

Final Documents

For

Annexation to the  
**City of Forest Grove**

WA2106

Ordinance 2006-02

DOR: 34-1796-2006

Sec. State: AN-2006-0159

Property Information:

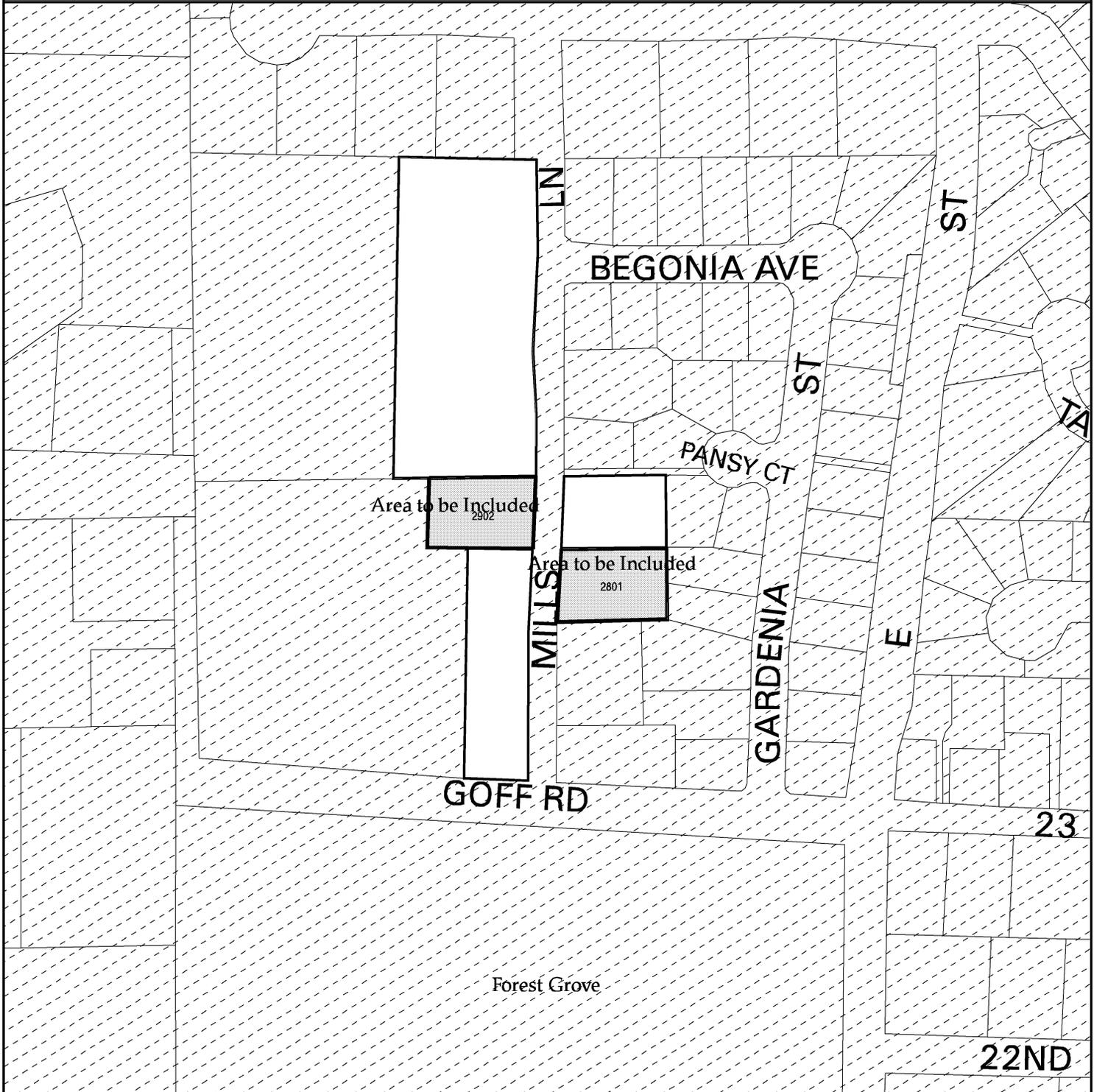
1N436DB02801	2325 Mills Ln
1N436DB02902	2402 Mills Ln

# Proposal No. WA2106

1N4W36

Annexation to the City of Forest Grove

Washington Co.



R E G I O N A L L A N D I N F O R M A T I O N S Y S T E M



600 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 797-1742  
FAX 503 797-1909  
Email drc@metro-region.org

**METRO**

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County lines

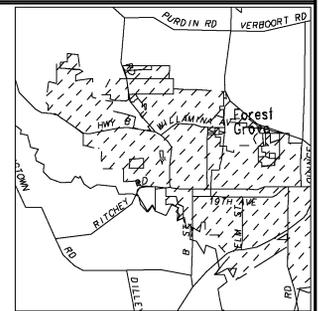
City

Annexation boundary

Urban Growth Boundary

Proposal No. WA2106  
CITY OF FOREST GROVE  
Figure 1

Scale: 1" = 200'





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May 10, 2006

Metro  
Robert Knight  
600 NE Grand Ave  
Portland, Oregon 97232-2736

Dear Mr. Knight:

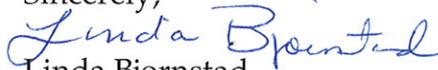
Please be advised that we have received and filed, as of May 10, 2006, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
5628 (Hillsboro)	AN 2006-0155
2005-19 (Forest Grove)	AN 2006-0156
2005-22 (Forest Grove)	AN 2006-0157
2005-23 (Forest Grove)	AN 2006-0158
2006-02 (Forest Grove)	AN 2006-0159
2448a (Lake Oswego)	AN 2006-0160
2448b (Lake Oswego)	AN 2006-0161

For your records please verify the effective date through the application of ORS 199.519.

Our assigned file number(s) are included in the above information.

Sincerely,

  
Linda Bjornstad

Official Public Documents

cc: County Clerk(s)  
Department of Revenue  
ODOT  
Population Research Center

# Notice to Taxing Districts

ORS 308.225



Cadastral Information Systems Unit  
PO Box 14380  
Salem, OR 97309-5075  
(503) 945-8297, fax 945-8737

City of Forest Grove  
Director, Support Services  
PO Box 326  
Forest Grove, OR 97116

**Description and Map Approved**  
**May 5, 2006**  
**As Per ORS 308.225**

Description     Map received from: METRO  
On: 4/24/2006

This is to notify you that your boundary change in Washington County for

ANNEX TO CITY OF FOREST GROVE; WITHDRAW FROM SEVERAL DISTRICTS  
WA2106

ORD. #2006-02 (ANX 05-04)

has been:     Approved            5/5/2006  
                   Disapproved

Notes:

Department of Revenue File Number: 34-1796-2006

Prepared by: Carolyn Sunderman, 503-945-8882

Boundary:     Change     Proposed Change  
The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge

**ORDINANCE NO. 2006-02**

**ORDINANCE ANNEXING CERTAIN TRACTS OF LAND INTO THE CITY  
LIMITS OF FOREST GROVE AND WITHDRAWING THE TRACTS FROM  
WASHINGTON COUNTY ENHANCED LAW ENFORCEMENT DISTRICT,  
WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT AND  
THE FOREST GROVE RURAL FIRE PROTECTION DISTRICT**

**FOREST GROVE MAKES THE FOLLOWING FINDINGS:**

**WHEREAS**, the City received a complete petition from the property owners of a certain tract of land depicted on the attached map (Exhibit B) and described in Exhibit A of this ordinance, requesting that their property be annexed to the city limits of Forest Grove; and

**WHEREAS**, the City received written consent from a majority of the electors in the territory proposed to be annexed and the owner of more than half the land in the territory proposed to be annexed, before the date of the public hearing, as required by ORS 222.170(2); and

**WHEREAS**, the tract of land is contiguous to the City and can be served by City services; and

**WHEREAS**, 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**, the tract of land lies within the boundary of the Washington County Enhanced Law Enforcement District; and

**WHEREAS**, the tract of land lies within the boundary of the Washington County Urban Roads Maintenance District; and

**WHEREAS**, the tract of land lies within the boundary of the Forest Grove Rural Fire Protection District; and

**WHEREAS**, the City conducted a public hearing and mailed, published and posted notice of the public hearing as required by law; and

**WHEREAS**, a report was prepared as required by law, and the City Council having considered the report and the testimony at the public hearing, does hereby favor the annexation of the subject tracts of land and withdrawal from the districts based on findings and conclusions attached hereto as Exhibit C; and

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

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

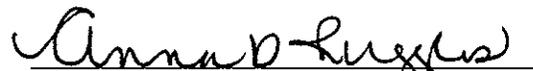
**Section 1.** The tract of land, described in Exhibit A and depicted on the attached map (Exhibit B), is declared to be annexed to the City of Forest Grove, Oregon.

**Section 2.** The tract of land annexed by this ordinance and described in Section 1 are withdrawn from Washington County Enhanced Law Enforcement District, Washington County Urban Roads Maintenance District and the Forest Grove Rural Fire Protection District.

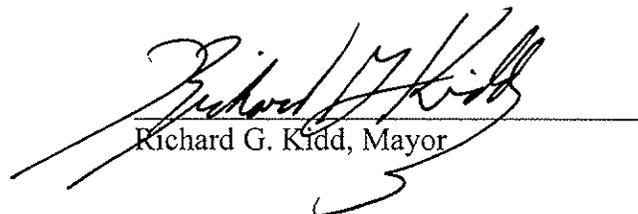
**Section 3.** The findings and conclusions attached as Exhibit C are adopted. The City Recorder shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(g) and ORS 222.005. The annexation and withdrawals shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

**PRESENTED AND PASSED** the first reading the 9<sup>th</sup> day of January, 2006.

**PASSED** the second reading this 23<sup>rd</sup> day of January, 2006.

  
\_\_\_\_\_  
Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 23<sup>rd</sup> day of January, 2006

  
\_\_\_\_\_  
Richard G. Kidd, Mayor

**EXHIBIT A**  
**Proposal ANX-05-04**

**Legal Descriptions**

**For Parcel 1N4 36 DB 2902**

A portion of that certain tract of land in the Elkanah Walker Donation Land Claim Number 42, In Section 36, Township 1 North, Range 4, West Willamette Meridian, Washington County, Oregon, conveyed by deed to Fanny May Goff by deed recorded in Book 27, page 461, said portion being more particularly described as follows:

Beginning at a point North 00°25' East 438.90 feet, and South 89°30'; East 345.58 feet from the SW corner of said Walker DLC No. 42; thence along the north line of said Goff tract, South 89°30' East 45.16 feet to an Iron rod; thence continuing along the north line of said Goff tract South 89°30' East 107.56 feet to a point; thence South 00°25' West 98.22 feet to a point; thence parallel with the north line of the said Goff tract North 89°30' West 98.56 feet to an Iron rod; thence North 89°30' West 9.00 feet to an Iron rod; thence North 89°30' West 45.16 feet to a point; thence North 00°25' East 98.22 feet to the point of beginning.

**For Parcel 1N4 36 DB 2801**

A portion of the Northwest quarter of the Southeast quarter of Section 36, Township 1 North, Range 4, West Willamette Meridian, in the City of Forest Grove, Washington County, Oregon, described as follows:

Beginning at the Southwest corner of that certain tract of land conveyed by R. J. Bates by Deed recorded in Book 422, Page 45, Washington County Deed Records which corner is 87°00' East 529.32 feet (8.02 chains) and North 0°25' East 363.65 feet from the stone at the Southwest corner of Elkanah Walker DLC No. 42 in said Section 36; thence Easterly along the South line of the said Bates tract 150 feet to the Southeast corner thereof; thence Southerly parallel to the West line of that certain tract of land conveyed to Joyce Shafer by Deed recorded in Book 439, Page 115, said Deed Records, a distance of 100 feet; thence Westerly parallel to the South line of the said Bates tract 150 feet; thence North 0°25' East along the West line of the said Shafer tract 100 feet to the point of beginning.

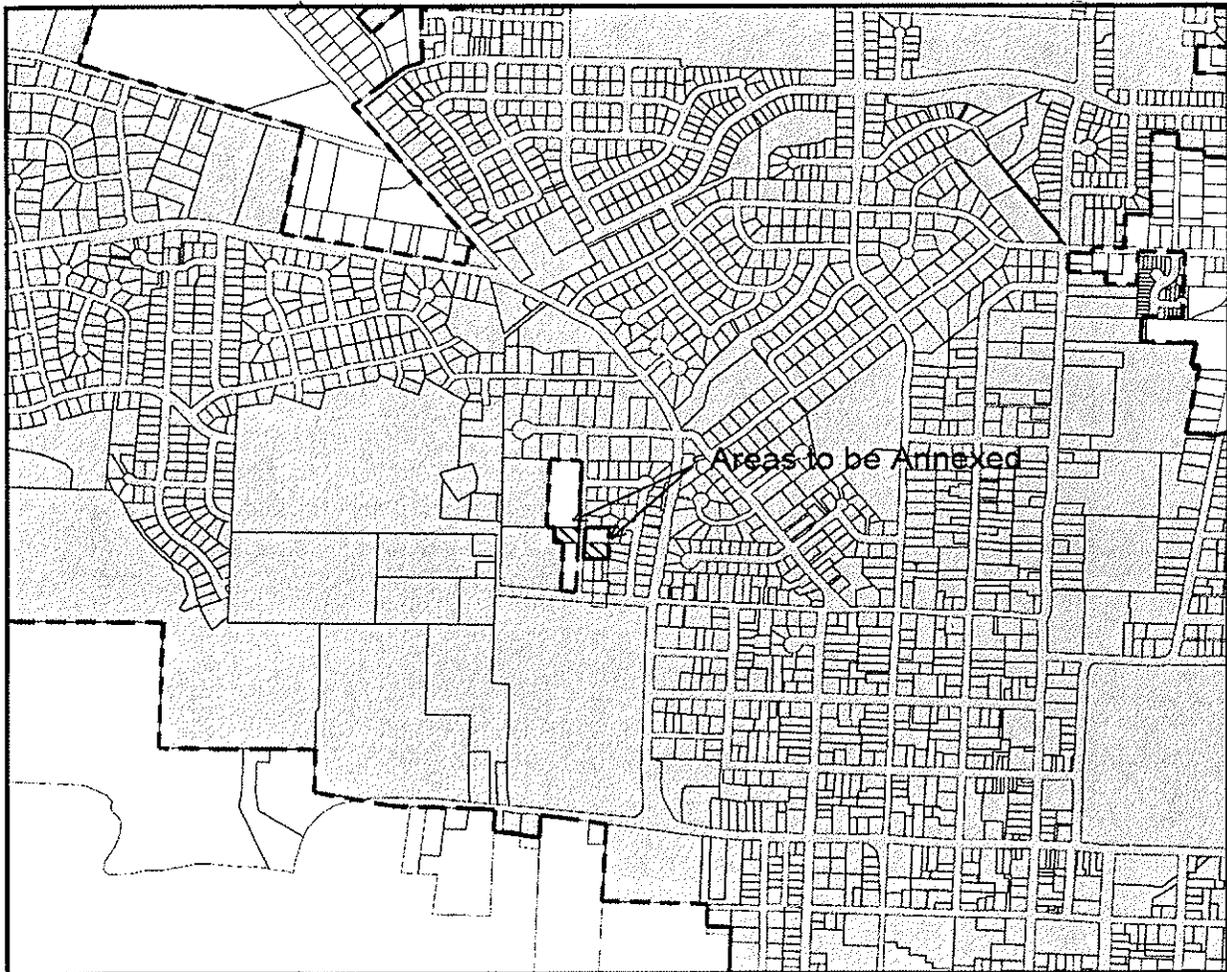
EXHIBIT B - MAP

# Proposal No. ANX-05-04

Map 1N4 36 DB Tax Lot 2902 and  
Map 1N4 36 DB Tax Lot 2801.

Annexation to the City of Forest Grove

Washington County, Oregon



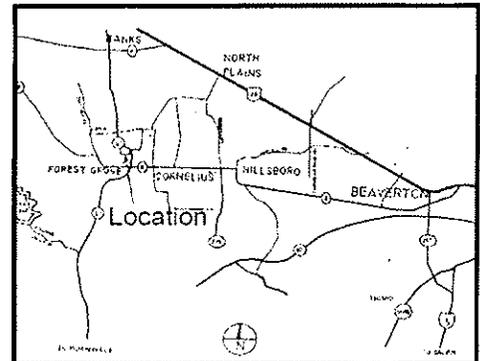
**city of forest grove**

1924 Council Street  
P.O. Box 326  
Forest Grove, Oregon 97116  
(503) 992-3227  
(503) 992-3202 Fax.

**Legend**

- City Limit
- Incorporated City
- ▨ Annexation

0 500 1000 Feet



**EXHIBIT C**  
**Proposal ANX-05-03**

**FINDINGS**

Based on the staff study and the public hearing the City Council found:

1. Proposal No. ANX 05-04 was initiated by a consent petition of the property owners. The property contains three property owners who are also 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 Council must review the proposal and determine whether it is in compliance with the applicable criteria.
2. The territory to be annexed consists of two parcels that are a total 0.68 acres in size, located on Mills Lane, just north of Goff road. More specifically the territory includes Washington county tax lot map 1N4 36 DB, lots 2902 and 2801.
3. The annexation is necessary for the parcel to access public utilities.
4. The annexation is consistent with the Metro criteria for annexations. The Legislature has directed Metro to establish criteria for annexations, which must be used by all cities within the Metro boundary. The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:
  - 1) Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans. [ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place for this area. Annexation plans are timelines for annexations that may only be done after all required 195 agreements are in place and that must have been voted on by the City residents and the residents of the area to be annexed.]
  - 2) Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.
  - 3) Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
  - 4) Consistency with directly applicable standards for boundary changes contained in the Regional Framework Plan or any functional plans.
  - 5) Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
  - 6) If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.

- 7) Consistency with other applicable criteria for the boundary change in question under state and local law.

The Metro Code also contains a second set of ten factors which are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those ten factors are not applicable at this time because no necessary party has contested the proposed annexation.

5. The annexation is consistent with State and regional planning requirements. These include: State Land Use Goal 14: Urbanization; Metro Regional Framework Plan:

State Land Use Goal 14. Goal 14 requires communities, "To provide for an orderly and efficient transition from rural to urban land use. The goal specifies that conversion of urbanizable land to urban uses be based on: orderly, economic provision of public facilities; availability of sufficient land for various uses; LCDC goals or the acknowledged comprehensive plan; and encouragement of development within urban areas before conversion of urbanizable areas.

Regional Framework Plan. This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB). 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]." The Regional Framework Plan, which includes the regional urban growth goals and objectives, the Growth Management Functional Plan and the Regional Transportation Plan were examined and found not to contain specific criteria applicable to boundary changes.

6. The annexation is consistent with Washington County planning policies. The Metro Code states that the Council's decision on this boundary change should be ". . . consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans, public facility plans . . ." Thus the applicable plans must be examined for "specific directly applicable standards or criteria."

The territory is designated and zoned FD-10 (Future Development – 10 acre district).

309-1 Intent and Purposes

This zoning applies to the unincorporated portions of some city active planning areas where these cities are the only available source of urban services. . . The FD-10 District provides recognition of the desirability of encouraging and retaining limited interim uses until a need for more intensive urban land use activities develops and such lands are annexed to a city.

Washington County's Urban Growth Management policies require urban development to be accompanied by adequate urban services. The growth management policies define both urban development and necessary urban services. Public sewer, public water and a balanced urban level transportation system are the primary urban services considered.

Washington County reviewed its role in service provision in its County 2000 program, the County's financial management plan. The County established a policy of supporting a service delivery system that distinguishes between municipal and countywide services. To achieve tax fairness and expenditure equity in the provision of public services the County's policy is to provide only countywide services with general fund revenues. The County policy favors municipal services being provided either by cities or special districts.

7. The subject territory is within the area covered by an Urban Planning Area Agreement (UPAA), jointly prepared and adopted by Washington County and the City of Forest Grove. The annexation is consistent with the UPAA and its purpose is to coordinate land use actions within the City's planning area. Pertinent portions of the UPAA are as follows:

\* \* \*

III. Planning Responsibilities

- A. The following policies are intended to further clarify the respective planning interests and duties of the CITY and the COUNTY as they relate to the Forest Grove Urban Planning Area:
2. The CITY shall be responsible for comprehensive planning in the incorporated and unincorporated portions of the CITY's urban planning area, and shall implement the planning process outlined in the CITY's comprehensive plan. The COUNTY shall support the planning process and participate as necessary.

\* \* \*

9. Urban development in the urban planning area shall be served with adequate urban services including sewer, water, storm drainage, streets, and police and fire protection. The CITY shall be responsible for the preparation, adoption and amendment of the public facility plan required by OAR 660-11 within the urban planning area.
10. 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. Exceptions include facilities provided by other service providers subject to the terms of any intergovernmental agreement the CITY may have with other service providers not covered by an intergovernmental agreement; and future facilities that are more appropriately provided by an agency other than the CITY. The CITY shall provide urban services consistent with annexation and fiscal policies.
11. The CITY has developed a transportation plan which addresses the existing and future traffic needs of the urban planning area. The CITY shall coordinate local transportation plans, proposals and improvements with the COUNTY.

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13. The CITY shall monitor and regulate the conversion of vacant and agricultural land to urban uses through the extension of water and

sewer service, land partitioning requirements and annexations within the urban planning area. Unincorporated urbanizable land shall not be converted to urban development prior to annexation to the CITY.

8. The City of Forest Grove has active planning responsibility for the entire area within the regional urban growth boundary surrounding the City. This territory is within the boundary.

The City Comprehensive Plan covers the territory to be annexed. The current Comprehensive Plan designation for the territory is Low Density Residential. The zoning of the property will change upon annexation from the current County zone (FD-10) to the City designation of Two-Family Residential (A-1). According to standards outlined in City Zoning Code 9.614, the appropriate zone district will be applied upon annexation according to the underlying comprehensive plan designation.

The City's Comprehensive Plan policies were reviewed for policies related to annexation. The following policies are pertinent:

***Local Urbanization Goals***

1. Land shall be made available within the urban growth boundary to meet all urban land use needs.
2. Utility services shall be provided incrementally without bypassing large parcels of vacant land to serve peripheral parcels.

***Local Urbanization Policies***

2. All lands within the Urban Growth Boundary shall be assigned priorities for urban development. Priorities shall be based on the City's ability to provide urban services and the orderly and efficient timing of service extensions. These priorities shall be the basis for making decisions on all development proposals and requests for annexation.
3. Provide for an Urban Growth Management Strategy to set forth policies on the urbanization of vacant and agricultural land. The policies should cover the extension of water and sewer service, land partitioning requirements, zoning, and annexations within the Urban Growth Boundary. The strategy shall provide for the orderly and cost-efficient accommodation of anticipated urban growth for the next 10 years.
4. Trunk lines for utilities shall be extended only to service areas which are adjacent to existing development.
5. Sewer and water utilities shall not be extended beyond the City's corporate limits and shall be provided only after annexation.

Urbanization Policy 2 calls for the City to designate priority areas for urban development. The City has not established a prioritization system for urban development. Similarly, Urbanization Policy 3 calls for the City to develop urban growth management policies.

The City's growth management strategy is represented by the Comprehensive Plan. This territory will develop in conjunction with other properties and is adjacent to existing development. The property has the necessary urban services available with adequate capacity and is thus consistent with the intent of Policies 2 and 3. Policies 4 and 5 prohibit extension of utility outside the City and only to areas which are adjacent to existing development.

9. The site falls within the southwest service area of the City's Sewer Master Plan. An 8 inch line is located within Mills Lane.

Forest Grove receives treatment and disposal of waste water and transmission services from the Clean Water Services County Service District. Forest Grove provides its own collection system while Clean Water Services provides regional transmission and sewage treatment services.

Clean Water Services' Forest Grove sewage treatment plant, was built in 1946 and then expanded by the addition of primary and secondary treatment facilities. The last expansion was in 1975. The treatment plant is located on the east side of Fern Hill Rd. The Forest Grove plant serves the cities of Forest Grove, Cornelius, and Gaston. In 1995 Clean Water Services built an intertie between the Forest Grove plant and the Rock Creek plant in Hillsboro. If there is any problem at the Forest Grove plant sewage can be diverted to the Rock Creek plant.

10. The properties currently have water service.

The City of Forest Grove has two sources of water supply. The primary source is the Forest Grove watershed, consisting of 4,300 acres of the Clear Creek drainage basin. (The City also has water rights from Gales Creek.) Water from the Forest Grove watershed is treated at the City's treatment plant located in the northwest section of the City. The treatment plant has a capacity of about 3.0 million gallons per day (mgd). The other major source is the joint Hillsboro/Forest Grove/Beaverton water treatment plant, which is supplied from the Trask and Scoggins impoundments via the Tualatin River. The joint water supply system has a nominal capacity of 60 mgd. Forest Grove owns 13.3 percent (8 mgd) of the system's capacity.

The City's main storage reservoir is located adjacent to the Forest Grove Water Treatment Plant. It has a storage capacity of 5 million gallons (mg). This is adequate for the existing system. An additional reservoir provides 1 mg of storage for the Forest Gale Heights area.

11. There is no existing storm water facility adjacent to or within the territory. Clean Water Services (CWS) County Service District is responsible for storm water management in Washington County. The territory is within CWS service boundary. Due to the City's Intergovernmental Agreement with CWS, adequate storm water facilities meeting CWS standards will be required as part of any future development approval

The District levies an annual assessment of \$3 per dwelling unit of which \$2.24 goes to the City. Upon development of the property the City charges a system development charged for each dwelling unit.

12. The territory to be annexed is within the Washington County Enhanced Sheriff's Patrol District which, in addition to the basic County-wide level of protection, provides .94 officers per 1000 population. The City may withdraw the territory from the District upon annexation. If the City declares the territory withdrawn from the District on the effective date of the annexation the District's tax levy will no longer apply.

Upon annexation the City of Forest Grove Police Department would assume responsibility for the property. The City employs 26 officers, equating to 1.46 officers per 1000 population. The department operates on three ten-hour shifts, 7 days a week. Manpower for each shift is determined by calls for service.

13. The territory is within the boundary of the Forest Grove Rural Fire Protection District, The City may withdraw the territory from the District upon annexation. If the City declares the territory withdrawn from the District on the effective date of the annexation the District's tax levy will no longer apply.

The City Fire Department provides service to the District on contract. Fire service is provided from two fire stations. The new main station (constructed in 1995) is located in the center of the City on Ash Street. The second station is located in the Gales Creek area. The City plans a third fire station in the future near the intersection of David Hill Road and Thatcher Road to serve development within the City.

The Department operates with 19 paid fire fighters and 42 volunteer fire fighters. The City provides four to eight paid personnel on duty at all times at the Ash Street station. On all alarms, the volunteers respond to the station along with off duty paid personnel. All personnel are provided with tone activated radio receivers. Night responses are augmented by the resident volunteers at the station. The Fire Department is equipped with 5 engines; 2 tankers; 5 pick-ups; a 104' platform truck; a command vehicle; a utility vehicle; and one rescue unit.

14. The territory to be annexed is within the boundary of the Washington County Urban Road Maintenance District. The City can withdraw the territory from the District upon annexation to the City.
15. The City of Forest Grove maintains one large community park (Lincoln) and two fully developed neighborhood parks (Joseph Gale and Rogers). There are three playgrounds included in the City park system (Bard, Hazel Sills, and Talisman). Land has been acquired by the City for a second community park at the intersection of David Hill Road and Thatcher Road.
16. The City of Forest Grove provides a municipal utility for electric power through its City Light and Power Department. Forest Grove provides library services, land use planning, zoning, building and general administration services.

## REASONS FOR DECISION

Based on the Findings, City Council Determined:

1. The Metro Code at 3.09.050(d)(3) calls for consistency between the City's decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans. . . ." The Council has reviewed both the County comprehensive plan which currently applies to these parcels and the City Comprehensive Plan which will apply upon annexation.

The County Plan does not contain any criteria directly applicable to annexations. The County 2000 program suggests that the County supports all urban lands annexing to cities.

The City's plan provides in Urbanization Policy 5 that sewer and water utilities may not be extended to lands outside the City limits and may only be provided after annexation. Thus, the plan anticipates that all lands within the City's urban planning area will be urbanized by first annexing to the City and then extending urban services to annexed areas.

Certain policies within the City's Comprehensive Plan contain criteria indirectly applicable to annexation decisions. Local Urbanization Goals 1 and 2 and Policies 2 through 4 suggest that lands should only be annexed if the City can provide adequate urban services in an orderly and efficient manner; that anticipated growth should be accommodated in an orderly and cost-efficient manner; and should be adjacent to existing development. These properties are already developed and are seeking annexation for extension of public services. Therefore, the annexation and the eventual extension of services to the properties would be logical, promoting orderly and efficient timing of the delivery of services. Thus, the annexation is consistent with the intent of Policies 2 and 3. The proposal is to annex the territory to the City so that sewer utilities can be provided to the territory within the City. Urbanization Policy 5, requires that properties are within the City limits before service are extended, would be satisfied upon annexation.

The Council concludes that the annexation is consistent with the applicable plans.

2. Metro Code 3.09.050(d)(1) requires the Council's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195. There are no such plans or agreements in place. Therefore the Council finds that there are no inconsistencies between these plans/agreements and this annexation.
3. The Council notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in Finding No. 7, the Forest Grove-Washington County UPAA specifically says that the County assumes this area will be served by the City. Therefore, the Council finds the annexation to be consistent with the UPAA.

4. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. Because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan or the Urban Growth Management Function Plan or the Regional Transportation Plan (see Finding No. 4) the Council concludes the annexation is not inconsistent with this criterion.
5. Metro Code 3.09.050(e)(3) states that another criterion to be addressed is that the annexation will not interfere with the timely, orderly and economic provision of public services and facilities. The Council finds the City's services will be adequate to serve the proposal before development is allowed and that the timely provision of services will not be negatively affected by the annexation. Therefore, the proposed boundary change promotes the timely, orderly and economic provision of services.
6. The City may specify in its annexation Ordinance that the territory will be simultaneously withdrawn from the Washington County Enhanced Law Enforcement District, Washington County Urban Roads Maintenance District and the Forest Grove Rural Fire Protection District. The City is not part of any of these districts. The services provided by these districts are provided by the City from City resources. To prevent the property from being taxed by both the Districts and the City, the territory should be simultaneously withdrawn from these Districts.