

Final Documents
for
Annexation to
Gresham

MU0807

Resolution: 2912
DOR: 26-670-2007
Secretary of State: AN 2007-0337

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

November 14, 2007

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 November 14, 2007, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
2912 (City of Gresham)	AN 2007-0337

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

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

Sincerely,

Linda Bjornstad
Official Public Documents

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

Notice to Taxing Districts

ORS 308.225



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

Description and Map Approved
October 29, 2007
As Per ORS 308.225

City of Gresham
 Community and Economic Dev. Dept.
 1333 NW Eastman Parkway
 Gresham, OR 97310

Description Map received from: CITY
 On: 10/23/2007

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

ANNEX TO CITY OF GRESHAM; WITHDRAW FROM MULTNOMAH COUNTY RFP
 NO. 10 (PERSIMMON)

RES. #2912 (07-26000257)

has been: Approved 10/29/2007
 Disapproved

Notes:

Department of Revenue File Number: 26-670-2007

Prepared by: Carolyn Sunderman, 503-945-8882

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



CITY OF GRESHAM

Planning Services
1333 NW Eastman Parkway
Gresham, Oregon 97030-3825

JANET YOUNG
Interim 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

October 22, 2007

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 07-26000257)

Dear Ms. Mensher,

On October 16, 2007 the Gresham City Council approved an expedited annexation into the City of Gresham. The annexation will be effective upon the later of either November 30, 2007, or the date of filing of the annexation records with the Secretary of State.

Enclosed are the following documents:

- Filing Fee of \$400 (per our phone conversation on 10/17/07, this was already sent to Metro in advance. It was City of Gresham Check #203918 and on the invoice it noted the file number as 07-26000257)
- Resolution No. 2912
- Staff Report with exhibits (including site maps, metes and bounds description, Gresham Plan Map designations and annexation petition)
- Preliminary Approval from Oregon Dept. of Revenue

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

Sincerely,

Tammy J. Richardson
Planning Services Coordinator

RESOLUTION NO. 2912

A RESOLUTION FOR AN EXPEDITED ANNEXATION IN THE CITY OF GRESHAM

The City of Gresham Finds:

WHEREAS, on July 11, 2007, Persimmon Development Group, submitted an application to the City of Gresham for a proposed expedited annexation process for the annexation of an approximately 157.48 acre territory located at Butler Road west of Hogan Road into the City of Gresham. Said application was deemed complete on August 10, 2007. The territory includes seven parcels plus public right-of-way. The seven parcels are identified as State ID#s 1S3E22A1200; 1S3E22A1400; 1S3E22A1500; 1S3E22D300; 1S3E22D400; 1S3E22D401; and 1S3E22D600.

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.

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, the applicable requirements and approval criteria of Metro Code 3.09.050(b), 3.09.050(d) and 3.09.050(g) and the requirements of ORS Chapter 222.

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 which is October 16, 2007. 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 of property owners of the territory as shown on the attached petition (Staff Report Exhibit D). There are no electors residing in 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 September 25, 2007 to all interested parties including all necessary parties and property owners located within 300 feet of the affected territory. A notice was published in the Gresham *Outlook* newspaper and posted on the site on September 26, 2007. 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 September 25, 2007, 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, Metro Code and State Law procedures and 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#s 1S3E22A1200; 1S3E22A1400; 1S3E22A1500; 1S3E22D300; 1S3E22D400; 1S3E22D401; and 1S3E22D600.
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#s 1S3E22A1200; 1S3E22A1400; 1S3E22A1500; 1S3E22D300; 1S3E22D400; 1S3E22D401; and 1S3E22D600 are 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) November 30, 2007; or
 - (b) the date of filing of the annexation records with the Secretary of State.
7. Community and Economic Development Department staff is directed to:
 - (a) Mail a copy of this resolution to all persons and governmental entities and public utilities who appeared at a public hearing or provided written comment or who requested a copy of the resolution 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 (if any) written consent (petitions) to Metro including the required fee consistent with Metro Code 3.09.030(e) and ORS 222.177.

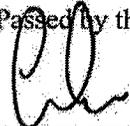
Yes: Bemis, Bennett, Craddick, Strathern, Nielsen-Hood

No: None

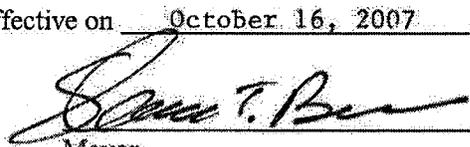
Absent: Widmark

Abstain: Warr-King

Passed by the Gresham City Council and effective on October 16, 2007

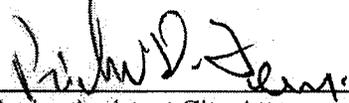


City Manager



Mayor

Approved as to form:



Senior Assistant City Attorney



Memorandum Planning Services

STAFF REPORT EXPEDITED ANNEXATION PERSIMMON DEVELOPMENT COMPANY

To: Mayor and Members of the Council

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

File No. AX 07-26000257 Persimmon Annexation in Springwater

Report Date: September 27, 2007

Consent Agenda: October 16, 2007

Proposal: To annex 147.7 (as surveyed) land acres plus 9.78 acres of right-of-way for a total of 157.48 (as surveyed) of territory of unincorporated Multnomah County land, consisting of seven parcels, into the City of Gresham using the expedited annexation process. The proposed annexation territory is located within the adopted Springwater Plan District 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)

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 July 11, 2007, Persimmon Development Company 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 August 10, 2007.

3. Establishment of a Council Consent Agenda Date

A consent agenda date of October 16, 2007 was scheduled. The purpose of the consent agenda item is for the Council to consider passing a resolution that will establish the annexation of 157.48 acres located in the Springwater Plan District area. The resolution can be approved as part of the consent agenda based on findings of consistency with GCDC Appendix 1.000 Annexations.

4. Provision of Notice of Petition for an Expedited Process

Notices were mailed on September 25, 2007. 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).

5. 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).

6. Review and Decision by City Council

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 resolution proposes an effective date of November 30, 2007 or the date of filing with the Secretary of State whichever is the later date. The November 30, 2007 date was requested by the applicant and by the property owners. 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.

7. 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.

8. 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, 2008 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. Preliminary approval of the legal description was given by the Oregon Department of Revenue (ODOR) in a letter dated August 15, 2007. Final approval for ODOR is given once the approved resolution is submitted.

Exhibit C is a map that shows the Springwater Plan District 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.

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 Plan (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 147.7 (as surveyed) land acres plus 9.78 acres of right-of-way for a total of 157.48 acres. This territory is comprised of seven parcels. The uses on these parcels include two houses and the Persimmon Country Club with its golf course, clubhouse, pool, 2 tennis courts and maintenance structure.

A scenic, wooded butte with steep slopes is located in the southwest corner of the subject site. The slopes vary from greater than 25% on the butte to gently rolling terrain on the golf course with slopes of less than 2%. Brigman Creek bed crosses the center of the site. The creek is an intermittent creek in which water moves from west to east and eventually flows into Johnson Creek off-site. Hogan Creek crosses the northwest corner of the site. The forested area on the butte is in good health with 25-50% of the trees having an 18" diameter breast height or greater. The area is dominated by Red Alder, Douglas Fir, Western Red Cedar and Big Leaf Maple trees. The outer areas of the tree grove have been impacted by non-native species such as Himalayan Blackberry.

There is a second wooded area along Hogan Creek near Butler Road at the northern edge of the site. This area is dominated by Red Alder, Douglas Fir, Western Red Cedar, Oregon Ash and Oregon White Oak. The balance of the site is the Persimmon Golf Course open space.

The current year assessed value of the annexation territory was \$3,922,410 land value with a structure valuation of \$1,534,630.

The Springwater Plan District (SWPD) map and code will be applied to the annexation territory upon the effective date of the annexation. Three 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	103.80 acres *
ESRA-SW	Environmentally Sensitive Resource Area-Springwater	38.36 acres *
THR-SW	Townhouse Residential- Springwater	4.97 acres *

Note:

* These acreages were derived geographically from the City's Geographic Information System, not from a survey. Hence, there is a .57 acre discrepancy between the surveyed property total of 147.7 acres and the geographic property total of 147.13 acres.

The VLDR-SW allows single-family detached dwellings at a maximum density of 3.6 units per acre. The THR-SW allows single family attached and detached dwellings at an average density of 12.0 to 17.4 dwelling units per acre. The City's Environmentally Sensitive Resource Areas (ESRA) will apply upon annexation. WQRA (Water Quality Resource Area) has been identified by Metro along Hogan Creek in the northwest corner of the property. However, the City of Gresham utilizes the ESRA land use designation to meet the State Goal 5 and Title 13 requirements for natural resource protection.

COMMUNITY DEVELOPMENT CODE PROCEDURES

The following section A1.003 is applicable except as modified by A1.004-Expedited Annexation Procedures.

1. **Section A1.003(A)**. 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 A1.004(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 proposal is to annex unincorporated Multnomah County land into the City of Gresham. The applicant and petitioners have requested an expedited annexation process.
3. **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 proposal and the adoption of a resolution have been placed on the Council consent agenda. Section A1.004(C) below discusses further requirements as stated in ORS 222.125.

4. **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 four owners of the territory. There are no electors in the territory. The petition signed by all persons was included with the application made on July 11, 2007. The application was deemed complete on August 10, 2007. Minor corrections were made to the application and resubmitted on September 24, 2007 and 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.
5. **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 September 25, 2007 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 September 26, 2007 and a sign posted on the site on September 25, 2007. 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.
6. **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 was made available by October 9, 2007. This staff report shows compliance with applicable criteria of Metro Code 3.05.050(d) and (g).
7. **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 September 25, 2007 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 entire 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 Plan 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 proposed annexation territory's west property line is shared with parcel State ID# 1S3E22C 0200, which is located in the City of Gresham and is contiguous to the current Gresham city limits.

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.*

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.*

New Springwater specific System Development Charges (SDCs) for parks will become effective on October 1, 2007 and for transportation (TIF), water, wastewater and stormwater became effective on April 18, 2006. 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.

Water, wastewater, stormwater, and parks services will be provided by the City of Gresham. The adoption of the 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 updated and adopted 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 District. 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.

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 District 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. As requested by the applicant and the petitioners, the proposed effective date is November 30, 2007 or the date filed with the Secretary of State, whichever is later. The annexation needs to be effective by March 31, 2007 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 Springwater Plan District 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. 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.

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 section 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

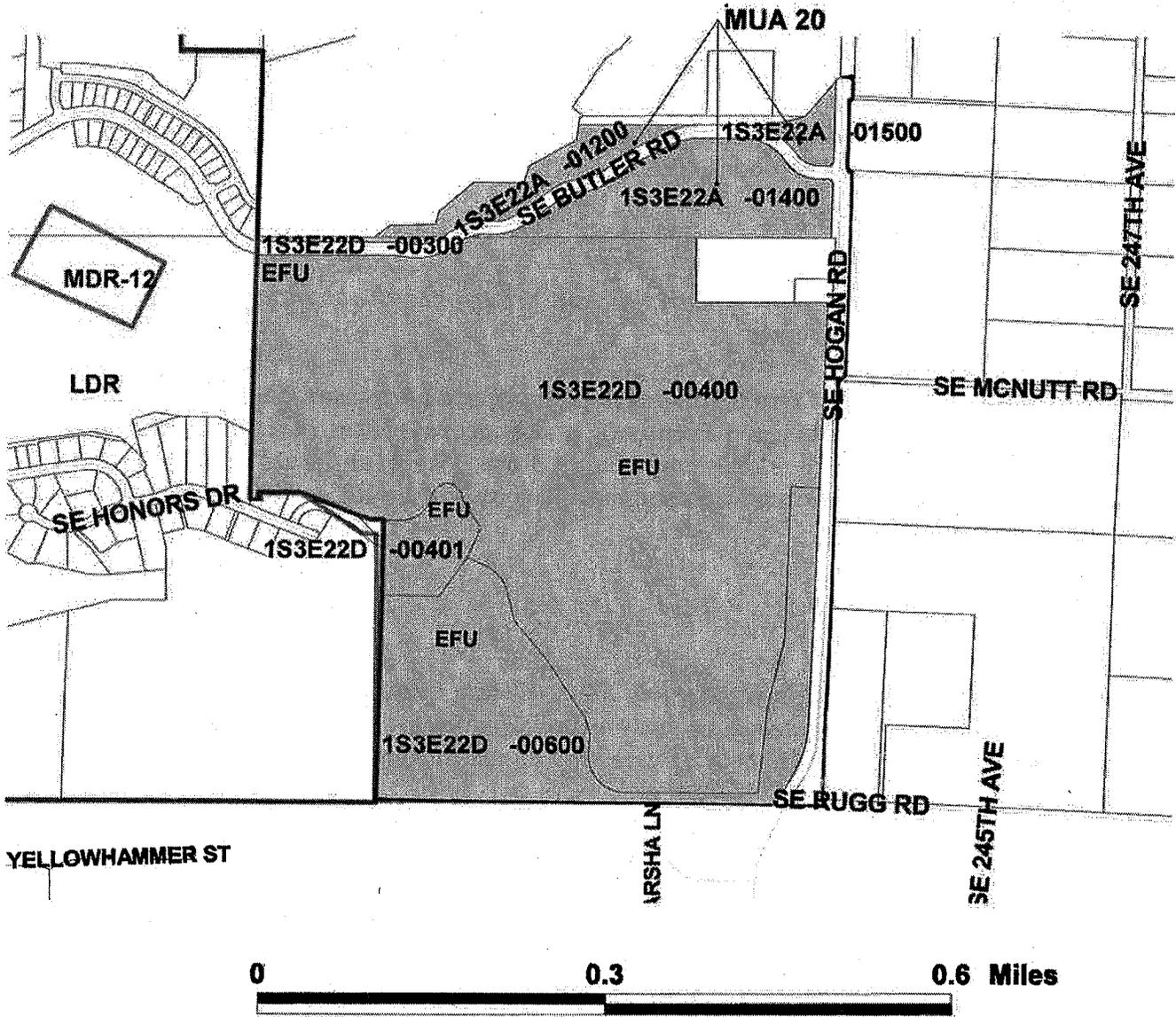
All City, Metro, and State procedures and criteria that are applicable to this expedited annexation proposal have been found to be consistent with proposal.

Staff recommends approval of the annexation.

End of Staff Report

Vicinity Map

Exhibit A

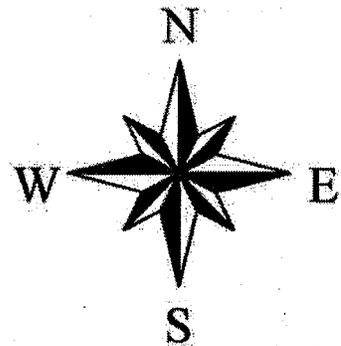


File #: AX 07-26000257

Project: Persimmon Development

Zoning Designation

EFU - Exclusive Farm Use District
MUA-20 - Multiple Use Agricultural District



**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: August 14, 2007

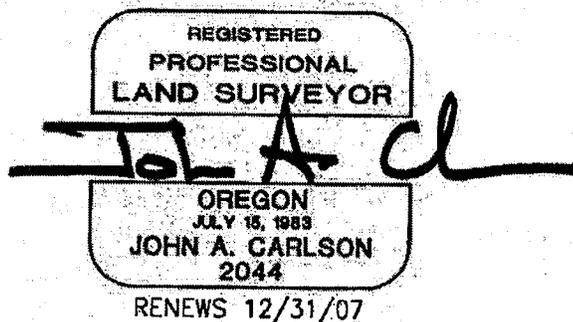


EXHIBIT B

City of Gresham Annexation
Description
August 14, 2007

A tract of land in the northeast and southeast one-quarters of Section 22, and the northwest and southwest one-quarters 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 southeast corner of said Section 22;

thence North 89°50'03" West along the south line of said Section 22, a distance of 2004.04 feet to the southwest corner of that property described as Tract 2 on Page 2 of 7 of Exhibit A of that Statutory Special Warranty Deed recorded on October 29, 2003 as Document No. 2003-258152 of Multnomah County Records;

thence North 01°10'03" East along the west line of said Tract 2 property, and the west line of that property described as Parcel "G" in that Statutory Special Warranty Deed recorded on July 14, 2005 as Document No. 2005-129385 of Multnomah County Records, a distance of 1310.71 feet to the northeast corner of Tract 'M', PERSIMMON NO. 6;

thence tracing the boundary of said PERSIMMON NO. 6 along the following courses:

North 89°54'06" West, a distance of 61.11 feet; North 68°39'01" West, a distance of 344.24 feet; South 89°55'37" West, a distance of 194.42 feet; South 00°00'37" West, a distance of 33.08 feet; North 89°59'23" West, a distance of 38.62 feet to the north-south centerline of said Section 22;

thence North 01°10'03" East along said north-south centerline, a distance of 1217.87 feet to the center of said Section 22;

thence South 89°58'08" East along the east-west centerline of said Section 22, a distance of 541.88 feet to the most westerly corner of that property described as Parcel "B" on Page 4 of 7 of Exhibit A of said Document No. 2003-258152;

thence tracing the northwesterly line of said Parcel "B" along the following courses:

North 50°49'01" East, a distance of 85.46 feet; North 88°30'41" East, a distance of 205.24 feet; North 15°20'21" East, a distance of 61.85 feet; North 49°12'51" East, a distance of 208.87 feet; South 88°41'49" East, a distance of 225.00 feet; North 15°20'21" East, a distance of 82.46 feet; North 61°41'51" East, a distance of 252.81 feet; North 07°00'40" East, a distance of 70.21 feet to the southwesterly corner of that property described as Parcel IV 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 89°58'08" East along the south line of said Parcel IV, a distance of 889.34 feet;

thence continuing along the south line of said Parcel IV, North 74°51'24" East, a distance of 152.81 feet to the most easterly corner of said Parcel IV, said most easterly corner being on 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 tracing the boundary of said Parcel II property along the following courses:

northeasterly along the arc of a 257.57 foot radius nontangent curve left, through a central angle of 10°28'05", a distance of 47.06 feet (chord bears North 44°53'13" East, a distance of 46.99 feet); North 39°39'10" East, a distance of 178.06 feet to the point of curve right of a 20.00 foot radius curve; along the arc of said curve right through a central angle of 51°33'23", a distance of 18.00 feet (chord bears North 65°25'51" East, a distance of 17.40 feet) to the west right of way line of said S.E. Hogan Road;

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 South 01°14'30" West along the east line of said Document No. 2003-045033 strip, a distance of 96.14 feet to the north line of Lot 120, BOTEFUHR TRACT;

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

thence South 01°14'30" West along said east right of way line, a distance of 329.90 feet to the northwest corner of that parcel of land described in that Deed For Road Purposes recorded on September 7, 1995 as Document No. 95-108497, Multnomah County Record of Deeds;

thence South 87°25'00" East along the north line of said Document No. 95-108497 parcel, a distance of 20.00 feet to the northeast corner thereof;

thence South 01°14'30" West along the east line of said Document No. 95-108497 parcel, a distance of 311.48 feet to an angle point in said east line;

thence continuing along said east line, and along said east line extended, said east line and east line extended being parallel with and 45 feet easterly of, when measured at right angles to, the east line of said Section 22, South 02°19'58" West, a distance of 653.43 feet to the most southerly line of said Document No. 95-108497 parcel;

thence North 87°25'00" West along said most southerly line, a distance of 20.00 feet to the east right of way line of said S.E. Hogan Road;

thence South 02°19'58" West along said east right of way line, a distance of 1973.90 feet to the south line of said Section 23;

thence North 87°21'55" West along said south line, a distance of 25.00 feet to the Point of Beginning;

EXCEPT the following described property:

Beginning at the intersection of the east-west centerline of said Section 22 with the west right of way line of said S.E. Hogan Road;

thence South 02°19'58" West along said west right of way line, a distance of 300.00 feet to the south line of that property described in that Bargain and Sale Deed recorded on March 28, 1990 in Book 2287, Page 2087 of Multnomah County Records;

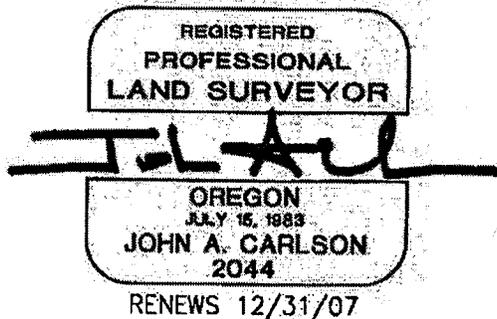
thence North 89°58'08" West along said south line, and the south line of that property described in that Warranty Deed recorded on December 5, 2006 as Document No. 2006-224025 of Multnomah County Records, a distance of 617.31 feet to the southwest corner of said Document No. 2006-224025 property;

thence North 02°31'03" West along the west line of said Document No. 2006-224025 property, a distance of 300.06 feet to the east-west centerline of said Section 22;

thence South 89°58'08" East along said east-west centerline, a distance of 642.70 feet to Point of Beginning.

Contains 157.484 acres, more or less.

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



Multnomah County

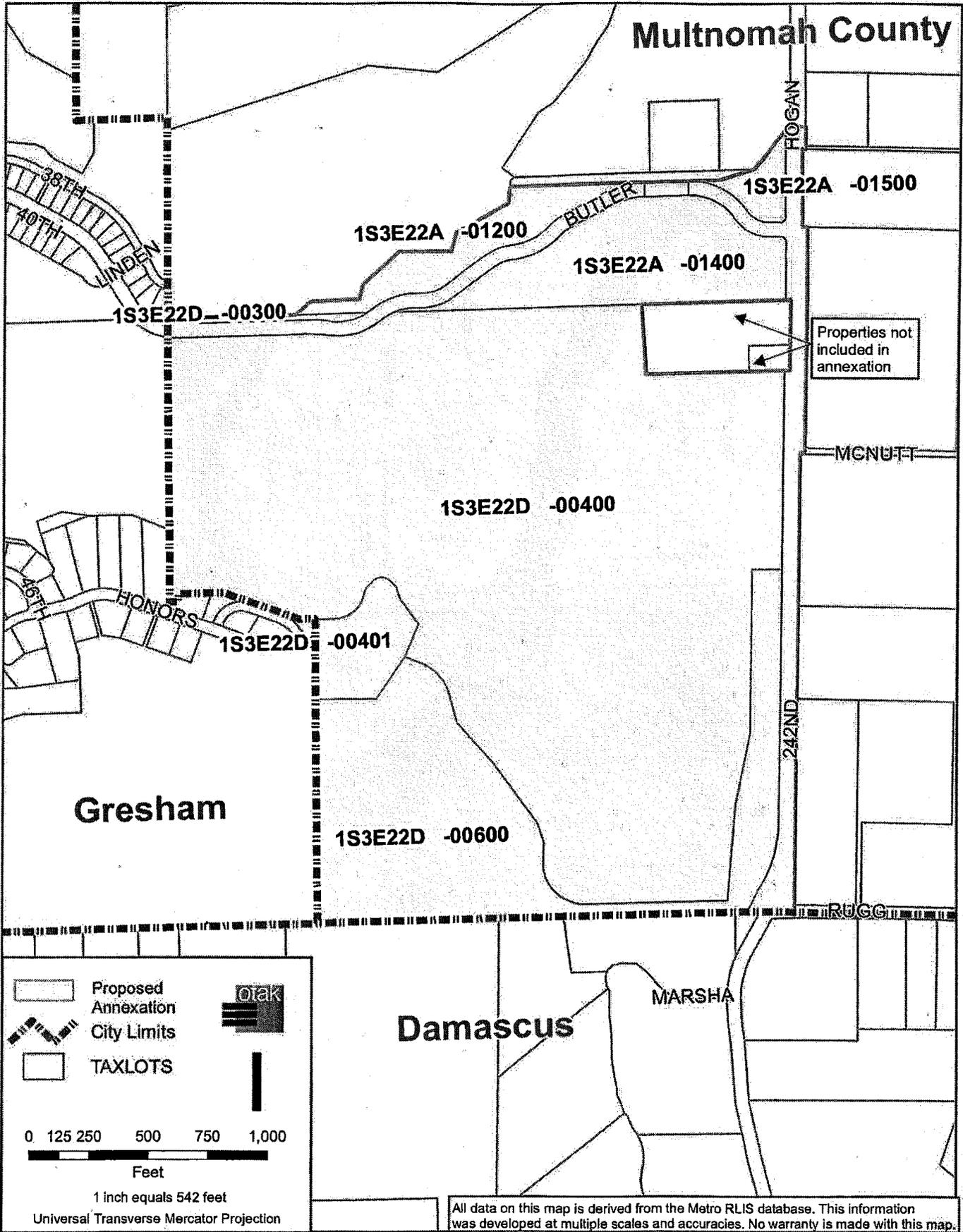
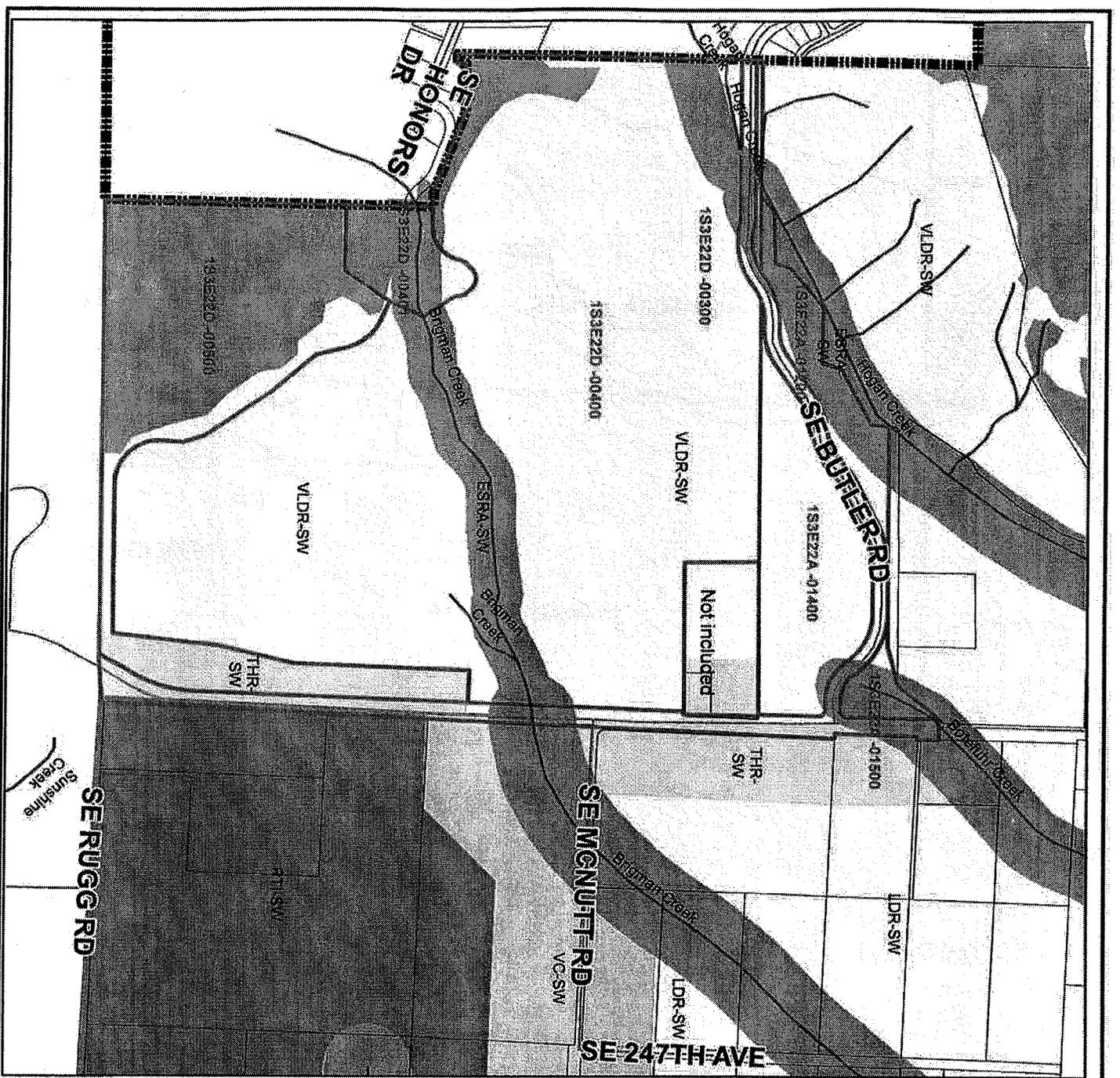
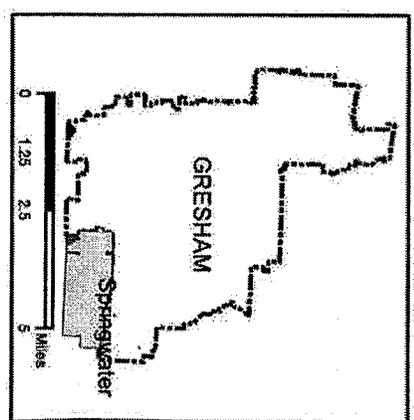


EXHIBIT C
AX 07-26000257



	AX 07-26000239
	Tax Lots
Subdistricts	
	VLD-R-SW
	VC-SW
	IND-SW
	THR-SW
	NC-SW
	LDR-SW
	RTI-SW
	ESRA-SW

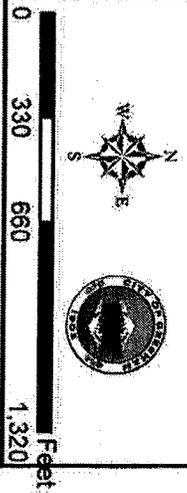


Exhibit D

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			
<i>[Signature]</i>	Persimmon Development Company	X		No Site Address	R993220550 1S3E22D-00300	9/27/07
<i>[Signature]</i>	Persimmon Development Company	X		No Site Address	R993220260 1S3E22A-01200	9/27/07
<i>[Signature]</i>	Persimmon Development Company	X		No Site Address	R993220560 1S3E22A-01500	9/27/07
<i>[Signature]</i>	Persimmon Development Company	X		8015 SE Hogan Road Gresham, OR 97080	R993220340 1S3E22D-00600	9/27/07
<i>[Signature]</i>	Hoel & Co. Ltd Chairman	X		1406 SE Butler Road Gresham, OR 97080	R993220570 1S3E22A-01400	9/25/2007
<i>[Signature]</i>	Hoel & Co. Ltd Chairman	X		8005 SE Hogan Road Gresham, OR 97080	R993220070 1S3E22D-00400	9/25/2007
<i>[Signature]</i>	Yoshida, Junki	X		No Site Address	R993220650 1S3E22D-00401	9/27/2007
<i>[Signature]</i>	Yoshida, Linda	X		No Site Address	R993220650 1S3E22D-00401	9/27/2007

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.