

Final Documents  
for  
Annexation to  
**Portland**

MU0107  
Ordinance: 180918  
Annexation: AN-01-07  
DOR: 26-665-2007  
Secretary of State: AN 2007-0228

Office of the Secretary of State

BILL BRADBURY  
Secretary of State



Archives Division  
MARY BETH HERKERT  
Director

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

Facsimile (503) 373-0953

June 13, 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 June 13, 2007, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
180918 (Portland)	AN 2007-0228
180919 (Portland)	AN 2007-0229
07-10 (Tigard)	AN 2007-0230
2007-285 (Sunrise Water Authority)	SD 2007-0101
2007-286 (Clackamas County Service District #1)	SD 2007-0102

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**  
**June 7, 2007**  
**As Per ORS 308.225**

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

Description     Map received from: METRO  
 On: 6/6/2007

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

ANNEX TO CITY OF PORTLAND; WITHDRAW FROM SEVERAL DISTRICTS (MU0107 JOSEPH O'ROURKE)

ORD. #180918 (AN-01-07)

has been:     Approved            6/7/2007  
                    Disapproved

Notes:

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Department of Revenue File Number: 26-665-2007

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





**LOVE LAND SURVEYS, INC.**

1415 Washington Street

Oregon City OR 97045

(503) 656-4915

Fax (503) 557-4966

January 15, 2006

Job No. 06-4508

Joseph O'Rourke

Legal Description of tract to be annexed into the City of Portland

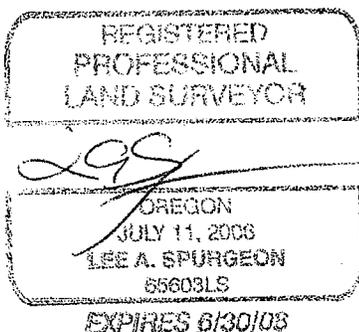
A tract of land, being a portion of Blocks 61 and 64, Palatine Hill (Plat Book 62, Page 73), situated in the Northeast one-quarter and the Northwest one-quarter of Section 34, Township 1 South, Range 1 East of the Willamette Meridian, in Multnomah County, Oregon, described as follows:

Beginning at the True Point of Beginning, a five-eighths inch diameter iron rod with a red plastic cap marked 'CENTERLINE CONCEPTS INC.' found at the southeast corner of Lot 11, Palatine Hill No. 2; thence North  $00^{\circ}20'54''$  West along the east line of said Lot 11, 99.94 feet to the northeast corner thereof; thence North  $89^{\circ}44'43''$  East along the south line of Block 61, Palatine Hill and its easterly extension, 300.08 feet to a one-inch diameter iron pipe on the east right-of-way line of S.W. Northgate Avenue; thence South  $00^{\circ}19'48''$  East along the east right-of-way line of S.W. Northgate Avenue, 475.23 feet to the intersection of said east right-of-way line and the northeast right-of-way line of S.W. Terwilliger Boulevard; thence North  $40^{\circ}01'55''$  West along the northeast right-of-way line of S.W. Terwilliger Boulevard, 175.98 feet to a five-eighths inch diameter iron rod with a red plastic cap marked 'CENTERLINE CONCEPTS INC.' at the intersection of northeast right-of-way line of S.W. Terwilliger Boulevard and the north right-of-way line of that portion of S.W. Vacuna Street vacated by Multnomah County Resolution No. 05-144; thence South  $89^{\circ}48'51''$  West, 104.20 feet to the intersection of the southwest right-of-way line of S.W. Terwilliger Boulevard and the north right-of-way line of S.W. Vacuna Street; thence North  $40^{\circ}01'55''$  West along the southwest right-of-way line of S.W. Terwilliger Boulevard, 644.68 feet; thence North  $49^{\circ}58'05''$  East, 80.00 feet to a one-half inch diameter iron rod at the most westerly corner of that tract of land described in Deed Document No. 97-115878, Multnomah County Deed Records; thence North  $64^{\circ}51'45''$  East along the southeast line of that tract described in Deed Document No. 97-118451, 354.15 feet to the southeast corner thereof; thence South  $76^{\circ}27'14''$  East along the southerly boundary of that tract of land described in Deed Book 1847, Page 510, Recorded on August 29, 1985 in te multnomah county deed records, 204.77 feet to the southeast corner thereof; thence South  $00^{\circ}14'29''$  West along the west right-of-way line of S.W. Northgate Avenue 21.70 feet to a

brass screw at the most easterly southeast corner of that tract of land described in Deed Book 2456, Page 1670, recorded on September 16, 1991 into the Multnomah County Deed Records; thence along the northwest boundary lines of that tract described in Deed Document No. 2004-138784, Multnomah County Deed Records, South 83°52'06" West, 46.45 feet to a point of curve; thence 32.75 feet along the arc of a curve to the left which has a radius of 20.72 feet, a central angle of 90°33'04", and a chord of 29.44 feet which bears South 38°31'11" West to a point of tangent; thence South 06°45'21" East, 30.64 feet to a point of curve; thence 46.61 feet along the arc of a curve to the right which has a radius of 34.56 feet, a central angle of 77°16'35", and a chord of 43.16 feet which bears South 31°52'56" West to a point of tangent; thence South 70°31'14" West, 65.81 feet to a five-eighths inch diameter iron rod with a yellow plastic cap marked 'PARIS & ASSOC. RLS 2264' at a point of curve; thence 32.67 feet along the arc of a curve to the left which has a radius of 270.59 feet, a central angle of 6°55'04", and a chord of 32.65 feet which bears 67°03'42" West to a point of reverse curve; thence 6.32 feet along the arc of a curve to the right which has a radius of 50.13 feet, a central angle of 7°13'09", and a chord of 6.31 feet which bears South 67°12'44" West to a five-eighths inch diameter iron rod with a yellow plastic cap marked 'PARIS & ASSOC. RLS 2264' at an interior angle on the northeast boundary of that tract described in Deed Document No. 2000-112901, Multnomah County Deed Records; thence North 58°46'15" West along the northeast boundary of that tract described in said Deed Document No. 2000-112901, 79.98 feet to the most northerly corner thereof; thence South 49°57'59" West along the northwest boundary of that tract described in said Deed Document No. 2000-112901, 200.00 feet to the most westerly corner thereof; thence South 40°01'55" East along the northeast right-of-way line of S.W. Terwilliger Boulevard, 217.94 feet to the intersection of the south Line of Lot 11, Palatine Hill No. 2 and the northeast right-of-way line of S.W. Terwilliger Boulevard; thence South 89°40'31" East along the south right-of-way line of said Lot 11, 12.00 feet to the True Point of Beginning.

Said tract of land contains 4.868 acres.

The basis of bearings of the above described legal description is the northeast right-of-way line of Terwilliger Boulevard, as determined by record survey SN 6051, Multnomah County Survey Records, and which is depicted as South 40°01'55" East on this legal description.





CITY OF

**PORTLAND, OREGON**

OFFICE OF THE CITY AUDITOR

Gary Blackmer, City Auditor  
Council/Contracts Division  
1221 SW 4<sup>th</sup> Ave, Room 140  
Portland, Oregon 97204-1987  
Phone: (503) 823-4022  
Fax: (503) 823-4571

May 7, 2007

Bob McKnight  
Metro  
Boundary Change Office  
600 NE Grand Avenue  
Portland, Oregon 97232-2736

Dear Mr. McKnight:

Please find enclosed certified copies of Ordinance Nos. 180918 and 180919 to approve annexation to the City of property in case numbers A-1-07 and A-2-07. The ordinances direct that these be filed with your office.

If you need any further assistance, do not hesitate to contact me.

Sincerely,

Toni Anderson  
Deputy Auditor

Encl

OFFICE OF  
**AUDITOR OF THE CITY OF PORTLAND**  
City Hall Room 140  
1221 SW 4<sup>th</sup> Avenue  
Portland, Oregon 97204

**COPY CERTIFICATE**

STATE OF OREGON                    }  
    COUNTY OF MULTNOMAH       }  
                  CITY OF PORTLAND   }

ss

I, **GARY BLACKMER**, Auditor of the City of Portland, do hereby certify that I have compared the following copy of Ordinance No. 180918, passed by the Portland City Council on May 2, 2007, to approve annexation to the City of Portland of property in case number A-1-07, on the east edge of SW Terwilliger near its intersection with SW Coronado, with the original thereof and that the same is a full, true and correct copy of such original and of the whole thereof as the same appears on file and of record in my office and in my care and custody.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the City of Portland affixed this 7th day of May, 2007.

**GARY BLACKMER**  
Auditor of the City of Portland

By 

Deputy

ORDINANCE No. 180918

\* Approve annexation to the City of Portland of property in case number A-1-07, on the east edge of SW Terwilliger near its intersection with SW Coronado (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), Multnomah County R.F.P.D. # 11, Dunthorpe-Riverdale County Service District For Sewers (Tax Lot 3900 only) and Palatine Hill Water District.
- c. The City Auditor is authorized and directed to file a certified copy of this Ordinance with the Boundary Change Office of Metro.

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

Passed by the Council, MAY 02 2007

GARY BLACKMER  
Auditor of the City of Portland

By   
Deputy

Mayor Tom Potter  
Office of Management and Finance

**Exhibit 'A'**  
**Proposal No. A-1-07**  
**LEGAL DESCRIPTION**

Legal Description of tract to be annexed into the City of Portland

A tract of land, being a portion of Blocks 61 and 64, Palatine Hill (Plat Book 62, Page 73), situated in the Northeast one-quarter and the Northwest one-quarter of Section 34, Township 1 South, Range 1 East of the Willamette Meridian, in Multnomah County, Oregon, described as follows:

Beginning at the True Point of Beginning, a five-eighths inch diameter iron rod with a red plastic cap marked 'CENTERLINE CONCEPTS INC.' found at the southeast corner of Lot 11, Palatine Hill No. 2; thence North  $00^{\circ}20'54''$  West along the east line of said Lot 11, 99.94 feet to the northeast corner thereof; thence North  $89^{\circ}44'43''$  East along the south line of Block 61, Palatine Hill and its easterly extension, 300.08 feet to a one-inch diameter iron pipe on the east right-of-way line of S.W. Northgate Avenue; thence South  $00^{\circ}19'48''$  East along the east right-of-way line of S.W. Northgate Avenue, 475.23 feet to the intersection of said east right-of-way line and the northeast right-of-way line of S.W. Terwilliger Boulevard; thence North  $40^{\circ}01'55''$  West along the northeast right-of-way line of S.W. Terwilliger Boulevard, 39.14 feet to the intersection of the northeast right-of-way line of S.W. Terwilliger Boulevard and the centerline of S.W. Northgate Avenue; thence South  $00^{\circ}19'48''$  East along the centerline of S.W. Northgate Avenue, 125.24 feet to the southwest right-of-way line of S.W. Terwilliger Boulevard; thence North  $40^{\circ}01'55''$  West along the southwest right-of-way line of S.W. Terwilliger Boulevard, 944.64 feet; thence North  $49^{\circ}58'05''$  East, 80.00 feet to a one-half inch diameter iron rod at the most westerly corner of that tract of land described in Deed Document No. 97-115878, Multnomah County Deed Records; thence North  $64^{\circ}51'45''$  East along the southeast line of that tract described in Deed Document No. 97-118451, 354.15 feet to the southeast corner thereof; thence South  $76^{\circ}27'14''$  East along the southerly boundary of that tract of land described in Deed Book 1847, Page 510, Recorded on August 29, 1985 in the Multnomah County Deed Records, 204.77 feet to the southeast corner thereof; thence South  $00^{\circ}14'29''$  West along the west right-of-way line of S.W. Northgate Avenue 21.70 feet to a brass screw at the most easterly southeast corner of that tract of land described in Deed Book 2456, Page 1670, recorded on September 16, 1991 into the Multnomah County Deed Records; thence along the northwest boundary lines of that tract described in Deed Document No. 2004-138784, Multnomah County Deed Records, South  $83^{\circ}52'06''$  West, 46.45 feet to a point of curve; thence 32.75 feet along the arc of a curve to the left which has a radius of 20.72 feet, a central angle of  $90^{\circ}33'04''$ , and a chord of 29.44 feet which bears South  $38^{\circ}31'11''$  West to a point of tangent; thence South  $06^{\circ}45'21''$  East, 30.64 feet to a point of curve; thence 46.61 feet along the arc of a curve to the right which has a radius of 34.56 feet, a central angle of  $77^{\circ}16'35''$ , and a chord of 43.16 feet which bears South  $31^{\circ}52'56''$  West to a point of tangent; thence South  $70^{\circ}31'14''$  West, 65.81 feet to a five-eighths inch diameter iron rod with a yellow plastic cap marked 'PARIS & ASSOC. RLS 2264' at a point of curve; thence 32.67 feet along the arc of a curve to the left which has a radius of 270.59 feet, a central angle of  $6^{\circ}55'04''$ , and a chord of 32.65 feet which bears  $67^{\circ}03'42''$

West to a point of reverse curve; thence 6.32 feet along the arc of a curve to the right which has a radius of 50.13 feet, a central angle of  $7^{\circ}13'09''$ , and a chord of 6.31 feet which bears South  $67^{\circ}12'44''$  West to a five-eighths inch diameter iron rod with a yellow plastic cap marked 'PARIS & ASSOC. RLS 2264' at an interior angle on the northeast boundary of that tract described in Deed Document No. 2000-112901, Multnomah County Deed Records; thence North  $58^{\circ}46'15''$  West along the northeast boundary of that tract described in said Deed Document No. 2000-112901, 79.98 feet to the most northerly corner thereof; thence South  $49^{\circ}57'59''$  West along the northwest boundary of that tract described in said Deed Document No. 2000-112901, 200.00 feet to the most westerly corner thereof; thence South  $40^{\circ}01'55''$  East along the northeast right-of-way line of S.W. Terwilliger Boulevard, 217.94 feet to the intersection of the south Line of Lot 11, Palatine Hill No. 2 and the northeast right-of-way line of S.W. Terwilliger Boulevard; thence South  $89^{\circ}40'31''$  East along the south right-of-way line of said Lot 11, 12.00 feet to the True Point of Beginning.

Said tract of land contains 5.269 acres.

The basis of bearings of the above described legal description is the northeast right-of-way line of Terwilliger Boulevard, as determined by record survey SN 6051, Multnomah County Survey Records, and which is depicted as South  $40^{\circ}01'55''$  East on this legal description.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*LOS*  
OFFICIN  
JULY 11, 2003  
LEE A. SPURGEON  
65603LS

EXPIRES 6/30/08

**EXHIBIT B**

May 2, 2007 Meeting

**PROPOSAL NO. A-1-07 - CITY OF PORTLAND - Annexation**

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Petitioners: Joseph O'Rourke, Richard & Leslie Day, Alfred & Patricia Sturr

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Proposal No. A-1-07 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 in the southwest part of the City on the east edge of SW Terwilliger Blvd. near its intersection with SW Coronado Street. The territory contains 3.75 acres, 3 single family dwellings and has an assessed value of \$2,391,960.

**REASON FOR ANNEXATION**

The property owners want to annex to Portland to obtain City services, particularly sewer service. The need for sewer service has become critical for these three residences. No additional development is planned.

**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-20 (which permits residential development with a minimum lot size of 20,000 square feet).

Portland/Multnomah County Urban Services Agreement.

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

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

2.3 Annexation

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

\* \* \*

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

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

POLICIES & OBJECTIVES

11.1 Service Responsibility

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

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

- The City can supply the needed services most effectively and efficiently.
  - The City can expect to recapture its service investment.
- (4) Deliver services within the Urban Services Boundary by means of annexation to Portland . . .

\* \* \*

### 11.2 Orderly Land Development

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

### 11.3 Orderly Service Extension

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

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

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

## FACILITIES AND SERVICES

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

Sanitary Sewer Service. Sanitary sewer service is available from the City. The property owners will extend a line down Terwilliger and then east and south into the area to be annexed.

Tax Lot 3900 (Day property) is in the Dunthorpe-Riverdale County Service District for sewers. The District does not have sewer service available to this property.

ORS 222.120(5) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a county service district. The effective date of a withdrawal from

a county service district is the effective date of the annexation.

Water Service. Water service is currently provided by the Palatine Hill Water District. The City of Portland supplies the Palatine Hill District with water. The City and the District have an agreement under which each may serve customers for the other if the location of the water line makes this logical.

ORS 222.120(5) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a water district. The effective date of a withdrawal from the water district would be July 1, 2008 (ORS 222.120 (5) & ORS 222.465). The City Water Bureau favors withdrawal of the territory from the Palatine Hill Water District. Under the City-District agreement the District will serve the territory for the City but the residents will be billed as City customers. The effective date of the withdrawal from the water district would be July 1, 2008.

Police Service. Police Service will be provided by the City at the same level as currently provided to other City residents.

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

ORS 222.120(5) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a fire district. The effective date of a withdrawal from a fire district is the effective date of the annexation.

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

ORS 222.120(5) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a county service district. The effective date of a withdrawal from a county service district is the effective date of the annexation.

Transportation. Access to the site is provided by SW Terwilliger.

## RECOMMENDATION

Based on the Study and the proposed Findings and Reasons for Decision found in Exhibit A, the staff recommends that Proposal No. A-1-07 be **approved**. It is also recommended that Tax Lot 3900 be withdrawn from the Dunthorpe-Riverdale County Service District and that the entire territory to be annexed be withdrawn from Multnomah County R.F.P.D. # 11, Multnomah County Service District #14 (street lights) and the Palatine Hill Water District.



# Proposal No. AN-01-07

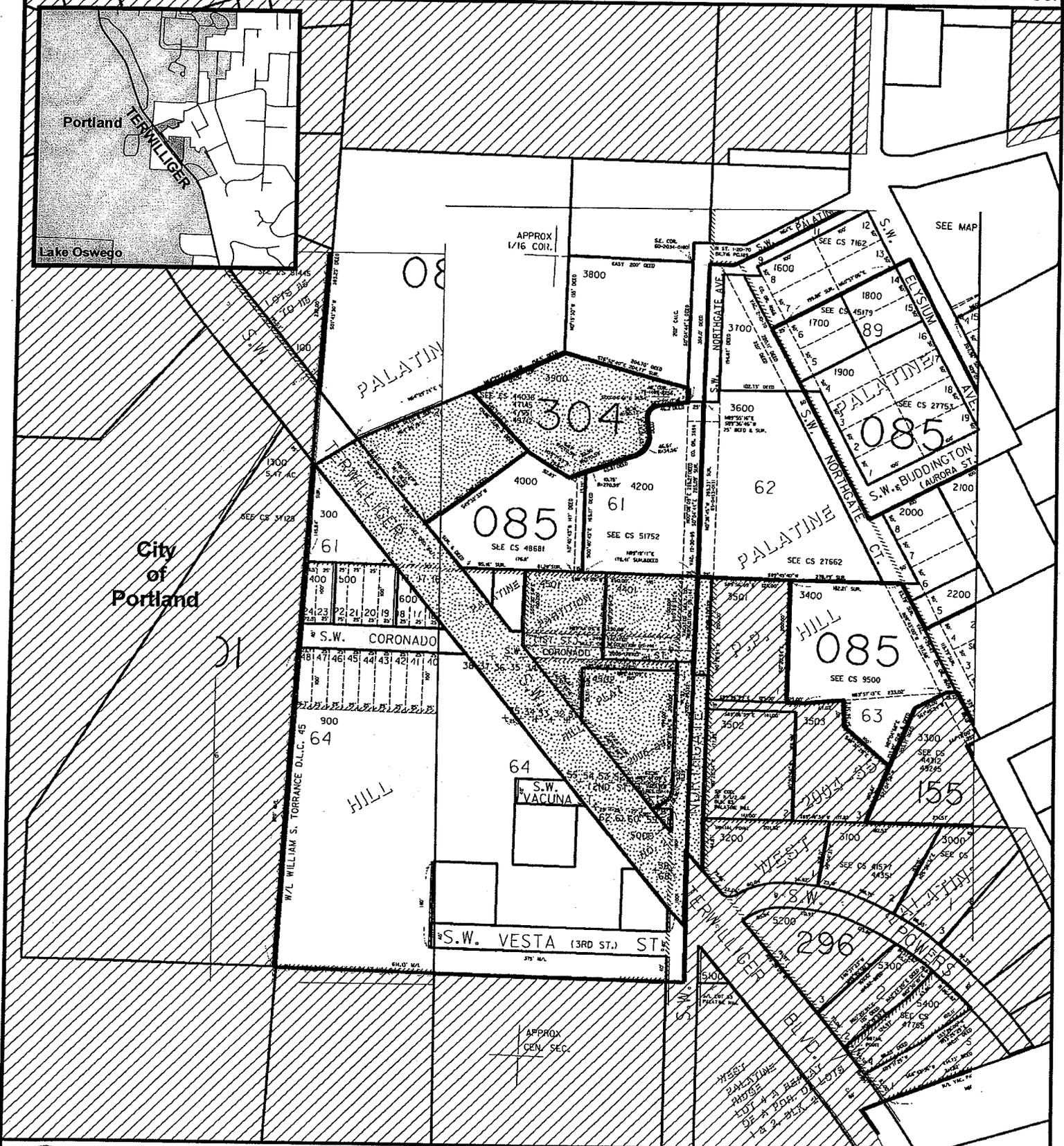
180918

EXHIBIT B: MAP 2

1S1E34

Annexation to City of Portland

Multnomah Co.



Data Resource Center  
600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1742  
<http://www.metro-region.org/drc>

- City of Portland
- Area to be annexed

Figure 2

1:2,500

Ken Martin Consulting  
P.O. Box 29079  
Portland, OR 97296-9079  
(503) 222-0955

**K M C**

**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 3.75 acres, 3 single family dwellings and has an assessed value of \$2,391,960.
2. The property owners want to annex to Portland to obtain City services, particularly sewer service. The need for sewer service has become critical for these three residences. No additional development is planned.
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-1-07

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.

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

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intergovernmental agreement signed in January, 2002 the City took over implementation and administration of planning and zoning for this area. The territory is designated Low Density Residential by Multnomah County and is zoned R-20 (which permits residential development with a minimum lot size of 20,000 square feet).

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

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

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Proposal No. A-1-07

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 8-13, 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.

7. 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.
8. Sanitary sewer service is available from the City. The property owners will extend a line down Terwilliger and then east and south into the area to be annexed.

Tax Lot 3900 (Day property) is in the Dunthorpe-Riverdale County Service District for

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sewers. The District does not have sewer service available to this property.

ORS 222.120(5) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a county service district. The effective date of a withdrawal from a county service district is the effective date of the annexation.

9. Water service is currently provided by the Palatine Hill Water District. The City of Portland supplies the Palatine Hill District with water. The City and the District have an agreement under which each may serve customers for the other if the location of the water line makes this logical.

ORS 222.120(5) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a water district. The effective date of a withdrawal from the water district would be July 1, 2008 (ORS 222.120 (5) & ORS 222.465). The City Water Bureau favors withdrawal of the territory from the Palatine Hill Water District. Under the City-District agreement the District will serve the territory for the City but the residents will be billed as City customers. The effective date of the withdrawal from the water district would be July 1, 2008.

10. Police Service will be provided by the City at the same level as currently provided to other City residents.

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

ORS 222.120(5) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a fire district. The effective date of a withdrawal from a fire district is the effective date of the annexation.

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

ORS 222.120(5) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a county service district. The effective date of a withdrawal from a county service district is the effective date of the annexation.

13. Access to the site is provided by SW Terwilliger.

## 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 parcels that are 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 8 through 13, 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.

The fourth factor is "the City can expect to recapture its service investment." The

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existing development will produce very little demand on sewer, police, fire or other City services.

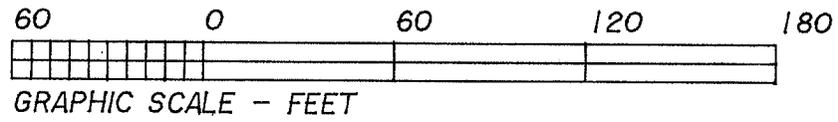
The Council concludes that the annexation is consistent with policy 11.1 B. (4).

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 8 through 13. 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, Multnomah County R.F.P.D. # 11, Dunthorpe-Riverdale County Service District for sewers (TL 3900 only) and the Palatine Hill Water District. To prevent confusion about which units of government are responsible for providing services, the territory should be simultaneously withdrawn from these districts.

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# PALATINE



TAX LOT 3800

DEED BOOK 1847, PAGE 510  
AUGUST 29, 1985

TAX LOT 100

DEED DOCUMENT  
NO. 97-118451

TAX LOT 3900  
DEED BOOK 2456, PAGE 1670  
(SEPTEMBER 16, 1991)

TAX LOT 200

MAP 1S1E 34BD  
DEED DOCUMENT  
NO. 97-115878

TAX LOT 4000

DEED DOCUMENT

TAX LOT 4200

DEED DOCUMENT  
NO. 2004-138784

50'

S 00°14'29"W  
21.70'

VACATION ORDER CO. ORD. 3694

80'  
N 49°58'05"E  
80.00'

15.52'  
N 64°51'45"E 354.15'  
S 64°51'45"W 197.01'

15.93'  
S 64°51'45"W 114.01'  
S 44°48'47"E 131.16'  
S 64°51'45"W 41.50'  
N 48°42'48"W 184.19'

24.00'  
S 76°27'14"E 204.77'

S 83°52'06"W  
46.45'

N 06°45'21"W  
30.64'

N 70°31'14"E  
65.81'

5.62'  
S 08°40'24"W  
33.80'

W 165.21'  
37.35'

(A)

(B)

(C)

(D)

HILL

61

S.W. TERWILLIGER BLVD.  
 S 40°01'55"E 217.94'  
 N 40°01'55"W 644.68'

PARIS ROD

N 89°44'43"E 300.08'

1" IRON PIPE

14 13 12 11  
 PALATINE HILL NO. 2

96.57'  
 N 00°12'55"W 10.00'  
 S 89°44'43"W 23.45'  
 TAX LOT 4501

64  
 TAX LOT 4401  
 TRACT 1  
 DEED DOCUMENT  
 NO. 2005-191636

VACATION ORDER  
 MULT. CO. 05-144

S 89°40'17"W 25.01'

INITIAL POINT  
 SE CORNER LOT 11  
 PALATINE HILL NO. 2

S 89°40'31"E 12.00'

S 89°40'59"W 10.00'

TRACT 2  
 DEED DOCUMENT  
 NO. 2005-191636

TAX LOT 4502

S.W. NORTHGATE AVENUE

S 00°20'52"E 208.98'

S 00°19'48"E 475.23'

SW VACUNA STREET

S 89°48'51"W 104.20'

N 89°38'24"W 5.98'

50'

80'

N 40°01'55"W 175.98'

S 49°55'42"W 18.40'

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR



OREGON  
 JULY 11, 2006  
 LEE A. SPURGEON  
 65603LS  
 EXPIRES 6/30/08

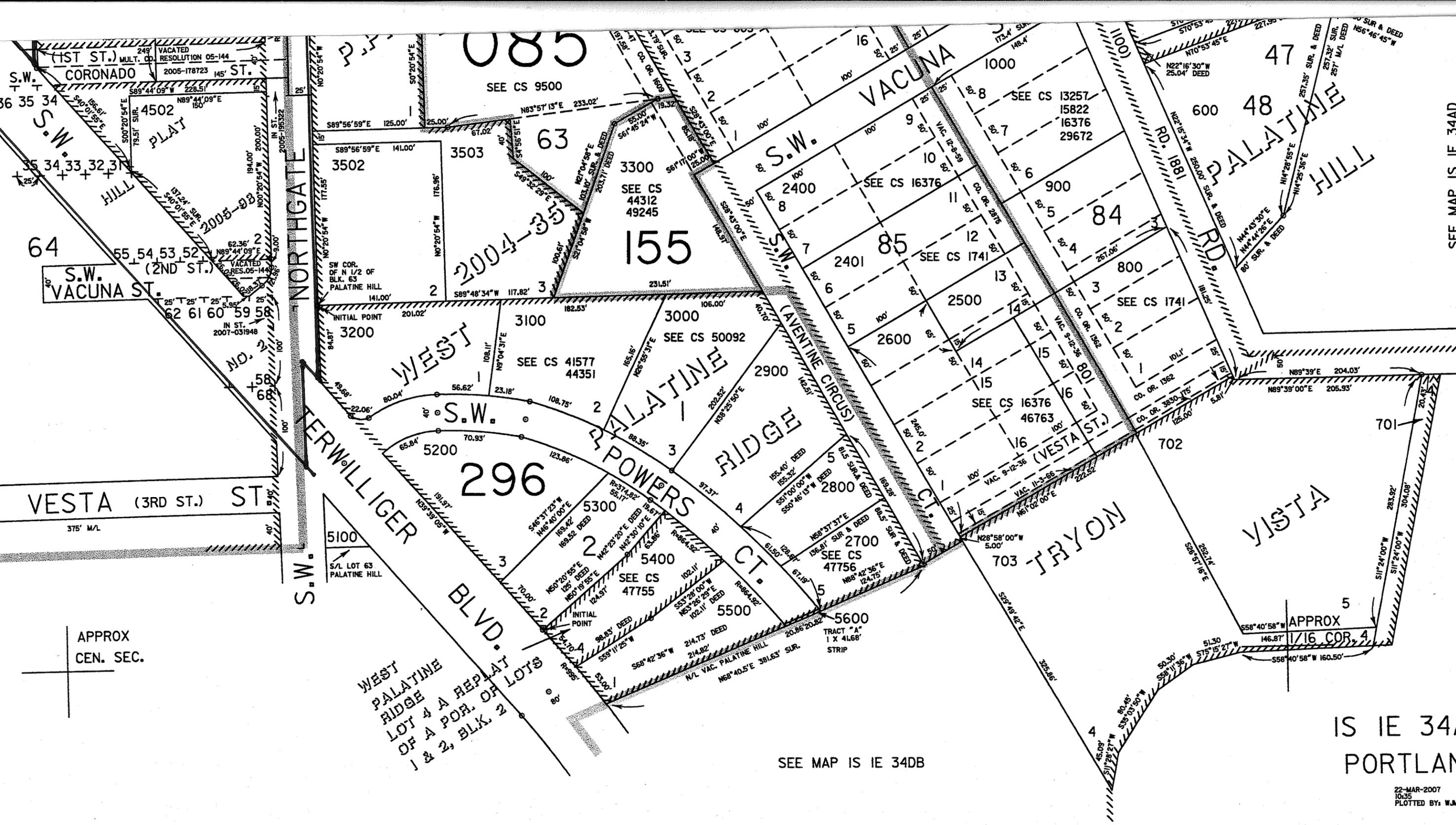
CURVE DATA

CURVE	RADIUS	LENGTH	DELTA	CHORD	CH.BEARING
A	20.72'	32.75'	90°33'04"	29.44'	S 38°31'11"W
B	34.56'	46.61'	77°16'35"	43.16'	S 31°52'56"W
C	270.59'	32.67'	6°55'04"	32.65'	S 67°03'42"W
D	50.13'	6.32'	7°13'09"	6.31'	S 67°12'44"W
E	25.00'	21.94'	50°16'34"	21.24'	S 24°47'25"W









SEE MAP IS IE 34AD

APPROX  
CEN. SEC.

SEE MAP IS IE 34DB

IS IE 34AC  
PORTLAND

22-MAR-2007  
10:35  
PLOTTED BY: WJM