

Final Documents

For

Annexation to the
City of Portland

MU0106

Ordinance #180096

DOR 26-659-2006

Sec. State: AN-2006-0174

Properties:

1N1W36BC -00200

No site address

1N1W36BC -00300

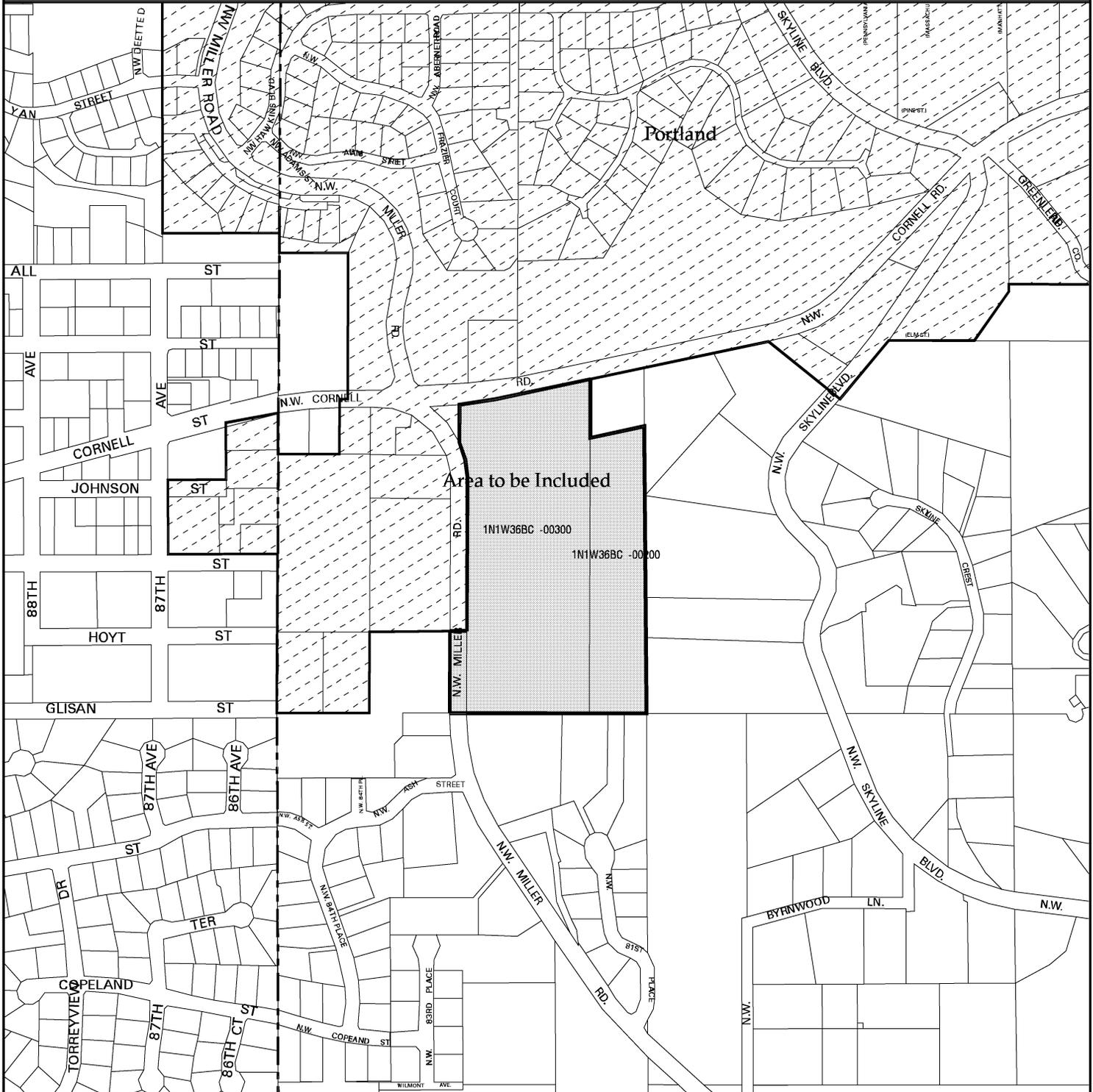
No site address

Proposal No. A-1-06

1N1W36BC

Annexation to the City of Portland

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

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

County lines

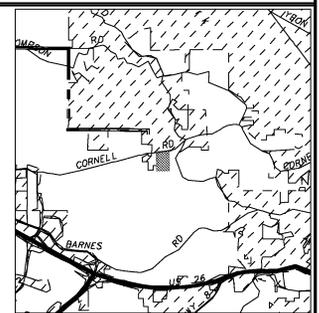
City

Annexation boundary

Urban Growth Boundary

Proposal No. A-1-06
CITY OF PORTLAND
Figure 1

Scale: 1" = 500'



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

May 25, 2006

Metro
Robert Knight
600 NE Grand Ave
Portland, Oregon 97232-2736

Dear Mr. Knight:

Please be advised that we have received and filed, as of May 25, 2006, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
180096 (Portland)	AN 2006-0174
2842 (Gresham)	AN 2006-0175

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

City of Portland
 Budget Officer
 1120 SW Fifth, Room 1250
 Portland, OR 97204

Description and Map Approved
May 23, 2006
As Per ORS 308.225

Description Map received from: METRO
 On: 5/15/2006

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

ANNEX TO CITY OF PORTLAND; WITHDRAW FROM MULT CO SERVICE DIST #14
 AND TUALATIN VALLEY FIRE AND RESCUE

ORD. #180096 (A-1-06)

has been: Approved 5/23/2006
 Disapproved

Notes:

Department of Revenue File Number: 26-659-2006

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

ORDINANCE No. 180096

Approve annexation to the City of property in case number A-1-06 at the intersection of NW Miller Road and NW Cornell Road (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The property owners and registered voters have initiated a proposal by a consent petition to annex to the City of Portland the property described in Exhibit "A."
2. The property owners want to annex to Portland to obtain City services, particularly sewer service.
3. Based on the findings and reasons for decision detailed in Exhibit "B," this proposal for annexation sufficiently meets applicable criteria for approval.

NOW, THEREFORE, the Council directs:

- a. The proposed annexation described in Exhibit "A" is approved.
- b. The subject territory, shown on the map in Exhibit "B," is withdrawn from the Multnomah County Service District # 14 (street lights) and Tualatin Valley Fire & Rescue.
- c. The City Auditor is authorized and directed to file a certified copy of this Ordinance with the Boundary Change Office of Metro.

Passed by the Council, **MAY 03 2006**

GARY BLACKMER
Auditor of the City of Portland

By



Deputy

Mayor Tom Potter
Barbara Sack
April 10, 2006

**PETITION OF OWNERS OF MAJORITY OF LAND
AND PETITION OF A MAJORITY OF REGISTERED VOTERS
FOR A CITY ANNEXATION**

PETITION FOR ANNEXATION TO THE CITY OF Portland, OREGON

TO: The Council of the City of Portland, Oregon

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Portland.

The property to be annexed is described as follows:

(Insert Legal Description here OR attach it as Exhibit "A")

LEGAL EXHIBIT

PARCELS 1 AND 2 RECORDED IN BOOK 1213, PAGE 1303, MULTNOMAH COUNTY PLAT RECORDS, AND A PORTION OF NW MILLER ROAD (COUNTY ROAD 142), LOCATED IN THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 10 OF THE PLAT OF "500 MILLER ROAD", MULTNOMAH COUNTY PLAT RECORDS;

THENCE NORTH $88^{\circ}12'50''$ WEST, ALONG THE SOUTH LINE OF SAID PARCELS 1 AND 2 AND THEIR WESTERLY EXTENSION, A DISTANCE 695.49 FEET TO THE WEST RIGHT-OF-WAY LINE OF NW MILLER ROAD;

THENCE NORTH $01^{\circ}56'53''$ EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 287.77 FEET TO THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENT NUMBER 88-24123, MULTNOMAH COUNTY DEED RECORDS;

THENCE SOUTH $88^{\circ}46'01''$ EAST, ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID TRACT OF LAND, A DISTANCE OF 60.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF NW MILLER ROAD;

THENCE NORTH $01^{\circ}56'53''$ EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 530.01 FEET TO THE BEGINNING OF A TANGENT CURVE,

THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE AND ALONG THE ARC OF A 316.47 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY (THE CHORD OF WHICH BEARS NORTH $10^{\circ}16'48''$ WEST, 134.06 FEET), THROUGH A CENTRAL ANGLE OF $24^{\circ}27'22''$, AN ARC DISTANCE OF 135.08 FEET TO A POINT OF NON-TANGENCY;

THENCE NORTH $01^{\circ}59'09''$ EAST, LEAVING SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 136.28 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 2 AND ON THE SOUTH RIGHT-OF-WAY LINE OF NW CORNELL ROAD AND THE BEGINNING OF A NON-TANGENT CURVE;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE AND ALONG THE ARC OF A 1462.50 FOOT RADIUS CURVE CONCAVE NORTHERLY (THE CHORD OF WHICH BEARS NORTH $82^{\circ}48'21''$ EAST, 149.95 FEET), THROUGH A CENTRAL ANGLE OF $5^{\circ}52'37''$, AN ARC DISTANCE OF 150.01 FEET TO A POINT OF TANGENCY;

Exhibit A - 3

THENCE NORTH 79°52'02" EAST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 321.34 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 2;

THENCE SOUTH 01°59'09" WEST, ALONG THE EAST LINE OF SAID PARCEL 2, A DISTANCE OF 204.56 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 1;

THENCE NORTH 79°52'02" EAST, ALONG THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 195.88 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 1;

THENCE SOUTH 01°23'51" WEST, ALONG THE EAST LINE OF SAID PARCEL 1, A DISTANCE OF 745.11 FEET;

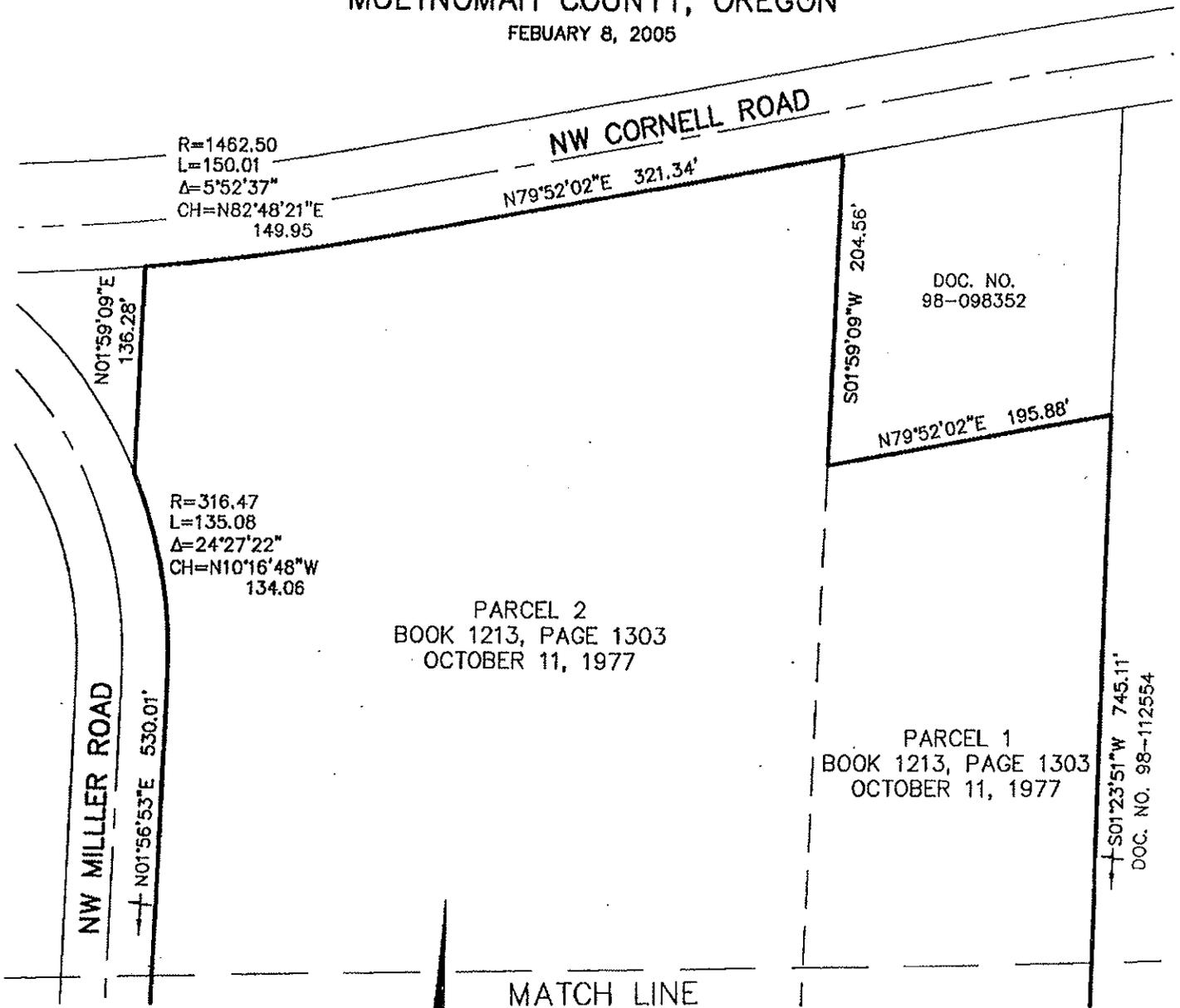
THENCE SOUTH 01°18'42" WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 266.32 FEET TO THE POINT OF BEGINNING.

CONTAINS 707,532 SQUARE FEET OR 16.243 ACRES, MORE OR LES.

EXHIBIT MAP

PARCELS 1 AND 2 RECORDED IN BOOK 1213, PAGE 1303, AND A PORTION OF NW MILLER ROAD, LOCATED IN THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

FEBRUARY 8, 2005



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kevin Williams

OREGON
JAN. 18, 1994
KEVIN WILLIAMS
2650

RENEWAL DATE 6-30-06



SCALE: 1"=100'



SHEET 1 OF 2
JOB NO. POL1280
TETSUKA ASSOCIATES, INC.
LAND SURVEY CONSULTING

9900 S.W. WILSHIRE STREET, #110
PORTLAND, OR 97225
503.517.0682 FAX: 503.445.1300

EXHIBIT MAP

PARCELS 1 AND 2 RECORDED IN BOOK 1213, PAGE 1303, AND A PORTION OF NW MILLER ROAD, LOCATED IN THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

FEBRUARY 8, 2005

MATCH LINE

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kevin Williams

OREGON
JAN. 18, 1894
KEVIN WILLIAMS
2650

RENEWAL DATE 6-30-06

PARCEL 2
BOOK 1213, PAGE 1303
OCTOBER 11, 1977

PARCEL 1
BOOK 1213, PAGE 1303
OCTOBER 11, 1977

DOC. NO.
4184483

NW MILLER ROAD

N01°56'53"E 530.01'

S01°23'51"W 745.11'
DOC. NO. 98-112554

DOC. NO.
88-24123

N01°56'53"E 287.77'

S88°46'01"E
60.00'

PORTION OF NW MILLER ROAD PROPOSED FOR ANNEXATION



SCALE: 1"=100'

POINT OF BEGGING
NORTHEAST CORNER OF
LOT 10 OF THE PLAT OF
"500 MILLER ROAD"

S01°18'42"W 266.32'
DOC. NO. 98-112554

DOC. NO. 2035115

N88°12'50"W 695.49'

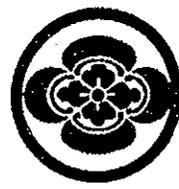
LOT 8 LOT 9 LOT 10
"500 MILLER ROAD"

SHEET 2 OF 2

JOB NO. POL1280

TETSUKA ASSOCIATES, INC.
LAND SURVEY CONSULTING

9900 S.W. WILSHIRE STREET, #110
PORTLAND, OR 97225
503.517.0682 FAX: 503.445.1300



KNOW ALL MEN BY THESE PRESENTS, That **VAHAN DINIHANIAN and ROSALIE DINIHANIAN, husband and wife** hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by **LILLIAN ROSE DINIHANIAN** hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or appertaining, situated in the County of **MULTNOMAH** and State of Oregon, described as follows, to-wit:

PARCEL I:
The following described real property situated in the County of Multnomah and State of Oregon:

Beginning at a one-half inch iron pipe driven at the Northwest corner of the Northeast quarter of the Southwest quarter of Section 36, Township 1 North, Range 1 West of the Willamette Meridian; thence running Westerly 202.3 feet tracing the East and West half section line of said Section 36 to a 1-1/4 inch iron pipe driven at the Southeast corner of a certain 12.4 acre tract conveyed by the West Heights Real Estate Company to G. R. Miller; thence Northerly on a line parallel with the West line of said Section 36 and on the East line of said Miller land 1210 feet to the center of Buber County Road, thence running Northeasterly 194.4 feet tracing the center of said (over)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns; that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$48,000.00. However, the actual consideration consists of or includes other property or value given or promised which is not stated herein.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 30 day of September 1977; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

Witness my hand and seal this 30 day of September 1977.
Vahan M. Dinihanian
Rosalie M. Dinihanian

STATE OF OREGON,
County of *Washington*
September 30 1977

Personally appeared the above named **Vahan Dinihanian and Rosalie Dinihanian**

and acknowledged the foregoing instrument to be their voluntary act and deed.

Notary Public for Oregon
My commission expires

STATE OF OREGON, County of _____) ss.
Personally appeared _____ and _____

who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of _____

a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in full of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Notary Public for Oregon
My commission expires

Vahan Dinihanian & Rosalie Dinihanian

GRANTOR'S NAME AND ADDRESS
Lillian Rose Dinihanian

GRANTEE'S NAME AND ADDRESS
Also recording return for
Carrell F. Bradley
139 NE Lincoln, Hillsboro, Or

NAME, ADDRESS, ZIP
Lillian Rose Dinihanian

NAME, ADDRESS, ZIP

STATE OF OREGON,) ss.
County of _____

I certify that the within instrument was received for record on the _____ day of _____, 19____ at _____ o'clock _____ M., and recorded in book _____ on page _____ or as file/reel number _____ Record of Deeds of said county. Witness my hand and seal of County affixed.

Recording Officer
By _____ Deputy

SPACE RESERVED FOR RECORDER'S USE

Until a change is requested all tax statements shall be sent to the following address.

BOOK 1213 PAGE 1304

county road to a point; thence Southerly 1250.0 feet, more or less, on the West line of a certain 40 foot strip of land conveyed by virtue of an easement to use as a roadway by the West Heights Real Estate Company to Geo. Teufel and others, to the place of beginning, EXCEPT the portion thereof lying Northerly of a line drawn 200 feet Southerly from and parallel with the Southerly line of N. W. Cornell Road.

PARCEL II:

The following described property in the County of Multnomah and State of Oregon:

Commencing at the one-quarter section corner on the West side of Section 36, Township 1 North, Range 1 West of the Willamette Meridian, in the County of Multnomah and State of Oregon; thence North 89° 47' East 648.0 feet tracing the one-half section line, running East and West through the center of Section 36 to the beginning of tract described; thence North 1122.6 feet on a line parallel with the West line of the Northwest one-quarter of Section 36; to the center of N. W. Cornell Road; thence North 78° 28' East 264.2 feet tracing the center of said road; thence North 79° 51' East 207 feet tracing the center of said road; thence South 1210 feet; thence South 89° 47' West 462.7 feet to beginning; EXCEPT the Northerly 30 feet in road; EXCEPT that portion in Northwest Cedar Mill Road No. 1420.

72979

STATE OF OREGON
Multnomah County

Director, Department of Adm. Services and Recorder of Conveyances, in and for said County, do hereby certify that the foregoing is a true and correct copy of said county records.

9 16 1971

SECTION 36, T1N, R1W, MULTNOMAH COUNTY, OREGON

1213 1304
Witness my hand and seal of office this 16th day of September 1971.

Director of Adm. Services
Deputy

GD

BOOK 2032 PAGE 1536

AFTER RECORDING, RETURN TO:

PETER H. SPENDELOW
JILL D. SCHATZ
533 NW MILLER ROAD
PORTLAND, OR 97229

UNTIL FURTHER NOTICE, ALL FUTURE
TAX STATEMENTS FOR THIS PORTION OF
ACCOUNT # R-94135-1700 SHOULD BE
SENT TO: PETER H. SPENDELOW
JILL D. SCHATZ
533 NW MILLER ROAD
PORTLAND, OR 97229

Stewart Title 88017044 (Red)

STATUTORY WARRANTY DEED

GARY WADE ECKERT and CATHERINE IVY ECKERT, Grantor, conveys and warrants to PETER H. SPENDELOW and JILL D. SCHATZ, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in Multnomah County, Oregon, to-wit:

Parcel II (with easement) and Parcel III, described as follows:

PARCEL II.

A tract of land situated in the Southwest quarter of Section 36, Township 1 North, Range 1 West, Willamette Meridian, Multnomah County, Oregon, and being described as follows:

Beginning at an intersecting point of the North line of that parcel described in Book 1175, Page 438, Deed Records of Multnomah County, and West right-of-way line of N.W. Miller Road (County Records 1420-60), said point being South 89°07'35" East a distance of 617.11 feet from the West quarter corner of said Section 36, a brass cap disc found; thence south 1°05'11" West on said right-of-way line a distance of 17.63 feet to the beginning of a tangent 746.30 foot radius curve left; thence on said curve through a central angle of 40°47'36" (long chord bears South 1°18'33" East, 52.42 feet) an arc distance of 52.43 feet to a point; thence leaving said curve and on said West right-of-way line and running North 89°07'35" West a distance of 169.42 feet, thence North 0°52'25" East a distance of 80.00 feet to a point of aforementioned North line; thence South 89°07'35" East on said north line a distance of 167.11 feet to the point of beginning.

Together with a non-exclusive fifteen-foot wide easement for a sewer line over a tract of land situated in the Southwest quarter of Section 36, Township 1 North, Range 1 West, Willamette Meridian, Multnomah County, Oregon, described as follows:

Beginning at the Southwest corner of the above-described tract, said corner being South 89°07'35" East 450.00 feet and South 0°52'25" East 80.00 feet from the West quarter corner of said Section 36; thence South 89°07'35" East along the southern boundary of the above-described tract a distance of 21.13 feet; thence South 45°38'30" West a distance of 50.68 feet; thence South 0°39'30" West a distance of 111.77 feet to a point on the south line of the parcel described in Book 1175, Page 438, deed records of Multnomah County; thence North 89°39'30" East a distance of 15 feet along said south line (to a point marking the southeast corner of Parcel III described below); thence North 0°39'30" East a distance of 111.79 feet (along the west line of said Parcel III described below); thence North 45°38'30" East a distance of 42.01 feet to the point of beginning.

PARCEL III.

A tract of land situated in the Southwest quarter of Section 36, Township 1 North, Range 1 West, Willamette Meridian, Multnomah County, Oregon, and being described as follows:

Beginning at the west quarter corner of said Section 36, a brass disc found, and running thence South 89°07'35" East on the north line of that parcel described in Book 1175, Page 438, Deed Records of Multnomah County, a distance of 450.00 feet to a point; thence leaving said north line and running South 0°52'25" West a distance of 80.00 feet; thence South 45°38'30" West a distance of 42.01 feet; thence South 0°39'30" West a distance of 118.00 feet to a point on the south line of said parcel described in Book 1175, Page 438, Deed Records of Multnomah County; thence North 69°25'40" West on said south line a distance of 420.00 feet to a point on the west line of said Section 36; thence North 0°39'30" East on said west line of Section 36 a distance of 229.95 feet to the point of beginning.

CONTINUED ON NEXT PAGE (PAGE 1 OF 2).

BOOK 2092 PAGE 1537

STATUTORY WARRANTY DEED CONTINUED (PAGE 2 OF 2)

The said property is free from encumbrances except: Easement for Domestic water supply pipe line granted to the Sylva Water District and recorded April 1, 1946 in Book 1087, Page 331, Multnomah County Deed Records.

ADDITIONAL CONDITIONS AND RESTRICTIONS:

The use of a portion of Parcel III described above is restricted as follows for the benefit of the occupants of the existing house commonly referred to by address as 463 NW Miller Road:

No structure shall be built on the portion of said Parcel III situated directly west of, and within 150 feet of, the lot on which 463 NW Miller Road stands, that exceeds in height a certain elevation, said elevation being 28 feet above the level of the ground at a point which lies 170 feet south and 360 feet east of the West quarter-corner of Section 36, T1N, R1W. In addition, no vegetation shall be permitted to grow in excess of this same elevation, with the exception of two coniferous trees located more than 100 feet west of the western property boundary of the lot on which 463 NW Miller Road stands. Said western property boundary of the lot on which 463 NW Miller Road stands is described as a portion of the eastern boundary of said Parcel III, beginning at a point which is South 89°07'35" East 450.00 feet and South 0°52'25" West 80.00 feet from the West quarter corner of said Section 36, and running South 45°38'30" West a distance of 42.01 feet; thence South 0°39' 30" West a distance of 118.00 feet ending at the South line of said Parcel III.

THIS INSTRUMENT WILL NOT ALLOW THE USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPLICABLE LAWS.

The true consideration for this conveyance is \$107,000.00, with \$27,000.00 being for Parcel II (with easement) and \$80,000.00 being for Parcel III.

Dated this 4 day of April, 1988.

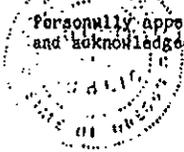
Gary Wade Eckert
GARY WADE ECKERT

Catherine Ivy Eckert
CATHERINE IVY ECKERT

STATE OF OREGON)
County of MULTNOMAH) ss.

April 4, 1988

Personally appeared the above named GARY WADE ECKERT and CATHERINE IVY ECKERT and acknowledged the foregoing instrument to be their voluntary act and deed.



Dorothy S. Wiseman
(Notary Public for Oregon
(My commission expires
(2/2/91

024123

STATE OF OREGON
Multnomah County
L.S. Clerk for the Register of Deeds, as well as the County, the County Clerk and the County Treasurer, are authorized to receive and record for registration in the public records of said County

REG APR -5 PM 2:28
MULTNOMAH CO. OREGON

BOOK 2092 PAGE 1536

W. W. [Signature]

APR -5 1988

103

130

EXHIBIT B

April 26, 2006 Meeting

PROPOSAL NO. A-1-06 - CITY OF PORTLAND - Annexation

Petitioner: Lillian R. Logan

Proposal No. A-1-06 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 222.170(2) (double majority annexation law) and Metro Code 3.09.040(a) (Metro's minimum requirements for a petition).

The territory to be annexed is located generally on the west edge of the City on the east edge of NW Miller Road and on the south edge of NW Cornell Road. The territory contains 16.243 acres, is vacant and has an assessed value of \$213,700.

REASON FOR ANNEXATION

The property owner wants to annex to Portland to obtain City services, particularly sewer service. The property will be developed for single family residential use consistent with the R-10 zoning and overlay zone requirements.

CRITERIA FOR DECISION-MAKING

The only criterion for deciding city boundary changes within the statutes is the territory must be contiguous to the City. However, the 1997 Legislature directed Metro to establish criteria that must be used by all cities within the Metro boundary and Metro has done so through adoption of Section 3.09 of the Metro Code.

The Metro Code states that a final decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065. [urban service provider agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are timelines for annexations that may only be done after all required urban service provider agreements are in place and that must have been voted on by the City residents and the residents of the area to be annexed.]

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.
3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.
4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional framework or any functional plan.
5. Whether the proposed change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. The territory lies within the Urban Growth Boundary.
7. Consistency with other applicable criteria for the boundary change in question under state and local law.

Each of these factors is addressed below. The Metro Code also contains a second set of 10 factors which are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those 10 factors are not applicable at this time to this annexation because no necessary party has contested the proposed annexation.

LAND USE PLANNING

Regional Planning. The territory is within the regional Urban Growth Boundary and the jurisdictional boundary of Metro.

Regional Framework Plan. The law that requires Metro to adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are now part of Metro's Regional Framework Plan. The Regional Framework Plan also includes the 2040 Growth Concept. Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern and which mandate local plan changes. Metro has adopted two functional plans - the Urban Growth Management Functional Plan and the Regional Transportation Plan.

The Urban Growth Management Functional Plan requires cities and counties to amend their comprehensive plans and implementing ordinances to accord with elements in the Functional Plan. Included in these requirements are such items as minimum density standards, limitations on parking standards, mandated adoption of water quality standards and rules relating to Urban Growth Boundary expansion into Urban Reserve areas. None of these requirements relate

directly to the issue of annexation to a city. The Regional Transportation Plan was examined and no specific criteria applicable to boundary changes were discovered.

The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

Multnomah County Planning. In 2001 the Multnomah County Board adopted the City's comprehensive plan and implementing regulations as the County's plan and zoning for this area. By intergovernmental agreement signed in January, 2002 the City took over implementation and administration of planning and zoning for this area. The territory is designated Low Density Residential by Multnomah County and is zoned R-10 (which permits residential development with a minimum lot size of 10,000 square feet), R-10c (Environmental Conservation Overlay Zone) & R-10p (Environmental Protection Overlay Zone). The applicants have completed a Pre-Application Conference on a proposed 36-lot subdivision (PC 05-164086 – November 1, 2005).

Portland/Multnomah County Urban Services Agreement.

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

Portland Planning. The Portland Comprehensive Plan contains the following Urban Development Policies & Objectives:

2.3 Annexation

Phase the annexation program of the City to allow for the incorporation of urban and urbanizable land in a manner that is consistent with the Comprehensive Plan and the Urban Growth Boundary as administered by the Metropolitan Service District, provides smooth transition in urban improvements programming. Annex land within the Urban Services Boundary in accordance with this Policy and Policy 11.1. Annexations outside the Urban Services Boundary will not be accepted.

* * *

The Comprehensive Plan contains the following public facilities Goal and policies and objectives:

GOAL 11A Provide a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities.

POLICIES & OBJECTIVES

11.1 Service Responsibility

A. Outside its boundaries of incorporation, the City of Portland shall:

(3) Consider requests for delivery of services within the Urban Services

Boundary wherever the following conditions exist:

- Residents or property owners within an area to be served desire delivery of services by the City of Portland.
 - The City can meet the new demands without diminishing its ability to serve existing City of Portland residents and businesses.
 - The City can supply the needed services most effectively and efficiently.
 - The City can expect to recapture its service investment.
- (4) Deliver services within the Urban Services Boundary by means of annexation to Portland . . .

11.2 Orderly Land Development

Urban development should occur only when urban public facilities and services exist or can be reasonably made available.

11.3 Orderly Service Extension

The improvement and expansion of one urban public facility or service should not stimulate development that significantly precedes the City's, or other appropriate jurisdiction's ability to provide all other necessary urban public facilities and services at uniform levels.

As discussed below in the Facilities and Services section of the staff report, urban services are readily available to the site from the City. There is no evidence that serving the area would diminish the City's ability to serve existing residents and businesses.

The urban service policy found that a full-service city government can provide urban services most cost-effectively. The City of Portland is the only available city to provide services to this area.

FACILITIES AND SERVICES

ORS 195 Agreements. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but no urban service agreements have yet been adopted in this area.

Sanitary Sewer Service. Sanitary sewer service is available from Clean Water Services (a Washington County county service district for sewers). The City has an agreement with the District for transport and treatment of effluent which drains by gravity towards the District's lines. The developer will build the lines within the subdivision and then turn them over to the City. The homeowners will be billed by the City and the City will pay the District for treatment via the agreement. The developer will also need to acquire easements to transmit the sewage from the subdivision to the nearest District line which is at Miller and Ash.

Water Service. Water service will be provided by the City from a City 16 inch line in NW Miller Road and a City 12 inch line in Cornell Road.

Police Service. Police Service will be provided by the City at the same level as currently provided to other City residents. The Bureau notes that this area is at the outside edge Central Precinct and the patrol district that would serve the proposed development lots but concludes that the area can be adequately served none-the-less.

Fire. The territory currently receives fire protection from the Tualatin Valley Fire & Rescue. The District's nearest station is at NW 87th & Cornell Road. Following annexation the City would provide fire service. The City's nearest station is a NW 17th & Johnson. A new City station at Skyline & Thompson Road, to be completed in June, 2006 will respond to this area. The City and the District also have a mutual response agreement so that initial service might still come from the District station on Cornell.

ORS 222.120(4) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a fire district. The effective date of a withdrawal from a fire district is the effective date of the annexation. Actual service may continue to come from the TVF&R station at Cornell and NW 87th through a City-District mutual response agreement.

Street Lights. The territory is within the boundary of Multnomah County Service District No. 14 for street lights. The District's function is primarily administrative, to collect the revenues to pay PGE for lighting services. The district charges a flat annual fee for street lighting services. Portland has a property tax levy to finance street lights.

ORS 222.120(4) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a county service district. The effective date of a withdrawal from a county service district is the effective date of the annexation.

Transportation. Access to the site is provided by NW Cornell Road and NW Miller Road.

RECOMMENDATION

Based on the Study and the proposed Findings and Reasons for Decision found in Exhibit A, the staff recommends that Proposal No. A-1-06 be **approved**. It is also recommended that the territory be withdrawn from the Tualatin Valley Fire & Rescue and Multnomah County Service

District #14 (street lights).

PROPOSED FINDINGS AND REASONS FOR DECISION

Based on the staff study and the public hearing the City Council found:

1. The territory to be annexed contains 16.243 acres, is vacant and has an assessed value of \$213,700.
2. The property owner wants to annex to Portland to obtain City services, particularly sewer service. The property will be developed for single family residential use consistent with the R-10 zoning and overlay zone requirements.
3. The only criterion for deciding city boundary changes within the statutes is the territory must be contiguous to the City. However, the 1997 Legislature directed Metro to establish criteria that must be used by all cities within the Metro boundary and Metro has done so through adoption of Section 3.09 of the Metro Code.

The Metro Code states that a final decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065. [Urban service provider agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are timelines for annexations that may only be done after all required urban service provider agreements are in place and that must have been voted on by the City residents and the residents of the area to be annexed.]
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.
3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.
4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional framework or any functional plan.

Exhibit A, Findings to Staff Report
Proposal No. A-1-06

5. Whether the proposed change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. The territory lies within the Urban Growth Boundary.
7. Consistency with other applicable criteria for the boundary change in question under state and local law.

The Metro Code also contains a second set of 10 factors which are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those 10 factors are not applicable at this time to this annexation because no necessary party has contested the proposed annexation.

4. The territory is within the regional Urban Growth Boundary and the jurisdictional boundary of Metro.

The law that requires Metro to adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are now part of Metro's Regional Framework Plan. The Regional Framework Plan also includes the 2040 Growth Concept. Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern and which mandate local plan changes. Metro has adopted two functional plans - the Urban Growth Management Functional Plan and the Regional Transportation Plan.

The Urban Growth Management Functional Plan requires cities and counties to amend their comprehensive plans and implementing ordinances to accord with elements in the Functional Plan. Included in these requirements are such items as minimum density standards, limitations on parking standards, mandated adoption of water quality standards and rules relating to Urban Growth Boundary expansion into Urban Reserve areas. None of these requirements relate directly to the issue of annexation to a city. The Regional Transportation Plan was examined and no specific criteria applicable to boundary changes were discovered.

The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

5. In 2001 the Multnomah County Board adopted the City's comprehensive plan and implementing regulations as the County's plan and zoning for this area. By intergovernmental agreement signed in January, 2002 the City took over implementation and administration of planning and zoning for this area. The territory is designated Low

Exhibit A, Findings to Staff Report
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Density Residential by Multnomah County and is zoned R-10 (which permits residential development with a minimum lot size of 10,000 square feet), R-10c (Environmental Conservation Overlay Zone) & R-10p (Environmental Protection Overlay Zone). The applicants have completed a Pre-Application Conference on a proposed 36-lot subdivision (PC 05-164086 – November 1, 2005).

6. The property to be annexed falls within the City's Urban Services Boundary.
7. The Portland Comprehensive Plan contains the following Urban Development Policies & Objectives:

2.3 Annexation

Phase the annexation program of the City to allow for the incorporation of urban and urbanizable land in a manner that is consistent with the Comprehensive Plan and the Urban Growth Boundary as administered by the Metropolitan Service District, provides smooth transition in urban improvements programming. Annex land within the Urban Services Boundary in accordance with this Policy and Policy 11.1. Annexations outside the Urban Services Boundary will not be accepted.

* * *

The Comprehensive Plan contains the following public facilities Goal and policies and objectives:

GOAL 11A Provide a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities.

POLICIES & OBJECTIVES

11.1 Service Responsibility

Outside its boundaries of incorporation, the City of Portland shall:

- (3) Consider requests for delivery of services within the Urban Services Boundary wherever the following conditions exist:
 - Residents or property owners within an area to be served desire delivery of services by the City of Portland.
 - The City can meet the new demands without diminishing

Exhibit A, Findings to Staff Report
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its ability to serve existing City of Portland residents and businesses.

- The City can supply the needed services most effectively and efficiently.
- The City can expect to recapture its service investment.

- (4) Deliver services within the Urban Services Boundary by means of annexation to Portland . . .

* * *

11.2 Orderly Land Development

Urban development should occur only when urban public facilities and services exist or can be reasonably made available.

11.3 Orderly Service Extension

The improvement and expansion of one urban public facility or service should not stimulate development that significantly precedes the City's, or other appropriate jurisdiction's ability to provide all other necessary urban public facilities and services at uniform levels.

As discussed in Findings 9-14, urban services are readily available to the site from the City. There is no evidence that serving the area would diminish the City's ability to serve existing residents and businesses.

The urban service policy found that a full-service city government can provide urban services most cost-effectively. The City of Portland is the only available city to provide services to this area.

8. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but no urban service agreements have yet been adopted in this area.
9. Sanitary sewer service is available from Clean Water Services (a Washington County county service district for sewers). The City has an agreement with the District for

Exhibit A, Findings to Staff Report
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transport and treatment of effluent which drains by gravity towards the District's lines. The developer will build the lines within the subdivision and then turn them over to the City. The homeowners will be billed by the City and the City will pay the District for treatment via the agreement. The developer will also need to acquire easements to transmit the sewage from the subdivision to the nearest District line which is at Miller and Ash.

10. Water service will be provided by the City from a 16 inch line in NW Miller Road and a 12 inch line in NW Cornell Road.
11. Police Service will be provided by the City at the same level as currently provided to other City residents. The Bureau notes that this area is at the outside edge Central Precinct and the patrol district that would serve the proposed development lots but concludes that the area can be adequately served none-the-less.
12. The territory currently receives fire protection from the Tualatin Valley Fire & Rescue. The District's nearest station is at NW 87th & Cornell Road. Following annexation the City would provide fire service. The City's nearest station is a NW 17th & Johnson. A new City station at Skyline & Thompson Road will be completed in June, 2006 and will thereafter respond to this area. The City and the District also have a mutual response agreement so that initial service might still come from the District station on Cornell.

ORS 222.120(4) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a fire district. The effective date of a withdrawal from a fire district is the effective date of the annexation. Actual service may continue to come from the TVF&R station at Cornell and NW 87th through a City-District mutual response agreement.

13. The territory is within the boundary of Multnomah County Service District No. 14 for street lights. The District's function is primarily administrative, to collect the revenues to pay PGE for lighting services. The district charges a flat annual fee for street lighting services. Portland has a property tax levy to finance street lights.

ORS 222.120(4) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a county service district. The effective date of a withdrawal from a county service district is the effective date of the annexation.

14. Access to the site is provided by NW Cornell Road and NW Miller Road.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the City Council determined:

1. The Metro Code at 3.09.050(d)(1) calls for consistency between the City's decision and an agreement adopted pursuant to ORS 195.065. There are no such agreements in this area.
2. The Metro Code at 3.09.050(d)(2) calls for consistency between the City's decision and urban planning area agreements, or other agreements. The territory to be annexed is within both the urban planning area boundary and urban services boundary of the City of Portland recognized in the City / County urban planning area agreement (UPAA). The agreement recognizes that Portland will eventually annex and service the area. The annexation is consistent with the UPAA. Portland has agreements with other service providers but none contains criteria that are directly applicable to annexation decisions.
3. The Metro Code at 3.09.050(d)(3) calls for consistency between the City's decision and any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The Council has reviewed the City Comprehensive Plan which currently applies to this site because the County has adopted the City Plan and zoning for the area. The County plan contains no criteria that are directly applicable to annexation decisions.

Policy 4 of the Portland Urban Services Policies contains criteria related to annexation. It says that the city shall "consider" requests for the delivery of services within the urban services boundary when certain conditions exist. This policy is not a mandatory approval criterion, but rather contains a set of factors to consider.

The first factor is "residents and property owners within an area to be served desire delivery of services by the City of Portland." The area to be served is limited to the parcel that is proposed to be annexed. The owners have petitioned for annexation.

The second factor is "the City can meet the new demands without diminishing its ability to serve existing City of Portland residents and businesses." As discussed above in Findings numbered 9 through 14, urban services can be provided to the site.

The third factor is that "the City can supply the needed services most effectively and efficiently." The urban service policy found that a full-service city government can provide urban services most cost-effectively. The City of Portland is the only available city to provide services to this area.

Exhibit A, Findings to Staff Report
Proposal No. A-1-06

The fourth factor is "the City can expect to recapture its service investment." The existing and any future additional development will produce very little demand on sewer, police, fire or other City services.

The Council concludes that the annexation is consistent with policy 11.1 B. (4).

Policy 5 says that Portland will deliver services by annexing areas. This proposed annexation is consistent with policy 11.1 B (5).

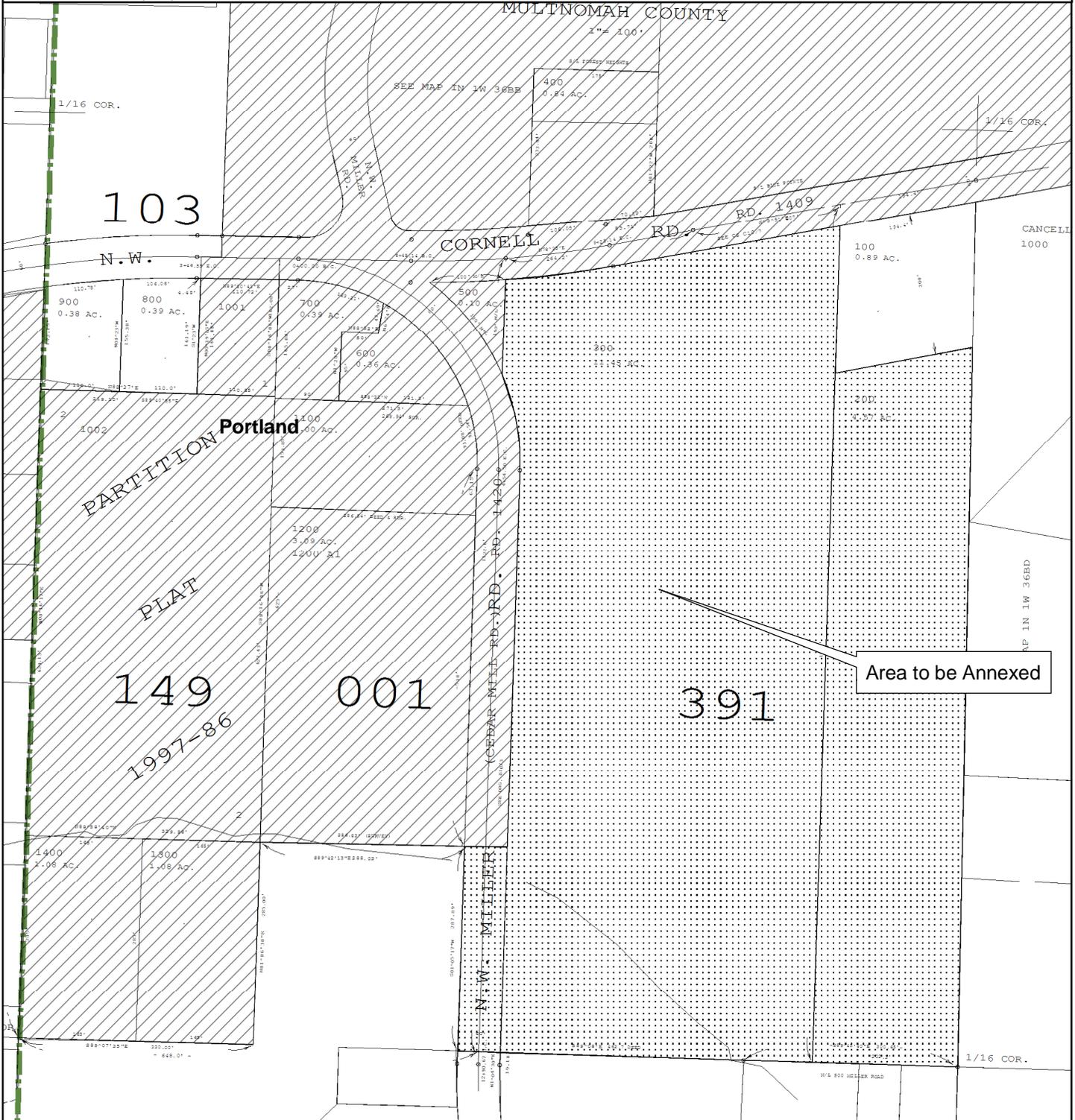
4. Metro Code 3.09.050(d)(4) requires the City's decision to be consistent with directly applicable standards or criteria in the Regional Framework Plan or any functional plan. The Council has reviewed these plans and found no directly applicable criteria.
5. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly and economic provision of public facilities and services." The Council concludes that the City's adequate services can be provided to serve this area, based on Findings 9 through 14. Therefore the proposed change promotes the timely, orderly and economic provision of services.
6. The City may specify in its annexation Ordinance that the territory will be simultaneously withdrawn from Multnomah County Service District # 14 for street lights and Tualatin Valley Fire & Rescue. The City's property tax levy includes revenue for City fire protection. The Service District for street lights levies an annual assessment against benefited properties. To prevent the property from being taxed and/or assessed by both the Districts and the City for the same services, the territory should be simultaneously withdrawn from the Tualatin Valley Fire & Rescue and Multnomah County Service District # 14.

Proposal No. AN-1-06

K M C

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Annexation to The City of Portland
Multnomah County
1N1W36BC



1 inch equals 200 feet

PROPOSAL No. AN-1-06
City of Portland
Figure 2