

CHAPTER 326

AN ACT

HB 3067

Relating to transfer of "Area 93" from Multnomah County to Washington County; creating new provisions; amending ORS 201.260, 201.340 and 202.180; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. The Legislative Assembly finds and declares:

(1) It is in the interest of the State of Oregon to facilitate efficient and well-planned urban development on land included within an urban growth boundary.

(2) It is preferable for county services to be provided by the county in which the territory receiving the services is located.

(3) The portion of Multnomah County referred to as "Area 93" was included within Metro's urban growth boundary in 2002.

(4) "Area 93" is immediately adjacent to an urbanized portion of Washington County and separated from urbanized portions of Multnomah County and the City of Portland and more than one-half mile from the City of Portland's urban service district.

(5) In 2012, the Land Conservation and Development Commission acknowledged the designation of urban and rural reserves for the Portland metropolitan region under ORS 195.137 to 195.145, including a rural reserve that further isolates "Area 93" from urbanized portions of Multnomah County. Rural reserves are areas that may not be included within an urban growth boundary for a period of 50 years.

(6) For the reasons identified in this section, neither Multnomah County nor the City of Portland can effectively deliver urban services within "Area 93." This situation is without precedent and is unlikely to be repeated.

SECTION 2. (1) Notwithstanding ORS 202.020, 202.030, 202.040, 202.050, 202.060, 202.070 and 202.080 (1), on or before January 1, 2014, the governing bodies of Multnomah County and Washington County may approve as provided in this section a transfer of the territory known as "Area 93," from Multnomah County to Washington County as reflected in the amendments to ORS 201.260 and 201.340 by sections 3 and 4 of this 2013 Act.

(2) The governing bodies of Multnomah County and Washington County shall each appoint two members of the governing body to meet for the purpose of establishing the terms of a plan for the transfer of "Area 93," including:

(a) The assumption of liabilities and the division of assets made necessary by the proposed transfer of territory; and

(b) The schedule required by subsection (5) of this section.

(3) A majority of the members appointed under subsection (2) of this section may present to the governing bodies of Multnomah County and Washington County the plan for the transfer of "Area 93" required by subsection (2) of this section.

(4) If the appointed members present a plan for the transfer of "Area 93" to their respective governing bodies and each governing body approves the plan by a majority vote of its members in a vote taken on or before January 1, 2014:

(a) Within 10 days after the governing bodies of both counties have approved the transfer of "Area 93," the governing bodies of the counties shall jointly notify the Governor of their approval of the plan; and

(b) Within 10 days after receiving the notice described in paragraph (a) of this subsection, the Governor shall issue a proclamation declaring approval of the change in county boundaries as reflected in the amendments to ORS 201.260 and 201.340 by sections 3 and 4 of this 2013 Act.

(5) Notwithstanding ORS 202.160 and 202.170, if the governing bodies of Multnomah County and Washington County approve the plan as described in subsection (4) of this section, Multnomah County shall transfer to Washington County, on the schedule established by the counties in the plan under subsection (2) of this section, possession of recording documents and indexes:

(a) From 1994 or later for the territory transferred from Multnomah County to Washington County; and

(b) For real property within the territory the ownership of which was last changed before 1994, the recording documents reflecting the most recent change in ownership.

SECTION 3. ORS 201.260 is amended to read: 201.260. The boundary of Multnomah County is as follows:

(1) Beginning at a point on the boundary of the state on the half-section line running east and west through the center of [sections 22 and] **section 23**, township 3 north, range 1 west, Willamette Meridian; thence running westerly along the half-section line[,] through the center of section 23[, *until it intersects*] **to the intersection** with the section line running north and south between sections 22 and 23; thence southerly along the section line [until it intersects] **to the intersection** with the section line running east and west that divides sections 23 and 26; thence westerly along the section line to a point in the middle of the second range of townships west of the Willamette Meridian; thence [south by] **southerly six miles along** the section [line] lines to the [center of the second township north of the base line:] **southwest corner of section 22, township 2 north, range 2 west; thence along section lines**

one mile east by one mile south, alternately, to the northwest corner of section 22, township 1 north, range 1 west; thence southerly one-half mile along the section line to the half-section line running east and west through section 22; thence easterly along the half-section line of section 22 and the north line of Bonny Slope, a subdivision in the Multnomah County Plat Records, S 88°26'12" E 215.30 feet, more or less, to the easterly right-of-way of Northwest 124th Avenue at a point 25.00 feet easterly of the centerline of Northwest 124th Avenue, when measured at a right angle to the centerline; thence along the easterly right-of-way of Northwest 124th Avenue, being on a line parallel with and 25.00 feet easterly of the centerline of Northwest 124th Avenue, when measured at right angles to the centerline, N 02°11'48" E 180.00 feet, more or less, to the northwest corner of the real property described in Book 600, Page 1653, of the Multnomah County Deed Records; thence along the north line of the real property described in Book 600, Page 1653, S 88°26'12" E 374.00 feet, more or less, to the northeast corner of the real property; thence along the east line of the real property described in Book 600, Page 1653, S 02°11'48" W 180.00 feet, more or less, to the half-section line running east and west in section 22 at a point on the southeast corner of the real property and the northeast corner of Lot 19 of Bonny Slope, a subdivision in the Multnomah County Plat Records; thence along the half-section line of section 22, and the north line of Bonny Slope, S 88°26'12" E 1812.29 feet, more or less, to the northeast corner of the real property described in Deed Document 94-055215 of the Multnomah County Deed Records; thence along the east line of the real property described in Deed Document 94-055215, S 02°11'48" W 611.94 feet, more or less, to the northerly right-of-way of Multnomah County Road No. 1218 (Northwest Laidlaw Road), at a point 25.00 feet northerly of the centerline of Multnomah County Road No. 1218, when measured at a right angle to the centerline; thence along the northerly and easterly right-of-way of Multnomah County Road No. 1218, as shown on the map of Multnomah County Road No. 1218, map D15/13, Multnomah County Road Records, and being parallel with and 25.00 feet northerly and easterly of the centerline of Multnomah County Road No. 1218, when measured at a right angle to the centerline, the following seven courses: on a 216.00-foot radius, nontangent curve to the right through a central angle of 37°06'53" (chord bears S 16°50'16" E 137.49 feet) 139.92 feet, more or less, to the end of the 216.00-foot radius, nontangent curve and a point of tangency at station 38+57.80 25.00 feet right; thence S 01°43'10" W 575.23 feet, more or less, to station 32+82.57 25.00 feet right and the beginning of a 195.40-foot

radius curve to the left; thence on the 195.40-foot radius curve to the left through a central angle of 43°31'00" (chord bears S 20°02'20" E 144.87 feet) 148.41 feet, more or less, to the end of the 195.40-foot radius curve and a point of tangency at station 31+15.20 25.00 feet right; thence S 41°47'50" E 728.26 feet, more or less, to station 23+86.94 25.00 feet right and the beginning of a 179.60-foot radius curve to the left; thence on the 179.60-foot radius curve to the left through a central angle of 33°17'00" (chord bears S 58°26'20" E 102.87 feet) 104.33 feet, more or less, to the end of the 179.60-foot radius curve and a point of tangency at station 22+68.07 25.00 feet right; thence S 75°04'50" E 180.48 feet, more or less, to station 20+87.59 25.00 feet right and the beginning of a 179.60-foot radius curve to the left; thence on the 179.60-foot radius curve to the left through a central angle of 23°58'00" (chord bears S 87°03'50" E 74.58 feet) 75.13 feet, more or less, to the end of the 179.60-foot radius curve and a point of tangency at station 20+02.00 25.00 feet right; thence leaving the northerly right-of-way of Multnomah County Road No. 1218 radial to the centerline of Multnomah County Road No. 1218, S 09°02'50" E 25.00 feet, more or less, to centerline station 20+02.00 as shown on the map of Multnomah County Road No. 1218, map D15/13, Multnomah County Road Records; thence S 37°08'10" E 43.84 feet, more or less, to the southerly right-of-way of Multnomah County Road No. 1218 at a point 25.00 feet southerly of the centerline of Multnomah County Road No. 1218, when measured at a right angle to the centerline, and the easterly right-of-way of Northwest Marcotte Road, as dedicated in the Map of Replat of Lots 4 & 5 Bonny Slope, a subdivision in the Multnomah County Plat Records, and being at a point 25.00 feet easterly of the centerline of Northwest Marcotte Road, when measured at a right angle to the centerline; thence along the easterly and southerly right-of-way of Northwest Marcotte Road, being parallel with and 25.00 feet easterly and southerly of the centerline of Northwest Marcotte Road, when measured at a right angle to the centerline, the following five courses: S 03°21'32" W 59.58 feet, more or less, to the beginning of a 125.00-foot radius curve to the right; thence along the 125.00-foot radius curve to the right through a central angle of 105°00'00" (chord bears S 55°51'32" W 198.34 feet) 229.07 feet, more or less, to the end of the 125.00-foot radius curve and a point of tangency; thence N 71°38'28" W 233.12 feet, more or less, to the beginning of a 104.76-foot radius curve to the left; thence along the 104.76-foot radius curve to the left through a central angle of 78°38'00" (chord bears S 69°02'32" W 132.75 feet) 143.77 feet, more or less, to the end of the

104.76-foot radius curve and a point of tangency; thence S 29°43'32" W 403.77 feet, more or less, to the section line between section 22 and section 27, township 1 north, range 1 west, at a point S 88°09'28" E 28.28 feet, more or less, from the half-section line running north and south through section 22; thence easterly along the section line to the southeast corner of section 22; thence one mile south and one mile east, alternately, by section lines to the Willamette Meridian; thence south by the meridian line to the township line between townships 1 and 2 south of the base line; thence east by the township line to the middle of the Willamette River; thence down the middle of the Willamette River to the section line between sections 23 and 26, township 1 south, range 1 east; thence east on section lines to the western boundary of Hood River County, as described in ORS 201.140; thence northerly along such county boundary to the boundary of the state; thence westerly along the boundary of the state to the place of beginning.

(2) Commencing at a point at the quarter post between sections 23 and 26, township 1 south, range 1 east; thence east to the east line of the city of Sellwood; thence south along the east line of the city of Sellwood to the southeast corner of the city; thence west and westerly along the south line of the city to the center of the Willamette River; thence down the center of the river to the line between sections 22 and 27, township 1 south, range 1 east; thence east along the line between sections 22, 27, 23 and 26 to the place of beginning.

SECTION 4. ORS 201.340 is amended to read:

201.340. The boundary of Washington County is as follows: Commencing at the southeast corner of section 1, township 3 south, range 1 west, Willamette Meridian; *[running thence north 13 miles]* thence northerly along the Willamette Meridian 13 miles; thence one mile west; thence one mile north; thence one mile west; thence one mile north; *[thence one mile west; thence one mile north;]* to the southeast corner of section 22, township 1 north, range 1 west; thence westerly along the south line of section 22, N 88°09'28" W 2629.75 feet, more or less, to the easterly right-of-way of Northwest Marcotte Road, as dedicated in the Map of Replat of Lots 4 & 5 Bonny Slope, a subdivision in the Multnomah County Plat Records, and a point 25.00 feet easterly of the centerline of Northwest Marcotte Road, when measured at a right angle to the centerline, also being S 88°09'28" E 28.28 feet, more or less, from the half-section line running north and south through section 22; thence northerly along the easterly and southerly right-of-way of Northwest Marcotte Road, being parallel with and 25.00 feet easterly and southerly of Northwest Marcotte Road, when measured at a right angle to the centerline; thence the following five courses: N 29°43'32" E 403.77 feet, more or less, to the beginning of a 104.76-foot radius curve to

the right; thence along the 104.76-foot radius curve to the right through a central angle of 78°38'00" (chord bears N 69°02'32" E 132.75 feet) 143.77 feet, more or less, to the end of the 104.76-foot radius curve and a point of tangency; thence S 71°38'28" E 233.12 feet, more or less, to the beginning of a 125.00-foot radius curve to the left; thence along the 125.00-foot radius curve to the left through a central angle of 105°00'00" (chord bears N 55°51'32" E 198.34 feet) 229.07 feet, more or less, to the end of the 125.00-foot radius curve and a point of tangency; thence N 03°21'32" E 59.58 feet, more or less, to the southerly right-of-way of Multnomah County Road No. 1218 (Northwest Laidlaw Road), at a point 25.00 feet southerly of the centerline of Multnomah County Road 1218, when measured at a right angle to the centerline of the road; thence leaving the rights-of-way of Northwest Marcotte Road and Multnomah County Road No. 1218, N 37°08'10" W 43.84 feet, more or less, to the centerline of Multnomah County Road No. 1218 at centerline station 20+02.00 B.C., as shown on the map of Multnomah County Road No. 1218, map D15/13, Multnomah County Road Records; thence radial to the centerline, N 09°02'50" W 25.00 feet, more or less, to the northerly right-of-way of Multnomah County Road No. 1218 at station 20+02.00 B.C. 25.00 feet right and the beginning of a 179.60-foot radius, nontangent curve to the right; thence along the northerly and easterly right-of-way of Multnomah County Road No. 1218, being parallel with and 25.00 northerly and easterly of the centerline of Multnomah County Road No. 1218, when measured at a right angle to the centerline of the road, the following seven courses: along the 179.60-foot radius, nontangent curve to the right through a central angle of 23°58'00" (chord bears N 87°03'50" W 74.58 feet) 75.13 feet, more or less, to the end of the 179.60-foot radius, nontangent curve and a point tangency at station 20+87.59 E.C. 25.00 feet right; thence N 75°04'50" W 180.48 feet, more or less, to station 22+68.07 B.C. 25.00 feet right and the beginning of a 179.60-foot radius curve to the right; thence on the 179.60-foot radius curve to the right through a central angle of 33°17'00" (chord bears N 58°26'20" W 102.87 feet) 104.33 feet, more or less, to the end of the 179.60-foot radius curve and a point of tangency at station 23+86.94 E.C. 25.00 feet right; thence N 41°47'50" W 728.26 feet, more or less, to station 31+15.20 B.C. 25.00 feet right and the beginning of a 195.40-foot radius curve to the right; thence on the 195.40-foot radius curve to the right through a central angle of 43°31'00" (chord bears N 20°02'20" W 144.87 feet) 148.41 feet, more or less, to the end of 195.40-foot radius curve and a point of tangency at station 32+82.57 E.C. 25.00 feet right; thence N 01°43'10" E 575.23 feet,

more or less, to station 38+57.80 B.C. 25.00 feet right and the beginning of a 216.00-foot radius curve to the left; thence along the 216.00-foot radius curve to the left through a central angle of 37°06'53" (chord bears N 16°50'16" W 137.49 feet) 139.92 feet, more or less, to the east line of the real property described in Deed Document 94-055215 of the Multnomah County Deed Records; thence, leaving the right-of-way of Multnomah County Road No. 1218, northerly along the east line of the real property described in Deed Document 94-055215, N 02°11'48" E 611.94 feet, more or less, to the half-section line running east and west in section 22 and the northeast corner of the real property described in Deed Document 94-055215; thence westerly along the half section line, N 88°26'12" W 1812.29 feet, more or less, to the northeast corner of Lot 19 of Bonny Slope, a subdivision in the Multnomah County Plat Records, and the southeast corner of the real property described in Book 600, Page 1653, of the Multnomah County Deed Records; thence northerly along the east line of the real property described in Book 600, Page 1653, N 02°11'48" E 180.00 feet, more or less, to the northeast corner of the real property; thence westerly along the north line of the real property described in Book 600, Page 1653, N 88°26'12" W 374.00 feet, more or less, to the northwest corner of the real property described in Book 600, Page 1653 and the easterly right-of-way of Northwest 124th Avenue at a point 25.00 feet easterly of the centerline of Northwest 124th Avenue, when measured at a right angle to the centerline of the road; thence southerly along the easterly right-of-way of Northwest 124th Avenue, being parallel with and 25.00 feet easterly of the centerline of Northwest 124th Avenue when measured at a right angle to the centerline of the road, S 02°11'48" W 180.00 feet, more or less, to the half-section line running east and west through section 22 and the north line of the Bonny Slope subdivision; thence westerly along the half-section line, N 88°26'12" W 215.30 feet, more or less, to the section line running north and south between section 22 and section 21; thence northerly along the section line one-half mile to the northwest corner of section 22, township 1 north, range 1 west; thence one mile west; thence one mile north; thence one mile west; thence one mile north; thence one mile west; thence one mile north; thence one mile west; thence seven miles north; thence three miles west; thence one mile north; thence two miles west; thence two miles north; thence 16 miles west; thence five miles south; thence six miles west; thence two miles south; thence one mile east; thence one mile south; thence one mile east; thence one mile south; thence one mile east; thence one mile south; thence two miles east; thence one mile south; thence two miles east;

thence one mile south; thence two miles east; thence one mile south; thence one mile west; thence one mile south; thence two miles west; thence two miles south; thence two miles west; thence one mile south; thence one mile west; thence one mile south; thence one mile west; thence two miles south; thence one mile west; thence three miles south; thence one mile west; thence one mile south; thence 17 miles east; thence one mile south; thence one mile east; thence one mile south; thence four miles east; thence one mile south; thence one mile east; thence one mile south; thence one mile east; thence one mile south; thence three miles east; thence two miles south; thence three miles east; thence two miles north; thence two miles east; thence one mile south; thence three miles east to the place of beginning.

SECTION 5. The amendments to ORS 201.260 and 201.340 by sections 3 and 4 of this 2013 Act become operative:

(1) Only if the Governor issues a proclamation declaring approval of the change in county boundaries as provided in section 2 (4) of this 2013 Act; and

(2) Thirty days after the date the Governor issues the proclamation described in paragraph (a) of this subsection.

SECTION 6. ORS 202.180 is amended to read:

202.180. (1) The county court of a new county or a county to which territory has been added shall, respectively:

(a) Cause all the registration [cards] records of electors living in the new county or in the territory that has been added to an existing county to be segregated from the registration [cards] records on file in the counties from which the new county is created or the county from which the territory has been removed;

(b) Cause the registration records to be delivered to the county clerk of the new county or the county to which the territory has been added; and

(c) Provide for the transfer to the county clerk of the new county or the county to which the territory has been added a list of electors and other election records, relating only to precincts and electors within the new county or the territory that has been added to an existing county.

(2) The county clerk of the new county or the county to which the territory has been added shall arrange and install the registration [cards] records received under subsection (1) of this section in the manner provided by law. The registration [cards and] records constitute registration of the electors whose names appear [thereon] on the records in the new county or the county to which the territory has been added, respectively.

(3) The list of electors and other registration and election records are records of the new county or the county to which the territory has been added, respectively.

(4)(a) If a county boundary change occurs on a date within a period described in paragraph (b) of this subsection, the change is not effective for purposes of eligibility for elections within the territory that is removed from one county and added to another county until the day after the respective ending date described in paragraph (b) of this subsection.

(b) The periods referred to in paragraph (a) of this subsection are the periods:

(A) Beginning on the day after the 90th day before a primary election or a general election and ending on the day of the election; or

(B) Beginning on the day after the deadline for filing the notice of election before any elec-

tion, other than a primary election or a general election, that is held by a county, district or other municipal corporation affected by the boundary change and ending on the day of the election.

SECTION 7. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Approved by the Governor June 6, 2013

Filed in the office of Secretary of State June 6, 2013

Effective date June 6, 2013