

Final Documents

For

Withdrawal from the  
**City of Gresham**

MU0103  
Ordinance No. 1565  
DOR: 26-647-2003  
Sec. State: AN 2003-0049

Final to DOR: \_\_\_\_\_

Signature:

 \_\_\_\_\_

Date of

Mailing: 2/13/03

Final to Secretary of State: \_\_\_\_\_

Signature:

 \_\_\_\_\_

Date of

Mailing: 2/28/03

MU0103

Sent

Received

DOR:

2/13/03

2/24/03

Sec. State:

2/28/03

3/11/03

Assessor:

2/28/03

Elections:

2/28/03

Mapped:

Yes

Addresses:

1S3E01 -00300

26000 SE STARK ST

1S3E02 -00700

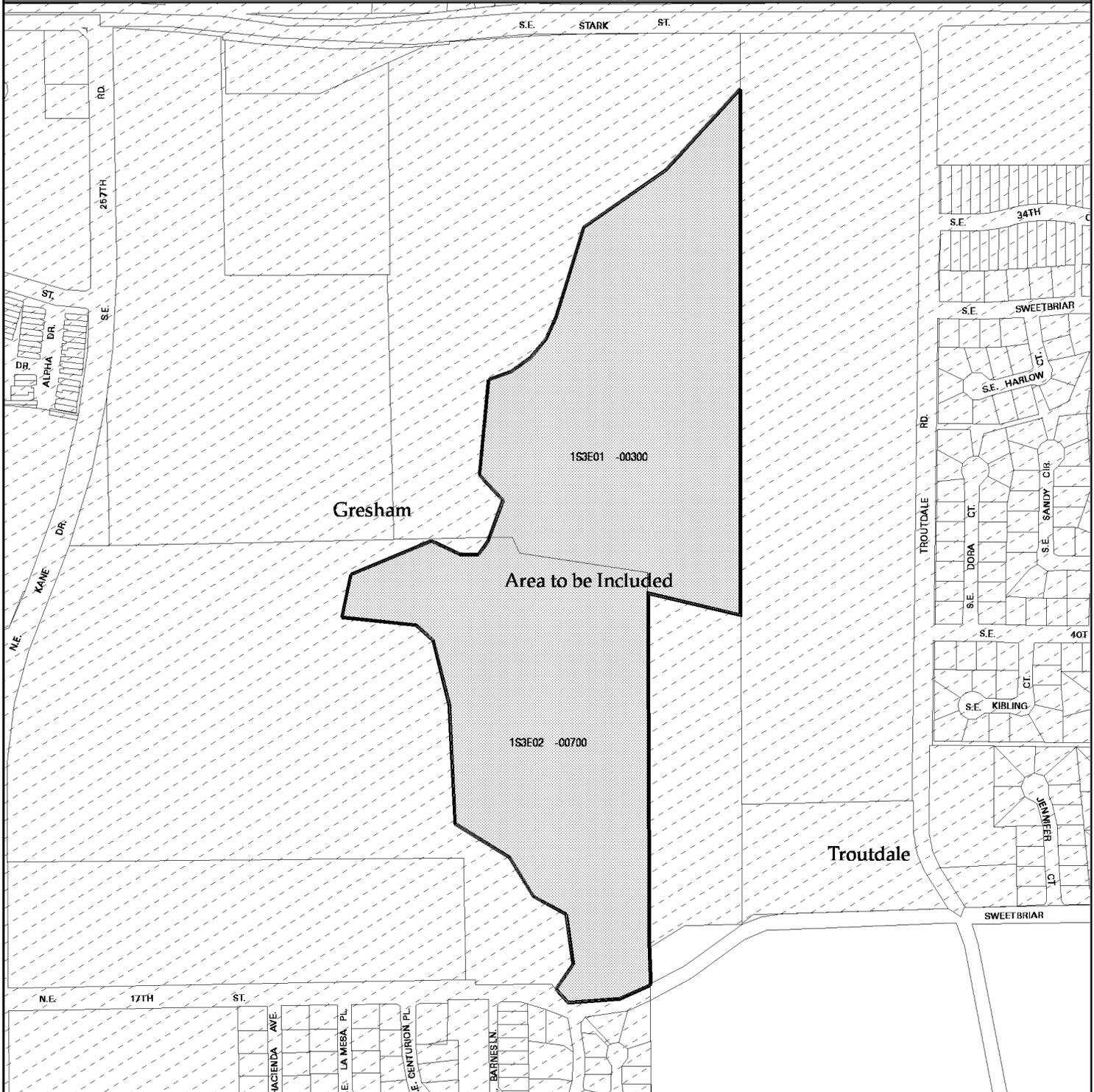
26000 SE STARK ST

# Proposal No. MU0103

1S301, 1S3E02

Withdrawal from the City of Gresham

Multnomah Co.



R E G I O N A L L A N D I N F O R M A T I O N S Y S T E M



600 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 797-1742  
FAX 503 797-1909  
Email drc@metro-region.org

**METRO**

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County lines

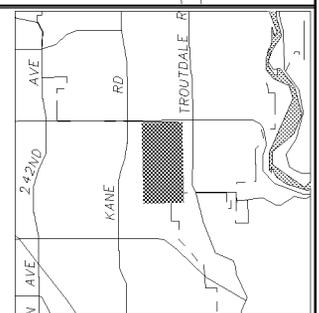
City

Annexation boundary

Urban Growth Boundary

Proposal No. MU0103  
CITY OF GRESHAM  
Figure 1

Scale: 1" = 500'



Office of the Secretary of State

Bill Bradbury  
Secretary of State



Archives Division  
ROY TURNBAUGH  
Director

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

Facsimile (503) 373-0953

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March 10, 2003

Metro  
Att. Bob Knight  
600 NE Grand Ave  
Portland, OR 97232-2736

Dear Sir or Madam:

Please be advised that we have received and filed on March 3, 2003 the following Annexation(s).

Ordinance(s):	City of:	Our File Number(s):
1128-03	Tualatin	AN 2003-0048
1565	Gresham	AN 2003-0049
190-2003	Rivergrove	AN 2003-0050
03-1000	Oregon City	AN 2003-0051

All the above Final Order(s) determination of the effective date is subject to ORS199.461 and/or ORS 222.180 and/or ORS 222.750

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

Sincerely,

Rita F. Mathews  
Official Public Documents

cc:

Clackamas County  
Multnomah County  
Washington County  
ODOT/Highway Dept  
PSU/Population ResearchCtr.  
Revenue Cartography Section

# Notice to Taxing Districts

ORS 308.225



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

City of Gresham  
% Nikki Peterson  
1333 NW Eastman Parkway  
Gresham, OR 97030-3825

**Description and Map Approved**  
**February 24, 2003**  
**As Per ORS 308.225**

Description     Map received from: METRO  
On: 2/14/2003

This is to notify you that your boundary change in Multnomah County for  
**WITHDRAWAL FROM CITY OF GRESHAM**

ORD. #1565

has been:     Approved        2/24/2003  
                   Disapproved

Notes:

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Department of Revenue File Number: 26-647-2003

Prepared by: Jennifer Dudley, 503-945-8666

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

## ORDINANCE NO. 1565

**AN ORDINANCE APPROVING WITHDRAWAL OF TERRITORY (DE-ANNEXATION) OF A  
48-ACRE PARCEL FROM THE CITY OF GRESHAM LOCATED ON THE MT. HOOD  
COMMUNITY COLLEGE PROPERTY (MIS 02-6534)**

The City of Gresham Finds:

A. The council is authorized by ORS Chapter 222.460 to initiate a de-annexation or "withdrawal of territory" upon adopting a resolution declaring the city's intent to change its boundaries by withdrawing a described area.

B. No comments were received from the public following the mailed notification to adjacent property owners and the publication of this proposal in the *Gresham Outlook* newspaper. The 48-acre area proposed to be de-annexed is vacant and uninhabited and the sole owner has consented, therefore the election requirement of ORS 222.460 is not applicable.

C. Metro filed a petition/application for a minor boundary change for a withdrawal of property from the City of Gresham. It is located on the Mt. Hood Community College property and relates to a Metro open spaces acquisition project within the Beaver Creek Canyon Target Area. The community college, the sole property owner, authorized in writing the filing of the application.

D. In August, 2000 the council approved a Memorandum of Understanding with Metro, the Cities of Gresham and Troutdale, and Mt. Hood Community College relating to the best possible use of the Mt. Hood Community College wetlands. The MOU allows de-annexation of the territory from the City of Gresham and subsequent annexation by the City of Troutdale. Metro and Mt. Hood Community College have entered into a purchase and sale agreement whereby Metro will acquire the territory for the purpose of preserving its wildlife habitat, water quality and other natural resources and recreational benefits. After annexation of the territory, the City of Troutdale will manage the affected territory on Metro's behalf.

E. Resolution No. 2597 describes the site and the city's intention to withdraw territory from its jurisdiction. Resolution No. 2597 was approved by the council on January 7, 2003.

F. The withdrawal of territory (de-annexation) also meets the requirements of Metro Code, Chapter 3.09 and GCDC Section 11.0205 (Type IV Procedure) and Section 11.0300-11.0400 (Legislative Hearings).

**THE CITY OF GRESHAM ORDAINS AS FOLLOWS:**

The council hereby approves the withdrawal of the territory (de-annexation) described and depicted in Exhibit A attached hereto.

First reading: January 21, 2003

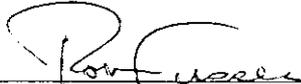
Second reading and passed: February 4, 2003

Yes: BECKER, HORNER, SHIELDS, HANNA, McINTIRE, HAVERKAMP, BEMIS

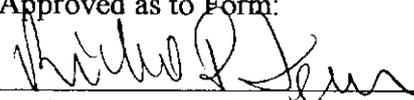
No: NONE

Absent: NONE

Abstain: NONE

  
\_\_\_\_\_  
City Manager

  
\_\_\_\_\_  
Mayor

Approved as to Form:  
  
\_\_\_\_\_  
Senior Assistant City Attorney

CITY OF GRESHAM DEANNEXATION PARCEL  
DESCRIPTION  
September 18, 2001

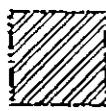
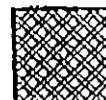
A parcel of real property in the west one-half of Section 1 and the east one-half of Section 2, Township 1 South, Range 3 East, Willamette Meridian, Multnomah County, Oregon, to wit:

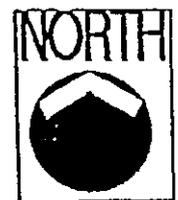
Commencing at the northeast corner of that certain parcel of real property annexed into the City of Gresham, Oregon by City of Gresham Ordinance No. 458 on October 18, 1967, which northeast corner was described in said Ordinance as being the intersection of the south line of S.E. Stark Street with the northerly extension of the east line of the Taylor D.L.C., and which northeast corner bears S.89°49'30"E., 962.80 feet and S.00°10'30"W., 30.00 feet from the northwest corner of said Section 1; thence tracing the boundary of said City of Gresham Ordinance No. 458 annexation parcel along the following courses: S.00°18'12"W. along said extension, 241.19 feet to a 5/8" iron rod and the True Point of Beginning of the parcel of real property herein described; thence continuing S.00°18'12"W. along said extension, 1558.60 feet to the northeast corner of the Taylor D.L.C.; thence S.00°18'12"W. along said east line, 293.10 feet; thence N.76°28'18"W., 341.95 feet; thence S.00°01'50"W., 922.25 feet; thence S.00°16'50"W., 324.51 feet; thence S.00°22'05"E., 126.69 feet to the north line of Cochran Road; thence S.65°31'03"W. along said north line, 72.65 feet to a point of curvature; thence along the arc of a 261.48-foot radius curve to the right (the long chord of which bears S.75°31'03"W., 90.81 feet) an arc distance of 91.27 feet to a point of tangency; thence S.85°31'03"W. along said north line, 95.04 feet to a point of curvature; thence along said north line on the arc of a 118.24-foot radius curve to the right (the long chord bears N.77°28'27"W., 69.17 feet) an arc distance of 70.20 feet to a point of tangency; thence N.60°27'57"W. along said north line, 31.34 feet; thence leaving said City of Gresham Ordinance No. 458 annexation parcel boundary, N.35°32'29"E., 123.96 feet to a 5/8" iron rod; thence N.07°41'37"W., 177.00 feet to a 5/8" iron rod; thence N.61°23'33"W., 132.34 feet to a 5/8" iron rod; thence N.31°09'24"W., 160.74 feet to a 5/8" iron rod; thence N.58°16'42"W., 228.67 feet to a 5/8" iron rod; thence N.02°30'16"W., 418.97 feet to a 5/8" iron rod; thence N.13°59'55"W., 233.23 feet to a 5/8" iron rod; thence N.47°54'38"W., 80.86 feet; thence N.83°48'40"W., 265.91 feet to a 5/8" iron rod; thence N.12°21'47"E., 154.01 feet to a 5/8" iron rod; thence N.67°49'35"E., 311.29 feet to a 5/8" iron rod; thence S.64°08'33"E., 109.93 feet to a 5/8" iron rod; thence S.89°31'39"E., 68.72 feet to a 5/8" iron rod; thence N.36°00'31"E., 58.34 feet to a 5/8" iron rod; thence N.20°42'44"E., 151.85 feet to a 5/8" iron rod; thence N.43°24'30"W., 121.51 feet to a 5/8" iron rod; thence N.05°54'37"E., 337.58 feet to a 5/8" iron rod and point of nontangent curvature; thence along the arc of a 328.01 foot radius curve left (the radius point of which bears N.12°18'29"W.) through a central angle of 59°51'09", 342.65 feet (chord bears N.47°45'56"E., 327.28 feet) to a 5/8" iron rod; thence N.17°36'45"E., 329.15 feet to a 5/8" iron rod; thence N.55°52'00"E., 356.01 feet to a 5/8" iron rod; thence N.43°16'15"E., 389.47 feet to the True Point of Beginning.

Contains 47.995 acres, more or less.

**Exhibit A**



- 
 BOUNDARY OF CITY OF GRESHAM  
 ANNEXATION BY ORDINANCE NO. 458  
 ON OCTOBER 18, 1967
- 
 ORDINANCE NO. 458 ANNEXATION PARCEL
- 
 DEANNEXATION PARCEL  
 47.995 ACRES ±



BEFORE THE CITY COUNCIL OF THE  
CITY OF GRESHAM

IN THE MATTER OF THE APPLICATION OF )  
METRO APPLICATION FOR A BOUNDARY )  
CHANGE FOR A WITHDRAWAL (DE-ANNEXATION) )  
OF PROPERTY FROM THE CITY OF GRESHAM )

Order No. 550  
MIS 02-6534

A public hearing was held on January 21, 2003 to consider the application of Metro for a boundary change for a withdrawal (de-annexation) of property from the City of Gresham.

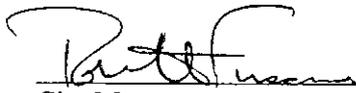
The hearing was conducted under Type IV procedures. Mayor Charles Becker presided at the hearing.

The Council closed the public hearing at the January 21, 2003, meeting, and a decision was made at the February 4, 2003, meeting.

A permanent record of this proceeding is to be kept on file in the Gresham City Hall, along with the original of the Order.

The Council orders that this application for a boundary change for a withdrawal (de-annexation) of territory from the City of Gresham is approved, and adopts the standards, findings and conclusions with the following conditions as stated in the attached staff report and Planning Commission Order.

Dated: February 4, 2003

  
\_\_\_\_\_  
City Manager

  
\_\_\_\_\_  
Mayor

**BEFORE THE PLANNING COMMISSION OF THE  
CITY OF GRESHAM**

**TYPE IV RECOMMENDATION ORDER**

**MIS 02-6534**

A public hearing was held on November 25, 2002, upon an application to consider the de-annexation (withdrawal from the City of Gresham) of a 48-acre parcel located on the Mt. Hood Community College property. The parcel is to be annexed into the City of Troutdale and will be acquired by Metro for open space protection under the Metro Greenspaces program.

The Planning Commission closed the public hearing at the November 25, 2002 meeting, and a final recommendation was made at the November 25, 2002 meeting.

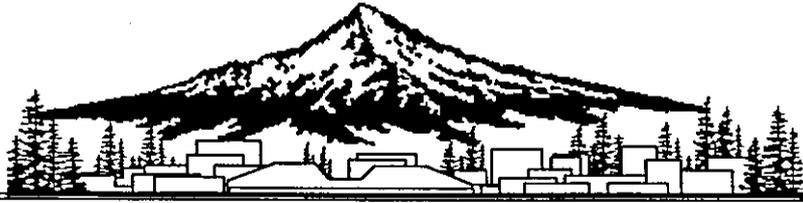
Pat Speer, Acting-Chairperson, presided at the hearing.

**A permanent record of this proceeding is to be kept on file in the Gresham City Hall, along with the original of this Type IV Recommendation.**

The Planning Commission recommends **APPROVAL** of the proposed De-Annexation to the City Council, and adopts the findings, standards, conclusions and recommendations contained in the November 14, 2002 staff report with the following exceptions/amendments:

N O N E

  
\_\_\_\_\_  
Chairperson  
11-25-02  
\_\_\_\_\_  
Date



Community and Economic Development Department  
City of Gresham

**TYPE IV STAFF REPORT  
DE-ANNEXATION PROPOSAL**

TO: City of Gresham Planning Commission

FROM: John Pettis, Associate Planner *J.P.*

FILE NUMBER: MIS 02-6534

PROPOSAL: To de-annex (withdraw from the City of Gresham) a 48-acre parcel that is located on the Mt. Hood Community College property. The parcel contains part of Beaver Creek and an adjoining wooded ravine area. After de-annexation, the parcel will be annexed into the City of Troutdale and be acquired by Metro. It will then become protected open space under the Metro Greenspaces program and maintained by the City of Troutdale.

APPLICANT: Metro Parks & Greenspaces

REPRESENTATIVE: Joel Morton, Esq. / Metro Office of General Council

PROPERTY DESCRIPTION: Tax Lot 300 of Section 1, T1S-R3E, W.M. (25.33 acres)  
Tax Lot 700 of Section 2, T1S-R3E, W.M. (22.64 acres)

LOCATION: The parcel is located at the eastern edge of the Mt. Hood Community College site at 26000 S.E. Stark Street. It abuts the City of Troutdale (to the east).

REPORT DATE: November 14, 2002

HEARING DATE: November 25, 2002

**EXHIBITS:**

- A. Vicinity Map
- B. Applicant's Narrative
- C. Memorandum of Understanding
- D. City of Troutdale De-annexation Request
- E. City of Troutdale Management Plan
- F. Lot Line Adjustment Permit Decision (LL 01-4132)
- G. Legal Description ("metes & bounds")
- H. Parks & Recreation Division Comments
- I. Addressing Section Comments

**RECOMMENDATION:**

Staff recommends that the Planning Commission recommend approval of the de-annexation request to the City Council.

## **SECTION 1 BACKGROUND INFORMATION**

### **A. Description of Proposal:**

Metro requests that the subject approximately 48-acre parcel be withdrawn or de-annexed from the City of Gresham. The parcel is located on the far easterly side of the Mt. Hood Community College campus and abuts the City of Troutdale. It is undeveloped and contains part of Beaver Creek and an associated wooded ravine area. After the site is de-annexed, it will be annexed into the City of Troutdale, acquired by Metro and protected as a natural area/open space under the Greenspaces bond measure program. Mt. Hood Community College and Metro have signed a sales agreement. After the site is annexed into Troutdale, the property title will be transferred to Metro. The property will then be managed and maintained by Troutdale in the manner described in their "Beaver Creek Greenway Management Plan – Mt. Hood Community College Segment" (Exhibit E).

The de-annexation and subsequent annexation actions are among the last steps called for in the Memorandum of Understanding (MOU) (refer to Exhibit C). The previous City action was to approve a lot line adjustment (File# LL 01-4132, Exhibit F) that created the de-annexation/annexation site. The MOU was approved by City Council and entered into in August of 2000 by the City of Gresham, the City of Troutdale, Mt. Hood Community College and Metro. This was done in recognition that Troutdale was better positioned to maintain the site than Gresham.

When Metro acquires a natural area with its bond measure funds, it requires the local jurisdiction where the site is located to maintain and manage it. This includes activities such as removing trash and debris, repairing acts of vandalism, removing non-native invasive plant species, replanting with native plants, and providing and maintaining trails for public access where planned. Most of Beaver Creek is located within Troutdale and in rural Multnomah County. Troutdale has an established parks/greenway corridor along Beaver Creek, directly downstream (north) of the site. Adding this site to their established greenway system will allow for a more unified and consistent approach to the maintenance and management of the stream corridor.

### **B. Site and Vicinity Description:**

The site is undeveloped and is located on the easterly side of the Mt. Hood Community College property, near the Gresham/Troutdale boundary. It is situated between S.E. Stark Street (north) and N.E. 17<sup>th</sup> Street (south). Most of the site is occupied by Beaver Creek and nearby canyon or ravine that has steep to moderate slopes. The ravine is forested with a mix of Big-Leaf Maple, Alder, Douglas Fir, Hemlock, Cedar and other trees. Beaver Creek meanders through the bottom of the ravine, mixing with Burlingame Creek (to west) and then flowing into the wetlands near S.E. Stark Street. Beaver Creek is a salmon-bearing stream.

The comprehensive plan designation of the site is Low Density Residential. It is also affected by the Natural Resource (NR) overlay, the Flood Plain overlay, the Hillside Physical Constraint overlay (15-35% slopes), and the Open Space overlay Districts.

Adjacent uses consist of the following:

West: Located to the west is the Mt. Hood Community College campus. Most of this area is developed with campus academic buildings, parking lots and the stadium/baseball field.

East: To the east is a large undeveloped property that is owned by M.H.C.C. and within the City of Troutdale.

North: Located to the north (across S.E. Stark Street) is a single-family residential neighborhood and nearby Beaver Creek greenway that is within Troutdale.

South: Located to the south (across N.E. 17<sup>th</sup> Street) is a single-family residential neighborhood within Gresham.

## SECTION II APPLICABLE PROCEDURES/APPROVAL CRITERIA

- A. Gresham Community Development Code, Section 11.0205 - Type IV Procedure
- B. Gresham Community Development Code, Sections 11.0300-11.0400 - Legislative Hearings
- C. Metro Code, Chapter 3.09 - Local Government Boundary Changes
- D. Oregon Revised Statutes (ORS), Chapter 222.460 - Withdrawal of Territory

## SECTION III FINDINGS OF FACT

### **A. Gresham Community Development Code Procedures**

1. *Section 11.0205 – Type IV Procedure.* This proposal for de-annexation is being processed through the Type IV permit procedure which is the same procedure that the City uses to process annexation proposals. The required notice for this

proposed amendment has been published in the *Gresham Outlook*, in accordance with the requirements of this section. In addition a notice was mailed to all property owners within 300 feet of the Mt. Hood Community College property. Another mailed notice and newspaper notice (on consecutive weeks) will occur before the City Council hearing in order to comply with Metro Code and ORS notification requirements for annexations/de-annexations.

2. *Sections 11.0300 & 11.0400 – Type IV Procedure – Legislative.* Both the Planning Commission and City Council will consider this proposal at public hearings in conformance with this section. First, the Planning Commission will hear the proposal and make a recommendation to the City Council. The City Council will then review the Planning Commission recommendation and make the final decision in the matter.

## **B. Metro Code, Chapter 3.09**

Chapter 3.09 of Metro Code applies to changes in the boundaries of local governments and special purpose districts within the region. It carries out the state requirements for boundary changes contained in ORS 268.354. The Metro Code requires that the City's final decision include findings satisfying the criteria found in sections 3.09.050(b)(1)-(4), 3.09.050(d)(1)-(7), and 3.09.050(g).

1. *Metro Code 3.09.050(b)(1): "The extent to which urban services are presently available to serve the affected territory including any extra territorial extensions of services."*

**Findings:** Urban services are currently available to serve the subject site, if needed. Upon annexation to the City of Troutdale, any utilities and services can be provided by that city. Troutdale is a full service city. No extra territorial extension of services will be necessary as a result of this territorial withdrawal.

2. *Metro Code 3.09.050(b)(2): "A description of how the proposed boundary change complies with any urban services provider agreements adopted pursuant to ORS 195.065 between the affected entity and all the necessary parties."*

**Findings:** There are no urban services provider agreements controlling the availability of services to the affected site. Thus, this boundary change is not subject to an agreement pursuant to ORS 195.065.

3. *Metro Code 3.09.050(b)(3): "A description of how the proposed boundary change is consistent with 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."*

**Findings: Gresham Community Development Plan Consistency.** This proposed boundary change is consistent with the following applicable Community Development Plan policies:

*Community Development Plan Policy 10.200, Natural Environment:*

*"It is the City's policy to limit development in areas of physical constraints where design or construction techniques can effectively mitigate hazards and to prohibit development in areas exhibiting physical constraint characteristics. Physical constraint areas are those which have any of the following characteristics:*

- 1. Slopes of more than 15%;*
- 2. Severe soil erosion potential;*
- 3. Lands within the 100 year floodplain;*
- 4. Lands with high seasonal water tables within 0-24 inches of the surface for 3 or more weeks of the year;*
- 5. Bedrock within 30 inches of the surface;*
- 6. Lands subject to slumping, earth slides or movements; and*
- 7. Organic soils"*

The subject site is affected by the City's Flood Plain and Hillside Physical Constraint overlay districts. Once withdrawn from the City, these overlays will no longer apply to the site. However, once annexed into Troutdale, they will be subject to similar zoning restrictions that Troutdale has regarding development on steep slopes and within the 100-year floodplain. Moreover, the approval of the de-annexation will enable Metro to acquire the site and to preserve it as open space/natural area use, including for water quality and habitat restoration purposes, and thereby prevent development in this physically constrained area.

*Community Development Plan Policy 10.220, Natural Resources:*

*"It is the policy of the City to assist in protecting the quality and quantity of the following resources:*

- 1. Fish and wildlife habitats;*
- 2. Visual Resources (scenic view and sites);*
- 3. Water Resources;*
- 4. Ecologically and scientifically significant areas;*
- 5. Mineral and aggregate resources;*
- 6. Energy resources;*
- 7. Significant and unique natural features such as a major stand of trees."*

The site is part of the Beaver Creek corridor and is subject to the City's NR, Natural Resource overlay district. Fish and wildlife habitat, water resources, and ecologically and scientifically significant areas are located within it. As in the case of the above overlays, the withdrawal of the site from Gresham will mean

this overlay will no longer apply. However the approval of the request will allow Metro to purchase it and protect these natural resources.

Community Development Plan Policy 10.230, Environmental Quality:

*“It is the City’s policy to enhance the quality of Gresham’s air, water and land resources and to retain the relatively peaceful nature of the City’s living and working environment.”*

The approval of this withdrawal request will enable the public acquisition, restoration and protection of this relatively large natural area that will border on Gresham and be under the jurisdiction of Troutdale. The associated benefits to the City and its residents of an adjacent public natural area can be realized without the attendant costs of providing City services such as maintenance by the Parks department and law enforcement by the Police Department.

Community Development Plan Policies 10.300, The Physical Environment and 10.315, Open Space:

*“Policy 1: It is the policy of the City to ensure the availability of sufficient open space for all areas of the City by: working with citizens to identify needs; investigating alternative funding strategies; and involving volunteers and public and private organizations.”*

*Policy 2: “It is the policy of the City to locate open spaces so as to protect natural resources and areas subject to flooding or otherwise inappropriate for development.”*

*Policy 3: “It is the policy of the City to develop an interconnected Open Space system, if possible, and to negotiate conflicts which may arise concerning proposed additions to the open space system.”*

The subject site as well as the entire Mt. Hood Community College campus is designated with the City’s OS, Open Space overlay. The stated purpose of this overlay is to conserve undeveloped and landscaped areas that reduce air pollution and enhance the value of adjacent property, to enhance the value to the public of public parks, public urban plazas, public trails, public open spaces natural areas and public school sites. It is also intended to enhance recreation opportunities and to promote orderly urban development.

As with the other above-mentioned overlays, the de-annexation of the site will remove the OS overlay. However upon annexation to Troutdale, the site will be acquired by Metro and permanently protected as open space. It is proposed to connect to the future Troutdale Beaver Creek canyon trail system that will link Troutdale parks and open spaces with downtown Troutdale. This will provide a

recreational amenity to Gresham and Troutdale residents alike who live in the vicinity.

**Findings: Gresham Public Facility Plan Consistency.** Once withdrawn from Gresham, any future public infrastructure demands, although unlikely, would have to be met by Troutdale rather than Gresham. Therefore, this proposed boundary change will not be inconsistent with the City's public facility plan.

**Findings: Regional Framework Plan Consistency.** The proposed boundary change is consistent with the Metro Regional Framework Plan as follows:

The approval of the de-annexation will allow Metro to acquire and protect a natural area that has been identified as possessing regionally significant natural resource, open space, fish and wildlife habitat, water quality, and recreational values by the Metro Greenspaces Master Plan. This plan was prepared according to the requirements of Chapter 3 of the Regional Framework Plan, titled "Parks, Natural Areas, Open Spaces and Recreational Facilities."

Metro's acquisition of the site meets the goals of Regional Framework Plan Section 3.2.1 through "protection of the region's biodiversity, future citizen opportunity for natural resource dependent recreation and education, contribution to the protection of air and water quality and provision for natural buffers and connections between communities."

The withdrawal and Metro's acquisition also supports Regional Framework Plan Sections 3.2.2 and 3.3.5 by financing and coordinating the protection, acquisition and management of the natural area in cooperation with local governments as part of the Greenspaces program's Beaver Creek Regional Target area.

**Findings: Urban Growth Management Functional Plan Consistency.** Titles 1, 2 and 4-10 of the Functional Plan are not applicable to this request. However, the boundary change is consistent with the Stream and Floodplain Protection Plan outlined in Title 3 (Metro code sections 3.07.310-3.07.370) of the Metro Functional Plan as follows:

Title 3 specifically implements the Oregon Statewide Land Use Goals 6 and 7 by protecting streams, rivers, wetlands, and floodplains by avoiding, limiting or mitigating the impact of development on these areas. The approval of the request will enable Metro to acquire and protect an area that has steep slide prone slopes, water quality enhancing wetlands and floodplain, and high quality fish and wildlife habitat.

**Findings: Regional Urban Growth Goals and Objectives (RUGGO's) Consistency.** This proposed boundary change is consistent with the RUGGO's as follows:

RUGGO's – Objective 15. Natural Areas, Parks, Fish and Wildlife Habitat:

*“Sufficient open space in the urban region shall be acquired or otherwise protected and managed to provide reasonable and convenient access to sited for passive and active recreation. An open space system capable of sustaining or enhancing native wildlife and plant populations should be established.*

*15.2 Corridor Systems – The regional planning process shall be used to coordinate the development of interconnected recreational and wildlife corridors within the metropolitan region.”*

The withdrawal of the site from the City and its annexation into the City of Troutdale enables Metro to meet the above listed objective, through its acquisition of approximately 62 acres in the Beaver Creek Canyon Greenway from Mt. Hood Community College. The City of Troutdale owns and manages parks and wildlife corridors along the Beaver Creek Canyon Greenway downstream from the property. Transferring the site to Troutdale's jurisdiction, will allow it to be part of the greenway and subject to a unified approach to management and maintenance.

4. Metro Code 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.”*

**Findings:** As defined by Metro Code section 3.09.020(j), the “necessary parties” to this proposed boundary change are the City of Gresham, Multnomah County, the Mid-County Street Lighting District, Tri-Met and Metro. The boundary change will result in the withdrawal of territory from the City of Gresham only. It will not change the legal boundaries of Multnomah County, the Mid-County Street Lighting District, Tri-Met, or Metro. Metro has submitted an annexation application to Troutdale concurrent with this application.

5. Metro Code 3.09.050(d)(1)-(7) This section of the Metro Code requires that the City's final decision include findings satisfying the following seven criteria:

Metro Code 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.”*

**Findings:** There are no urban services provider agreements controlling the availability of services to the subject site, nor is there an annexation plan that was adopted pursuant to ORS 195.065. This criterion is therefore not applicable.

Metro Code 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.”*

**Findings:** With the exception of the previously discussed Memorandum of Understanding, there are no urban planning or other agreements between the City of Gresham and the other parties to this action that are directly applicable.

*Metro Code 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.”*

**Findings:** This petition is consistent with Gresham’s public facility plan and all applicable policies of the Community Development Plan, as discussed above.

*Metro Code 3.09.050(d)(4): “Consistency with specific applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan.”*

**Findings:** This boundary change is consistent with all applicable standards and criteria for boundary changes contained in the Regional Framework Plan and Functional Plan, as discussed above.

*Metro Code 3.09.050(d)(5): “Whether the proposed change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.”*

**Findings:** The proposed change will have no negative effect on the timely, orderly and economic provision of public facilities and services to the affected territory and surrounding areas. Urban services are currently available to the site, as listed in Section D of the applicant’s application (Exhibit B). The process to annex this site into the City of Troutdale is proceeding concurrent with this application, so there should be a seamless transfer of responsibility for urban services from Gresham to Troutdale. Upon completion of the annexation action, urban services will then be provided by the City of Troutdale, Multnomah County, Tri-Met and the Mid-County Street Lighting District. The Mid-County Street Lighting District and Multnomah County presently provide street lighting and adjacent paved arterial streets. They will continue to provide these services after the transfer of jurisdiction. No “extra territorial extension of services” exists or is proposed as part of this application.

*Metro Code 3.09.050(d)(6): “If the proposed boundary change is for annexation of territory to Metro, a determination y Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval.”*

**Findings:** The site is already within the Urban Growth Boundary, therefore this criterion is not applicable.

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

**Findings:** With the exception of the state and local criteria discussed in this staff report, there are no other state and local law applicable to this application.

Metro Code 3.09.050(g): "Only territory already within the defined Metro Urban Growth Boundary at the time of 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."

**Findings:** This property is within the Metro Urban Growth Boundary.

### **C. Oregon Revised Statutes (ORS), Chapter 222.460 - Withdrawal of Territory**

This section of state law sets forth a procedure for withdrawing or de-annexing an area from a city. It essentially requires the City Council to adopt a resolution of intent before the final (Council) hearing in the matter. It also requires an election by the residents of the territory proposed to be withdrawn, if an election is requested in writing by at least 15% or 100 of the electors residing in the affected territory.

**Findings:** A resolution that describes the site and indicates the City's intention to withdraw it from its jurisdiction will be drafted and placed on the agenda for the 1/7/03 City Council meeting. The adoption of the resolution will therefore take place before the 1/21/03 Council public hearing and decision on the deannexation. Also, since the 48-acre area proposed to be deannexed is vacant and uninhabited, the election requirement of ORS 222.460 is not applicable.

### **D. Other Departments/Agencies/Public Comments**

No comments were received from the public following the mailed notification to adjacent property owners and the publication of the newspaper notice of this proposal. The only written comments received from other departments/agencies were submitted by the Gresham Parks and Recreation Division (Exhibit H) and the Addressing section (Exhibit I).

The Parks and Recreation Division supports the proposal.

The addressing staff noted that Tax Lots 200 and 100 listed by the applicant on the application form no longer exist and that the new tax lots (300 & 700), created after the lot line adjustment, should be referenced instead. As referenced on the front page of the staff report, the property description for this application has been changed accordingly.

**SECTION IV  
CONCLUSION**

The proposed de-annexation (withdrawal of territory) is consistent with the applicable approval criteria and procedures found in the Gresham Community Development Code, Metro Code and in Oregon Revised Statutes.

**SECTION V  
RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval of this de-annexation proposal to the City Council.

*End of Staff Report*

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SEE MAP IN 3E 36CC

SEE MAP

35

36

STARK

248

026

242

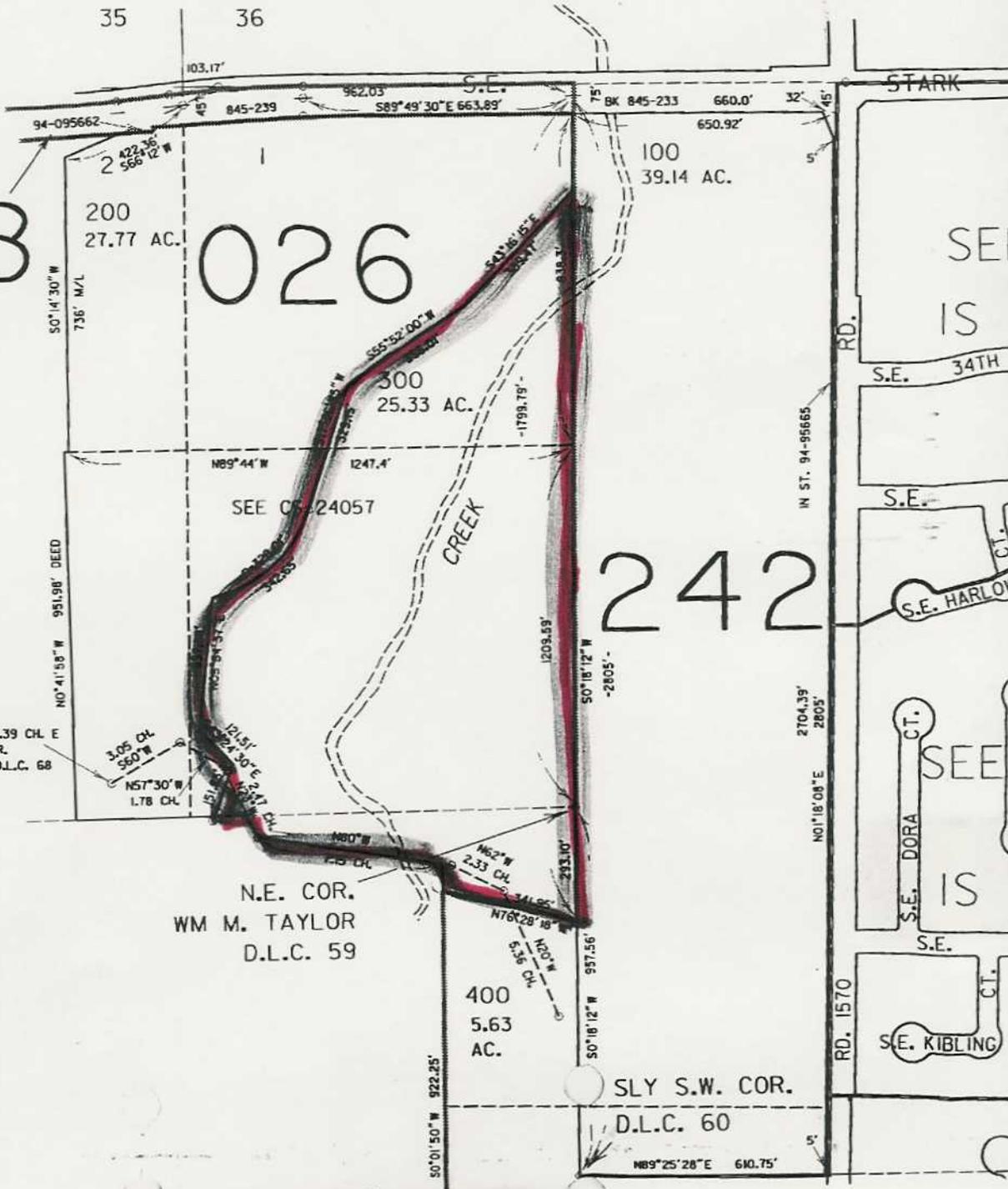
SEE MAP IS 3E 2A

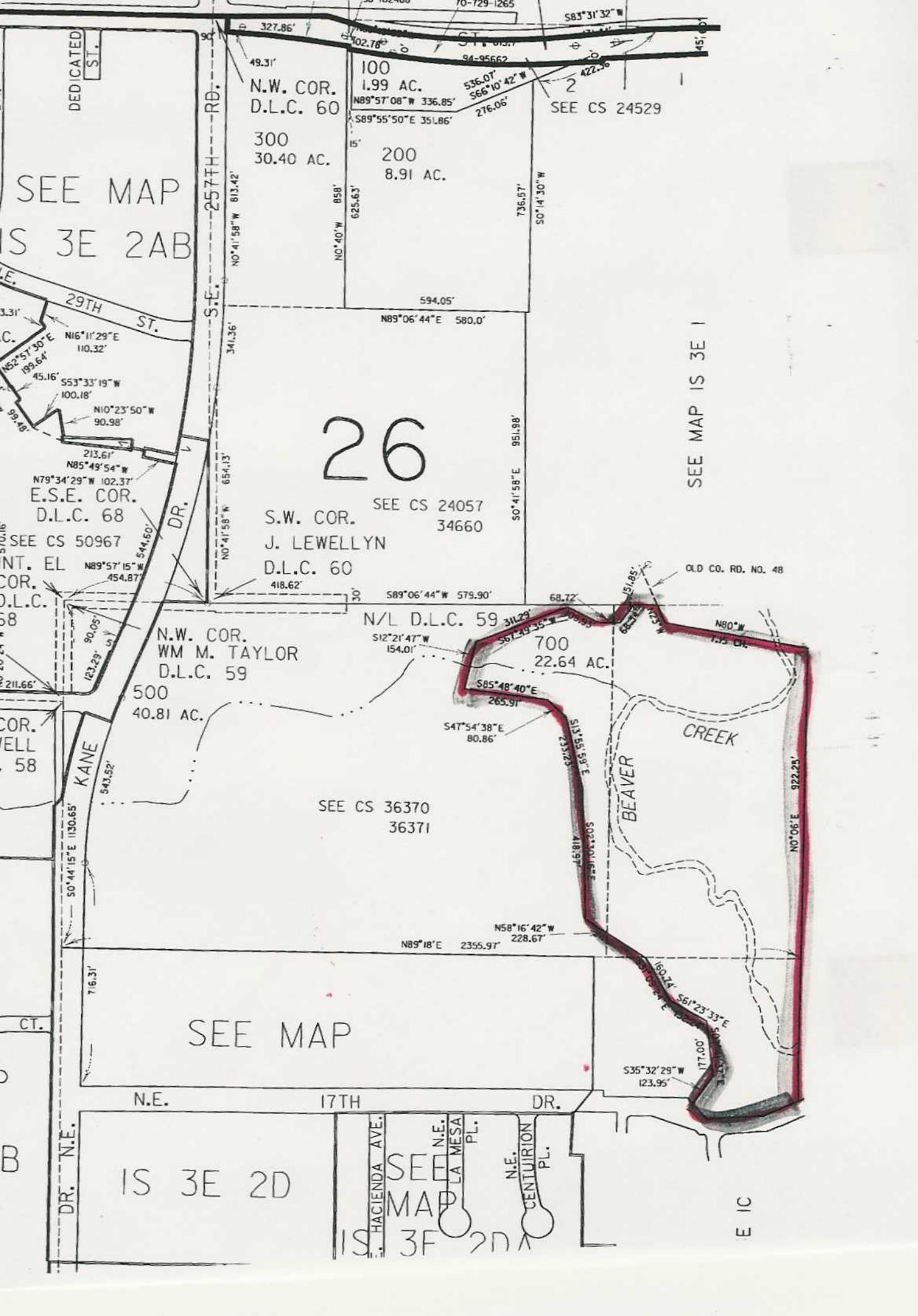
L20 CH. N & 17.39 CH. E  
FR THE S.E. COR.  
W.C. MITCHELL D.L.C. 68

SEE MAP IS 3E 2

N.E. COR.  
WM M. TAYLOR  
D.L.C. 59

SLY S.W. COR.  
D.L.C. 60





SEE MAP IS 3E 2AB

26

SEE MAP IS 3E 1

N.W. COR. D.L.C. 60

300 30.40 AC.

100 1.99 AC.  
200 8.91 AC.

SEE CS 24529

S.W. COR. SEE CS 24057 34660  
J. LEWELLYN  
D.L.C. 60

N.W. COR. WM M. TAYLOR D.L.C. 59

500 40.81 AC.

N/L D.L.C. 59

700 22.64 AC.

SEE CS 36370 36371

SEE MAP

IS 3E 2D

SEE MAP IS 3F 2DA  
HACIENDA AVE.  
N.E. LA MESA PL.  
N.E. CENTURION PL.

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DEDICATED ST.

257TH RD. S.E.

29TH ST.

DR.

KANE DR.

17TH DR.

DR. N.E.

N.E. CENTURION PL.

HACIENDA AVE.

N.E. LA MESA PL.

DR.

N.E.

CT.

B

SEE CS 50967

NT. EL COR. D.L.C. 58

211.66'

20.24' W

211.66'

COR. WELLS 58

50°44'15"E 1130.65'

716.31'

543.52'

90.05'

123.29'

90.05'

544.60'

89°57'15"W 454.87'

213.61'

N85°49'54"W 102.37'

N79°34'29"W 102.37'

N10°23'50"W 90.98'

553°33'19"W 100.18'

N52°57'30"E 199.64'

3.31'

99.48'

45.16'

110.32'

116°11'29"E

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Assessor Information

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Tax Lot Number: 1S3E01 -00300  
Property Address: 26000 SE STARK ST

Mailing Information:

MOUNT HOOD COMMUNITY  
26000 SE STARK  
GRESHAM OR  
97030

Assessor Parcel Size: 25.33 (Acres)  
Building Square Footage: 0 (Square Feet)

Assessed Land Value: \$1266500  
Assessed Building Value: \$0  
Total Assessed Value: \$1266500

Assessor Information

=====  
Tax Lot Number: 1S3E02 -00700  
Property Address: 26000 SE STARK ST

Mailing Information:

MOUNT HOOD COMMUNITY  
26000 SE STARK  
GRESHAM OR  
97030

Assessor Parcel Size: 22.64 (Acres)  
Building Square Footage: 0 (Square Feet)

Assessed Land Value: \$1132000  
Assessed Building Value: \$0  
Total Assessed Value: \$1132000