 308.225. It describes an enclosure of the annexation territory starting at the point-of-

beginning, providing bearing and distances for each course, and ending at the point-of-beginning. Exhibit B was prepared by a Professional Licensed Surveyor. A preliminary copy of the expedited annexation documents have been submitted to the Department of Revenue. The Oregon Department of Revenue (ODOR) has issued a preliminary approval with some minor corrections to the documents in a letter dated February 29, 2008. Final approval for ODOR is given once the approved resolution is submitted.

Exhibit C is a map that shows the Springwater Plan sub-district designations that are applied to the annexed territory upon the effective date of annexation. The designations will be applicable to the Community Development Plan Map upon annexation.

Exhibit D includes the petitions from property owners giving written consent to be annexed to the City of Gresham. The petitions are the statement of consent that is one of the basic conditions for the City's approval of annexation under ORS 222.125 and 122.170. As required by ORS 222.177, these copies of statement of consent will be filed with the Secretary of State as part of the approval resolution.

Exhibit E includes the resident contact letters to all property owners whose properties would become "island" properties surrounded by the City of Gresham if this annexation is approved.

Exhibit F is the memorandum from Erik Kvarsten, the City Manager, and David Lerwick, Police Lieutenant, to Mayor Shane Bemis and Members of the Council stating the reasons that the City requested the applicant to include all of S.E. Hogan Road within the Springwater Plan Area in this annexation application.

BACKGROUND INFORMATION

In December 2002, the Metro Council brought the Springwater Plan Area into the Urban Growth Boundary (UGB). In fall 2003, the City of Gresham, in partnership with Multnomah County, property owners, urban service providers, and other parties, embarked on creating an urbanization plan to guide the area's transition from rural to urban. In November 2004, the Council accepted a concept plan and initiated the legislative process to adopt the Springwater Community Plan.

On November 1, 2005, Council adopted the Springwater Plan District (SWPD) including comprehensive plan goals, policies, and action measures; a land use plan map and development code; public facility plans (parks, trails and open spaces; water, wastewater, stormwater); a transportation system plan; and a natural resources plan.

Annexation of territory to the City of Gresham is a next step in the process of implementing the Springwater Community Plan.

PROPOSED ANNEXATION TERRITORY INFORMATION

The total proposed annexation territory area includes 4.44 acres plus 2.5 acres of right-of-way for a total of 6.94 acres. This territory is comprised of one parcel. The parcel has a main residential home, an ancillary dwelling and two out buildings on the property.

The property is generally sloping down to the northwest. There is a scenic, wooded feeder waterway to Hogan Creek at the back, (west side), of the property. The slopes vary from 6% to approximately 83% along the Hogan Creek bank. The Hogan Creek eventually flows into Johnson Creek off-site.

The current year assessed value of the annexation territory is \$160,000 land value with a structure valuation of \$195,310.

The Springwater Plan District (SWPD) map and code will be applied to the annexation territory upon the effective date of the annexation. Two SWPD land use sub-districts will be applied to the territory. The districts and acreages are as follows:

<u>Designation</u>	<u>District Description</u>	<u>Acres</u>
VLDR-SW	Very Low-Density Residential-Springwater	2.95 acres *
ESRA-SW	Environmentally Sensitive Resource Area-Springwater	1.47 acres *

Note:

* These acreages were derived geographically from the City's Geographic Information System, not from a survey. Hence, there is a .02 acre discrepancy between the surveyed property total of 4.44 acres and the geographic property total of 4.42 acres.

The VLDR-SW allows single-family detached dwellings at a maximum density of 3.6 units per acre. The City's Environmentally Sensitive Resource Areas (ESRA) will apply upon annexation. The City of Gresham utilizes the ESRA land use designation to meet the State Goal 5 and Title 13 requirements for natural resource protection. WQRA (Water Quality Resource Area) has been identified by Metro along Hogan Creek in the northwest corner of the property. The Hillside Overlay District is also applicable to all of the parcel land area except a small portion along the southern property line.

COMMUNITY DEVELOPMENT CODE PROCEDURES

The following GCDC sections are applicable to the Expedited Annexation Procedures.

1. **Section A1.003(A)(1) and (2).** An annexation proposal may be initiated by petition of property owner(s) and electors (if any) of the area to be annexed. This section provides that an annexation proposal may be initiated by petition of property owner(s) of the area to be annexed when all of the owners of land in the territory to be annexed and not less than 50% of the electors, if any, residing in the territory to

be annexed, consent in writing to the annexation of their land in the territory and file a statement of consent with the City. Initiation procedures under A1.003 apply to annexation proposals except as modified by A1.004, Expedited Annexation Procedures, which is discussed in greater detail below.

2. **Section A1.003(A)(3)**. A pre-application conference is required pursuant to Section 11.0210. The pre-application conference was held on May 31, 2006. Annexation requirements were reviewed and appropriate annexation application forms were provided. Early neighborhood involvement as provided in Section 11.0210(G) is not required for the annexation process.
3. **Section A1.004(A)**. This section stipulates that a "minor boundary change" may be processed under the expedited annexation process as provided Metro Code Chapter 3.09. Metro Code Chapter 3.09 defines a minor boundary change to include annexation of unincorporated land into a City. The applicant and petitioners have requested an expedited annexation process for a minor boundary change to annex unincorporated Multnomah County land into the City of Gresham.
4. **Section A1.004(B)**. This section provides that the proposal shall be considered by the City Council without a public hearing and may be placed on the Council consent agenda. It also provides that the Council decision shall be considered the final decision for purposes of compliance with Metro Code Chapter 3.09. ORS 222.125 provides that upon receiving written consent to annex by the owners and electors (if any), the Council, by resolution or ordinance, may set the final boundaries of the area to be annexed by legal description and approve the annexation. The Council has requested that this expedited annexation be placed on the Council business agenda for discussion for May 20, 2008, as discussed above. Section A1.004(C) below discusses further requirements as stated in ORS 222.125.
5. **Section A1.004(C)**. This section provides that the petition requirement for an expedited annexation application is written consent from 100% of property owners and at least 50% of the electors, if any, within the affected territory. The petition is the statement of consent that is one of the basic conditions for the City's approval of annexation under ORS 222.125 and 122.170. There are three owners of the territory and no electors in the territory. The petition is signed by all owners and is included with the application. A copy of the petition is attached as Exhibit D. As required by ORS 222.177, a copy of statement of consent will be filed with the Secretary of State as part of the approval resolution. The petition for annexation has been completed by the property owners and submitted to the City. There are no electors that reside in the area.
6. **Section A1.004(D)**. This section provides that a notice of the expedited annexation must be provided at least 20 days prior to the final decision date and shall follow the notification requirements of the Type IV process under Table 11.0314 and as required by Metro Code Section 3.09.045(b). Per these requirements, a notice was

mailed on April 29, 2008 to all property owners within 300 feet and to all interested parties including all necessary parties. The notice was published in the Gresham Outlook on April 30, 2008 and a sign posted on the site on April 30, 2008. The notice stated that the petition is subject to the expedited annexation process and included a map and description of the territory, (except the published notice did not include a map), the date, time and location of the decision, and provided information on how the staff report could be obtained. A second notice with a map correction was mailed on May 1, 2008.

7. **Section A1.004.(E)**. This section requires that a brief report be issued at least seven days prior to decision date pursuant to the requirements of Metro Code 3.09.045(c) and that the report address the factors listed in Metro Code 3.09.050(b) and demonstrate compliance with Metro Code 3.09.050 (d) and (g). Metro Code 3.09.030(e) also provides that the report along with the resolution and a filing fee be sent to Metro within five working days of the decision. This staff report is the required brief report and is to be made available by May 13, 2008. This staff report shows compliance with applicable criteria of Metro Code 3.05.050(d) and (g).
8. **Section A1.004.(F)**. This section provides that an expedited annexation cannot be used if a necessary party gives written notice to contest the decision pursuant to Metro Code 3.09.045(b). Metro Code 3.09.020(j) defines a necessary party as a services provider such as a city, county or public utility district who provides an urban service to the affected territory. The necessary parties to the affected territory are Metro, Multnomah County and Multnomah County Rural Fire District #10, and in the future, TriMet. These necessary parties were sent a notice of the expedited annexation on April 29, 2008 and no such written notice to contest has been received.

APPLICABLE COMMUNITY DEVELOPMENT CODE ANNEXATION APPROVAL CRITERIA

The City Council shall approve or deny an annexation proposal based on findings and conclusions addressing the following criteria:

A1.006(A) *The affected territory must be located within the City's Urban Services Boundary.*

The Urban Services Boundary identifies the geographical limits where the City currently or will in the future provide city services. The proposed annexation territory is within the City's Urban Services Boundary. The adopted City's Urban Services Boundary is shown as Appendix B map of Volume 2, Policies of the Gresham Community Development Plan.

This criterion is met.

A1.006(B) *The affected territory must be subject to an adopted plan map or land use designation table in Volume 2 of the Gresham Community Development Plan. These plan*

map or land use designations will be applied to the individual sites within the affected territory upon an effective annexation.

(2) For annexations within Springwater, the adopted Springwater District Plan Map shall apply.

The proposed annexation territory is located within the adopted Springwater Plan District (SWPD). The SWPD Plan Map is Appendix G in Volume 2, Policies of the Gresham Community Development Plan. The SWPD land use designations will apply as shown on Appendix G.

This criterion is met.

A1.006(C) *The affected territory is contiguous to the existing city limits.*

The affected territory includes parcel 1S3E22A-800 which is not contiguous to the City plus S.E. Hogan Road right-of-way which is contiguous to the City parcels 1S3E22A-200 and 1S3E22A-100.

The proposed annexation territory is connecting to the existing City of Gresham boundary by utilizing S.E. Hogan Road right-of-way as a "cherry stem annexation" to connect to the Gresham city limits both to the north and to the south. A "cherry stem annexation" refers to the annexation of a noncontiguous target parcel and the territory between the current city limits and the subject parcel that is necessary to make the parcel contiguous to the city. Case law has permitted an exception to the contiguity requirement under ORS 222.111(1) when the property is separated from the city by a road or a water body. *Dept of Land Conservation v. City of St Helens*, 138 Or App 222 (1995).

This criterion is met.

A1.006(D) *For all boundary changes, the proposal complies with the criteria of Metro Code Section 3.09.050(d) and, if applicable, (e). For purposes of this section public facilities and services mean "urban services" as defined by Metro Code 3.09 to include sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. It shall also mean police protection.*

Findings for this criterion are made in the next section APPLICABLE METRO CODE CRITERION. The findings are that this criterion is met.

A1.006(E) *A Covenant of Waiver of Rights and Remedies City form has been executed by all owners of the property to be annexed and all owners of any interest in the property to be annexed regarding waiver of any statutory or constitutional regulatory provisions, including but not limited to, Ballot Measure 37, (effective December 2, 2004), This section only applies to those property owners who have consented in writing to annexation.*

On December 6, 2007, Ballot Measure 49 became law. The Covenant of Waiver of Rights and Remedies form has been modified to address both Measure 37 and Measure 49. Copies of the executed Covenant of Waiver of Rights and Remedies forms signed by all owners was submitted and is part of the application file and will be recorded with Multnomah County when signed by the City Manager following Council approval of the annexation.

This criterion is met.

A1.006(G) That Either

- (1) *Funding mechanisms required to construct transportation, wastewater, water, stormwater, and park facilities consistent with adopted Public Facility or Utility Master Plans, Parks and /or Transportation System Plans are in place or*
- (2) *In lieu, a Public Facilities, Parks, and Transportation Agreement is executed that funding will be in place prior to or concurrent with a development permit application.*

A Transportation System Plan and Public Facility Plans for wastewater, water, stormwater, and park facilities along with Utility Master Plans water, wastewater and stormwater, have been adopted and detail the regional (CIP) projects that will be necessary to serve the planned land uses in Springwater. The purpose of the criterion is to ensure that affected persons would be aware that funding of the regional (CIP) system is not automatically addressed by the annexation process.

An executed Public Facilities, Parks, and Transportation Agreement has been signed and submitted and is part of the application file.

This criterion is met.

A1.006(H) That area specific System Development Charges, Transportation Impact Fees and /or Utility Rates identified for an adopted plan area are in effect.

The current Springwater specific System Development Charges (SDCs) for transportation (TIF), parks, water, wastewater and stormwater were recently indexed on April 7, 2008. No other Springwater specific charges have been identified.

This criterion is met.

APPLICABLE METRO CODE CRITERION

3.09.050(b) (1) The extent to which urban services presently is available to serve the affected territory including any extra territorial extensions of service;

The Springwater Plan District (SWPD) area is unincorporated Multnomah County and there are no public water, wastewater, or stormwater systems. There is no park system except for the Springwater Trail which bisects the plan area (park systems includes parks, trails, and open spaces). There is a rural roads system serviced by Multnomah County.

US-26 traverses the Springwater Plan District and is maintained by ODOT. The road system will come under the jurisdiction of the City upon annexation. There is no transit service currently in the area. Police services are provided by Multnomah County. Fire services are provided by Multnomah County Fire District 10 who contracts with the City of Gresham to provide the service in the Springwater area.

The applicant has signed the Public Facilities, Parks, and Transportation Agreement which indicates that funding for the public infrastructure must be in place prior to or concurrent with the approval of the first development permit application for the subject property. The agreement further states that the funding mechanisms required to construct public infrastructure are not in place to serve the subject property at this time and are not automatically addressed by the annexation process. Water, wastewater, stormwater, and parks services will be provided at some future time by the City of Gresham. The adoption of the City of Gresham SWPD included Public Facility Plans (PFPs) for water, wastewater, stormwater and parks. The PFPs describe the system needs to support the proposed land uses. They consist of maps, project lists, estimates of project costs and discussion of likely funding mechanisms. Master Utility Plans for water, wastewater, and stormwater have been updated for SWPD, which provide more specificity for engineering and other elements than the PFPs. System Development Charges have been adopted and updated for Springwater.

Local, collector and arterial street system service will be provided by the City of Gresham. ODOT will continue to maintain US-26. The SWPD adoption also included a Transportation System Plan (TSP) for Springwater. The TSP details a street system including functional and design classification for streets, a pedestrian and bicycle plan including trails, and a transit plan. Transit service will be provided by TriMet in the future. The City and the Oregon Department of Transportation have analyzed and created a design and access plan for the Springwater segment of the US-26 that supports the Springwater Plan. The TSP includes maps, project lists, and estimates of project costs and discussion of likely funding mechanisms. A rate study has been conducted for Transportation Impact Fees and updated for Springwater. Transportation Impact Fees for Springwater have been adopted.

Police and fire services will be provided by the City of Gresham.

Statements from fire, police, water, wastewater, stormwater, transportation and parks that this criterion is met are included in the file and the applicant has acknowledged the site specific infrastructure requirements in the application narrative.

This criterion is met.

3.09.050(b) (2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;

There are no urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties.

This criterion does not apply.

3.09.050(b) (3) *A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;*

The Springwater Plan was created through a multi-jurisdictional and comprehensive planning process. The adoption of the SWPD (file # CPA 04-8178, effective 12/1/05) amended the Gresham Community Development Plan adding the following:

- Findings of factual basis for the Springwater urbanization plan;
- Goals and policies for community development, economic development, sustainability, livability, transportation and natural resources;
- Public facility plans for water, wastewater, stormwater and parks;
- Development code and procedures as a new Plan District;
- A natural resources plan based on the State Goal 5 process; and
- A transportation system plan.

In adopting this plan, findings were made that it was consistent with applicable provisions of the City comprehensive plan documents.

Also included in the adoption document was the Metro Urban Growth Management Functional Plan (UGMFP) Title 11 compliance report. The intent of Title 11 is that the development of areas brought into the Urban Growth Boundary (UGB) implements the Regional Framework Plan and the 2040 Growth Concept Plan. Springwater is a new urban area brought into the UGB by Metro in December 2002 and thus subject to Title 11. Title 11 requires addressing specific issues including land uses, housing, public facilities and services, transportation, natural resources, and mapping. A compliance report is required that evaluates the proposed plan for compliance with the UGMFP and the 2040 Growth Concept Plan. The compliance report was prepared and was included in the SWPD adoption process. The Title 11 compliance report was reviewed and accepted by Metro.

The proposed annexation territory will be assigned the adopted SWPD map land use designations upon annexation approval. This assignment means that the SWPD including land use, natural resources, and public facility and transportation system plans will be applied to the territory as development occurs. Thus the proposed annexation is consistent with comprehensive plans, public facility plans, the UGMFP, the 2040 Growth Concept Plan, as well as the Regional Urban Goals, Guidelines and Objectives.

The City of Gresham and Multnomah County first entered into an Urban Area Planning Agreement (UAPA) effective May 31, 1979. It provided for a transfer of urban services from

Multnomah County to City of Gresham. The UAPA has been amended by an Intergovernmental Agreement (IGA) four times addressing issues regarding the City providing planning and development services. The fourth amendment (March 11, 1999) provided that the City would be responsible for urban reserve (UGMFP Title 11) planning for Urban Growth Boundary expansion areas as agreed upon by the City and the County. The County was a party to the Springwater planning process based on an Intergovernmental Agreement, (IGA), (3-24-04) entered into by Multnomah County and Gresham. The IGA provided for a cooperative planning and implementation process. The County Board of Commissioners has passed a resolution acknowledging the adopted Springwater Plan as consistent with the City/County Springwater IGA. The proposed annexation, by relying on the adopted SWPD, is consistent with the City and County planning agreements.

The City of Gresham and Multnomah County have an IGA (effective 12/31/05) that transfers County roads from Multnomah County to the City of Gresham. The IGA has provisions for annexation including that "upon City's annexation of property currently in any unincorporated area of the County, jurisdiction of the County in the annexed area will immediately pass to the City." The annexation provisions also spell out maintenance and fiscal responsibilities regarding said annexation. The proposed annexation is consistent with this IGA as it includes those existing road frontages of currently unincorporated County roads that will pass to the City upon the effective date of this annexation.

The City of Gresham and Multnomah County Rural Fire Protection District No. 10 have an IGA (City of Gresham Agreement #2124) last amended October 6, 2004. This IGA regards Gresham providing fire and related services to territory within the District, including within Springwater. It provides that when land in Springwater is annexed to the City that there be a reduction in County payment to the City proportionate to assessed valuation of territory. The proposed annexation is consistent with the IGA as the City will provide fire and related services after annexation and act in accordance with the IGA as the territory is withdrawn from the District.

There are no other applicable urban planning or similar agreements.

This criterion is met.

3.09.050(b) (4) *Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party;*

As noted in the previous section, the annexation will result in withdrawal of the affected territory from the legal boundary of Multnomah County Rural Fire Protection No. 10 which is a necessary party as it is a district which provides an urban service to the affected territory.

There is no other necessary party that will have territory withdrawn due to the proposed annexation.

This criterion is met.

3.09.050(b) (5) *The proposed effective date of the decision.*

A final boundary change decision by an approving entity shall state the effective date of the Council's decision. Pursuant to 3.09.050(f) a decision that has not been contested by any necessary parties may become effective upon adoption. The proposed effective date of the decision is the Council's consent agenda date. The effective date of the annexation is regulated by State ORS 222.180. This provides that an annexation can become effective upon filing with the Secretary of State or the date stated in the resolution whichever is later. The proposed effective date is July 11, 2008 or the date filed with the Secretary of State, whichever is later. The annexation needs to be effective by March 31, 2009 in order to be included in Gresham's next tax year.

This criterion is met.

3.09.050(d) (1) *Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;*

There are no agreements or annexation plans pursuant to ORS 195.065 so this criterion does not apply.

3.09.050(d) (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;*

The City has an Urban Area Planning Agreement with Multnomah County. The City has an Intergovernmental Agreement (IGA) with Multnomah County regarding Springwater planning. The City has an IGA with Multnomah County regarding jurisdiction of roads. The City has an IGA with Multnomah County Rural Fire Protection District No. 10 regarding provisions for fire and related services.

Previously in the report findings were made under Metro Criterion 3.09.050(b) (3) regarding these four agreements and the findings under that section are incorporated into this section. There is no other applicable urban planning or similar agreements.

This criterion is met.

3.09.050(d) (3) *Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;*

The annexation approval criteria for the City's comprehensive land use plan and public facility plans are found in the City of Gresham Development Code Section A1.006. Findings of consistency have been made for these criteria elsewhere in the report. There

are no other specific directly applicable standards or criteria contained in comprehensive land use plans and public facility plans.

This criterion is met.

3.09.050(d) (4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;

Title 11 (3.07.1120.A) of the UGMFP requires adoption of comprehensive plan amendments that include "provisions for annexation ... to a city ... to provide all necessary urban services." Title 11 also requires a compliance report that demonstrates compliance with Title 11. The City has adopted comprehensive plan amendments that address this criterion. These are the Springwater Plan and other amendments to the Volumes 1, 2, 3 and 4 of the Gresham Community Development Plan including public facility plans, transportation system plans, comprehensive plan goals and policies, natural resources plan and ESEE (Goal 5- Economic Social Environmental Energy) analysis, and an economic development and annexations strategy plan. The Title 11 compliance report(s) noted that the City has provisions for providing water, wastewater, stormwater, parks, trails and open space, transportation (in conjunction with ODOT for US-26), fire and police urban services and that TriMet will provide transit services. It also noted that annexation code specifically addresses Springwater to ensure that the SWPD is implemented. Title 11 is addressed by the annexation proposal because the SWPD will be applied to the affected territory. No other Regional Framework Plan or functional plans apply.

This criterion is met.

3.09.050(d) (5) Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;

SWPD Public facility plans for water, wastewater, stormwater and parks, trails and open spaces have been adopted and will apply to the affected territory. These services will be provided by the City at a future date uncertain and the applicant has acknowledged that funding for the public infrastructure must be in place prior to or concurrent with the approval of the first development permit application for the subject property. A SWPD Transportation System Plan has been adopted and will apply to the affected territory. Transportation services will be provided by the City except that Highway 26 services are provided by ODOT and transit services by TriMet. A SWPD conceptual school plan (Gresham-Barlow School District) was adopted and will apply to the affected territory. Planning for Springwater found that fire or police services could be provided in the future. The proposed annexation has been reviewed by the urban service providers concerning this criterion and no concerns regarding annexation were noted.

As discussed previously, emergency services and public works has requested that all the remaining S.E. Hogan Road right-of-way between the current city boundaries be included in this annexation application to facilitate the provision of public services.

Statements from fire, police, water, wastewater, stormwater, transportation and parks that this criterion is met are included with the file.

This criterion is met.

3.09.050(d) (6) *The territory lies within the Urban Growth Boundary;*

The affected territory lies within the Springwater Plan District which was brought into the UGB by Metro Council in December 2002.

This criterion is met.

3.09.050(d) (7) *Consistency with other applicable criteria for the boundary change in question under state and local law.*

Appendix 1.000 of the City of Gresham Development Code addresses general procedures, initiation procedures, submittal requirements, and approval criteria for minor boundary adjustments and is deemed to address applicable State, Metro, and local law. As found elsewhere in the report, the annexation proposal is consistent with Appendix 1.000 and there are no other applicable criteria.

This criterion is met.

3.09.050(g)

(g) Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to a city or included in territory proposed for incorporation into a new city. However, cities may annex individual tax lots partially within and without the Urban Growth Boundary.

All of the territory is within the UGB.

The Metro Urban Growth Boundary (UGB) criterion is met. The criterion regarding the individual tax lots not included in the UGB is not applicable.

CONCLUSION AND RECOMMENDATION

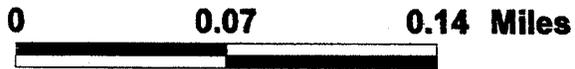
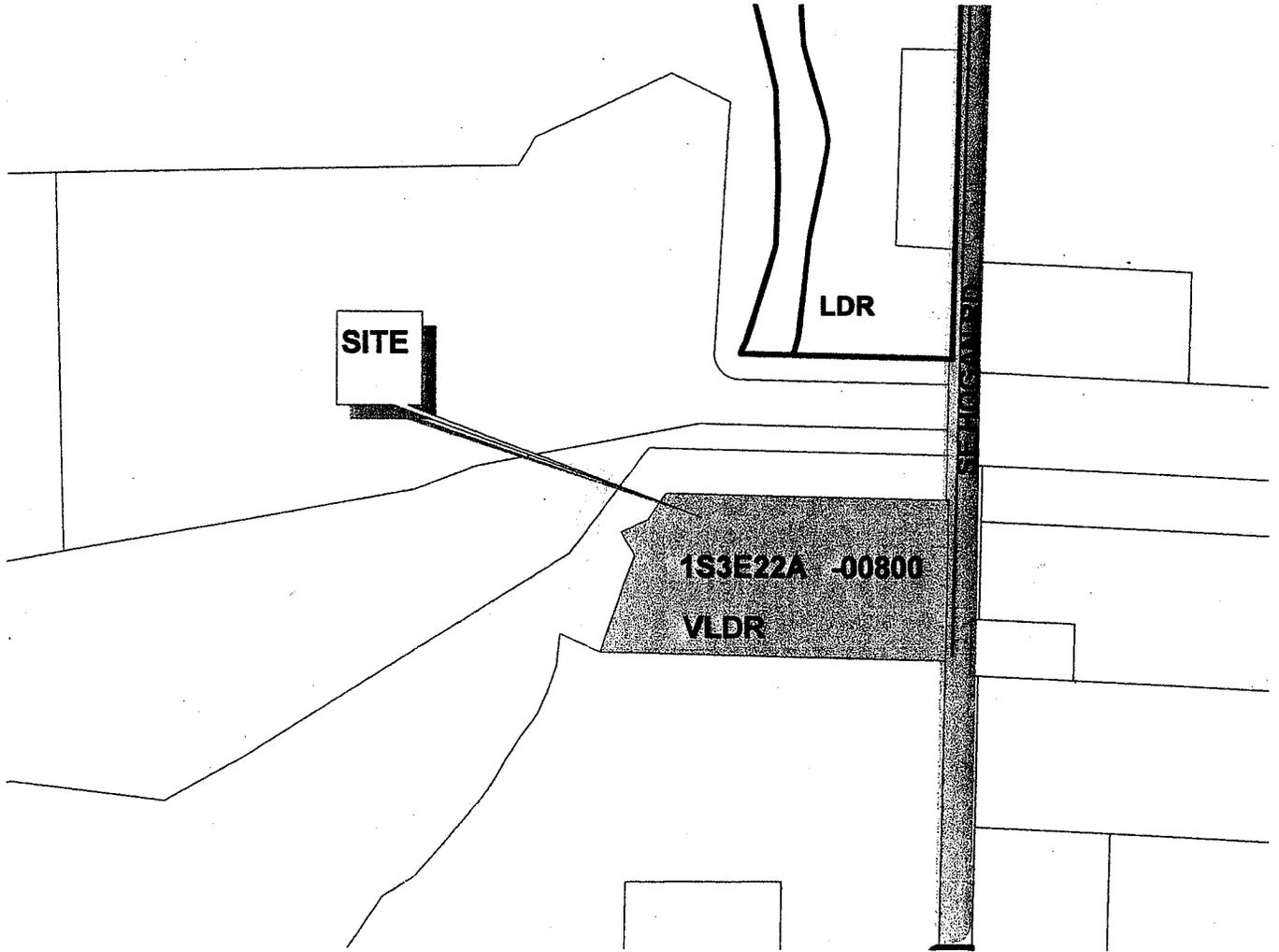
All City, Metro, and State procedures and criteria that are applicable to this expedited annexation proposal have been found to be consistent with proposal.

Staff recommends approval of the annexation.

End of Staff Report

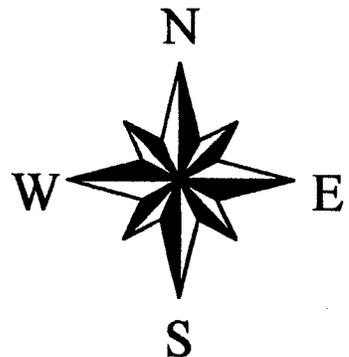
Vicinity Map

Exhibit A



File #: AX 07-26000386

Project: Renaissance Homes



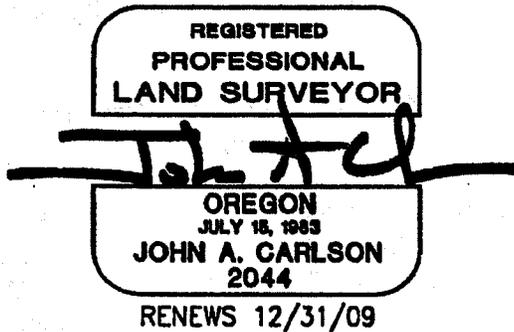
**CERTIFICATION OF DESCRIPTION
FOR ANNEXATION**

Pursuant to the provisions of the Gresham Community Development Code, Volume 3, Appendix 1.005, Annexation Submittal Requirements, I hereby certify that the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

Signature: John A. Carlson
Registered Professional Land Surveyor

Printed Name: John A. Carlson

Date: January 31, 2008



City of Gresham Annexation
Description
January 31, 2008

A tract of land in the northeast one-quarter of Section 22, and the northwest one-quarter of Section 23, Township 1 South, Range 3 East, Willamette Meridian, Multnomah County, Oregon, the said tract being more particularly described as follows:

Beginning at the northeast corner of said Section 22;

thence South $89^{\circ}40'27''$ West along the north line of said Section 22, a distance of 25.01 feet to the west right of way line of S.E. Hogan Road, County Road No. 692;

thence South $01^{\circ}14'30''$ West along said west right of way line, a distance of 742.44 feet to the northeast corner of that 5.00 foot wide strip of land described in that Deed For Road Purposes recorded on June 17, 1981 in Book 1531, Page 1147 of the Multnomah County Record of Deeds;

thence North $88^{\circ}45'30''$ West, a distance of 5.00 feet to the northwest corner of said Book 1531, Page 1147 strip of land;

thence South $01^{\circ}14'30''$ West along the west line of said Book 1531, Page 1147 strip of land, and along the west line of that Perpetual Easement For Road Purposes described in Book 1529, Page 1500, recorded June 9, 1981 in the Multnomah County Record of Deeds, a distance of 274.34 feet to the southwest corner of said Book 1529, Page 1500 Perpetual Easement For Road Purposes, said southwest corner being on the most northerly south line of that property described in that Warranty Deed to Donald W. Jones and Beverley A. Jones, recorded on April 5, 1978 in Book 1253, Page 1601, Multnomah County Record of Deeds;

thence North $88^{\circ}45'30''$ West along said most northerly south line, a distance of 542.62 feet to a point on the easterly line of said Book 1253, Page 1601 property, said point being on the center line of an existing creek;

thence southwesterly tracing the easterly line of said Book 1253, Page 1601 property and existing creek center line along the following courses:

South $34^{\circ}02'10''$ West, a distance of 61.82 feet; South $64^{\circ}44'10''$ West, a distance of 55.90 feet; South $27^{\circ}45'20''$ East, a distance of 51.48 feet; South $19^{\circ}24'10''$ West, a distance of 201.22 feet to the northwest corner of that property described as Parcel III in that Warranty Deed to David W. Tillstrom and Viola R. Tillstrom, recorded on June 12, 1970 in Book 737, Page 1113, Multnomah County Record of Deeds;

thence South $88^{\circ}45'30''$ East along the north line of said Tillstrom Parcel III tract, a distance of 668.89 feet to the west right of way line of said S.E. Hogan Road;

thence South 01°14'30" West along said west right of way line, a distance of 555.10 feet to the southerly line of that property described as Parcel II in that Warranty Deed to Frank L. Newell and Gloria M. Newell, Trustees of the Newell Family Trust U/T/A dated July 30, 2004, recorded December 3, 2004 as Document No. 2004-218903 of Multnomah County Records;

thence South 88°45'30" East, at right angles to the east line of said Section 22, a distance of 65.00 feet to a point on the east line of that 15.00 foot wide strip of land described in that Deed For Road Purposes recorded on February 27, 2003 as Document No. 2003-045033 of Multnomah County Records;

thence North 01°14'30" East along the east line of said Document No. 2003-045033 strip, and the east line of that 15.00 foot wide strip of land described in that Deed For Road Purposes recorded on March 2, 1994 in Volume 94, Page 033991 of Multnomah County Records, a distance of 528.80 feet to the northeast corner of said Volume 94, Page 033991 strip;

thence North 87°25'00" West along the north line of said Volume 94, Page 033991 strip, a distance of 15.00 feet to the east right of way line of said S.E. Hogan Road;

thence North 01°14'30" East along said east right of way line, a distance of 109.66 feet to the southwest corner of that 15.00 foot wide strip of land described in that Deed For Road Purposes recorded on May 23, 1990 in Book 2304, Page 1429, Multnomah County Record of Deeds;

thence tracing the boundary of said Book 2304, Page 1429 strip along the following courses:

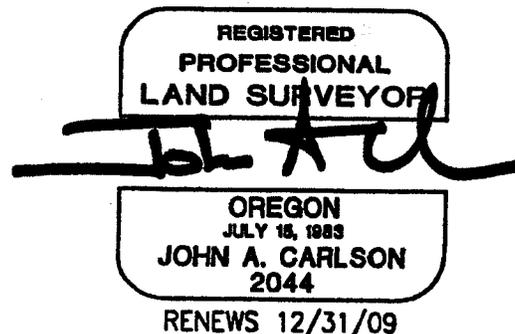
South 87°25'00" East, a distance of 15.00 feet; North 01°14'30" East, a distance of 298.06 feet; North 87°25'00" West, a distance of 15.00 feet to the east right of way line of said S.E. Hogan Road;

thence North 01°14'30" East along said east right of way line, a distance of 948.32 feet to the north line of said Section 23;

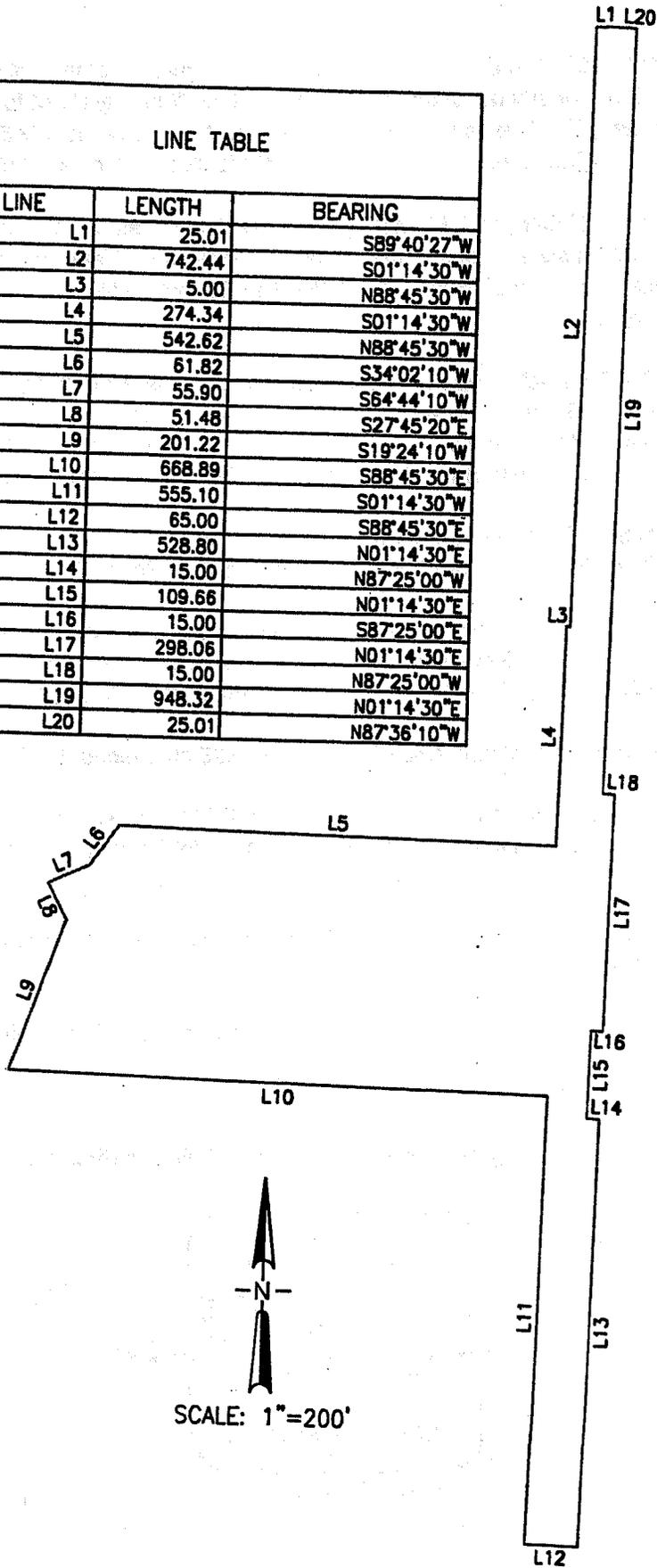
thence North 87°36'10" West, a distance of 25.00 feet to the Point of Beginning.

Contains 6.939 acres, more or less.

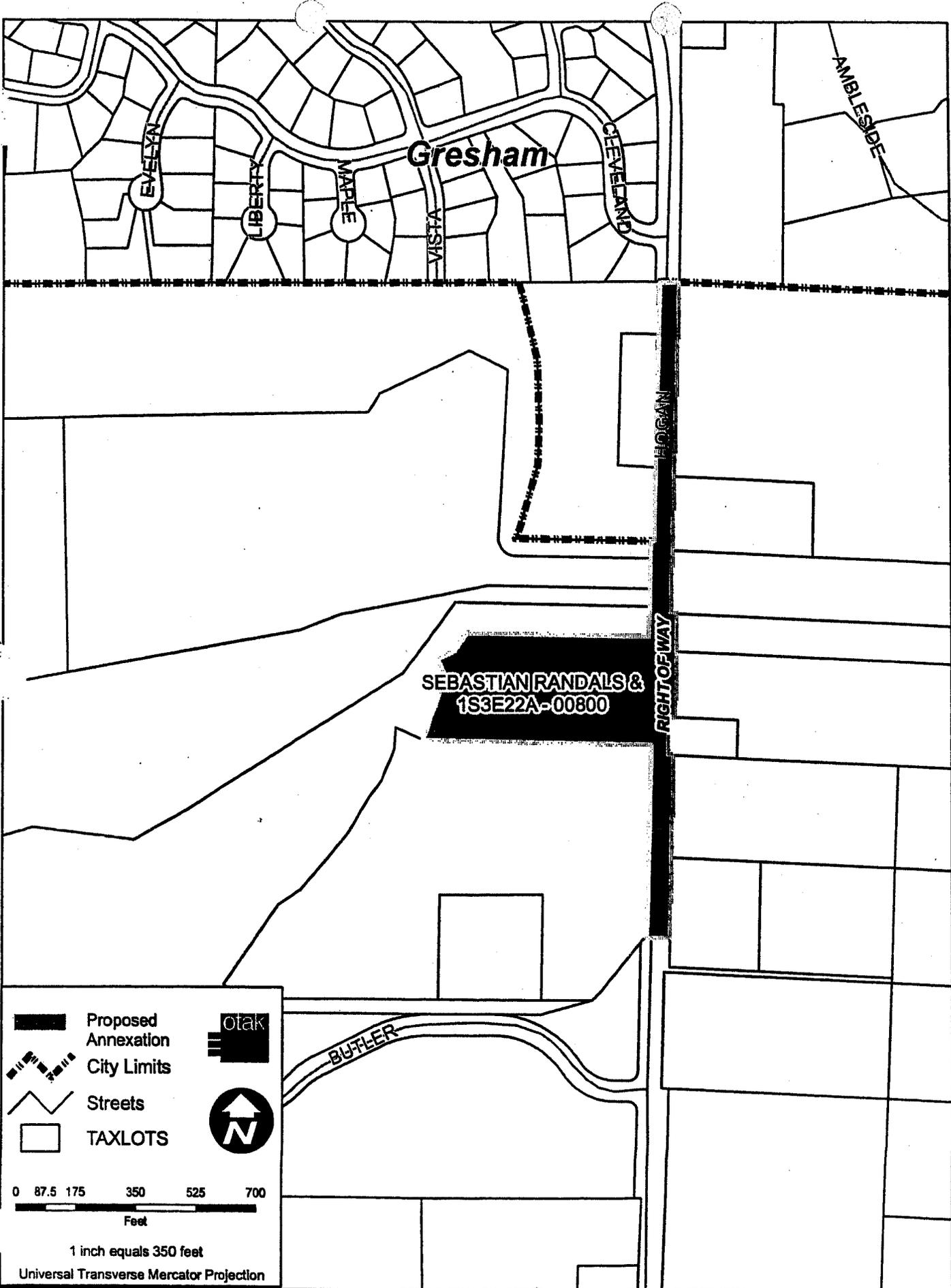
Bearings are based on the Oregon Coordinate System of 1983, North Zone.



LINE TABLE		
LINE	LENGTH	BEARING
L1	25.01	S89°40'27"W
L2	742.44	S01°14'30"W
L3	5.00	N88°45'30"W
L4	274.34	S01°14'30"W
L5	542.62	N88°45'30"W
L6	61.82	S34°02'10"W
L7	55.90	S64°44'10"W
L8	51.48	S27°45'20"E
L9	201.22	S19°24'10"W
L10	668.89	S88°45'30"E
L11	555.10	S01°14'30"W
L12	65.00	S88°45'30"E
L13	528.80	N01°14'30"E
L14	15.00	N87°25'00"W
L15	109.66	N01°14'30"E
L16	15.00	S87°25'00"E
L17	298.06	N01°14'30"E
L18	15.00	N87°25'00"W
L19	948.32	N01°14'30"E
L20	25.01	N87°36'10"W



SCALE: 1"=200'



Proposed Annexation

City Limits

Streets

TAXLOTS

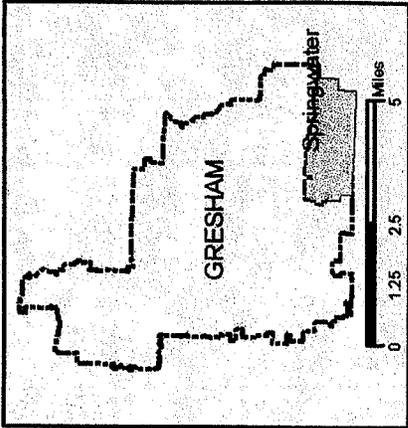
0 87.5 175 350 525 700

 Feet

 1 inch equals 350 feet

 Universal Transverse Mercator Projection

AX 07-26000386



City Limits
Tax Lots

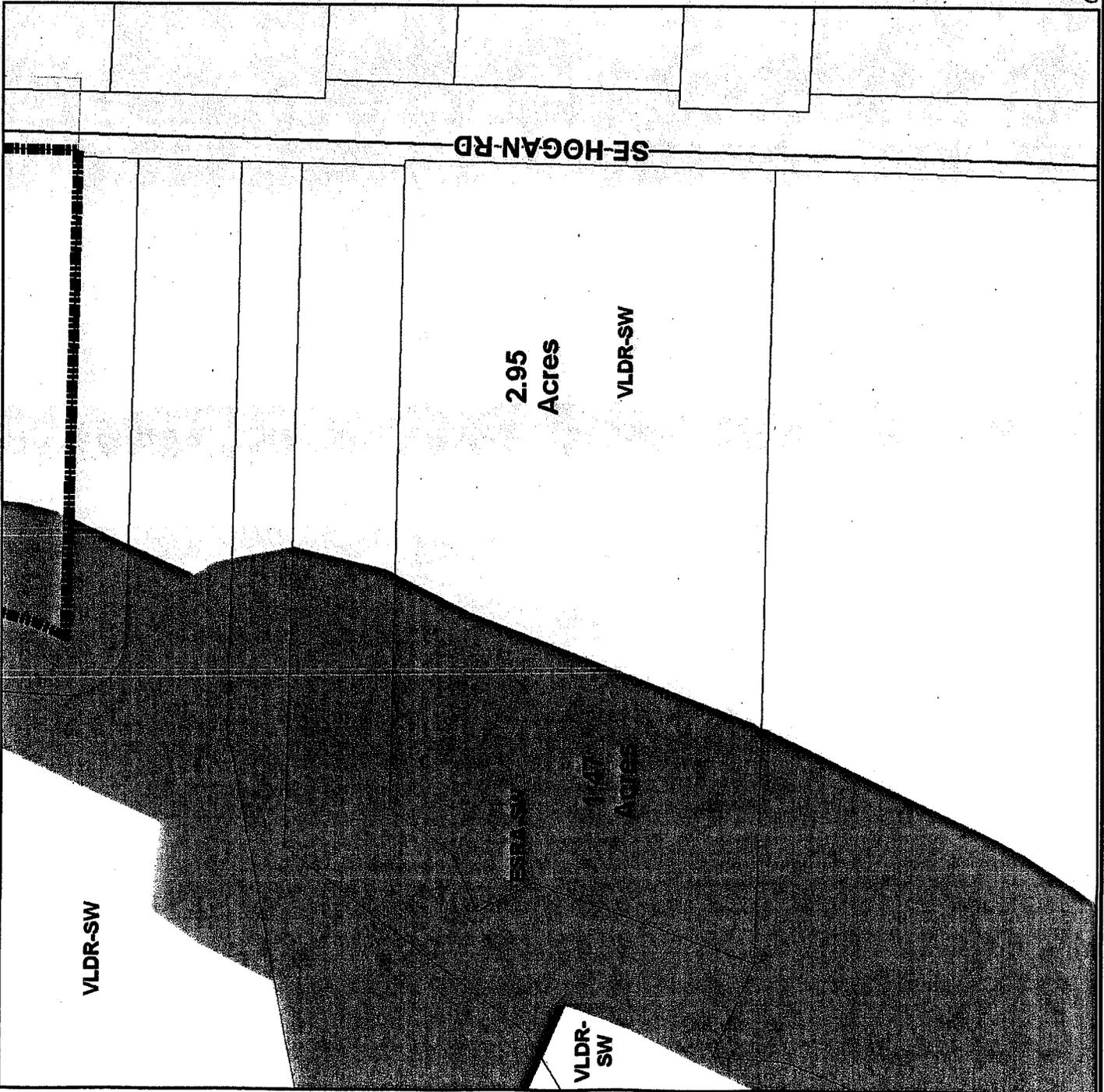


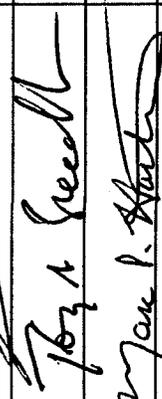
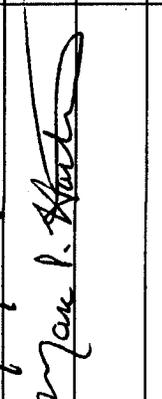
Exhibit _____

PETITION TO ANNEX TO THE CITY OF GRESHAM

To the Honorable Mayor and Council of the City of Gresham, Oregon:

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the referenced location, hereby petition for, and give consent to, annexation of said property to the City of Gresham. We understand that the City will review this request in accordance with ORS Chapter 222 and applicable Metro Chapter 3.09 and applicable City Annexation Appendix 1.000 prior to approving or denying the request for annexation.

Notice to Petitioners: A person signing this petition must be the legal owner of record or contract purchaser of real property or a registered voter in Multnomah County within the proposed annexation area. If title to any parcel of property is in the names of two or more persons, each owner "vote" shall be divided according to ownership percentage. It is therefore recommended that each owner sign the petition. If you are owner of more than one parcel of land within the proposed annexation area, each parcel must be listed separately.

Each Owner's/Elector's Signature	Printed Name	I am a*			Property Address	PROPERTY DESIGNATION (Assessor's # ex. R123456789 & State ID # ex 1S3E04DD 2000)	Date
		PO RV	PO	RV			
	Randal S. Sebastian		X		6925 SE Hogan Road	R993220180 1S3E22A 00800	10/19/07
	Timothy Breedlove		X		6925 SE Hogan Road	R993220180 1S3E22A-00800	10/19/07
	Marc D. Hartman		X		6925 SE Hogan Road	R993220180 1S3E22A-00800	10/19/07

Please check one of the following: PORV = property owner and registered voter living within subject area; or PO = property owner either not living within subject area or not a registered voter; or RV = registered voter living within subject area but not property owner.



CITY OF GRESHAM

Planning Services

1333 N.W. Eastman Parkway
Gresham, Oregon 97030-3825

Mike Abbaté
Director
PLANNING SERVICES
503-618-2378
FAX: 503-618-2333

COMMUNITY
REVITALIZATION
503-618-2818
FAX: 503-669-1376

COMPREHENSIVE
PLANNING
503-618-2252
FAX: 503-669-1376

DEVELOPMENT PLANNING
503-618-2779
FAX: 503-669-1376

E-MAIL:
first.last@ci.gresham.or.us

March 13, 2008

Mr. Daniel A. Sanders
6867 S.E. Hogan Road
Gresham, OR
97080

**RE: Renaissance Homes Expedited Annexation (Sebastian Property)
6925 S.E. Hogan Road / 1S3E22A 800**

Dear Mr. Sanders,

On November 2, 2007, Renaissance Homes of Lake Oswego, OR submitted an application for an Expedited Annexation to bring the 4.44 acre property at 6925 S.E. Hogan Road and 2.5 acres of S.E. Hogan Road right-of-way into the City of Gresham. The subject property is located north of Butler Road and west of Hogan Road within the Springwater Plan Area.

City staff has requested that all of Hogan Road that is within the Urban Growth Boundary and currently within Multnomah County jurisdiction be included with this application to facilitate emergency services response and public works road maintenance.

The annexation request, if approved by City Council, will create a land "island" of unincorporated territory that is essentially surrounded by City of Gresham. The properties that will fall within that "island" area include your property.

Per Oregon State Law Provision ORS 222.750, Annexation of Unincorporated Territory Surrounded by City, the City has a legal right to annex unincorporated "island" land areas.

"When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore, a river, a creek, a bay, a lake or Interstate Highway 5, the city may annex the territory pursuant to this section after holding at least one public hearing on the subject..."

While "island" annexation is within the legal right of the City, currently the City of Gresham has no intention of annexing the affected "island" properties, should the City Council approve the proposed annexation of 6925 S.E. Hogan Road. The City does, however, want to inform affected property owners, like yourself, of the possibility of potential "island" annexation.

If you have any further questions about the annexation proposal and its impact on your property, please do not hesitate to contact Lauren M. McGuire, Senior Planner, at 503-618-2108.

Sincerely,

Mike Abbaté, ASLA, LEED™
Planning Director
City of Gresham

Enclosure

EXHIBIT E



CITY OF GRESHAM

Planning Services

1333 N.W. Eastman Parkway
Gresham, Oregon 97030-3825

Mike Abbaté
Director

PLANNING SERVICES

503-618-2378
FAX: 503-618-2333

COMMUNITY REVITALIZATION

503-618-2818
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503-618-2252
FAX: 503-669-1376

DEVELOPMENT PLANNING

503-618-2779
FAX: 503-669-1376

E-MAIL:

first.last@ci.gresham.or.us

March 13, 2008

Mr. Frank Newell
7205 S.E. Hogan Road
Gresham, OR
97080

**RE: Renaissance Homes Expedited Annexation (Sebastian Property)
6925 S.E. Hogan Road / 1S3E22A 800**

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While "island" annexation is within the legal right of the City, currently the City of Gresham has no intention of annexing the affected "island" properties, should the City Council approve the proposed annexation of 6925 S.E. Hogan Road. The City does, however, want to inform affected property owners, like yourself, of the possibility of potential "island" annexation.

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Sincerely,

Mike Abbaté, ASLA, LEED™
Planning Director
City of Gresham

Enclosure



CITY OF GRESHAM

Planning Services

1333 N.W. Eastman Parkway
Gresham, Oregon 97030-3825

Mike Abbaté
Director

PLANNING SERVICES
503-618-2378
FAX: 503-618-2333

COMMUNITY
REVITALIZATION
503-618-2818
FAX: 503-669-1376

COMPREHENSIVE
PLANNING
503-618-2252
FAX: 503-669-1376

DEVELOPMENT PLANNING
503-618-2779
FAX: 503-669-1376

E-MAIL:
first.last@ci.gresham.or.us

March 13, 2008

Mr. Gary and Judy Delorit
6811 S.E. Hogan Road
Gresham, OR
97080

**RE: Renaissance Homes Expedited Annexation (Sebastian Property)
6925 S.E. Hogan Road / 1S3E22A 800**

Dear Mr. and Mrs. Delorit,

On November 2, 2007, Renaissance Homes of Lake Oswego, OR submitted an application for an Expedited Annexation to bring the 4.44 acre property at 6925 S.E. Hogan Road and 2.5 acres of S.E. Hogan Road right-of-way into the City of Gresham. The subject property is located north of Butler Road and west of Hogan Road within the Springwater Plan Area.

City staff has requested that all of Hogan Road that is within the Urban Growth Boundary and currently within Multnomah County jurisdiction be included with this application to facilitate emergency services response and public works road maintenance.

The annexation request, if approved by City Council, will create a land "island" of unincorporated territory that is essentially surrounded by City of Gresham. The properties that will fall within that "island" area include your property.

Per Oregon State Law Provision ORS 222.750, Annexation of Unincorporated Territory Surrounded by City, the City has a legal right to annex unincorporated "island" land areas.

"When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore, a river, a creek, a bay, a lake or Interstate Highway 5, the city may annex the territory pursuant to this section after holding at least one public hearing on the subject..."

While "island" annexation is within the legal right of the City, currently the City of Gresham has no intention of annexing the affected "island" properties, should the City Council approve the proposed annexation of 6925 S.E. Hogan Road. The City does, however, want to inform affected property owners, like yourself, of the possibility of potential "island" annexation.

If you have any further questions about the annexation proposal and its impact on your property, please do not hesitate to contact Lauren M. McGuire, Senior Planner, at 503-618-2108.

Sincerely,

Mike Abbaté, ASLA, LEED™
Planning Director
City of Gresham

Enclosure



CITY OF GRESHAM

Planning Services

1333 N.W. Eastman Parkway
Gresham, Oregon 97030-3825

Mike Abbaté
Director
PLANNING SERVICES
503-618-2378
FAX: 503-618-2333

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REVITALIZATION
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March 13, 2008

Mr. Jerry Jaksich
6883 S.E. Hogan Road
Gresham, OR
97080

**RE: Renaissance Homes Expedited Annexation (Sebastian Property)
6925 S.E. Hogan Road / 1S3E22A 800**

Dear Mr. Jaksich,

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Sincerely,

Mike Abbaté, ASLA, LEED™
Planning Director
City of Gresham

Enclosure



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1333 N.W. Eastman Parkway
Gresham, Oregon 97030-3825

Mike Abbaté
Director

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March 13, 2008

Mr. Phil Kidby
Re: Ronald Haggerty Property
1333 N.W. Eastman Parkway
Gresham, OR
97080

**RE: Renaissance Homes Expedited Annexation (Sebastian Property)
6925 S.E. Hogan Road / 1S3E22A 800**

Dear Mr. Kidby,

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Sincerely,

Mike Abbaté, ASLA, LEED™
Planning Director
City of Gresham



CITY OF GRESHAM

Planning Services

1333 N.W. Eastman Parkway
Gresham, Oregon 97030-3825

Mike Abbaté
Director

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March 13, 2008

Mr. Brian Willis
7035 S.E. Hogan Road
Gresham, OR
97080

RE: Renaissance Homes Expedited Annexation (Sebastian Property) 6925 S.E. Hogan Road / 1S3E22A 800

Dear Mr. Willis,

On November 2, 2007, Renaissance Homes of Lake Oswego, OR submitted an application for an Expedited Annexation to bring the 4.44 acre property at 6925 S.E. Hogan Road and 2.5 acres of S.E. Hogan Road right-of-way into the City of Gresham. The subject property is located north of Butler Road and west of Hogan Road within the Springwater Plan Area.

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Sincerely,

Mike Abbaté, ASLA, LEED™
Planning Director
City of Gresham

Enclosure



MEMORANDUM

Office of Governance and Management

Council Memorandum No.
Page 1 of 1

To: Mayor Shane T. Bemis and
Members of the Council

From: Erik Kvarsten, City Manager
David Lerwick, Police Lieutenant

Date: March 10, 2008

Subject: Expedited Annexation Request – Renaissance Homes

The Gresham Police Department is in favor of this annexation because it brings the rest of SE Hogan Road under the jurisdiction of the Gresham Police Department. It provides for a continuous and consistent responsible investigating agency from Clackamas County to Wood Village. Without this annexation, a few hundred feet of the roadway will remain outside the City of Gresham and therefore the responsibility of the Multnomah County Sheriff's Office for police investigations. Gresham Police officers will be the first responders to this area, but may have to wait for a Sheriff's Deputy to arrive to investigate traffic collisions if this section of roadway is not annexed. In addition, there will not be any question about jurisdiction if Gresham annexes the entire roadway. Where there are jurisdictional boundaries, officers first have to determine in whose jurisdiction the crime, or collision occurred so the appropriate agency may perform the investigation. That situation already exists at the Clackamas County line. We would like to avoid the need for debate that will occur if, while traveling north from Clackamas County, you are inside Gresham, and then outside for a few hundred feet, then back inside until you reach NE Glisan.

Erik Kvarsten, City Manager
Phone: (503) 618-2346
EMPLOYEE VALUES:

Quality

Integrity

Respect

EXHIBIT F