

**EXHIBIT A
LEGAL DESCRIPTION FOR**

8430 NW CORNELL ROAD (1N1W36BC LOTS 800 AND 900)

Parcel I:

That part of the Southwest one-quarter of the Northwest one-quarter of Section 36, Township 1 North, Range 1 West of the Willamette Meridian, in the County of Multnomah and State of Oregon, as described as follows:

Beginning on the South line of Cornell Road South $87^{\circ}40'$ West 109.64 feet from a point which is 330.00 feet distant, measured parallel with South line of said Northwest one-quarter from the West line of said section; thence South $01^{\circ}23'$ West parallel with the West section line, 161.19 feet; thence South $88^{\circ}37'$ West 110.00 feet; thence North $01^{\circ}23'$ West parallel with the West section line, 155.30 feet to the South line of said road; thence on a 1402.39 foot radius curve to the right (the long chord of which bears North $85^{\circ}28'$ East 106.04 feet) 106.06 feet; thence North $87^{\circ}40'$ East 4.48 feet to the point of beginning.

Note: This legal description was created prior to January 01, 2008.

Parcel II:

A tract of land in the Northwest Quarter of Section 36, Township 1 North, Range 1 West of the Willamette Meridian, Multnomah County, State of Oregon, being more particularly described as follows:

Commencing at a 4 ½ inch brass disc marking the west quarter corner of said section 36; thence N $00^{\circ}16'17''$ E, along the west line of said section 36, a distance of 914.13 feet to the true point of beginning, said point being a 5/8 inch iron rod with a yellow plastic cap inscribed "Hertel PLS 1896" marking the northwest corner of Parcel 2 of partition plat 1997-086, a duly recorded plat in Multnomah County Plat Records; thence N $00^{\circ}16'17''$ E, continuing along said west section line, a distance of 171.08 feet to a point on the centerline of N.W. Cornell Road (County Road No. 1409); thence, following said centerline, a distance of 110.38 feet along the arc of a 1440.31 foot radius curve to the right, said curve having a central angle of $04^{\circ}23'27''$ and a long chord which bears N $82^{\circ}56'22''$ E 110.35 feet; thence S $00^{\circ}19'05''$ W, a distance of 182.25 feet to a 5/8 inch iron rod on the north line of said Parcel 2; thence N $89^{\circ}40'55''$ W, along the north line of said Parcel 2, a distance of 109.30 feet to the point of beginning.

Excepting there from that portion lying within N.W. Cornell Road.

Note: This legal description was created prior to January 01, 2008.

EXHIBIT B

September 26, 2012 Meeting

PROPOSAL NO. A-1-12 - CITY OF PORTLAND - Annexation

Petitioner: French American International School

Proposal No. A-1-12 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 northwest edge of the City on the south side of NW Cornell Road just west of NW Miller Road. The territory contains 0.77 acres, one vacant single family dwelling and has an assessed value of \$439,720.

REASON FOR ANNEXATION

The owners want city service availability to facilitate future institutional use of the property. There are no specific development plans at present.

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.

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; and

- (E) Any applicable comprehensive 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.

There are no cooperative agreements, urban service agreements or annexation plans specifically adopted pursuant to ORS 195 in effect in this area. The proposal is consistent with the Comprehensive Plan as stated in the section below.

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. The territory is designated Low Density Residential by Multnomah County and is zoned R-10. The R-10 permits residential development with a minimum lot size of 10,000 square feet. 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.

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:

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

A. Within its boundaries of incorporation, the City of Portland will provide, where feasible and as sufficient funds are available from public or private sources, the following facilities and services at levels appropriate for all land use types:

- (1) streets and other public ways;
- (2) sanitary and stormwater sewers;
- (3) police protection;
- (4) fire protection;
- (5) parks and recreation;
- (6) water supply;
- (7) planning, zoning, buildings and subdivision control.

The City of Portland should encourage the planning efforts of those agencies providing the following services:

- (8) public schools;
- (9) public health services;

- (10) justice service;
- (11) solid waste disposal;
- (12) energy and communication services;
- (13) transit services.

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

- (1) Acknowledge the City's role as 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.

11.4 Capital Efficiency

Maximum use of existing public facilities and services should be supported through encouraging new development to occur at the maximum densities allowed by the Comprehensive Plan and through the development of vacant land within presently developed areas.

11.5 Cost Equity

To the maximum extent possible, the costs of improvement, extension and construction of public facilities should be borne by those whose land development and redevelopment actions made such improvement, extension and construction necessary. A procedure is to be established that defines the responsibility for improvements of individual projects.

11.6 Public Facilities System Plan

Develop and maintain a coordinated Public Facilities System Plan that provides a framework for the provision of urban public facilities and services within

Portland's Urban Services Boundary. This plan will be consistent with the designated land uses and density of the applicable plan. A 20-year time schedule should, if practical, be established as part of the Public Facilities System Plan to address vacant, buildable land, and the cost to increase facilities to meet projected population growth. This schedule, if developed, becomes the basis for the capital improvement programs and for future upzoning. The Transportation System Plan, when adopted, becomes the Public Facility System Plan for transportation.

11.7 Capital Improvement Program

The capital improvement program will be the annual planning process for major improvements to existing public facilities and the construction of new facilities. Planning will be in accordance with the framework provided by the Public Facilities System Plan and the Transportation System Plan.

As discussed below in the Facilities and Services section of the staff report, urban services are readily available to the site from the City and the City has agreements with other service providers which allow for efficient and economical delivery of services.

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 provided to the existing French American International School facility (which is inside the City of Portland) from a Clean Water Services sewer line in NW 87th Avenue. The City of Portland has an intergovernmental agreement with Clean Water Services to provide sewer service to City customers in this area.

Water Service. The City of Portland already serves the French American International School from an 8-inch water line on NW Cornell. The existing service would be available to serve future development on the territory to be annexed.

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

Fire. The territory currently receives fire protection from the Tualatin Valley Fire & Rescue. The District's nearest station is at NW 87th & Cornell Road. Following annexation the City would be responsible for providing fire service. The City's nearest station is Station # 27 at 3130 NW Skyline. The City and the District would both respond to a call in this area under service agreements covering the area.

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 NW Cornell Road.

RECOMMENDATION

Based on the Study and the proposed Findings and Reasons for Decision found in Attachment A, the staff recommends that Proposal No. A-1-12 be **approved**. It is also recommended that the territory be withdrawn from the Tualatin Valley Fire & Rescue and Multnomah County Service District #14 (street lights).

Attachment A, Findings to Staff Report
Proposal No. A-1-12

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 0.77 acres, one vacant single family dwelling and has an assessed value of \$439,720.
2. The owners want city service availability to facilitate future institutional use of the property. There are no specific development plans at present.
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.

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; and
 - (E) Any applicable comprehensive 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

Attachment A, Findings to Staff Report
Proposal No. A-1-12

services.

There are no cooperative agreements, urban service agreements or annexation plans specifically adopted pursuant to ORS 195 in effect in this area. The proposal is consistent with the Comprehensive Plan as stated in Finding No. 5 below.

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. The territory is designated Low Density Residential by Multnomah County and is zoned R-10. The R-10 permits residential development with a minimum lot size of 10,000 square feet. 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.
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:

Attachment A, Findings to Staff Report
Proposal No. A-1-12

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:

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

A. Within its boundaries of incorporation, the City of Portland will provide, where feasible and as sufficient funds are available from public or private sources, the following facilities and services at levels appropriate for all land use types:

- (1) streets and other public ways;
- (2) sanitary and stormwater sewers;
- (3) police protection;
- (4) fire protection;
- (5) parks and recreation;
- (6) water supply;
- (7) planning, zoning, buildings and subdivision control.

The City of Portland should encourage the planning efforts of those agencies providing the following services:

- (8) public schools;
- (9) public health services;
- (10) justice service;
- (11) solid waste disposal;

Attachment A, Findings to Staff Report
Proposal No. A-1-12

- (12) energy and communication services;
- (13) transit services.

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

- (1) Acknowledge the City's role as 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.

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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.

11.4 Capital Efficiency

Maximum use of existing public facilities and services should be supported through encouraging new development to occur at the maximum densities allowed by the Comprehensive Plan and through the development of vacant land within presently developed areas.

11.5 Cost Equity

To the maximum extent possible, the costs of improvement, extension and construction of public facilities should be borne by those whose land development and redevelopment actions made such improvement, extension and construction necessary. A procedure is to be established that defines the responsibility for improvements of individual projects.

Attachment A, Findings to Staff Report
Proposal No. A-1-12

11.6 Public Facilities System Plan

Develop and maintain a coordinated Public Facilities System Plan that provides a framework for the provision of urban public facilities and services within Portland's Urban Services Boundary. This plan will be consistent with the designated land uses and density of the applicable plan. A 20-year time schedule should, if practical, be established as part of the Public Facilities System Plan to address vacant, buildable land, and the cost to increase facilities to meet projected population growth. This schedule, if developed, becomes the basis for the capital improvement programs and for future upzoning. The Transportation System Plan, when adopted, becomes the Public Facility System Plan for transportation.

11.7 Capital Improvement Program

The capital improvement program will be the annual planning process for major improvements to existing public facilities and the construction of new facilities. Planning will be in accordance with the framework provided by the Public Facilities System Plan and the Transportation System Plan.

As discussed below in Findings 9-14, urban services are readily available to the site from the City and the City has agreements with other service providers which allow for efficient and economical delivery of services.

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 provided to the existing French American International School facility (which is inside the City of Portland) from a Clean Water Services sewer line in NW 87th Avenue. The City of Portland has an intergovernmental agreement with Clean Water Services to provide sewer service to City customers in this area.
10. The City of Portland already serves the French American International School from an 8-inch water line on NW Cornell. The existing service would be available to serve future development on the territory to be annexed.
11. Police Service will be provided by the City at the same level as currently provided to other City residents.

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12. The territory currently receives fire protection from the Tualatin Valley Fire & Rescue. The District's nearest station is at NW 87th & Cornell Road. Following annexation the City would be responsible for providing fire service. The City's nearest station is Station # 27 at 3130 NW Skyline. The City and the District would both respond to a call in this area under service agreements covering the area.

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 NW Cornell Road.

Attachment A, Findings to Staff Report
Proposal No. A-1-12

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the City Council determined:

1. The Metro Code at 3.09.045(d)(1) (A) seeks consistency with expressly applicable provisions in an applicable urban service agreement adopted pursuant to ORS 195.065. There are no such agreements in this area.
2. The Metro Code at 3.09.045(d)(1) (B) seeks consistency with expressly applicable provisions in an applicable annexation plan adopted pursuant to ORS 195.205. There are no such annexation plans in this area.
3. The Metro Code at 3.09.045(d)(1) (C) seeks consistency with expressly applicable provisions in any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the City and a necessary party. There are no such agreements in this area.
4. The Metro Code at 3.09.045(d)(1) (D) seeks consistency with expressly applicable provisions in any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services. Determination that the area be included in the City's urban service area was made through adoption of an Urban Services Policy adopted as an element of the City's Comprehensive Plan. The annexation is consistent with the public facility plan as noted in Finding No. 7.
5. The Metro Code at 3.09.045(d)(1) (E) seeks consistency with expressly applicable provisions in any applicable comprehensive plan. The Council has reviewed the City Comprehensive Plan and the County Comprehensive Plan. The County plan contains no criteria that are directly applicable to annexation decisions.

Policy 11.1 of the Portland Comprehensive Plan contains criteria related to annexation. It says that the city shall "acknowledge its role as the principal provider of urban services" within the City's urban services boundary and "coordinate closely" with other service providers in the area. The City serves adjacent areas within the City and coordinates with the Clean Water Services County Service District and Tualatin Valley Fire & Rescue which serve adjacent areas.

The Council concludes that the annexation is consistent with Policy 11.1.

Policy 11.2 says urban development is appropriate when urban services are available and they are in this case. Therefore the Council finds the annexation consistent with Policy 11.2

Policy 11.3 cautions against allowing one urban service to dictate premature extension

Attachment A, Findings to Staff Report
Proposal No. A-1-12

of other public services. In this case the other public services are readily available. The Council concludes the annexation is consistent with Policy 11.3.

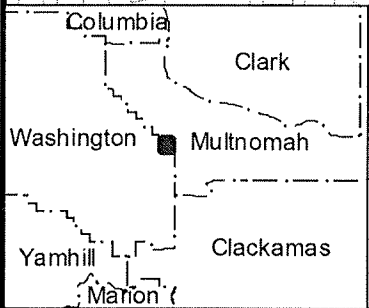
Policy 11.4 calls for maximum use of existing facilities. This proposed annexation is consistent with policy 11.4.



Under Policy 11.5, to the maximum extent possible costs for new public facilities & services should be borne by those benefiting from them. No extensions of City services are being required in this case. Therefore the Council concludes the proposal is consistent with this policy.

6. Metro Code 3.09.045(d)(2)(A) calls for consideration of whether the boundary change would "promote 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.
7. Metro Code 3.09.045(d)(2)(B) calls for consideration of whether the boundary change would affect the "quality and quantity of urban services." Given the size of this annexation the Council concludes this annexation will have no impact on the overall quality and quantity of services available in the area.
8. In accordance with Metro Code 3.09.045(d)(2)(C) Council considered whether this annexation would "eliminate or avoid unnecessary duplication of services" and concludes the annexation will neither negatively nor positively relate to this criterion.
9. The City may specify in its annexation Ordinance that the territory will be simultaneously withdrawn from Tualatin Valley Fire & Rescue and Multnomah County Service District # 14 for street lights. To prevent confusion about which units of government are responsible for providing services, the territory should be simultaneously withdrawn from these districts.

185644

Multnomah County



 City of Portland
 Area to be annexed

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