

ORDINANCE NO. 2021-05

ORDINANCE ANNEXING 24.5 +/- ACRES OF LAND INTO THE CITY LIMITS OF FOREST GROVE AND CLEAN WATER SERVICES DISTRICT AND WITHDRAWING THE TRACT FROM THE FOREST GROVE RURAL FIRE PROTECTION DISTRICT; WASHINGTON COUNTY TAX LOT 1N330000100; FILE NO. 311-21-000037-PLNG

WHEREAS, Ryan O'Brien., representing the property owner, Davis Family Trust, and the applicant, Chad E. Davis Construction, submitted an annexation petition on August 13, 2021; and

WHEREAS, the annexation petition includes all affected property owners and all electors; and

WHEREAS, since the annexation petition includes all owners of property affected by the annexation, the City Council dispenses with submitting the question of the proposed annexation to the electors of the City for their approval or rejection; and

WHEREAS, Oregon Revised Chapter ORS Chapter 222.120 and Chapter 222.125 establishes procedures for property owner-initiated annexation petitions without election by City electors; and

WHEREAS, the subject property is located within the urban growth boundary; and

WHEREAS, the City of Forest Grove desires to adopt an ordinance annexing the subject property into the city limits; and

WHEREAS, the tract subject to annexation is within the boundaries of the Forest Grove Rural Fire Protection District (District) and will be withdrawn from the District upon the effective date of the annexation; and

WHEREAS, the tract subject to annexation will be added to the Clean Water Services district boundary upon annexation under the authority of Oregon Revised Statutes Chapter 199.510(2)(C); and

WHEREAS, the Planning Commission held a duly noticed public hearing on the annexation on November 1, 2021; and recommended City Council approval of the annexation; and

WHEREAS, the City Council held a duly-noticed Public Hearing to consider the annexation petition on November 22, 2021, and December 13, 2021; and

WHEREAS, a report was prepared as required by law, and the City Council having considered the report and testimony during the public hearing; does hereby favor the annexation of the subject territory to the city limits; adding the subject territory to the Clean

Water Services district boundary and withdrawing the subject territory for the Forest Grove Rural Fire Protection District; and

WHEREAS, the annexation and withdrawals are not contested by any necessary party.

NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:

Section 1. The subject territory, described as Exhibit A and depicted on the attached map (Exhibit B), is declared to be annexed to the City of Forest Grove, Oregon.

Section 2. The subject territory annexed by this ordinance and described in Section 1 will be added to the Clean Water Services district under the authority granted by Oregon Revised Statutes Chapter 199.510(2) (c).

Section 3. The subject territory annexed by this ordinance and described by Section 1 is withdrawn from the Forest Grove Rural Fire Protection District.

Section 4. The findings in conclusions contained in the staff report dated November 22, 2021, and Planning Commission Decision 2021-04, are hereby incorporated by reference and hereby adopted.

Section 5. Annexation of the subject territory is supported by the findings of fact and conclusions described in Exhibit C.

Section 6. The annexations and withdrawal shall become effective upon filing of the annexation of the annexation by Metro with the Oregon Secretary of State's Office as provided by the Metro Code Chapter 3.09.060 and ORS 222.180.

Section 7. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading the 22nd day of November 2021.

PASSED the second reading the 13th day of December 2021.



Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th day of December 2021.



Peter B. Truax, Mayor



CMT SURVEYING AND CONSULTING INC.

LEGAL DESCRIPTION

SEPTEMBER 21, 2021

PROJECT NO. 500-1115

A TRACT OF LAND UNDER APPLICATION FOR ANNEXATION INTO CITY LIMITS OF FOREST GROVE, OREGON

A TRACT OF LAND BEING A PORTION OF THE ORUS BROWN DONATION LAND CLAIM (DLC) NO. 71, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 3 WEST, OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, AS DESCRIBED IN DOCUMENT NO. 2008-076131, WASHINGTON COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SUBJECT PROPERTY, BEING A POINT AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF N.W. DAVID HILL ROAD AND THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 47, WHICH POINT OF BEGINNING BEARS NORTH 11°21'05" EAST 40.46 FEET AND NORTH 87°17'54" WEST 30.35 FEET FROM THE SOUTHEAST CORNER OF SAID D.L.C.; THENCE ALONG THE SOUTH LINE OF THE SUBJECT PROPERTY AND SAID NORTH RIGHT-OF-WAY LINE, BEING PARALLEL WITH AND 40.00 FEET NORTHERLY OF, RIGHT ANGLE MEASURE, THE SOUTH LINE OF SAID D.L.C., NORTH 87°17'54" WEST, 1735.29 FEET TO THE SOUTHWEST CORNER OF THE SUBJECT PROPERTY; THENCE ALONG THE WEST LINE OF THE SUBJECT PROPERTY, ALSO BEING ALONG THE EAST LINE OF PARCEL 1 OF PARTITION PLAT NO. 2012-029 AND ITS SOUTHERLY EXTENSION, NORTH 02°47'03" EAST, 642.47 FEET TO THE NORTHWEST CORNER OF THE SUBJECT PROPERTY, ALSO BEING THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED IN DOCUMENT NO. 2008-075877, WASHINGTON COUNTY DEED RECORDS; THENCE LEAVING SAID EAST LINE OF PARCEL 1 OF SAID PARTITION PLAT, ALONG THE MOST NORTHERLY NORTH LINE OF THE SUBJECT PROPERTY, ALSO BEING ALONG THE MOST NORTHERLY SOUTH LINE OF SAID DOCUMENT NO. 2008-075877 PROPERTY, BEING PARALLEL WITH THE SOUTH LINE OF SAID D.L.C., SOUTH 87°17'54" EAST, 1457.88 FEET TO AN ANGLE POINT IN SAID COMMON PROPERTY LINE; THENCE ALONG SAID COMMON PROPERTY LINE, SOUTH 02°42'06" WEST, 218.72 FEET TO AN ANGLE POINT IN SAID COMMON PROPERTY LINE; THENCE ALONG SAID COMMON PROPERTY LINE, BEING PARALLEL WITH THE SOUTH LINE OF SAID D.L.C., SOUTH 87°17'54" EAST, 310.42 FEET TO THE MOST SOUTHERLY NORTHEAST CORNER OF THE SUBJECT PROPERTY, BEING A POINT ON THE WEST LINE OF THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 47 PER RIGHT-OF-WAY DEDICATION DOCUMENT NO. 2015-103171, WASHINGTON COUNTY DEED RECORDS; THENCE ALONG THE EASTERLY LINE OF THE SUBJECT PROPERTY, ALSO BEING ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 47 PER RIGHT-OF-WAY DEDICATION DOCUMENT NO. 2015-103171, THE FOLLOWING TWO (2) COURSES:

SOUTH 10°29'00" WEST, 78.65 FEET TO AN ANGLE POINT;
SOUTH 02°13'39" WEST, 182.88 FEET TO AN ANGLE POINT AND THE END OF SAID RIGHT-OF-WAY DEDICATION;

THENCE CONTINUING ALONG SAID EASTERLY PROPERTY LINE, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, BEING PARALLEL WITH AND 30.00 FEET WESTERLY OF, RIGHT ANGLE MEASURE, THE CENTERLINE OF SAID STATE HIGHWAY NO. 47 AND THE EAST LINE OF SAID D.L.C., SOUTH 11°21'05" WEST, 164.82 FEET TO THE POINT OF BEGINNING.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Michael R. Gates
OREGON
JULY 25, 1990
MICHAEL R. GATES
2449

EXPIRES: 6-30-23

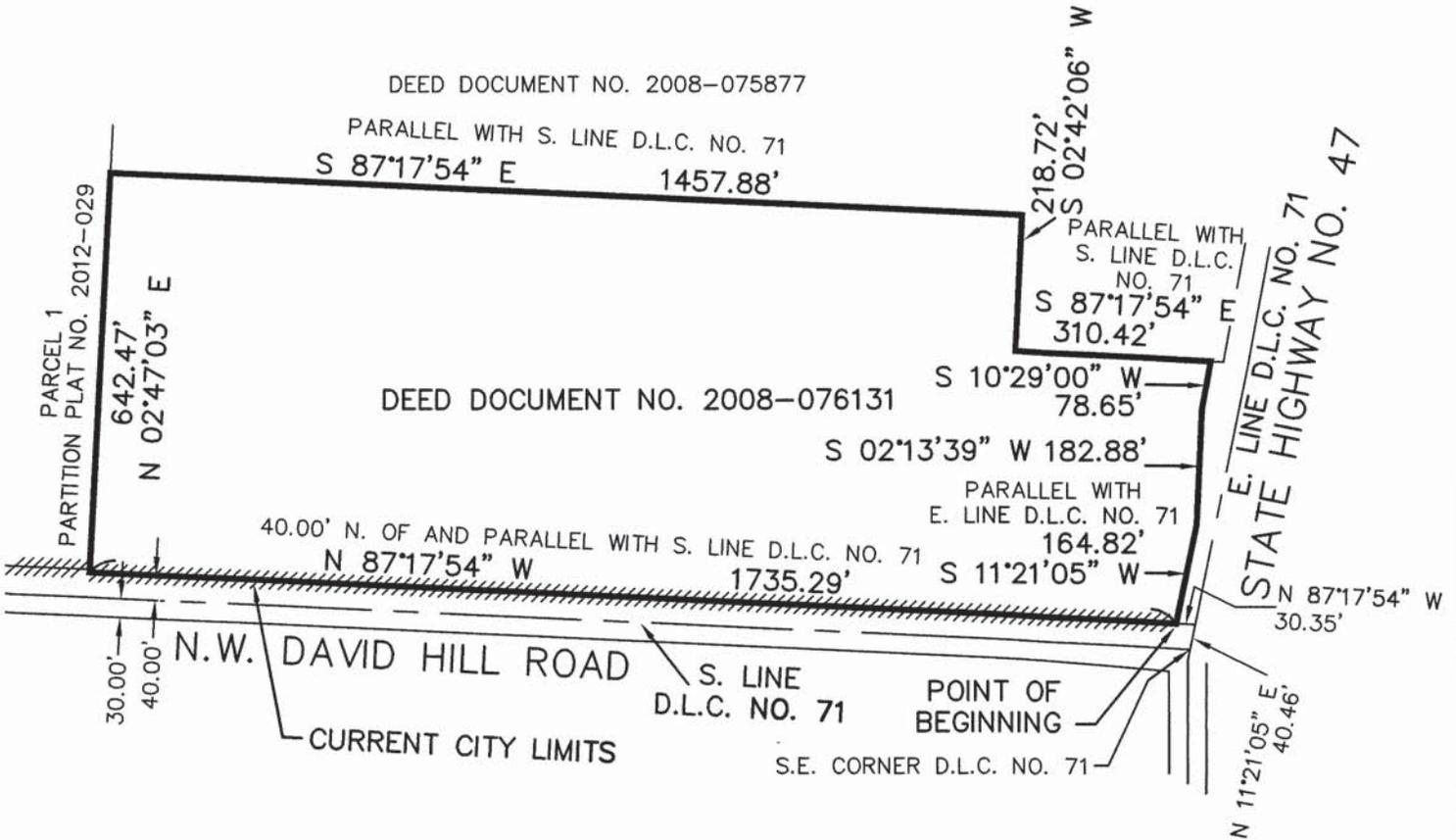
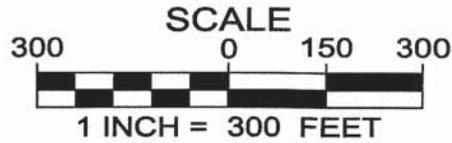


EXHIBIT B

CMT SURVEYING AND CONSULTING

20330 SE HIGHWAY 212 ** DAMASCUS, OR 97015 ** PHONE 503-850-4672 FAX 503-850-4590

CLIENT: CHAD DAVIS CONST
ADDRESS: 2627 NW HWY 47
LEGAL: IN SW 1/4 SEC 30
DRAWN: RLMc 9/21/2021
JOB NO: 500-1115 1"=300'



SKETCH FOR SUBDIVISION ANNEXATION

LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 30,
TOWNSHIP 1 NORTH, RANGE 3 WEST, OF THE WILLAMETTE MERIDIAN,
CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON

FINDINGS OF FACT FOR APPROVAL OF ANNEXATION

The following decision criteria apply to local government boundary decisions:

1. Oregon Revised Statutes Chapter 222 (Boundary Changes)
2. Metro Code Chapter 3.09 (Local Government Boundary Decisions)

Oregon Revised Statutes Chapter 222 (Boundary Changes; Mergers & Consolidation)

ORS 222 (Authority and Procedure for Annexation)

ORS 222.111(1): “When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.”

Finding for ORS 222.111(1): The City Charter in Section 3, states “The City includes all territory within its boundaries as they now exist or are legally modified. The City will maintain as a public record and accurate and current description of its boundary.” The City Charter does not describe the manner for annexation approval. Therefore, the City follows the process described by ORS 222.111 to 222.180 or 222.840. ORS 222.111(1) stipulates the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or water feature. The property subject to annexation is separated from the current City boundary by David Hill Road to the south. Therefore, annexation of the subject property complies with ORS 222.111(1).

ORS 222.111(2): “A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by petition to the legislative body of the city by owners of real property in the territory to be annexed.” Owner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder (ORS 222.120(7)).

Finding for ORS 222.111(2): The annexation petition was filed by Ryan O’Brien, Planning & Land Design, on behalf of Chad E. Davis Construction and Davis Family Trust, on August 13, 2021. Troy Davis and TimiSue Abbott are listed as property owners and registered voters. The Washington Office of Assessment and Taxation lists the property owner as JSTT Inc., by Davis, John and Susan Trustees. Based on this information the annexation application complies with ORS 222.111(2).

ORS 222.111(4)(a): When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510, the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation.

Finding for ORS 222.111(4)(a): The territory subject to annexation is within the Forest Grove Rural Fire Protection District. This territory will be withdrawn from the Forest Grove Rural Fire Protection District upon the effective date of the annexation. The subject territory will also be added to the

Clean Water Services District upon the effective date of the annexation. No other districts will be affected by this annexation.

ORS 222.120(1): Except when expressly required to do so by the City Charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.

Finding for ORS 222.120(1): The City Charter does not require the City's legislative body (City Council) to submit a proposal for annexation of territory to the electors of the city for approval.

ORS 222.120(2): When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

Finding for ORS 222.123(2): The City Council is expected to hold public hearings on the annexation proposal on December 14, 2020 and January 11, 2021.

ORS 222.120(3): The City legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

Finding for ORS 222.120(3): Notice of public hearings on this matter have been or will be published in the Forest Grove News Times on October 28, November 4, and November 18, 2021 in advance of the Planning Commission and City Council public hearings.

ORS 222.120(4): After the hearing, the city legislative body may, by ordinance containing a legal description of the territory in question: (b) Declare the territory is annexed to the city where electors or landowners in the contiguous consented in writing to such annexation, as provided in ORS 222.125 or ORS 222.170, prior to the public hearing held under subsection (2) of this section.

Finding for ORS 222.120(4): The annexation application and petition shows the property owner consented in writing to the annexation on August 11, 2021, prior to public hearings on the proposal. The City Council is expected to consider the annexation ordinance on November 22, 2021 and December 13, 2021. The annexation ordinance will include the legal description for the territory subject to annexation. The legal description comprised of a map and narrative description was preliminarily approved by the Oregon Department of Revenue on September 30, 2021.

Metro Code Chapter 3.09 (Local Government Boundary Changes)

§3.09.045(C)(1): The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service.

§3.09.045(C)(2): Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party defined as a county, city, service district and Metro.

§3.09.045(C)(3): The proposed effective date of the boundary change.

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

- a. Any applicable urban services agreement adopted pursuant to ORS 195.065.
- b. Any applicable annexation plan adopted pursuant to ORS 195.205.
- c. Any applicable cooperative planning agreement adopted 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.

§3.090.045(D)(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.
- c. Eliminate or avoid unnecessary duplication of facilities and services.

Finding (§3.09.045(C)(1)): The subject property is adjacent to David Hill Road. The image below shows the present location of sanitary sewer and storm drainage utilities near the subject property. Subsequent to annexation public utilities may be extended north to serve the subject property. The applicant does not propose extraterritorial extension of utilities.

To support future development, after annexation, the developer will be required to design public utilities needed for the development consistent with City and Clean Water Services construction and design standards. Compliance with adopted construction and design standards will be evaluated as part of any future development application for the subject property as not required for annexation approval. A determination that utilities are available to serve the subject property and may extended is required for annexation approval. Based on the image below it appears utilities are available adjacent to the subject property.



Finding (§3.09.045(C)(2)): The subject property will be withdrawn from the Forest Grove Rural Fire Protection District upon the effective date of the annexation. The subject property is not within the Washington County Urban Roads Maintenance District or Washington County

Enhanced Sheriff Patrol District and these districts are unaffected by the annexation. The subject property will be annexed to the Clean Water Services District concurrently with annexation into the City.

Finding (§3.09.045(C)(3)): The proposed effective date of the annexation is 30-days after adoption of the City's ordinance approving the annexation and Metro's filing of the City's final local decision with Oregon Secretary of State's office. This is expected to occur no later than February 28, 2021.

Finding (§3.090.045(D)(1)(a)): The City of Forest Grove adopted an urban area planning agreement (UPAA) with Washington County on September 10, 2018 (Resolution 2018-75). The UPAA establishes planning responsibilities and coordination of public services within the unincorporated area adjacent to Forest Grove in the urban growth boundary. The UPAA §3F states in part "As required by OAR 660-11-010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer, and transportation facilities within the Urban Planning Area." "The CITY shall provide urban services consistent with annexation and fiscal policies." The applicant seeks annexation to received municipal services needed for urban development." The proposed annexation and change to the City boundary are consistent with UPAA §3F adopted pursuant to ORS 196.065 since the City will provide water, sanitary sewer and storm sewer and transportation as applicable after annexation of the subject property. Therefore, the application complies with §3.090.045(D)(1).

Finding (§3.090.045(D)(1)(b)): The City has not adopted an annexation plan adopted pursuant to ORS 195.205. Therefore, §3.090.045(D)(1)(b) does not apply to this proposal.

Finding (§3.090.045(D) (1) (c)): ORS 195.020(2) states "A county assigned coordinative functions under ORS 195.025 (1), or the metropolitan service district, which is assigned coordinative functions for Multnomah, Washington and Clackamas counties by ORS 195.025 (1), shall enter into a cooperative agreement with each special district that provides an urban service within the boundaries of the county or the metropolitan district. A county or the metropolitan service district may enter into a cooperative agreement with any other special district operating within the boundaries of the county or the metropolitan district." This provision applies to counties, Metro and special service district and does not apply to cities.

Finding (§3.090.045(D) (1)(d)): The subject territory was added to the urban growth boundary by the Oregon legislature in 2014. Subsequently, the Westside Refinement Plan was adopted by the City in 2017. The Westside Refinement Plan established and land use concept and infrastructure facility plan for the area including the subject property. The City's public facility plans including plans for water, sanitary sewer, and storm drainage are being updated to include the area added to urban growth boundary. The City's Transportation System Plan was amended in 2017 to include the collector street system for the area added to the urban growth boundary. The Transportation System Plan shows a future extension of Main Street to serve the subject property and property to the north. Future development in this area, including the subject property, must substantially comply with amended Transportation System Plan. Compliance will be considered at time of application for development and land use approval.

Finding (§3.090.045(D)(1)(e)): The Forest Grove Comprehensive Plan was amended in 2017 to incorporate the land use concept identified in the Westside Refinement Plan including the subject property. The Comprehensive Plan identifies the property subject to annexation for residential development, mixed use development and site for a future fire station. The applicant proposes a modification to the Comprehensive Plan Map to change the "placeholder" fire station location from

Public to Medium Density Residential. This reconfiguration does not substantially change the overall use of the subject property since the Residential Multifamily Low zoning map designation implementing the Medium Density Residential use Comprehensive Plan Map category allows certain public uses such as fire stations (Emergency Services) as conditional uses. Since the proposed land use change is minor (1.5 +/- acres) and emergency services area not precluded by the proposed zoning designation, the application, as proposed, substantially complies with the Comprehensive Plan, and meets the intent of Metro Code §3.090.045(D)(1)(e)).

Finding (§3.090.045(D)(1)(f)): Since the Oregon legislature added the subject territory to the urban growth boundary through legislative action, a Metro Urban Growth Management Functional Plan Title III concept plan approved by Metro was not required. However, the City prepared and adopted the Westside Refinement Plan and amended the Forest Grove Comprehensive to include the Westside land use concept. The land use concept identified the subject property for residential development, mixed use development and potential future fire station. The applicant proposes these uses although in locations that differ from what is identified on the Comprehensive Plan map. This reconfiguration does not change the overall use of the subject property. Therefore, the application, as proposed, substantially complies with adopted land use concept, and meets the intent of §3.090.045(D)(1)(f)).

Finding (§3.090.045(D)(2)(a)): The subject property is located within the urban growth boundary adjacent to existing development served with public utilities. The proposed boundary change promotes the timely, orderly, and economic provision of public facilities and services by adding land to the City that is adjacent to lands already served with public utilities and services. Therefore, the boundary change complies with §3.090.045(2)(a).

Finding (§3.090.045(D)(2)(b)): No evidence has been presented indicating the proposed boundary change will affect the quality and quantity of urban services. This conclusion is supported by the fact the subject property is within the urban growth boundary and the City's Urban Planning Area Agreement and Comprehensive Plan map anticipate urban development at the subject property. Furthermore, utilities needed to serve any future development of the subject property must meet City and Clean Water Services design and construction standards including compliance with adopted service standards.

Finding (§3.090.045(D)(2)(c)): The Urban Planning Area Agreement establishes roles and responsibilities for provision of public facilities and services within the unincorporated area adjacent to Forest Grove within the urban growth boundary. This helps to promote coordination of services to avoid unnecessary duplication by multiple service districts.

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Planning Commission Findings and Decision Number 2021-04
Annexation of 24.5 +/- acres and Concurrent Comprehensive Plan Map
Amendment and Zoning Map Amendment
File Number 311-21-000037-PLNG

WHEREAS, on August 13, 2021, the Davis Family Trust submitted an annexation petition and land use application for concurrent Comprehensive Plan Map and Zoning Map amendments for property adjacent to the Forest Grove city limits north of David Hill Road and west of Highway 47; and

WHEREAS, the application was deemed complete on September 15, 2021; and

WHEREAS, as required by Oregon Administrative Rules Chapter 660-018-0022, notice of this application was provided to the Oregon Department of Land Conservation and Development on September 14, 2021, being at least 35 days prior to the Planning Commission's public hearing on this matter; and

WHEREAS, as required by Metro Code §3.07.820, notice of the application was provided to the Metro on September 14, 2021, being at least 35 days prior to the Planning Commission's public hearing on this matter; and

WHEREAS, as required by Forest Grove Development Code §17.1.610(A), notice of the Planning Commission's public hearing to consider this application was published in the Forest Grove News Times on October 28, 2021, being at least five days prior to the public hearing; and

WHEREAS, notice of the Planning Commission's public hearing was posted in locations accessible to the public as required by Development Code §17.1.610(B); and

WHEREAS, as required by Forest Grove Development Code §17.1.610(C), notice of this application was mailed to all property owners of record and other interested parties within 300 feet of the boundaries of the subject properties; and

WHEREAS, as required by Forest Grove Development Code §17.1.610(C), notice of said notice was mailed on October 12, 2021, being at least 20 days before the Planning Commission's public hearing on this matter; and

WHEREAS, the Planning Commission held the duly noticed public hearing on this matter on November 1, 2021; and

WHEREAS, the Planning Commission approved a motion on a 6 to 0 vote to recommend City Council approve the annexation, Comprehensive Plan Map amendment, and Zoning Map amendment as proposed by the applicant.

NOW THEREFORE, the City of Forest Grove Planning Commission does hereby recommend that City Council adopt an ordinance annexing the subject property, and orders to approve the proposed Comprehensive Plan Map amendment, and Zoning Map amendment as shown in the staff report dated November 1, 2021, making the following specific findings in support of the decision.

1. The Planning Commission finds there is substantial evidence in the record to support a Planning Commission recommendation to City Council that the City Council to approve the annexation and concurrent map amendments. The evidence relied upon includes:
 - a. The land use application dated August 13, 2021, and received by the City on August 13, 2021;
 - b. The written staff report and attachments dated November 1, 2021 provided to the Planning Commission including:
 - Attachment A: Findings for Annexation Approval
 - Attachment B: Findings for Comprehensive Plan Map and State Land Use Planning Goal and Metro Compliance
 - Attachment C: Findings for Zoning Map Amendment Approval
 - Attachment D: Land Use Application
 - c. Testimony provided to the Planning Commission during the public hearing on November 1, 2021, to support a Planning Commission recommendation to City Council to approve the proposals subject to certain conditions.
2. The Planning Commission finds the evidence relied upon including the land use application and written staff report dated November 1, 2021 demonstrates the land use application meets the applicable review criteria and considerations including:
 - a. Oregon Revises Statutes Chapter 222 (Boundary Changes, Mergers and Consolidation).
 - b. Metro Code Chapter 3.09 (Local Government Boundary Changes)
 - c. Oregon Statewide Land Use Planning Goal 2 (Land Use), Goal 10 (Housing), Goal 11 (Public Facilities and Services), and Goal 12 (Transportation)
 - d. Metro Urban Growth Management Plan
 - e. Forest Grove Comprehensive Plan Policies
 - f. Oregon Transportation Planning Rule (OAR 660-12)
 - g. Development Code §17.2.150 (Annexation)
 - h. Development Code §17.2.770 (Zoning Change)
3. The Planning Commission finds the annexation of the subject property meets the applicable review criteria described in the written staff report dated November 1, 2021.
4. The Planning Commission finds the proposal to amend the Forest Grove Comprehensive Plan Map to redesignate property designated Public to Medium Density Residential as proposed in the land use application meets the applicable review criteria and considerations as described in the written staff report dated November 1, 2021.
5. The Planning Commission finds the proposal to amend the Forest Grove Zoning Map to redesignate property zoned Washington County Future Development to Forest Grove Neighborhood Mixed Use and Residential Multifamily Low consistent with the Comprehensive Plan Map as Comprehensive Plan Map amendment meets the applicable review criteria and considerations as described in the written staff report dated November 1, 2021.

Phil Ruder, Chair

Date



A place where families and businesses thrive.

<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	<u>F. 2.</u>
MEETING DATE:	<u>11/22/2021</u>
FINAL ACTION:	<u>FIRST READING ORD 2021-05</u>

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

MEETING DATE: *November 22, 2021*

PROJECT TEAM: *Dan Riordan, Senior Planner; and Bryan Pohl, Community Development Director*

SUBJECT TITLE: *Public Hearing and First Reading of an Ordinance Annexing 24.5 +/- acres of land into the City of Forest Grove and Clean Water Services District and withdrawing the tract from the Forest Grove Rural Fire Protection District; Washington County Tax Lot 1N330000100; File Number 311-20-000037-PLNG*

ACTION REQUESTED:	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Order	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion	<input type="checkbox"/> Informational
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X all that apply

ISSUE STATEMENT: On August 13, 2021, the owner of 2627 NW Highway 47, submitted a petition requesting City Council add/annex 24.5 +/- acres of land into the city limits. The property is located north of David Hill Road north of the Silverstone development. The City Charter and state law provide authority to the City Council to approve annexation petitions. Typically, property owners outside the city limits seek annexation so utilities may be extended to serve future development. A development application is not required for annexation approval and may be submitted separately which is the case here.

To approve an annexation City Council must adopt an ordinance (Attachment A). Under the City Charter, the enactment of an ordinance requires approval by a majority of the Council at two meetings. In addition to approving the annexation, City Council must also assign zoning to the property that will apply once the area is brought into the City. Since only one property is involved in this annexation the assignment of zoning designations requires adoption by an order. Unlike ordinances, adoption of an order requires action at only one City Council meeting. Tonight’s public hearing is the first step in Council’s annexation decision and focuses only on first reading of the annexation ordinance. Second reading of the ordinance and presentation of orders assigning zoning is expected to occur during the December 13th City Council meeting.

BACKGROUND: The property involved with this annexation is adjacent to the city limits and was added to the urban growth boundary by the State of Oregon in 2014. Since the property is adjacent

to the city limits and within the urban growth boundary it is eligible for addition to the city limits. Parcels entirely outside the urban growth boundary are not eligible for annexation.

In addition to adding the land into the city limits the annexation will add the area into the Clean Water Services District. Approval will also withdraw the property from the Forest Grove Rural Fire Protection District since the City will assume responsibility for emergency services.

FISCAL IMPACT: The property includes a home and several out buildings. Historically the property has been farmed and is currently subject to farm tax deferral. The property has real market value of \$4.8 million and a taxable assessed value of \$422,700. The property currently generates approximately \$5,456.00 in property taxes. Property tax revenue will increase when the property is developed. The amount of property tax revenue is uncertain until the county assessor places a taxable value on the property. The value is based on the zoning and how the property is used.

PLANNING COMMISSION REVIEW: The Planning Commission held a public hearing on this request on November 1, 2021. The Planning Commission staff report and decision are available for viewing at:

<https://www.forestgrove-or.gov/planning/project/davis-annexation-and-map-amendments>.

During the public hearing one person testified as a neutral participant and commented on potential future development and possible traffic impacts at the David Hill Road and Main Street intersection. A homeowner from the Silverstone neighborhood submitted an email in advance of the public hearing. Future development impacts will be addressed as part of the development review process that will occur after the property is annexed.

After Planning Commission consideration of the annexation petition and subsequent deliberations, the Planning Commission approved a motion recommending City Council approve the annexation. The motion carried on a 6-0 vote.

STAFF RECOMMENDATION: Staff recommends City Council:
Conduct the Public Hearing on the annexation petition and proceed with first reading of the annexation ordinance on November 22, 2021; and proceed with second reading and adoption of the ordinance on December 13, 2021.

ATTACHMENTS:

- A. Annexation Ordinance and Exhibits
- B. PowerPoint Presentation
- C. Correspondence received for Planning Commission Public Hearing:
 - a. Michael Turay (3526 Ardith Ct.)
 - b. Fair Housing Council



**2617 NW HWY 47
TAX LOT 1N330 1100**

**FILE NO.
311-21-000037-PLNG**

**ANNEXATION
ORDINANCE
FIRST READING**

DAN RIORDAN, Senior Planner

11/22/2021

PURPOSE

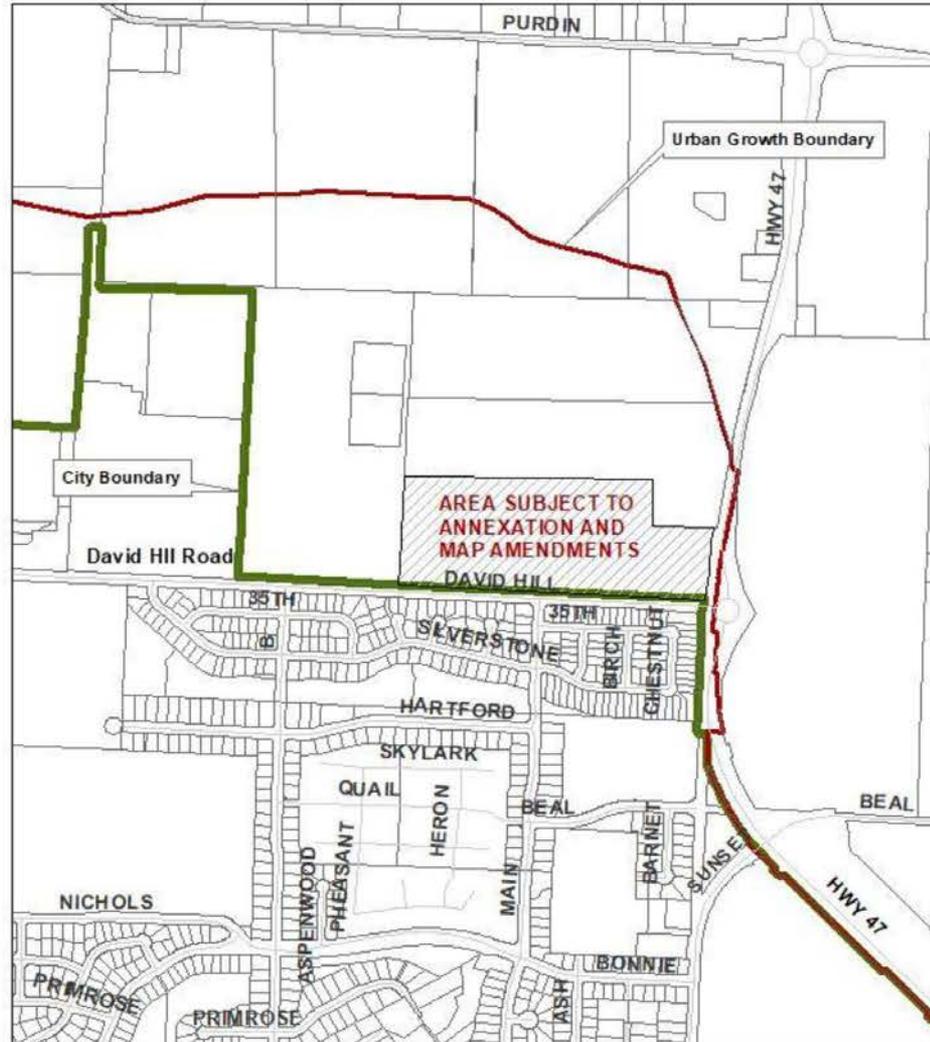
- ❑ Tonight - Annexation Step 1:
 - ❑ Public hearing and first reading of ordinance annexing approximately 24.5 acres of land, north of David Hill Road and west of Highway 47 into the Forest Grove city limits and Clean Water Services district.
 - ❑ The annexation will also remove the annexation area from the Forest Grove Rural Fire Protection District since the City will be taking over fire protection.

PURPOSE

- ❑ December 13th - Annexation Step 2:
 - ❑ Continue public hearing and second reading of annexation ordinance.
 - ❑ Council consideration of Comprehensive Plan Map and Zoning Map amendments assigning City zoning designation to the annexation area.

SUBJECT PROPERTY

Annexation and Map Amendments
311-21-000037-PLNG



SUBJECT PROPERTY



OVERVIEW

Why Annexation

- ❑ The area subject to annexation is within the urban growth boundary (UGB).
- ❑ Under an agreement with Washington County the City has planning authority and is the primary service provider for the area within the UGB adjacent to the City.
- ❑ Annexation is necessary to extend public utilities to serve future development. However, a development proposal is not required for annexation and one has not been submitted with the annexation petition.
- ❑ Annexation is also necessary for development at urban densities and any subdivision or development approval.

REVIEW CRITERIA

- ❑ Laws and rules governing annexation include:
 - ❑ Oregon Revised Statutes Chapter 222 (Boundary Changes)
 - ❑ Metro Code Chapter 3.09 (Local Government Boundary Changes)
 - ❑ Forest Grove Development Code Section 17.2.150 (Annexation Procedure)

RECORD

- Annexation petition showing property owner support.
- Written staff report for tonight's meeting.
- Annexation and Ordinance and Ordinance Exhibit A: Findings for Annexation Approval.
- Public comment received to date.
- Planning Commission Decision 2021-04.

PLANNING COMMISSION REVIEW

- ❑ The Planning Commission reviewed the annexation proposal on November 1st.
- ❑ The Planning Commission approved a motion on a 6-0 vote recommending City Council approve the annexation.

STAFF RECOMMENDATION

- ❑ Staff recommends tonight City Council accept public testimony regarding the annexation petition, keep the public hearing open and advance the annexation ordinance to second reading on December 13th.

From: [Bryan Pohl](#)
To: [Cassandra Bergstrom](#); [Shannon Reynolds](#)
Cc: [Daniel Riordan](#)
Subject: FW: Proposed Annexation
Date: Monday, November 1, 2021 1:52:49 PM

For tonight's PC hearing.

Bryan W. Pohl, CFM
Community Development Director
1924 Council Street
PO Box 326
Forest Grove, OR 97116-0326
(503)992-3227



A place where families and businesses thrive.

From: Anna Ruggles
Sent: Monday, November 01, 2021 1:49 PM
To: Bryan Pohl <BPohl@forestgrove-or.gov>
Subject: Fwd: Proposed Annexation

Anna Ruggles
Sent from my iPhone

Begin forwarded message:

From: MICHAEL TURAY [REDACTED]
Date: November 1, 2021 at 9:38:25 AM PDT
To: Anna Ruggles <aruggles@forestgrove-or.gov>
Subject: Proposed Annexation

Anna Ruggles
City Recorder
Forest Grove

Good morning.

We just wanted to share some thoughts we have on the proposed annexation of the area north of David Hill Rd.

Our house is in the Silverstone Development and we overlook David Hill Rd. Obviously, we would prefer that the area north of us never be developed, but we know that this just isn't possible. This is what we would like to see. We hope that an entrance into this development will be at Main and David Hill. This just might encourage a four way stop. And this might slow down traffic because we are somewhat tired of living next to a street many consider to be the Indy 500 speedway. If traffic must stop at Main St. they won't be doing 55 mph when they go by our house.

Without question Forest Grove is growing. And we believe this growth is well planned. We raised our sons in SW Portland and downsized to here just over two years ago.

Good luck with the meeting Monday evening. We have watched on Zoom a couple of our HOA meetings. Maybe we will be able to figure out how to watch the meeting.

Thanks.

Michael and Candy Turay
3526 Ardith Ct.



October 30, 2021

City of Forest Grove Planning Commission
1924 Council Street,
P.O. Box 326
Forest Grove, Oregon 97116-0326

RE: 311-21-000037-PLNG

Annexation of approximately 24.5 acres into the Forest Grove city limits and Clean Water Services District and concurrent Comprehensive Plan Map and Zoning Map amendment for property located at 2627 NW Highway 47.

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians.

Both HLA and FHCO support 311-21-000037-PLNG, and commend the staff for the thoughtful report containing detailed Goal 10 findings. This staff report will be used as a positive example to assist other cities and jurisdictions. Good luck with the continuation of this project!

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink that reads "Allan Lazo".

Allan Lazo
Executive Director
Fair Housing Council of Oregon

Cc: Gordon Howard, DLCD

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FIRST READING

ORDINANCE NO. 2021-05

ORDINANCE ANNEXING 37.7 +/- ACRES OF LAND INTO THE CITY LIMITS OF FOREST GROVE AND CLEAN WATER SERVICES DISTRICT AND WITHDRAWING THE TRACT FROM THE FOREST GROVE RURAL FIRE PROTECTION DISTRICT; WASHINGTON COUNTY TAX LOT 1N330000100; FILE NO. 311-21-000037-PLNG

WHEREAS, Ryan O'Brien., representing the property owner, Davis Family Trust, and the applicant, Chad E. Davis Construction, submitted an annexation petition on August 13, 2021; and

WHEREAS, the annexation petition includes all affected property owners and all electors; and

WHEREAS, since the annexation petition includes all owners of property affected by the annexation, the City Council dispenses with submitting the question of the proposed annexation to the electors of the City for their approval or rejection; and

WHEREAS, Oregon Revised Chapter ORS Chapter 222.120 and Chapter 222.125 establishes procedures for property owner-initiated annexation petitions without election by City electors; and

WHEREAS, the subject property is located within the urban growth boundary; and

WHEREAS, the City of Forest Grove desires to adopt an ordinance annexing the subject property into the city limits; and

WHEREAS, the tract subject to annexation is within the boundaries of the Forest Grove Rural Fire Protection District (District) and will be withdrawn from the District upon the effective date of the annexation; and

WHEREAS, the tract subject to annexation will be added to the Clean Water Services district boundary upon annexation under the authority of Oregon Revised Statutes Chapter 199.510(2)(C); and

WHEREAS, the Planning Commission held a duly noticed public hearing on the annexation on November 1, 2021; and recommended City Council approval of the annexation; and

WHEREAS, the City Council held a duly-noticed Public Hearing to consider the annexation petition on November 22, 2021, and December 13, 2021; and

WHEREAS, a report was prepared as required by law, and the City Council having considered the report and testimony during the public hearing; does hereby favor the annexation of the subject territory to the city limits; adding the subject territory to the Clean

Water Services district boundary and withdrawing the subject territory for the Forest Grove Rural Fire Protection District; and

WHEREAS, the annexation and withdrawals are not contested by any necessary party.

NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:

Section 1. The subject territory, described as Exhibit A and depicted on the attached map (Exhibit B), is declared to be annexed to the City of Forest Grove, Oregon.

Section 2. The subject territory annexed by this ordinance and described in Section 1 will be added to the Clean Water Services district under the authority granted by Oregon Revised Statutes Chapter 199.510(2) (c).

Section 3. The subject territory annexed by this ordinance and described by Section 1 is withdrawn from the Forest Grove Rural Fire Protection District.

Section 4. The findings in conclusions contained in the staff report dated November 22, 2021, and Planning Commission Decision 2021-04, are hereby incorporated by reference and hereby adopted.

Section 5. Annexation of the subject territory is supported by the findings of fact and conclusions described in Exhibit C.

Section 6. The annexations and withdrawal shall become effective upon filing of the annexation of the annexation by Metro with the Oregon Secretary of State's Office as provided by the Metro Code Chapter 3.09.060 and ORS 222.180.

Section 7. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading the 22nd day of November 2021.

PASSED the second reading the 13th day of December 2021.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th day of December 2021.

Peter B. Truax, Mayor



CMT SURVEYING AND CONSULTING INC.

LEGAL DESCRIPTION

SEPTEMBER 21, 2021

PROJECT NO. 500-1115

A TRACT OF LAND UNDER APPLICATION FOR ANNEXATION INTO CITY LIMITS OF FOREST GROVE, OREGON

A TRACT OF LAND BEING A PORTION OF THE ORUS BROWN DONATION LAND CLAIM (DLC) NO. 71, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 3 WEST, OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, AS DESCRIBED IN DOCUMENT NO. 2008-076131, WASHINGTON COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SUBJECT PROPERTY, BEING A POINT AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF N.W. DAVID HILL ROAD AND THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 47, WHICH POINT OF BEGINNING BEARS NORTH 11°21'05" EAST 40.46 FEET AND NORTH 87°17'54" WEST 30.35 FEET FROM THE SOUTHEAST CORNER OF SAID D.L.C.; THENCE ALONG THE SOUTH LINE OF THE SUBJECT PROPERTY AND SAID NORTH RIGHT-OF-WAY LINE, BEING PARALLEL WITH AND 40.00 FEET NORTHERLY OF, RIGHT ANGLE MEASURE, THE SOUTH LINE OF SAID D.L.C., NORTH 87°17'54" WEST, 1735.29 FEET TO THE SOUTHWEST CORNER OF THE SUBJECT PROPERTY; THENCE ALONG THE WEST LINE OF THE SUBJECT PROPERTY, ALSO BEING ALONG THE EAST LINE OF PARCEL 1 OF PARTITION PLAT NO. 2012-029 AND ITS SOUTHERLY EXTENSION, NORTH 02°47'03" EAST, 642.47 FEET TO THE NORTHWEST CORNER OF THE SUBJECT PROPERTY, ALSO BEING THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED IN DOCUMENT NO. 2008-075877, WASHINGTON COUNTY DEED RECORDS; THENCE LEAVING SAID EAST LINE OF PARCEL 1 OF SAID PARTITION PLAT, ALONG THE MOST NORTHERLY NORTH LINE OF THE SUBJECT PROPERTY, ALSO BEING ALONG THE MOST NORTHERLY SOUTH LINE OF SAID DOCUMENT NO. 2008-075877 PROPERTY, BEING PARALLEL WITH THE SOUTH LINE OF SAID D.L.C., SOUTH 87°17'54" EAST, 1457.88 FEET TO AN ANGLE POINT IN SAID COMMON PROPERTY LINE; THENCE ALONG SAID COMMON PROPERTY LINE, SOUTH 02°42'06" WEST, 218.72 FEET TO AN ANGLE POINT IN SAID COMMON PROPERTY LINE; THENCE ALONG SAID COMMON PROPERTY LINE, BEING PARALLEL WITH THE SOUTH LINE OF SAID D.L.C., SOUTH 87°17'54" EAST, 310.42 FEET TO THE MOST SOUTHERLY NORTHEAST CORNER OF THE SUBJECT PROPERTY, BEING A POINT ON THE WEST LINE OF THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 47 PER RIGHT-OF-WAY DEDICATION DOCUMENT NO. 2015-103171, WASHINGTON COUNTY DEED RECORDS; THENCE ALONG THE EASTERLY LINE OF THE SUBJECT PROPERTY, ALSO BEING ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 47 PER RIGHT-OF-WAY DEDICATION DOCUMENT NO. 2015-103171, THE FOLLOWING TWO (2) COURSES:

SOUTH 10°29'00" WEST, 78.65 FEET TO AN ANGLE POINT; SOUTH 02°13'39" WEST, 182.88 FEET TO AN ANGLE POINT AND THE END OF SAID RIGHT-OF-WAY DEDICATION;

THENCE CONTINUING ALONG SAID EASTERLY PROPERTY LINE, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, BEING PARALLEL WITH AND 30.00 FEET WESTERLY OF, RIGHT ANGLE MEASURE, THE CENTERLINE OF SAID STATE HIGHWAY NO. 47 AND THE EAST LINE OF SAID D.L.C., SOUTH 11°21'05" WEST, 164.82 FEET TO THE POINT OF BEGINNING.

REGISTERED PROFESSIONAL LAND SURVEYOR Michael R. Gates OREGON JULY 25, 1990 MICHAEL R. GATES 2449

EXPIRES: 6-30-23

20330 SE Highway 212 * Damascus, OR 97089

[T] 503.850.4672 * [F] 503.850.4590

Y:\500-1115\docs\5001115_ANNEX-LGL.docx

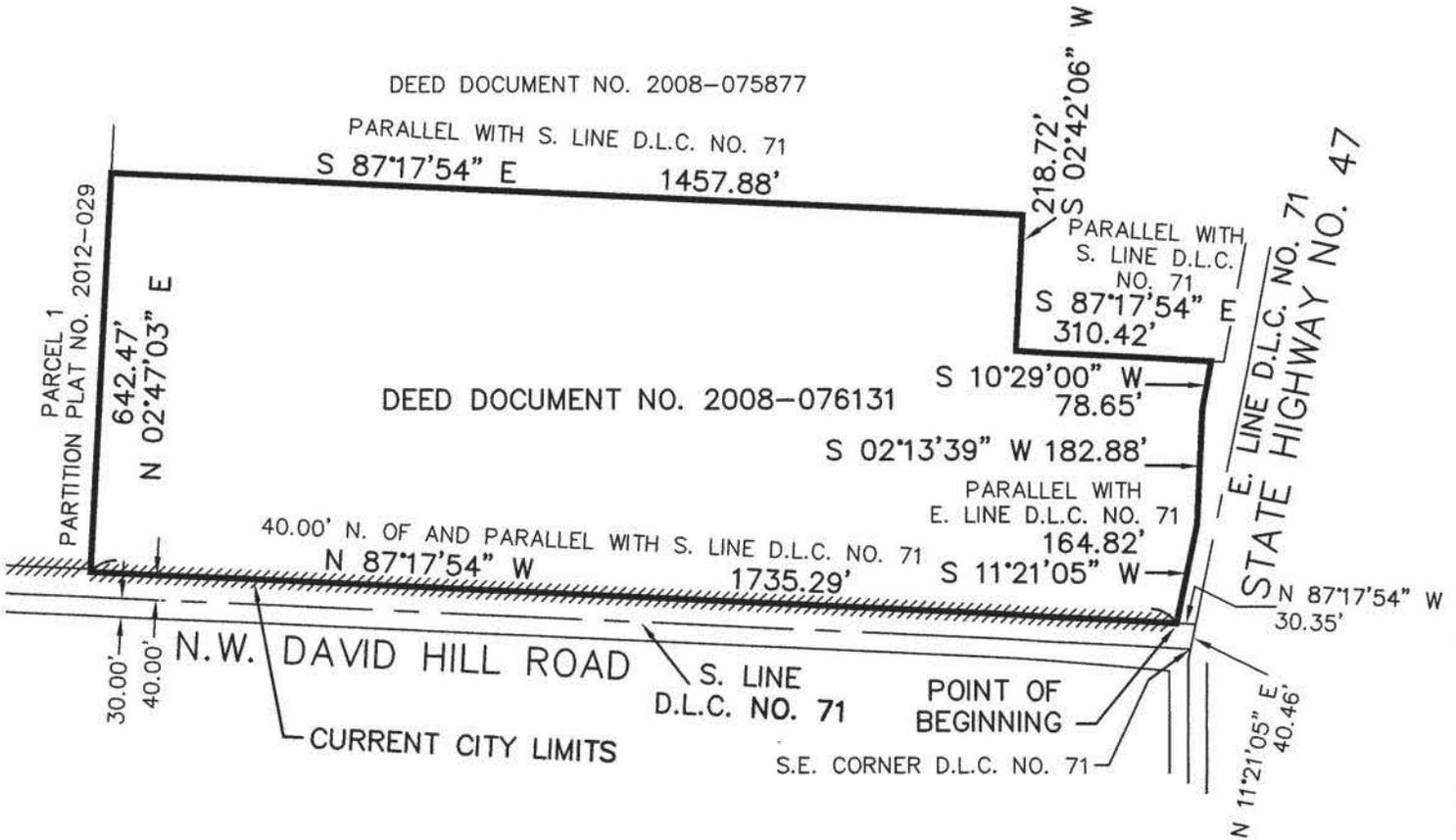
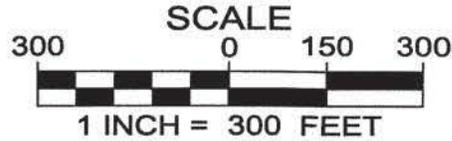


EXHIBIT B

CMT SURVEYING AND CONSULTING

20330 SE HIGHWAY 212 ** DAMASCUS, OR 97015 ** PHONE 503-850-4672 FAX 503-850-4590

CLIENT: CHAD DAVIS CONST
ADDRESS: 2627 NW HWY 47
LEGAL: IN SW 1/4 SEC 30
DRAWN: RLMc 9/21/2021
JOB NO: 500-1115 1"=300'



SKETCH FOR SUBDIVISION ANNEXATION

LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 30,
TOWNSHIP 1 NORTH, RANGE 3 WEST, OF THE WILLAMETTE MERIDIAN,
CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON

FINDINGS OF FACT FOR APPROVAL OF ANNEXATION

The following decision criteria apply to local government boundary decisions:

1. Oregon Revised Statutes Chapter 222 (Boundary Changes)
2. Metro Code Chapter 3.09 (Local Government Boundary Decisions)

Oregon Revised Statutes Chapter 222 (Boundary Changes; Mergers & Consolidation)

ORS 222 (Authority and Procedure for Annexation)

ORS 222.111(1): “When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.”

Finding for ORS 222.111(1): The City Charter in Section 3, states “The City includes all territory within its boundaries as they now exist or are legally modified. The City will maintain as a public record and accurate and current description of its boundary.” The City Charter does not describe the manner for annexation approval. Therefore, the City follows the process described by ORS 222.111 to 222.180 or 222.840. ORS 222.111(1) stipulates the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or water feature. The property subject to annexation is separated from the current City boundary by David Hill Road to the south. Therefore, annexation of the subject property complies with ORS 222.111(1).

ORS 222.111(2): “A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by petition to the legislative body of the city by owners of real property in the territory to be annexed.” Owner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder (ORS 222.120(7)).

Finding for ORS 222.111(2): The annexation petition was filed by Ryan O’Brien, Planning & Land Design, on behalf of Chad E. Davis Construction and Davis Family Trust, on August 13, 2021. Troy Davis and TimiSue Abbott are listed as property owners and registered voters. The Washington Office of Assessment and Taxation lists the property owner as JSTT Inc., by Davis, John and Susan Trustees. Based on this information the annexation application complies with ORS 222.111(2).

ORS 222.111(4)(a): When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510, the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation.

Finding for ORS 222.111(4)(a): The territory subject to annexation is within the Forest Grove Rural Fire Protection District. This territory will be withdrawn from the Forest Grove Rural Fire Protection District upon the effective date of the annexation. The subject territory will also be added to the

Clean Water Services District upon the effective date of the annexation. No other districts will be affected by this annexation.

ORS 222.120(1): Except when expressly required to do so by the City Charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.

Finding for ORS 222.120(1): The City Charter does not require the City's legislative body (City Council) to submit a proposal for annexation of territory to the electors of the city for approval.

ORS 222.120(2): When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

Finding for ORS 222.123(2): The City Council is expected to hold public hearings on the annexation proposal on December 14, 2020 and January 11, 2021.

ORS 222.120(3): The City legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

Finding for ORS 222.120(3): Notice of public hearings on this matter have been or will be published in the Forest Grove News Times on October 28, November 4, and November 18, 2021 in advance of the Planning Commission and City Council public hearings.

ORS 222.120(4): After the hearing, the city legislative body may, by ordinance containing a legal description of the territory in question: (b) Declare the territory is annexed to the city where electors or landowners in the contiguous consented in writing to such annexation, as provided in ORS 222.125 or ORS 222.170, prior to the public hearing held under subsection (2) of this section.

Finding for ORS 222.120(4): The annexation application and petition shows the property owner consented in writing to the annexation on August 11, 2021, prior to public hearings on the proposal. The City Council is expected to consider the annexation ordinance on November 22, 2021 and December 13, 2021. The annexation ordinance will include the legal description for the territory subject to annexation. The legal description comprised of a map and narrative description was preliminarily approved by the Oregon Department of Revenue on September 30, 2021.

Metro Code Chapter 3.09 (Local Government Boundary Changes)

§3.09.045(C)(1): The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service.

§3.09.045(C)(2): Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party defined as a county, city, service district and Metro.

§3.09.045(C)(3): The proposed effective date of the boundary change.

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

- a. Any applicable urban services agreement adopted pursuant to ORS 195.065.
- b. Any applicable annexation plan adopted pursuant to ORS 195.205.
- c. Any applicable cooperative planning agreement adopted 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.

§3.090.045(D)(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.
- c. Eliminate or avoid unnecessary duplication of facilities and services.

Finding (§3.09.045(C)(1)): The subject property is adjacent to David Hill Road. The image below shows the present location of sanitary sewer and storm drainage utilities near the subject property. Subsequent to annexation public utilities may be extended north to serve the subject property. The applicant does not propose extraterritorial extension of utilities.

To support future development, after annexation, the developer will be required to design public utilities needed for the development consistent with City and Clean Water Services construction and design standards. Compliance with adopted construction and design standards will be evaluated as part of any future development application for the subject property as not required for annexation approval. A determination that utilities are available to serve the subject property and may extended is required for annexation approval. Based on the image below it appears utilities are available adjacent to the subject property.



Finding (§3.09.045(C)(2)): The subject property will be withdrawn from the Forest Grove Rural Fire Protection District upon the effective date of the annexation. The subject property is not within the Washington County Urban Roads Maintenance District or Washington County

Enhanced Sheriff Patrol District and these districts are unaffected by the annexation. The subject property will be annexed to the Clean Water Services District concurrently with annexation into the City.

Finding (§3.09.045(C)(3)): The proposed effective date of the annexation is 30-days after adoption of the City's ordinance approving the annexation and Metro's filing of the City's final local decision with Oregon Secretary of State's office. This is expected to occur no later than February 28, 2021.

Finding (§3.090.045(D)(1)(a)): The City of Forest Grove adopted an urban area planning agreement (UPAA) with Washington County on September 10, 2018 (Resolution 2018-75). The UPAA establishes planning responsibilities and coordination of public services within the unincorporated area adjacent to Forest Grove in the urban growth boundary. The UPAA §3F states in part "As required by OAR 660-11-010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer, and transportation facilities within the Urban Planning Area." "The CITY shall provide urban services consistent with annexation and fiscal policies." The applicant seeks annexation to received municipal services needed for urban development." The proposed annexation and change to the City boundary are consistent with UPAA §3F adopted pursuant to ORS 196.065 since the City will provide water, sanitary sewer and storm sewer and transportation as applicable after annexation of the subject property. Therefore, the application complies with §3.090.045(D)(1).

Finding (§3.090.045(D)(1)(b)): The City has not adopted an annexation plan adopted pursuant to ORS 195.205. Therefore, §3.090.045(D)(1)(b) does not apply to this proposal.

Finding (§3.090.045(D) (1) (c)): ORS 195.020(2) states "A county assigned coordinative functions under ORS 195.025 (1), or the metropolitan service district, which is assigned coordinative functions for Multnomah, Washington and Clackamas counties by ORS 195.025 (1), shall enter into a cooperative agreement with each special district that provides an urban service within the boundaries of the county or the metropolitan district. A county or the metropolitan service district may enter into a cooperative agreement with any other special district operating within the boundaries of the county or the metropolitan district." This provision applies to counties, Metro and special service district and does not apply to cities.

Finding (§3.090.045(D) (1)(d)): The subject territory was added to the urban growth boundary by the Oregon legislature in 2014. Subsequently, the Westside Refinement Plan was adopted by the City in 2017. The Westside Refinement Plan established and land use concept and infrastructure facility plan for the area including the subject property. The City's public facility plans including plans for water, sanitary sewer, and storm drainage are being updated to include the area added to urban growth boundary. The City's Transportation System Plan was amended in 2017 to include the collector street system for the area added to the urban growth boundary. The Transportation System Plan shows a future extension of Main Street to serve the subject property and property to the north. Future development in this area, including the subject property, must substantially comply with amended Transportation System Plan. Compliance will be considered at time of application for development and land use approval.

Finding (§3.090.045(D)(1)(e)): The Forest Grove Comprehensive Plan was amended in 2017 to incorporate the land use concept identified in the Westside Refinement Plan including the subject property. The Comprehensive Plan identifies the property subject to annexation for residential development, mixed use development and site for a future fire station. The applicant proposes a modification to the Comprehensive Plan Map to change the "placeholder" fire station location from

Public to Medium Density Residential. This reconfiguration does not substantially change the overall use of the subject property since the Residential Multifamily Low zoning map designation implementing the Medium Density Residential use Comprehensive Plan Map category allows certain public uses such as fire stations (Emergency Services) as conditional uses. Since the proposed land use change is minor (1.5 +/- acres) and emergency services area not precluded by the proposed zoning designation, the application, as proposed, substantially complies with the Comprehensive Plan, and meets the intent of Metro Code §3.090.045(D)(1)(e)).

Finding (§3.090.045(D)(1)(f)): Since the Oregon legislature added the subject territory to the urban growth boundary through legislative action, a Metro Urban Growth Management Functional Plan Title III concept plan approved by Metro was not required. However, the City prepared and adopted the Westside Refinement Plan and amended the Forest Grove Comprehensive to include the Westside land use concept. The land use concept identified the subject property for residential development, mixed use development and potential future fire station. The applicant proposes these uses although in locations that differ from what is identified on the Comprehensive Plan map. This reconfiguration does not change the overall use of the subject property. Therefore, the application, as proposed, substantially complies with adopted land use concept, and meets the intent of §3.090.045(D)(1)(f)).

Finding (§3.090.045(D)(2)(a)): The subject property is located within the urban growth boundary adjacent to existing development served with public utilities. The proposed boundary change promotes the timely, orderly, and economic provision of public facilities and services by adding land to the City that is adjacent to lands already served with public utilities and services. Therefore, the boundary change complies with §3.090.045(2)(a).

Finding (§3.090.045(D)(2)(b)): No evidence has been presented indicating the proposed boundary change will affect the quality and quantity of urban services. This conclusion is supported by the fact the subject property is within the urban growth boundary and the City's Urban Planning Area Agreement and Comprehensive Plan map anticipate urban development at the subject property. Furthermore, utilities needed to serve any future development of the subject property must meet City and Clean Water Services design and construction standards including compliance with adopted service standards.

Finding (§3.090.045(D)(2)(c)): The Urban Planning Area Agreement establishes roles and responsibilities for provision of public facilities and services within the unincorporated area adjacent to Forest Grove within the urban growth boundary. This helps to promote coordination of services to avoid unnecessary duplication by multiple service districts.

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A place where families and businesses thrive.

NOTICE OF PUBLIC HEARINGS
FOREST GROVE PLANNING COMMISSION
FOREST GROVE CITY COUNCIL
FILE NUMBER 311-21-000037-PLNG
WASHINGTON COUNTY TAX LOT 1N330000100

NOTICE IS HEREBY GIVEN that the Forest Grove Planning Commission will hold a Public Hearing on Monday, November 1, 2021, at 7:00 p.m. or thereafter, at the Community Auditorium, 1915 Main Street and via Zoom video conferencing, and the Forest Grove City Council will hold Public Hearings on Monday, November 22, 2021 and Monday, December 13, 2021, at 7:00 p.m. or thereafter, at the Community Auditorium, 1915 Main Street and via Zoom video conferencing, to review the following proposal:

- Ordinance annexing approximately 24.5 acres of land into the City limits of Forest Grove and Clean Water Services District and withdrawing the tract from the Forest Grove Rural Fire Protection District;
- Order adopting an amendment to the Forest Grove Comprehensive Plan Map to redesignate property subject to annexation from Public to Medium Density Residential at David Hill Road and Main Street;
- Order adopting an amendment to the Forest Grove Zoning Map to designate property subject to annexation from Washington County Future Development to Forest Grove Neighborhood Mixed Use and Residential Multifamily Low (RML); Washington County Tax Lot 1N330000100.

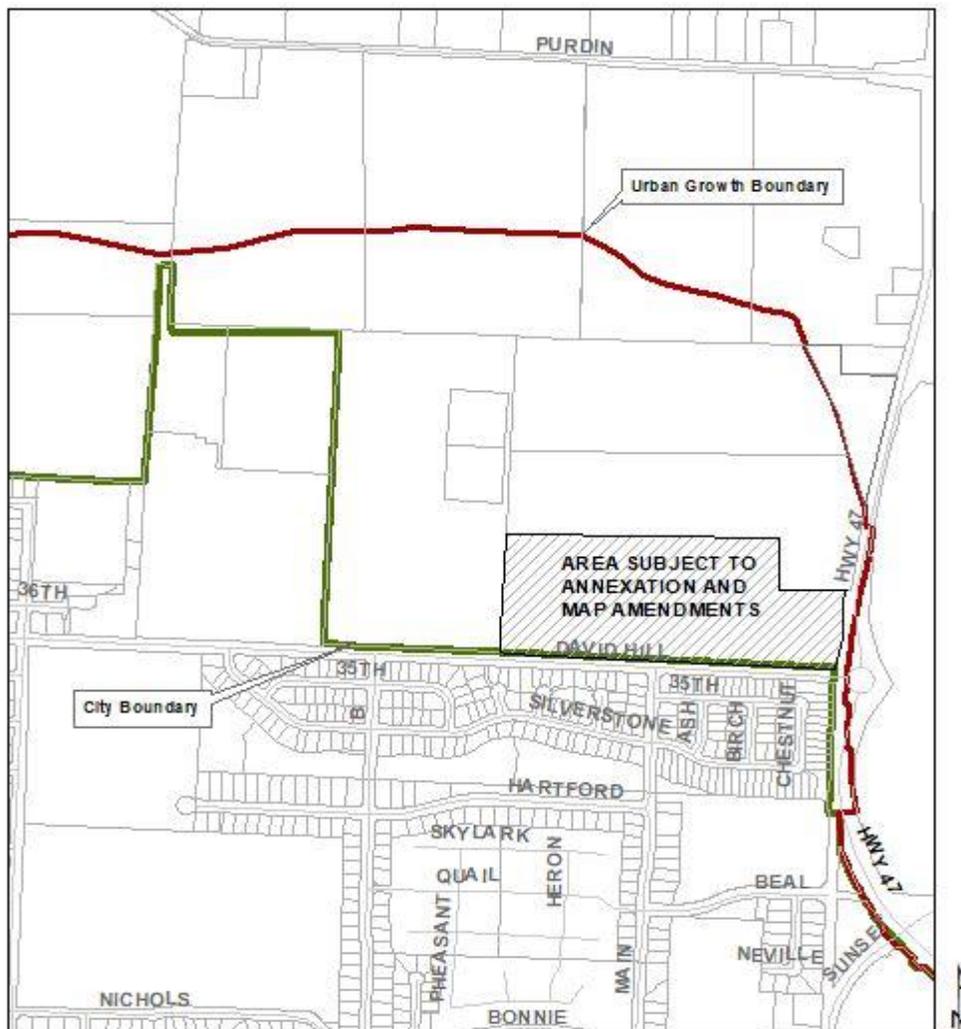
The Planning Commission and City Council will consider these proposals and base their decisions on the following review criteria. Comments in response to this proposal must address the criteria:

- Oregon Revised Statutes Chapter 222.111 & .112 (Boundary Changes)
- Oregon Statewide Land Use Planning Goals 2 (Land Use), 10 (Housing), Goal 11 (Public Facilities), Goal 12 (Transportation) and Goal 14 (Urbanization)
- Forest Grove Comprehensive Plan Community Sustainability, Land Housing, Public Facilities and Urbanization chapters
- Metro Code Chapter 3.09 (Local Government Boundary Changes)
- Metro Urban Growth Management Functional Plan
- Forest Grove Development Code Sections 17.2.770 (Zone Change Criteria)

All persons will be given reasonable opportunity to give testimony about this proposal responding to the review criteria above. If an issue is not raised in the hearing (by person or by letter) or if the issue is not explained in sufficient detail to allow the Planning Commission or City Council to respond to the issue, then that issue cannot be used for an appeal to the Land Use Board of Appeals. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing. A copy of the staff report is available seven days prior to the hearing and is published on the City's website at <https://www.forestgrove-or.gov/meetings>. For further information pertaining to this proposal, please contact Senior Planner Dan Riordan, driordan@forestgrove-or.gov, Community Development Department, 1924 Council Street, (503) 992-3226, between 9 a.m. and 5 p.m.

The hearings will be held in a “hybrid” format allowing the public to attend the meetings virtual via Zoom and in-person. The Community Auditorium, 1915 Main Street, is open and has limited availability and social distancing measures. A copy of the meeting agendas with Zoom instructions and staff reports are available and published on the City's website at <https://www.forestgrove-or.gov/meetings>. To provide testimony via Zoom, please email aruggles@forestgrove-or.gov at least 24 hours prior to the hearing. Written comments or testimony be submitted at the hearings or sent prior to the hearings to the attention of the City Recorder's Office, P.O. Box 326, 1924 Council Street, 2nd Floor, Forest Grove, OR 97116, aruggles@forestgrove-or.gov. For assistance, please call the City Recorder's Office at 503.992.3235.

Annexation and Map Amendments 311-21-000037-PLNG



#

Anna D. Ruggles, CMC, City Recorder
City of Forest Grove

Publish FG NewsTimes: October 28, November 4, and November 18, 2021