

Final Documents

For

Annexation to the
City of Portland

MU0506

Annexation A-2-06

Ord. 180573

DOR 26-662-2006

Sec. of State AN 2006-0379

Property Information

1S2E11CB -00700

12350 SE POWELL BLVD



December 22, 2006

Metro
Linda Martin
600 NE Grand Ave
Portland, Oregon 97232-2736

Dear Ms. Mensher:

Please be advised that we have received and filed, as of December 22, 2006, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
5670 (City of Hillsboro)	AN 2006-0377
5692 (City of Hillsboro)	AN 2006-0378
180573 (City of Portland)	AN 2006-0379

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
December 8, 2006
As Per ORS 308.225

Description Map received from: METRO
 On: 12/6/2006

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 MULT CO RFPD #10

ORD. #180573 (A-2-06)

has been: Approved 12/8/2006
 Disapproved

Notes:

Department of Revenue File Number: 26-662-2006

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

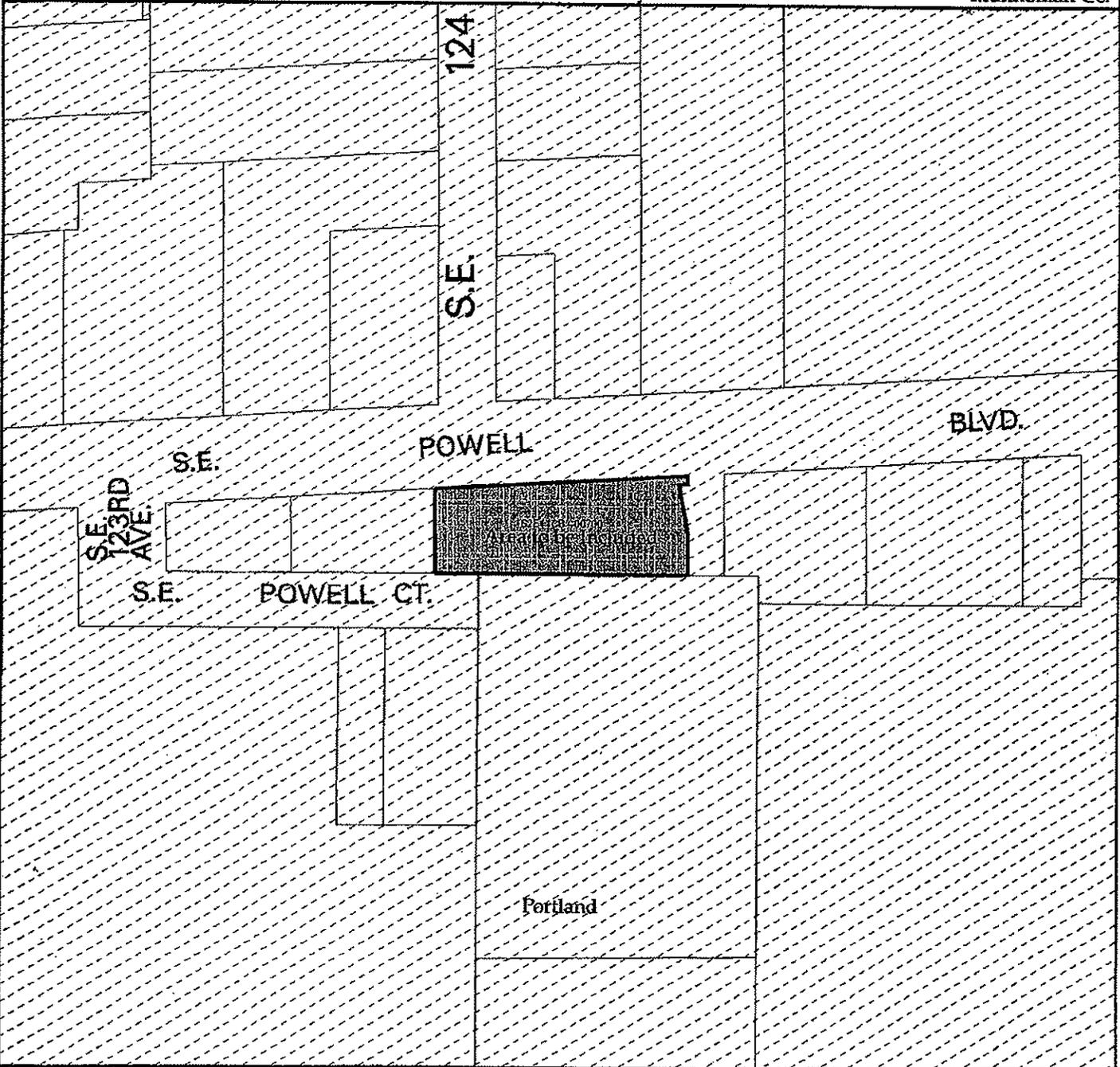
Proposal No. A-2-06

EXHIBIT B 6

1S2E11CB

Annexation to the City of Portland

Multnomah Co.



REGIONAL LAND INFORMATION SYSTEM



600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 787-1800
Email dra@metro-region.org

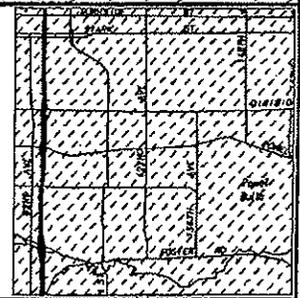
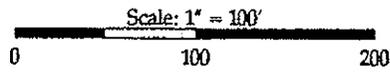
METRO

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 accuracy 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-2-06
CITY OF PORTLAND
Figure 1



ORDINANCE No. 180573

Approve annexation of property to the City in case number A-2-06, at intersection of SE Powell Boulevard and SE 124th Avenue (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The property owners 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 because the property is surrounded by the City and is served by the City.
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 Multnomah County R.F.P.D. # 10.
- 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: November 8, 2006

Prepared by:
Mayor Tom Potter
Linda Peterson
October 13, 2006

GARY BLACKMER
Auditor of the City of Portland
By /S/Susan Parsons

Deputy

BACKING SHEET INFORMATION

AGENDA NO. 1453, 1485-2006

ACTION TAKEN: NOVEMBER 1, 2006 PASSED TO SECOND READING NOVEMBER 8, 2006 AT 9:30 AM

ORDINANCE/RESOLUTION/COUNCIL DOCUMENT NO. 180573

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
ADAMS	====	====
LEONARD	X	
SALTZMAN	X	
STEN	X	
POTTER	====	====

**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:

A tract of land situated in the Northwesterly one-quarter of the Southwest one-quarter of Section 11, Township 1 South, Range 2 East, of the Willamette Meridian, in the City of Portland, County of Multnomah, State of Oregon, more particularly described as follows:

Beginning at a point 416.9 feet East of the one-quarter Section corner on the West line of said Section 11; thence East along the North line of SE Powell Court, 200 feet; thence North parallel to the center line of SE 122nd Avenue, 74.8 feet to the South line of SE Powell Boulevard; thence Westerly along said South line 200.36 feet; thence South parallel with the center line of SE 122nd Avenue, 62.6 feet to the point of beginning.

EXCEPT THEREFROM that portion described in deed to Multnomah County for road purposes recorded February 2, 1983, Fee No. 007145 in Book 1643, Page 1664.

ALSO EXCEPT THEREFROM that portion described in deed to Multnomah County for road purposes recorded May 13, 1983, Fee No. 030206 in Book 1664, Page 1034.

CERTIFICATION OF REGISTERED VOTERS
(City Double Majority Method)

I hereby certify that the attached petition for annexation of territory described herein to the City of Portland contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME Eric Sample
TITLE Prog. & Communication Spec.
DEPARTMENT Multnomah Co. Elections Div.
COUNTY OF Multnomah
DATE 8-10-2008

No voters at 12350 SE Powell.

RECEIVED
06 AUG 10 PM 2:39
JOHN A. O'NEILL
DIRECTOR OF ELECTIONS

RECEIVED
PLANNING BUREAU
November 1, 2006 Meeting
2006 OCT 12 P 2:52

PROPOSAL NO. A-2-06 - CITY OF PORTLAND - Annexation

Petitioner: City of Portland

Proposal No. A-2-06 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 in the southeast part of the City on the south edge of SE Powell Blvd. at its intersection with SE 124th. The territory contains .25 acres, one commercial structure and has an assessed value of \$415,210.

REASON FOR ANNEXATION

This is the last remaining piece of the Powell Valley Road Water District and contains the District's former headquarters. Pursuant to an agreement between the City and the District this property is being annexed following the completion of the takeover by the City of the District. The City already provides all services to this area.

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 OC, Office Commercial, on the Comprehensive Plan and the zoning is OC1, Office Commercial.

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 already 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 already provided to this site by the City.

Water Service. Water service is provided by City. The City and the District had an intergovernmental agreement which provided that the City would take over operation of the District when the District dissolved in 2005. Until the District dissolved the City agreed not to annex the last parcel of the District's territory. This annexation will take in the last District territory. By operation of ORS 222.510 the Powell Valley Road Water District is officially extinguished on the effective date of this annexation

Police Service. Police Service is provided by the City.

Fire. The territory receives fire protection from the City. However, it is still technically within Multnomah County RFPD # 10.

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.

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 SE Powell Blvd.

RECOMMENDATION

Based on the Study and the proposed Findings and Reasons for Decision found in Exhibit A, the staff recommends that Proposal No. A-2-06 be **approved**. It is also recommended that the territory be withdrawn from the Multnomah County R.F.P.D. # 10 and Multnomah County Service District #14 (street lights).

As noted above, approval of this annexation will legally extinguish the Powell Valley Road Water District.

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 .25 acres, one commercial structure and has an assessed value of \$415,210.
2. This is the last remaining piece of the Powell Valley Road Water District and contains the District's former headquarters. Pursuant to an agreement between the City and the District this property is being annexed following the completion of the takeover by the City of the District. The City already provides all services to this area.
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.
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 intergovernmental agreement signed in January, 2002 the City took over implementation and administration of planning and zoning for this area. The territory is designated OC, Office Commercial, on the Comprehensive Plan and the zoning is OC1, Office Commercial.
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

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 Findings 9-14, urban services are already 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 already provided to this site by the City.
10. Water service is provided by City. The City and the District had an intergovernmental agreement which provided that the City would take over operation of the District when the District dissolved in 2005. Until the District dissolved the City agreed not to annex the last parcel of the District's territory. This annexation will take in the last District territory. By operation of ORS 222.510 the Powell Valley Road Water District is officially extinguished on the effective date of this annexation

11. Police Service is provided by the City.

12. The territory receives fire protection from the City. However, they are still technically within Multnomah County RFPD # 10.

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.

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 SE Powell Blvd.

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 owner (the City) 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 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.

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

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 9 through 14. Therefore the proposed change promotes the timely, orderly and economic provision of services.

Overlap of service boundaries can lead to confusion and ultimately detract from the economic provision of services. Approval of this annexation will automatically extinguish the Powell Valley Road Water District thus eliminating any potential confusion about service responsibility.

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 Multnomah County R.F.P.D. # 10. 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 confusion about which units of government are responsible for providing services, the territory should be simultaneously withdrawn from Multnomah County R.F.P.D. # 10 and Multnomah County Service District # 14.