

Final Documents  
for  
Withdrawal from  
**Portland**

WA4307

Ordinance: 181520

Withdrawal: WD-1-07

DOR: 34-1893-2008

Secretary of State: AN 2008-0010

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

January 30, 2008

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 January 30, 2008, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
181520 (Portland)-withdrawal	AN 2008-0009
181486 (Portland)	AN 2008-0010

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**  
**January 23, 2008**  
**As Per ORS 308.225**

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Description     Map received from: METRO  
On: 1/18/2008

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

WITHDRAWAL FROM CITY OF PORTLAND

ORD. #181520 (WD-1-07)

has been:     Approved            1/23/2008  
                   Disapproved

Notes:

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Department of Revenue File Number: 34-1893-2008

Prepared by: Elise Bruch, 503-945-8344

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



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CITY OF  
**PORTLAND, OREGON**

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OFFICE OF THE CITY AUDITOR

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**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

January 10, 2008

Joanna Mensher  
Data Resource Center  
Metro  
600 NE Grand Avenue  
Portland, Oregon 97232-2736

Dear Ms. Mensher:

Please find enclosed certified copy of Ordinance No. 181520 to approve withdrawal from the City of Portland of property in case number WD-1-07. The ordinance directs that this be filed with your office.

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

Sincerely,

Toni Anderson  
Deputy Auditor

Encl



**ORDINANCE No. 181520**

Approve withdrawal from the City of Portland of property in case number WD-1-07, south of SW Garden Home Road and west of SW Oleson Road. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City initiated a proposal by a resolution to withdraw from the City of Portland the property described in Exhibit "A." The Council provided notice and held a hearing on the proposal on December 5, 2007.
2. The owners of the property described in Exhibit "A" have petitioned to annex to the City of Beaverton. The property must be withdrawn from Portland before it can be annexed to Beaverton.
3. The Council finds that withdrawal of the property will further the public interest. The withdrawal and annexation will fulfill the requirements of Metro Ordinance Number 97-665C Section 2.A, which states: "Upon annexation of the area in the vicinity of SW Garden Home Road and SW Oleson Road by Beaverton consistent with the Urban Service Boundary, Portland shall consent to annexation by Beaverton of that area south of SW Garden Home Road and west of SW Oleson Road that is currently in Portland."
4. As required by ORS 222.460, the Council held a final hearing on the withdrawal of the property on January 2, 2008. No requests for an election were filed in this matter prior to that hearing. The Council provided notice of this hearing.
5. A staff report, Exhibit "B", and findings, Exhibit "C," were prepared, and were available to the public on December 18, 2007. The staff report was prepared consistent with the requirements of Metro Code 3.09.

NOW, THEREFORE, the Council directs:

- a. The property described in Exhibit "A" is detached and withdrawn from the City of Portland on the effective date of this Ordinance.
- b. This ordinance shall serve as the Council's order declaring the withdrawal of the property. The effective date of this Ordinance shall be the date of entry of the order.
- c. The City Auditor is authorized and directed to file a certified copy of this Ordinance with the Boundary Change Office of Metro within five days after adoption of this Ordinance. The City Auditor is further directed to mail a copy of this Ordinance to the City of Beaverton, Washington County and any district that provides urban services to the property described in Exhibit "A" within five days after adoption of this Ordinance.
- d. Council adopts Exhibits "B" and "C" as further findings in further support of its decision.

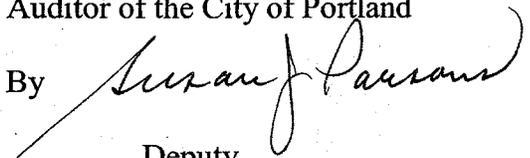
181520

Section 2. This ordinance shall take effect on February 14, 2008.

Passed by the Council, JAN 09 2008

GARY BLACKMER  
Auditor of the City of Portland

By



Deputy

Mayor Tom Potter  
Prepared by Brian Sheehan  
December 19, 2007

## **Garden Home/Oleson Properties Withdrawal/Annexations Description**

A parcel of land being situated in the southeast quarter and the southwest quarter of Section 24, Township 1 South, Range 1 West, Willamette Meridian, Washington County, State of Oregon. Said parcel of land being more particularly described as follows:

BEGINNING at the intersection of the centerline of S.W. Garden Home Road (C.R. 160, variable width) and the centerline of S.W. Oleson Road (C.R. 205, variable width);

Thence, Northeasterly along the centerline of said S.W. Oleson Road for a distance of 1,390 feet, more or less, to the intersection with said centerline and the northwesterly projection of the northeasterly line of that tract of land conveyed to Garden Home West Apartments #2 Associates, LLC in Document No. 2001024699, Washington County Records;

Thence, South 50°58'15" East along said projection for a distance of 30 feet to the southerly right-of-way line of said S.W. Oleson Road;

Thence, Southwesterly along said right of way line, being of variable width, for a distance of 1,760 feet, more or less, to a point of intersection with said right-of-way line and the southeasterly projection of the northeasterly line of Lot 9, Block 1 of O'BRIENS ACRES;

Thence, North 50°10'47" West along said projection and the northeasterly line of said Lot 9 for a distance of 198 feet, more or less, to the most northerly corner of that tract of land conveyed to Duane Schroeder in Document No. 99020395, Washington County Records;

Thence, South 39°49'13" West along the north line of said Duane Schroeder tract of land for a distance of 70.00 feet to the most westerly corner thereof;

Thence, South 50°10'47" East along the southwesterly line of said Schroeder tract a distance of 138 feet to the most southern corner thereof;

Thence, southwesterly along the southeasterly line of that tract of land conveyed to Robert E. Day in Document No. 99130425, Washington County Records a distance of 55 feet to the most southern corner thereof;

Thence, northwesterly along the southwesterly line of said Day tract 138 feet to the most western corner thereof;

Thence, South 39°49'13" West a distance of 125 feet, more or less, to the most westerly corner of that tract of land conveyed to Karen and Robert Rothwell in Document No. 2005-131395, Washington County Records;

Thence, North 50°10'47" West along the northeasterly line of Lot 11, Block 1 of O'BRIENS ACRES for a distance of 212 feet, more or less, to the northerly corner of said Lot 11;

Thence South 39°49'13" West along the south line of Lot 5 and Lot 6, Block 1 of O'BRIENS ACRES for a distance of 304 feet, more or less, to the southwest corner of said Lot 5;

Thence, North 01°45'35" West along the west line of said Lot 5, and the projection thereof, for a distance of 466 feet, more or less, to a point of intersection with the centerline of S.W. Garden Home Road;

Thence, Easterly along the centerline of said of S.W. Garden Home Road for a distance of 900 feet, more or less, to the Point of Beginning.

**EXHIBIT B**

January 2, 2008 Hearing

**PROPOSAL NO. WD-1-07 - CITY OF PORTLAND - Withdrawal**

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Petitioner: City of Portland

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Proposal No. WD-1-07 was initiated by a resolution of the Portland City Council. The resolution meets the requirement for initiation set forth in ORS 222.460(2).

The territory to be withdrawn is located generally on the west edge of the City on the south edge of SW Garden Home Road at its intersection with SW Oleson Road. The territory contains 4.45 acres.

**REASON FOR WITHDRAWAL**

The withdrawal fulfills a condition in a Metro order resolving an urban services boundary dispute between the City of Portland and the City of Beaverton.

In the late 90's both Portland and Beaverton had adopted urban service boundaries as a part of their comprehensive plans. In this geographic location these boundaries overlapped. The cities were unable to work out their differences. Metro, in its planning coordination role under ORS 195.025, ultimately resolved the dispute. Metro Ordinance Number 97-665C Section 2.A, states: "Upon annexation of the area in the vicinity of SW Garden Home Road and SW Oleson Road by Beaverton consistent with the Urban Service Boundary, Portland shall consent to annexation by Beaverton of that area south of SW Garden Home Road and west of SW Oleson Road that is currently in Portland." In response to that resolution Portland is now withdrawing this territory from the City of Portland and Beaverton is simultaneously processing an annexation of the territory.

At the time Metro's ordinance was passed all the owners of properties in Portland south and west of the Garden Home Road-Oleson Road intersection favored the change of jurisdiction. Since then one property owner has expressed a desire to remain in Portland. Thus Tax Lot 401 (see non-crosshatched lot on west side of Oleson) will remain in Portland while the neighboring lots will be withdrawn and annexed to Beaverton.

**CRITERIA FOR DECISION-MAKING**

The only criterion for deciding withdrawals within the statutes is the Council determination that the public interest will be served. The owners of the properties to be withdrawn favor the withdrawal and subsequent annexation to Beaverton. The City notes that withdrawal of this tiny area will have no significant impact on its financing or service provision capabilities. A public

hearing was held on the action and no one from the City or the surrounding territory appeared to assert any public harm would be caused by the action.

ORS 268.347-354 directs Metro to establish criteria for boundary changes 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 no adopted agreements affecting this area 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. The City-Washington County Urban Planning Area Agreement was examined and found not to contain any provisions directly applicable to withdrawal proposals.*
3. *Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans. The City's comprehensive plan contains some provisions relating to annexation but is silent on the issue of withdrawal of territory from the City.*
4. *Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional framework or any functional plan.*

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 withdrawal from 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. *Whether the proposed change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.* This property is already served with basic public services either directly through the City of Portland, via intergovernmental agreements or through direct service from other governments. Following the withdrawal from Portland and annexation to Beaverton, the same services will still be available either directly from Beaverton or via agreements with other governments.

Further, an agreement exists between the parties such that the City of Portland should consider de-annexation to the City of Beaverton where any territory within Portland's city limits is located in Washington County and if and when it is contiguous to the City limits of Beaverton. The agreement is silent on the issue of ownership and maintenance of right-of-way but it is clear that the current action meets the spirit and intent of Metro ORD 96-665C. In addition to the five private properties subject to the agreement, the City of Beaverton has proposed withdrawal by Portland of certain half-width right of way extending northeasterly along SW Oleson Road. Staff have considered the affects of the withdrawal of this segment and concluded that such action advances the intent and purpose of the Metro Ordinance 96-665C. Withdrawal of this segment more precisely delineates logical service provider boundaries between the jurisdictions', reduces service provider confusion particularly for police and fire, eliminates City of Portland service provider liability for maintenance of half street widths, and reduces confusion for adjoining current and prospective Portland and Beaverton residents. Nothing in this proposal furthers opportunities by the City of Beaverton to create unincorporated islands or pursue island annexations in the future.

6. *The territory lies within the Urban Growth Boundary.* As noted above the area is within the regional Urban Growth Boundary.
7. *Consistency with other applicable criteria for the boundary change in question under state and local law.* See the paragraph above relating to state statutory criteria.

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.

## RECOMMENDATION

Based on the Study and the proposed Findings and Reasons for Decision found in Exhibit A, the staff recommends that Proposal No. WD-1-07 be **approved**.

**PROPOSED FINDINGS AND REASONS FOR DECISION**

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

1. The territory to be withdrawn is located generally on the west edge of the City on the south edge of SW Garden Home Road at its intersection with SW Oleson Road. The territory contains 4.45 acres.
2. The withdrawal fulfills a condition in a Metro order resolving an urban services boundary dispute between the City of Portland and the City of Beaverton.

In the late 90's both Portland and Beaverton had adopted urban service boundaries as a part of their comprehensive plans. In this geographic location these boundaries overlapped. The cities were unable to work out their differences. Metro, in its planning coordination role under ORS 195.025, ultimately resolved the dispute. Metro Ordinance Number 97-665C Section 2.A, states: "Upon annexation of the area in the vicinity of SW Garden Home Road and SW Oleson Road by Beaverton consistent with the Urban Service Boundary, Portland shall consent to annexation by Beaverton of that area south of SW Garden Home Road and west of SW Oleson Road that is currently in Portland." In response to that resolution Portland is now withdrawing this territory from the City of Portland and Beaverton is simultaneously processing an annexation of the territory.

At the time Metro's ordinance was passed all the owners of properties in Portland south and west of the Garden Home Road-Oleson Road intersection favored the change of jurisdiction. Since then one property owner has expressed a desire to remain in Portland. Thus Tax Lot 401 (see non-crosshatched lot on west side of Oleson) will remain in Portland while the neighboring lots will be withdrawn and annexed to Beaverton.

3. The only criterion for deciding withdrawals within the statutes is the Council determination that the public interest will be served. The owners of the properties to be withdrawn favor the withdrawal and subsequent annexation to Beaverton. The City notes that withdrawal of this tiny area will have no significant impact on its financing or service provision capabilities. A public hearing was held on the action and no one from the City or the surrounding territory appeared to assert any public harm would be caused by the action.

ORS 268.347-354 directs Metro to establish criteria for boundary changes 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.

Exhibit C, Findings to Staff Report  
Proposal No. WD-1-07

4. 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 no adopted agreements affecting this area 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.* The City-Washington County Urban Planning Area Agreement was examined and found not to contain any provisions directly applicable to withdrawal proposals.
  3. *Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.* The City's comprehensive plan contains some provisions relating to annexation but is silent on the issue of withdrawal of territory from the City.
  4. *Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional framework or any functional plan.*

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 withdrawal from a city. The Regional Transportation Plan was

Exhibit C, Findings to Staff Report  
Proposal No. WD-1-07

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. *Whether the proposed change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.* This property is already served with basic public services either directly through the City of Portland, via intergovernmental agreements or through direct service from other governments. Following the withdrawal from Portland and annexation to Beaverton, the same services will still be available either directly from Beaverton or via agreements with other governments.

Further, the Metro agreement states that the City of Portland should consider de-annexation to the City of Beaverton where any territory within Portland's city limits is located in Washington County and if and when it is contiguous to the City limits of Beaverton. The agreement is silent on the issue of ownership and maintenance of right-of-way but it is clear that the current action meets the spirit and intent of Metro ORD 96-665C. The proposed de-annexation by Portland, and annexation by Beaverton of certain half-width right-of-way along SW Oleson Road fulfills a number of compelling objectives that will aid logical service provision as explained in the staff report.

6. *The territory lies within the Urban Growth Boundary.* As noted above the area is within the regional Urban Growth Boundary.
7. *Consistency with other applicable criteria for the boundary change in question under state and local law.* See the paragraph above relating to state statutory criteria.

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.

**CONCLUSIONS AND REASONS FOR DECISION**

Based on the Findings, the City Council determined:

1. The owners of all the property proposed to be withdrawn favor the withdrawal. The withdrawal will not hinder the City's ability to fund and deliver services to the remainder of its territory. No opposition testimony was received on this proposal. The City Council therefore concludes that the public interest is served by approval of the withdrawal.
2. 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. The City Council concludes no inconsistency exists.
3. 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 withdrawn is covered by the City-Washington County urban planning area agreement (UPAA). Nothing in that agreement speaks to the issue of withdrawal of territory from the City. Therefore the withdrawal is not inconsistent with the UPAA.
4. 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 City's plan does not contain any directly applicable criteria for withdrawals. The Council concludes therefore that no inconsistency exists.
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." Adequate services are available now and will be available following approval of the withdrawal and the annexation to Beaverton. Therefore the proposed change does not interfere with the timely, orderly and economic provision of services.
7. The territory lies within the Urban Growth Boundary and is thus in compliance with Metro criteria 3.09.050(d)(6).
8. Metro criterion 3.09.050(d)(7) requires consideration of other state and local rules. The applicable state statute is addressed in # 1 above.



Attachment A - 2

SW 1/4 SE 1/4 SECTION 24 T1S R1W W.M.

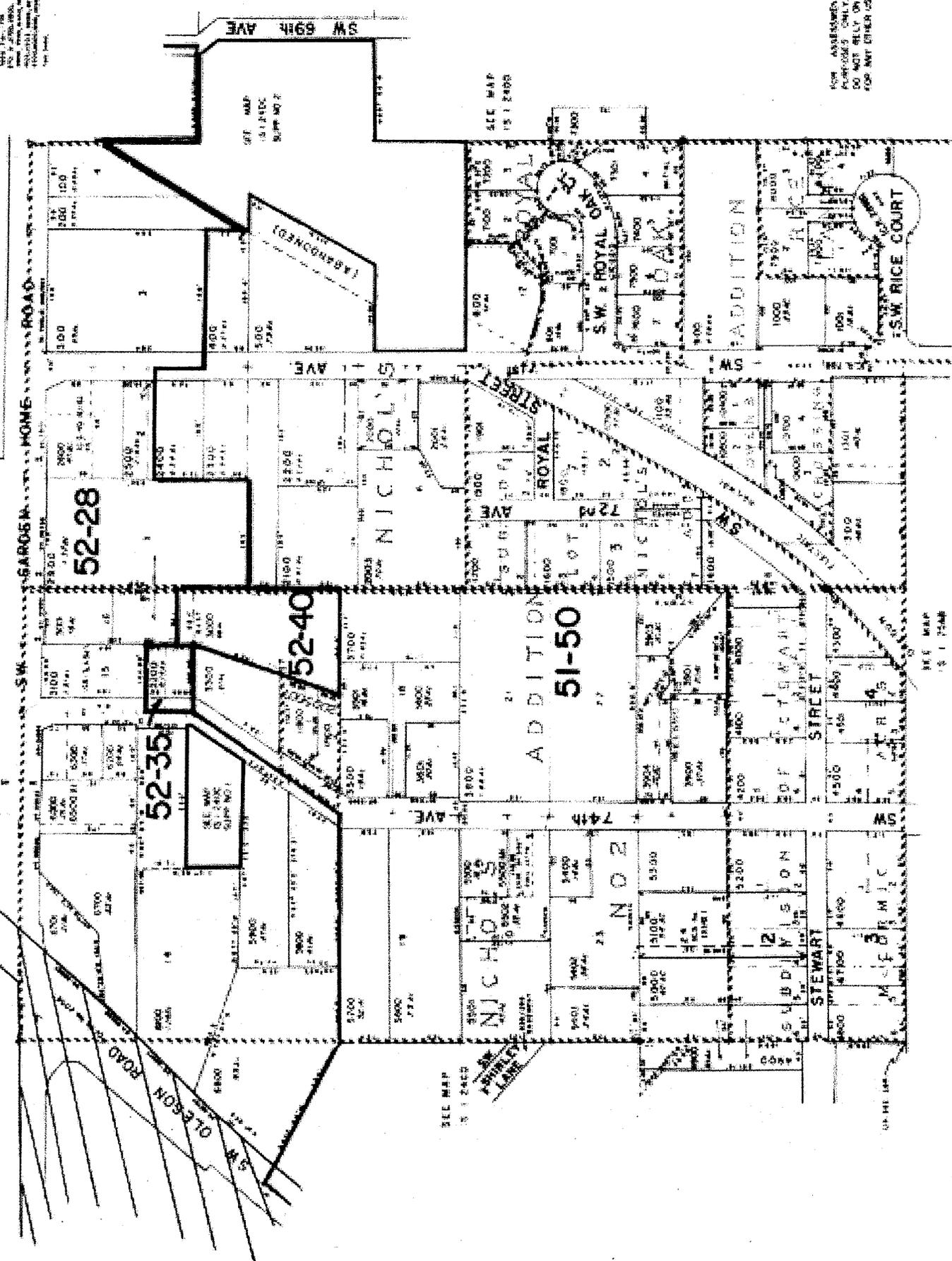
WASHINGTON COUNTY OREGON

SCALE 1"=100'

SEE MAP 18 12429

NOT BE USED FOR ANY PURPOSES OTHER THAN AS SHOWN ON THIS MAP.

FOR ASSESSMENT PURPOSES ONLY. DO NOT RELY ON FOR ANY OTHER USE.



SEE MAP 18 12429

SEE MAP 18 12429

SE 1/4 SW 1/4 SECTION 24 T1S R1W W.M.

WASHINGTON COUNTY OREGON

SCALE 1"=100'

SEE MAP IS 1 24CA

IS 1 24CD

SEE MAP IS 1 24CB

Original Map 181520

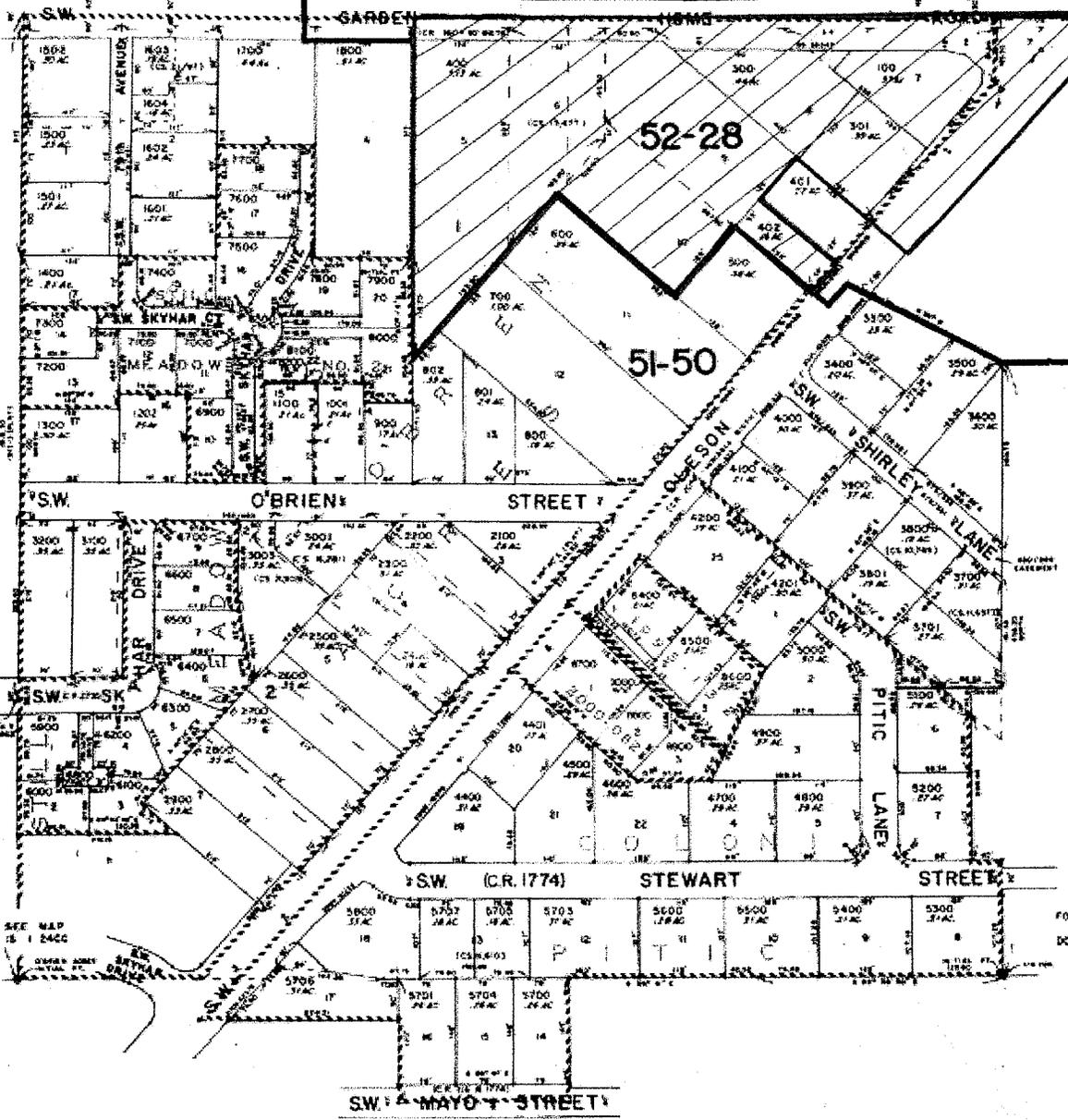
RECORDED FOR LOTS 800, 1800, 2800, 3800, 4800, 5800, 6800, 7800, 8800, 9800, 10800, 11800, 12800, 13800, 14800, 15800.

SEE MAP IS 1 24DC

FOR ASSESSMENT PURPOSES ONLY. DO NOT RELY ON FOR ANY OTHER USE.

PORTLAND IS 1 24CD

SEE MAP IS 1 24CC



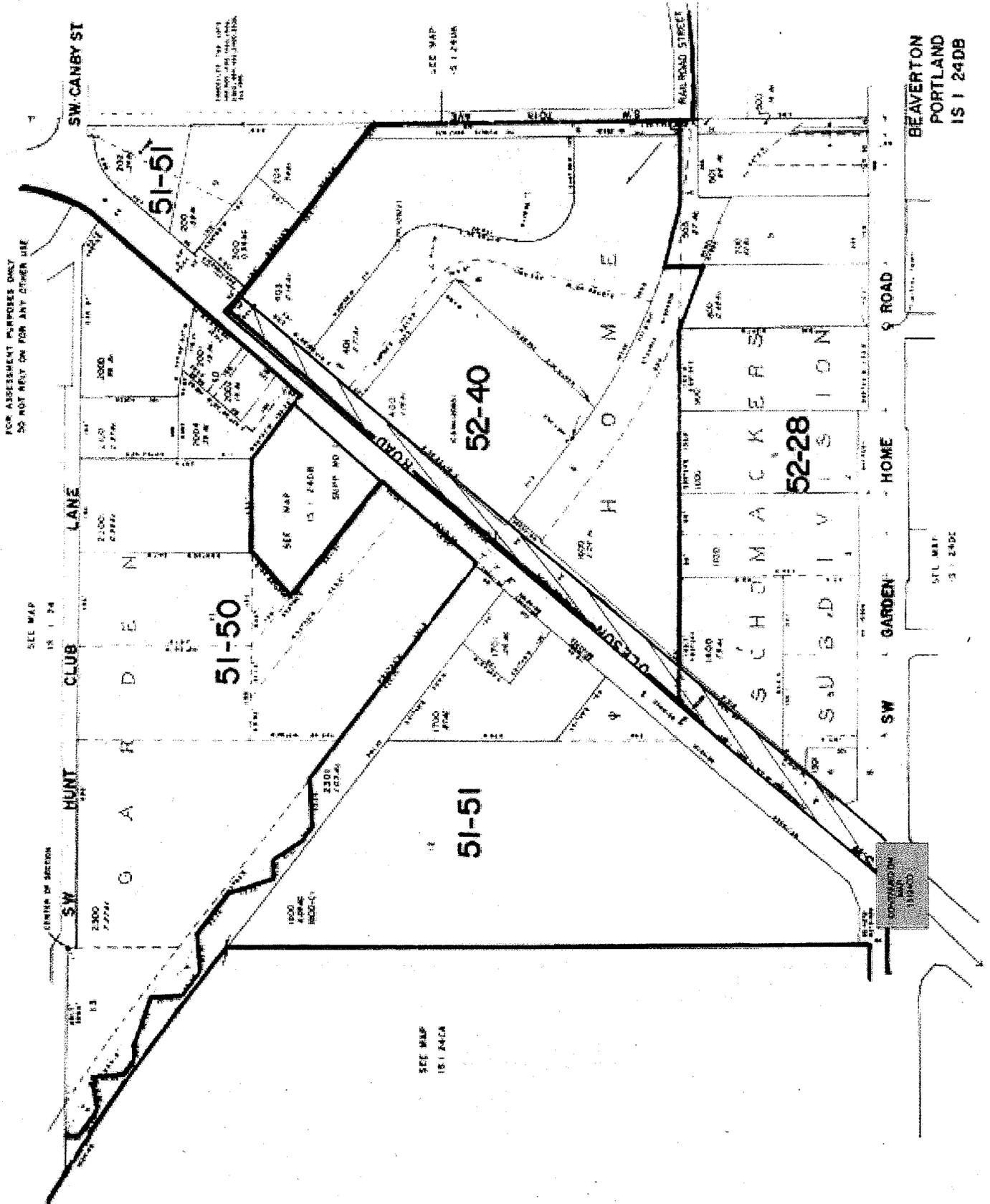
NW1/4 SE 1/4 SECTION 24 T1S R1W W.M.

WASHINGTON COUNTY DIRECTOR

SCALE 1"=100'

IS 1 24 DB

Attachment A-4



BEAVERTON  
PORTLAND  
IS 1 24 DB

SW MAP  
IS 1 24 DC

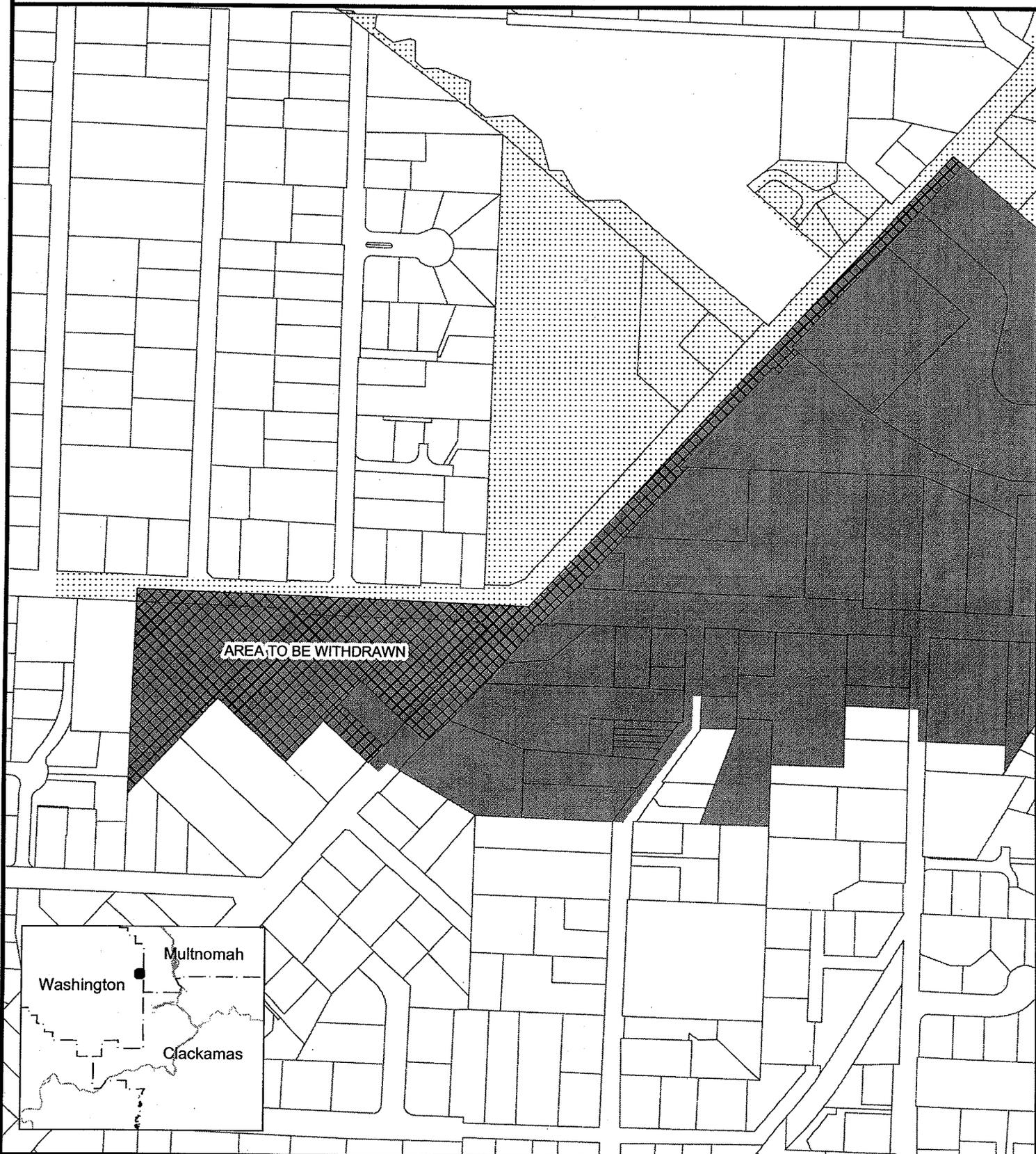
# WD-1-07

Attachment B

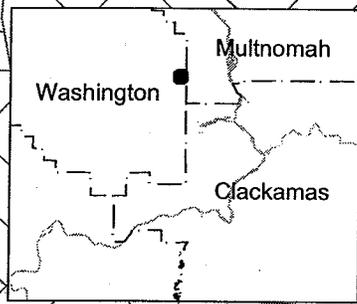
1S1W24

Deannexation from City of Portland

WASHINGTON COUNTY



AREA TO BE WITHDRAWN



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

-  Area to be withdrawn
-  Portland City Limits
-  Beaverton City Limits

## WD-1-07

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



1:3,500