

PARCEL2

A parcel of land in the Southeast one-quarter of Section 34 in Township 1 South Range 1 East of the Willamette Meridien, in the County of Multnomah and the State of Oregon, more particularly described as follows, to wit:

Beginning at the Northeast corner of that tract of land conveyed to Frank Strellman, et ux, recorded January 13 1944 in Book 883, page 555, Deed Records of Multnomah County, said point is North $64^{\circ}10'20''$ West a distance of 107.09 feet from the most Westerly corner of block 135, Dunthorpe, a duly recoded plat in Multnomah County; thence South $89^{\circ}55'01''$ East on the Easterly extension of said Strellman North line a distance of 1.91 feet to point on the West right-of-way line of Southwest Terwilliger Boulevard, marked by a $5/8''$ iron rod (set); thence South $15^{\circ}50'30''$ East a distance of 230.00 feet to the true point of beginning of the herein described parcel, marked by a $5/8''$ iron rod (set); thence North $90^{\circ}00'00''$ West a distance of 290.00 feet to an angle corner marked by a $5/8''$ iron rod; thence South $14^{\circ}10'06''$ West a distance of 271.12 feet to a point on the South line of the tract of land conveyed to Frank E Strellman, et ux, by deed recorded September 6, 1993 in book 2185, page 148, Deed Records of Multnomah County; thence North $89^{\circ}52'32''$ East along the South line of said Strellman tract a distance of 200.00 feet to an angle corner marked by a $3/4''$ iron pipe (found); thence North $03^{\circ}15'00''$ West a distance of 170.36 feet to an angle corner marked by a $5/8''$ iron rod (set); thence North $70^{\circ}00'00''$ East a distance of 185.41 feet to a point on the West right-of-way line of Southwest Terwilliger Boulevard marked by a $5/8''$ iron rod (set); thence North $15^{\circ}50'30''$ West along said West right-of-way line a distance of 30.08 feet to the true point of beginning.

Containing 1.206 acres (52,542 square feet), more or less.

December 6, 2017 City Council Meeting

PROPOSAL NO. A-1-17 - CITY OF PORTLAND – Annexation

Petitioners: Steve and Anne Bell

Proposal No. A-1-17 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 an annexation petition. The territory to be annexed is located generally in the southwest edge of the city on the west side of Terwilliger Boulevard. The property consists of a 1.2 acre single family lot with one single family dwelling, an adult population of two persons and an assessed valuation of \$236,130.

REASON FOR ANNEXATION

The property owners are annexing to gain access to the City's newly installed sanitary sewer main in Terwilliger Boulevard. The property is currently served by a failing septic system.

CRITERIA FOR DECISION MAKING

The only criteria for deciding city boundary changes within state statutes is that 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 also allows cities to adopt procedures for an expedited annexation which Portland has done.

To approve a boundary change through an expedited process, the City must:

1. *Find that the change is consistent with expressly applicable provisions in:*
 - A) *Any applicable urban service agreement adopted pursuant to ORS 195.205;*
 - B) *Any applicable annexation plan adopted pursuant to ORS 195.205;*
 - C) *Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;*
 - D) *Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;*

- E) *Any applicable comprehensive plan;*
- F) *Any applicable concept plan; and*

2. *Consider whether the boundary change would:*

- A) *Promote the timely, orderly and economic provision of public facilities and services;*
- B) *Affect the quality and quantity of urban services; and*
- C) *Eliminate or avoid unnecessary duplication of facilities and services.*

The City of Portland and Multnomah County have entered into intergovernmental agreements regarding land use planning and the provision of urban services for territory including the subject property. An Urban Planning Area Agreement was initially drafted in 1979, and has been amended a number of times since then including in 2002 when the City of Portland was assigned Planning authority over properties within certain areas within unincorporated Multnomah County including the subject property. Similarly, the City of Portland and Multnomah County agreed to the location of an urban service boundary, that area within which the City of Portland was the logical provider of expanded urban services in 1986. The Urban Planning Area and the Urban Services Area are coincidental. Under these agreements, the subject property is assigned R20c,p residential zoning with conservation and preservation environmental zoning overlays.

Beginning in December of 2016 the City of Portland Bureau of Environmental Services began construction on a project to install 7,600 feet of 8-inch sewer in SW Terwilliger Boulevard from NW Northgate Avenue to Highway 43. This sewer connects to the 30-inch Tryon interceptor line which then carries sewage to the City of Portland's Tryon Creek Wastewater Treatment Plant located in Lake Oswego. This new sewer main came on line in July 2017 and is available to serve the subject property.

Therefore, the City has sewer services available to serve the property. Annexation of this property and the provision of sewer service is consistent with the applicable City of Portland Urban Planning Area and Urban Service Boundary agreements.

LAND USE PLANNING

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

Regional Framework Plan. The law that requires Metro to adopt criteria for boundary changes specifically requires the District (Metro) to "Ensure that a boundary change is in compliance with the Metro regional framework plan, as defined in ORS 197.015, and cooperative agreements and urban service agreements adopted pursuant to ORS 195." 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 related to Urban Growth Boundary expansions into Urban Reserve areas. These requirements do not relate directly to the issue of annexation to a city.

The Regional Transportation Plan was examined and no specific criteria applicable to boundary changes was identified.

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 of Commissioners adopted the City of Portland'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 assumed responsibility for implementation and administration of planning and zoning for the area. The territory is designated SFR Single Family Residential by Multnomah County and zoned R20 c, p. This is a single dwelling residential zone specifying minimum 20,000 square foot lots. There is a stream at the western edge of this property that is contained with "c" conservation and "p" preservation environmental overlay zones.

Portland/Multnomah County Urban Services Agreement.

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

Portland Planning.

The Portland Comprehensive Plan contains the following requirements:

1.3 Urban Services Boundary

The City shall establish and maintain, in cooperation with neighboring jurisdictions, an Urban Services Boundary for the City of Portland that defines a rational service area within which the City can meet the service needs most effectively and at the lowest cost. The Urban Services Boundary shall be consistent with the regional Urban Growth Boundary and may be amended from time to time in accordance with the Comprehensive plan.

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

The Portland Comprehensive Plan contains the following Goals Policies & Objectives:

METROPOLITAN COORDINATION

1.2 Urban Planning Area Boundary

Identify and adopt an Urban Planning Area Boundary outside the current city limits. Land use within the boundary will be maintained by the City in cooperation with other local jurisdictions. Proposals for annexation to the city will be considered within the Urban Planning Area Boundary if consistent with the Urban Growth Boundary. The City will conclude agreements with abutting jurisdictions to coordinate and monitor land use.

As noted above under "Multnomah County Planning" the City and the County have an agreement regarding land use planning that applies to the territory to be annexed.

URBAN DEVELOPMENT

2.3 Annexation

Phase the annexation program of the City to allow for the incorporation of the 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 services, establishes logical city boundaries and promotes coordinated capital improvements programming. Annex land within the Urban Services Boundary in accordance with this policy and Policy 11.1 Annexation outside the Urban Services Boundary will not be accepted.

PUBLIC FACILITIES

GOAL:

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

POLICIES & OBJECTIVES

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

- 1) *Acknowledge the City's role as the principal provider of urban services within the City's established Urban Services Boundary and plan for the eventual delivery of urban services according to a phased program of improvements meeting the service needs of individual areas.*

- 2) *Coordinate closely with other jurisdictions providing services within the established Portland Urban Services Boundary to ensure continuing delivery of effective and efficient urban services.*

C. The City shall not provide new urban services, or expand the capacity of existing services, to areas outside its boundaries of incorporation.

11.2 Orderly Land Development

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

11.3 Orderly Service Extension

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

As discussed in the Section below, urban services are readily available to the site from the City and service districts

The City's adopted Urban Services Policy (ENB-1.01) 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 property.

The City has public facility plans adopted pursuant to the statewide planning goal regarding public facilities and services. Generally speaking these plans do not cover areas outside of the city or contain provisions applicable to annexation proceedings.

FACILITIES AND SERVICES

ORS 195 Agreements ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewer, water, fire protection, parks, open space, recreation and streets, roads and mass transit. The following urban services are available to this property upon its annexation to the City of Portland.

Sanitary Sewer Service. Sanitary sewer service is available from the City of Portland.

Water Service Water service is currently provided by the Palatine Hill Water District. The City of Portland in turn provides the Palatine Hill District with water. ORS 222.120(5) provides that the City may declare

Attachment 1. Proposal

A-1-17

in its ordinance annexing territory that the territory will be withdrawn from a water district. The effective date of a withdrawal from the water district would be July 1, 2018 (ORS 222.120 (5) & ORS 222.465). The City Water Bureau favors withdrawal of the Territory from the Palatine Hill Water District. Under the City and District Agreement, the District will serve the Territory for the City but the residents will be billed as city customers. No physical changes to water infrastructure are required.

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

Fire. The property currently receives fire protection services from Multnomah County RFPD # 11 which contracts for service from the Lake Oswego Fire Department. Following annexation, the City would provide fire service. The City's nearest station is the Burlingham Station #10 at 451 SW Taylor's Ferry Road. The City of Portland and the City of Lake Oswego have a mutual response agreement so that initial service may still come from either jurisdiction.

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

Transportation. Access to the site is provided from Terwilliger BLVD. Terwilliger Boulevard is under Multnomah County jurisdiction adjacent to the subject property. No proposal to place this section of Terwilliger Boulevard under the jurisdiction of the City of Portland has been returned by PBOT or Multnomah County in response to this annexation request. No changes are proposed.

Recommendation

Based on the Study and the Proposed Findings and Reasons for Decision found in Attachment 2, the Staff recommends that Proposal No A-1-17 be **approved** and that the territory to be annexed be withdrawn from Multnomah County RFPD # 11 and the Palatine Hill Water District (7/1/2018).

FINDINGS AND REASON FOR DECISION

Based on the staff study and submitted report the City Council finds:

1. The territory to be annexed contains 1.02 acres, one single family residence, a population of two adults and an assessed value of \$236,130.
2. The property owners desire to annex to the City of Portland to obtain city services, specifically access to a sanitary sewer line.
3. The only criteria for deciding city boundary changes within state statutes is that 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 also allows cities to adopt procedures for an expedited annexation which Portland has done.

To approve a boundary change through an expedited process, the City must:

(1) Find that the change is consistent with expressly applicable provisions in:

- A) *Any applicable urban service agreement adopted pursuant to ORS 195.205;*
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(2) Consider whether the boundary change would:

- A) *Promote the timely, orderly and economic provision of public facilities and services;*
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Attachment 2. Findings to Staff Report
Proposal No. A-1-17

The City does have both a cooperative planning agreement and an urban service boundary agreement with Multnomah County that are applicable to the proposed annexation. Annexation of this property to the City of Portland is consistent with both agreements in that the existing and proposed use of this property as a single-family residence as described in the city/county zoning agreement and the annexation of this property is anticipated by its inclusion within the city's urban service boundary.

4. The territory is within the regional Urban Growth Boundary and the jurisdictional boundary of the Metro regional government.
5. The law that requires Metro to adopt criteria for boundary changes specifically requires the District (Metro) to *"Ensure that a boundary change is in compliance with the Metro regional framework plan, as defined in ORS 197.015, and cooperative agreements and urban service agreements adopted pursuant to ORS 195."* 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 related to Urban Growth Boundary expansions into Urban Reserve areas. These requirements do not relate directly to the issue of annexation to a city.

The Regional Transportation Plan was examined and no specific criteria applicable to minor boundary changes was identified.

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

6. In 2001 the Multnomah County Board of Commissioners adopted the City of Portland'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 assumed responsibility for implementation and administration of planning and zoning for the area. The territory is designated SFR Single Family Residential by Multnomah County and zoned R20 (c,p). This is a single dwelling residential zone specifying minimum 20,000 square foot lots. There is a stream at the western edge of this property that is contained within "c" conservation and "p" preservation environmental overlay zones.
7. The property to be annexed falls within the City's Urban Service Boundary.
8. The Portland Comprehensive Plan contains the following Goals Policies & Objectives:

METROPOLITAN COORDINATION**1.2 Urban Planning Area Boundary**

Identify and adopt an Urban Planning Area Boundary outside the current city limits. Land use within the boundary will be maintained by the City in cooperation with other local jurisdictions. Proposals for annexation to the city will be considered within the Urban Planning Area Boundary if consistent with the Urban Growth Boundary. The City will conclude agreements with abutting jurisdictions to coordinate and monitor land use.

As noted above the City and the County have an agreement regarding land use planning that applies to the territory to be annexed that falls within the City's Urban Services Boundary.

1.3 Urban Services Boundary

The City shall establish and maintain, in cooperation with neighboring jurisdictions, an Urban Services Boundary for the City of Portland that defines a rational service area within which the City can meet the service needs most effectively and at the lowest cost. The Urban Services Boundary shall be consistent with the regional Urban Growth Boundary and may be amended from time to time in accordance with the Comprehensive Plan

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URBAN DEVELOPMENT**2.3 Annexation**

Phase the annexation program of the City to allow for the incorporation of the 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 services, establishes logical city boundaries and promotes coordinated capital improvements programming. Annex land within the Urban Services Boundary in accordance with this policy and Policy 11.1. Annexation outside the Urban Services Boundary will not be accepted

PUBLIC FACILITIES**GOAL:**

11 A. 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**

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

- 1) Acknowledge the City's role as the principal provider of urban services within the City's established Urban Services Boundary and plan for the eventual delivery of urban services according to a phased program of improvements meeting the service needs of individual areas.*
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Urban services are readily available to the site from the City and service districts

The City's adopted Urban Services Policy (ENB-1.01) 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 property.

The City has public facility plans adopted pursuant to the statewide planning goal regarding public facilities and services. Generally speaking, these plans do not directly cover areas outside of the city or contain provisions applicable to annexation proceedings. In this case however, the City has recently installed a Sanitary Sewer that is adjacent to this property and available for use.

9. ORS 195 Agreements ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewer, water, fire protection, parks, open space, recreation and

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City of Portland

Multnomah County

