

EXHIBIT A
LEGAL DESCRIPTION FOR
2055 NW RAMSEY DRIVE (1N1W25CD LOT 1500)

ALL OF LOT 4; LOT 5, EXCEPT THE SOUTHEASTERLY 50 FEET, MEASURED AT RIGHT ANGLES TO THE EASTERLY LINE OF SAID LOT 5, AND LOT 3, EXCEPT THE NORTHWESTERLY 20 FEET, MEASURED AT RIGHT ANGLES TO THE WESTERLY LINE OF SAID LOT 3, ALL IN BLOCK 3, SKYLINE HEIGHTS, IN THE COUNTY OF MULTNOMAH AND STATE OF OREGON; EXCEPT THE SOUTHWESTERLY 10 FEET DEEDED TO MULTNOMAH COUNTY OF THE WIDENING OF N.W. WALMER DRIVE.

EXHIBIT B

September 4, 2013 Meeting

PROPOSAL NO. A-1-13 - CITY OF PORTLAND - Annexation

Petitioner: Daniel & Lisa Pope

Proposal No. A-1-13 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 northwest part of the City on the west edge of NW Ramsey Drive and the east edge of NW Walmer Drive. The territory contains 0.64 acres, one single family dwelling, a population of 2 and has an assessed value of \$443,660.

REASON FOR ANNEXATION

The owners want city sewer service for the existing dwelling and one additional unit that could be built following a partition of the property.

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;
 - (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.

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.

City of Portland Planning. The City Comprehensive Plan contains the following Goals and 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 on planning covering the territory to be annexed.

URBAN DEVELOPMENT

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 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. Annexations 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.

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.

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 area.

The City has public facility plans adopted pursuant to the statewide planning goal on 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 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. The City has sanitary sewer service available to this property from a line in NW Walmar Drive. Both the existing dwelling and a second residence can be served from this line.

Water Service. The City of Portland already serves this area via a water line in NW Ramsey Drive.

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.

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

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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 Ramsey Drive off of NW Skyline Road.

RECOMMENDATION

Based on the Study and the proposed Findings and Reasons for Decision found in Attachment 1, the staff recommends that Proposal No. A-1-13 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).

SE1/4 SW1/4 SEC. 25 T.1N. R.1W. W.M.
MULTNOMAH COUNTY
1" = 100'

SEE MAP IN IW 25CA

S/L CALES RIDGE

N89°58'16"E 682.22

[illegible]

SEE MAP IN PW 25CC

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 0.64 acres, one single family dwelling, a population of 2 and has an assessed value of \$443,660.
2. The owners want city sewer service for the existing dwelling and one additional unit that could be built following a partition of the property.
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;
 - (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

Attachment 1, Findings to Staff Report
Proposal No. A-1-13

- (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 noted in Finding 7.

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 calls for the District to "... ensure that a boundary change is in compliance with the Metro regional framework plan as defined in ORS 197.015. 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 City Comprehensive Plan contains the following Goals and Policies & Objectives:

METROPOLITAN COORDINATION

1.2 Urban Planning Area Boundary

Attachment 1, Findings to Staff Report
Proposal No. A-1-13

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 on planning covering the territory to be annexed.

URBAN DEVELOPMENT

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 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. Annexations 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.

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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.

As discussed in Findings 9-14 below, urban services are readily available to the site from the City.

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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 area.

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

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. The City has sanitary sewer service available to this property from a line in NW Walmar Drive. Both the existing dwelling and a second residence can be served from this line.
10. The City of Portland already serves this area via a water line in NW Ramsey Drive.
11. Police Service will be provided by the City at the same level as currently provided to other City residents.
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.

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 Ramsey Drive off of NW Skyline Road.

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

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coordinates with Tualatin Valley Fire & Rescue which serves non-city 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 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.