

Final Documents

For

Annexation to the
City of Portland

MU0403
Ordinance: 178128
DOR: 3-1607-2004
Sec. State: AN-2004-0033

Final sent to DOR: _____

Signature:

 _____

Date of
Mailing: 2/12/04

Final to Secretary of State: _____

Signature:

 _____

Date of
Mailing: 2/23/04

MU0403

Sent

Received

DOR:

2/12/04

2/18/04

Sec. State:

2/23/04

2/27/04

Assessor:

2/23/04

Elections:

2/23/04

Mapped:

Yes

Posted to Web:

3/2/04

Addresses:

12E29BA02500

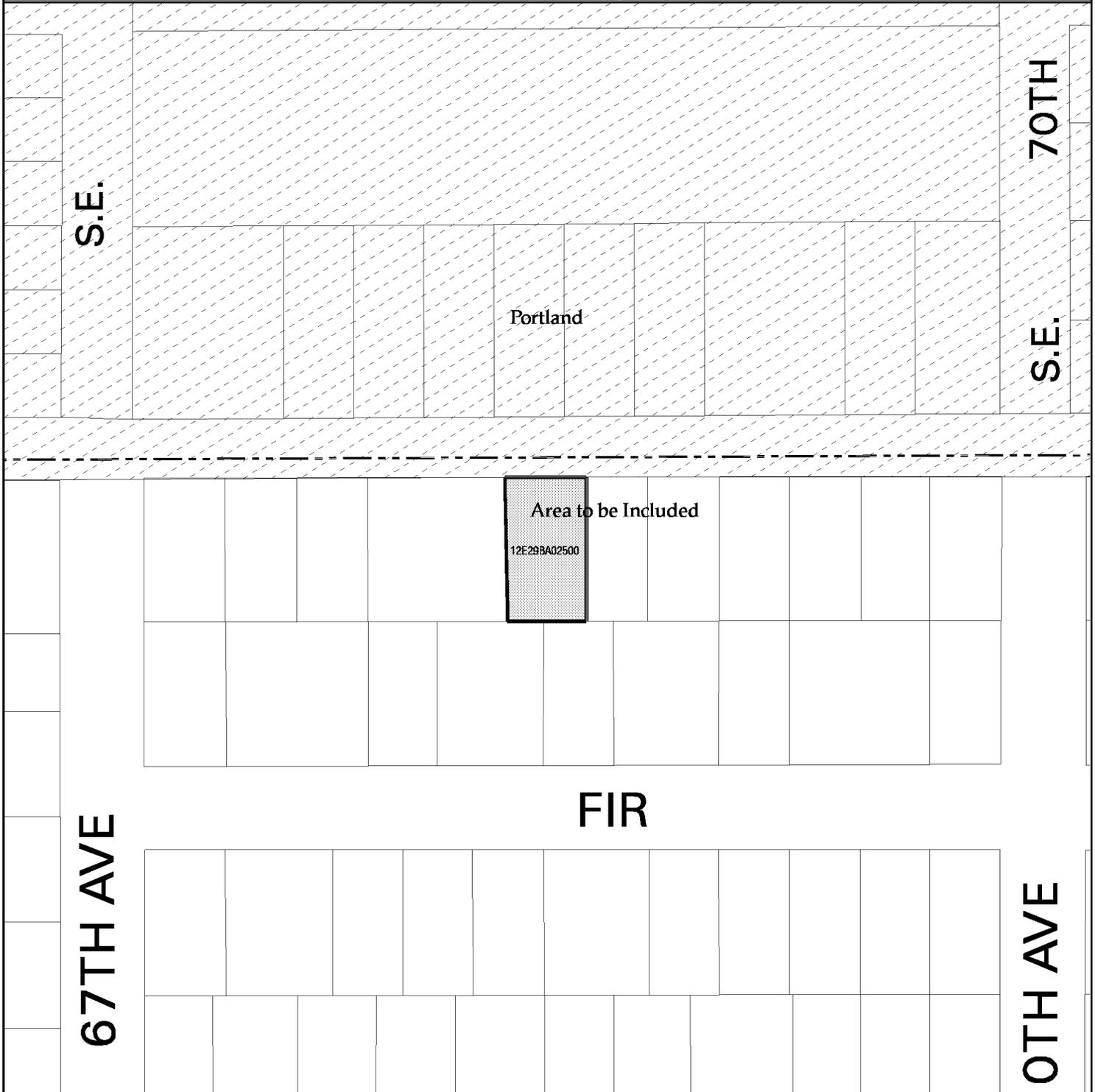
6824 SE Clatsop St

Proposal No. A-1-03

1S2E29BA

Annexation to the City of Portland

Clackamas Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



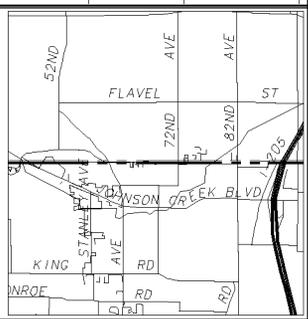
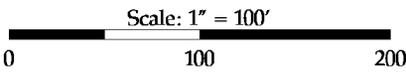
600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

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-1-03
CITY OF PORTLAND
Figure 1



Office of the Secretary of State

Bill Bradbury
Secretary of State



Archives Division
ROY TURNBAUGH
Director

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

Facsimile (503) 373-0953

February 25, 2004

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

Dear Mr. Knight:

Please be advised that we have received and filed on February 25, 2004 the following Annexation(s).

Ordinance(s):	Jurisdiction:	Our File Number(s):
ORD #2003-238	Sunrise Water Authority	AN 2004-0031
ORD #2003-239	Sunrise Water Authority	AN 2004-0032
ORD #178128	City of Portland	AN 2004-0033
ORD #5325	City of Hillsboro	AN 2004-0034
ORD #5343	City of Hillsboro	AN 2004-0035
ORD #4287	City of Beaverton	AN 2004-0036

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

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

Sincerely,

Linda Bjornstad
Official Public Documents

cc: County Clerk
ODOT/Highway Dept
PSU/Population Research Ctr.
Revenue Cartography Section

Notice to Taxing Districts

ORS 308.225



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

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

Description and Map Approved
February 18, 2004
As Per ORS 308.225

Description Map received from: METRO
On: 2/13/2004

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

ANNEX TO THE CITY OF PORTLAND & WITHDRAWAL FROM SEVERAL DIST.

ORD. #178128

has been: Approved 2/18/2004
 Disapproved

Notes:

Department of Revenue File Number: 3-1607-2004

Prepared by: Jennifer Dudley, 503-945-8666

Boundary: Change Proposed Change
The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge

ORDINANCE No. **178128**

* Approve annexation to the City of Portland of property in case number A-1-03, 6824 SE Clatsop St. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The property owner 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 owner wants to annex to Portland to obtain City 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 Clackamas County Service District For Enhanced Law Enforcement, the Clackamas County RFPD #1, the Clackamas County Service District #5 and North Clackamas Park and Recreation 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, **JAN 08 2004**

GARY BLACKMER
Auditor of the City of Portland

By *Colleen Phillips*

Deputy

Mayor Vera Katz
Bureau of Planning
Intergovernmental Coordination
December 29, 2003
GK:BJS

Exhibit A
Proposal No. A-1-03

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 .13 acres, 1 single family dwelling, a population of 2 and has an assessed value of \$57,153 and a real market value of \$111,167.
2. The property owner wants to annex to Portland to obtain City sewer service.
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 shall be based on substantial evidence in the record of the hearing and that the written 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 ORS 195 agreements or ORS 195 annexation plans. [ORS 195 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 195 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 area agreements between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.

Exhibit A
Proposal No. A-1-03

5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.
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.

Exhibit A
Proposal No. A-1-03

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

5. The territory is designated Low Density Residential by Clackamas County and is zoned R-7 which permits residential development with a minimum lot size of 7,000 square feet.
6. Initially, as required by state statute the City and Clackamas County entered into a Dual Interest Area Agreement. Following an extensive internal bureau-by-bureau services analysis as well as negotiations leading to agreement on a boundary with Clackamas County and any service districts, the City adopted a Clackamas County-Portland urban services boundary identifying the areas the City could best serve in the future. The Dual Interest Area Boundary was then replaced by the Urban Services Boundary and state mandated public facilities planning responsibility (required by LCDC's OAR 660, Division 11) was transferred from Clackamas County to the City of Portland in the adopted Clackamas County segment of the City of Portland Urban Services Boundary. These actions were accomplished through passage of Portland Ordinance No. 157264 and Ordinance No. 157265.

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:

Exhibit A
Proposal No. A-1-03

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

Exhibit A
Proposal No. A-1-03

public facilities and services at uniform levels.

As discussed below 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 part of Clackamas County.
9. Sanitary sewer service is available from a City line in SE Clatsop Street. The property owners have previously paid their share of the cost of that line. The property owners will be responsible for the cost of installing the connecting line to their house.
10. The territory to be annexed is within Clackamas River Water and is currently served by that district. 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 a water district is July 1 assuming the annexation is effective before March 31st. However, Water Bureau staff indicate that they would not favor withdrawal from the Water District. Rather they believe that withdrawal should take place when a larger more logical section can be transferred to the City through agreement with the District.
11. The territory is currently within the Clackamas County Service District for Enhanced Law Enforcement. Upon annexation the territory would receive police protection from the City of Portland. 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. Because Portland provides police protection to City properties from City general funds the City should withdraw the territory from the District to prevent the property from being subject to duplicate property taxation by the Enhanced Law

Exhibit A
Proposal No. A-1-03

Enforcement District.

12. The territory is within the Clackamas County Rural Fire Protection District #1.

ORS 222.120(5) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a fire protection district. The effective date of a withdrawal from a fire protection district is the effective date of the annexation. Because Portland provides fire protection to City properties from City general funds the City should withdraw the territory from the District to prevent the property from being subject to duplicate property taxation by the Fire District.

13. The territory is within the boundary of Clackamas County Service District No. 5 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 SE Clatsop Street, which is already within the City.

15. The territory to be annexed to the City lies within the North Clackamas Park & Recreation District, which is a Clackamas County service district for parks.

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.

Exhibit A
Proposal No. A-1-03

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 Clackamas County *Comprehensive Plan* which currently applies to this site. 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 owner has 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 15, 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

Exhibit A
Proposal No. A-1-03

city to provide services to this area.

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).

5. 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.
6. 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 15. Therefore the proposed change promotes the timely, orderly and economic provision of services.
7. The City may specify in its annexation Ordinance that the territory will be simultaneously withdrawn from the Clackamas County Service District for Enhanced Law Enforcement, Clackamas County RFPD #1, North Clackamas Park & Recreation District and Clackamas County Service District # 5 for street lights. The City's property tax levy includes revenue for City fire protection and police 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 Clackamas County Service District for Enhanced Law Enforcement, Clackamas County Rural Fire Protection District #1, North Clackamas Park & Recreation District and Clackamas County Service District # 5.

The City also has the ability to withdraw the territory to be annexed from Clackamas River Water. However, Water Bureau staff recommends against this at this time and the Council concurs that withdrawal from the Water District is not warranted at this time.

STAFF REPORT: PROPOSAL NO. A-1-03 - CITY OF PORTLAND - Annexation

Petitioner: Rudy & Shirley Schwarz

Proposal No. A-1-03 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 south edge of the City on the south edge of SE Clatsop St., east of SE 67th and west of SE 70th Avenue. The territory contains .13 acres, 1 single family dwelling, a population of 2 and has an assessed value of \$57,153 and a real market value of \$111,167.

REASON FOR ANNEXATION

The property owner wants to annex to Portland to obtain City sewer service.

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 ORS 195 agreements or ORS 195 annexation plans. [ORS 195 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 195 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 area agreements between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.
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.

Clackamas County Planning. The territory is designated Low Density Residential by Clackamas County and is zoned R-7 which permits residential development with a minimum lot size of 7,000 square feet.

Portland/Clackamas County Urban Services Agreement. Initially, as required by state statute the City and Clackamas County entered into a Dual Interest Area Agreement. Following an extensive internal bureau-by-bureau services analysis as well as negotiations leading to agreement on a boundary with Clackamas County and any service districts, the City adopted a Clackamas County-Portland urban services boundary identifying the areas the City could best serve in the future. The Dual Interest Area Boundary was then replaced by the Urban Services Boundary and state mandated public facilities planning responsibility (required by LCDC's OAR 660, Division 11) was transferred from Clackamas County to the City of Portland in the adopted Clackamas County segment of the City of Portland Urban Services Boundary. These actions were accomplished through passage of Portland Ordinance No. 157264 and Ordinance No. 157265.

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 a City line in SE Clatsop Street. The property owners have previously paid their share of the cost of that line. The property owners will be responsible for the cost of installing the connecting line to their house.

Water Service. The territory to be annexed is within Clackamas River Water, which currently serves the property. 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 a water district is July 1 assuming the annexation is effective before March 31st. However, Water Bureau staff indicate that they would not favor withdrawal from the Water District. Rather they believe that withdrawal should take place when a larger more logical section can be transferred to the City through agreement with the District.

Police Service. The territory is currently within the Clackamas County Service District for Enhanced Law Enforcement. Upon annexation the territory would receive police protection from the City of Portland. 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. Because Portland provides police protection to City properties from City general funds the City should withdraw the territory from the District to prevent the property from being subject to duplicate property taxation by the Enhanced Law Enforcement District.

Fire. The territory is within the Clackamas County Rural Fire Protection District #1.

ORS 222.120(5) provides that the City may declare in its ordinance annexing territory that the territory will be withdrawn from a fire protection district. The effective date of a withdrawal from a fire protection district is the effective date of the annexation. Because Portland provides fire protection to City properties from City general funds the City should withdraw the territory from the District to prevent the property from being subject to duplicate property taxation by the Fire District.

Street Lights. The territory is within the boundary of Clackamas County Service District No. 5 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 SE Clatsop Street, which is already within the City.

Parks. The territory to be annexed to the City lies within the North Clackamas Park & Recreation District, which is a Clackamas County service district for parks.

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.

RECOMMENDATION

Based on the Study and the proposed Findings and Reasons for Decision found in Exhibit A, the staff recommends that Proposal No. A-1-03 be **approved**. It is also recommended that the territory be withdrawn from Clackamas R.F.P.D. #1, Clackamas County Service District For Enhanced Law Enforcement, Clackamas County Service District #5 (street lights) and North Clackamas Park and Recreation District.

Exhibit B
Proposal No. A-1-03

LEGAL DESCRIPTION

Lots 13 & 14 and the west 5 feet of
Lot 12, Block 8, White City Park.