

Final Documents

For

Annexation to the
City of Forest Grove

WA4702

Annexation: ANX-02-04

Ordinance: #02-16

Sec. State: AN-2002-0181

Final to DOR: _____

Signature:

 _____

Date of

Mailing: 10/2/02

Final to Secretary of State: _____

Signature:

 _____

Date of

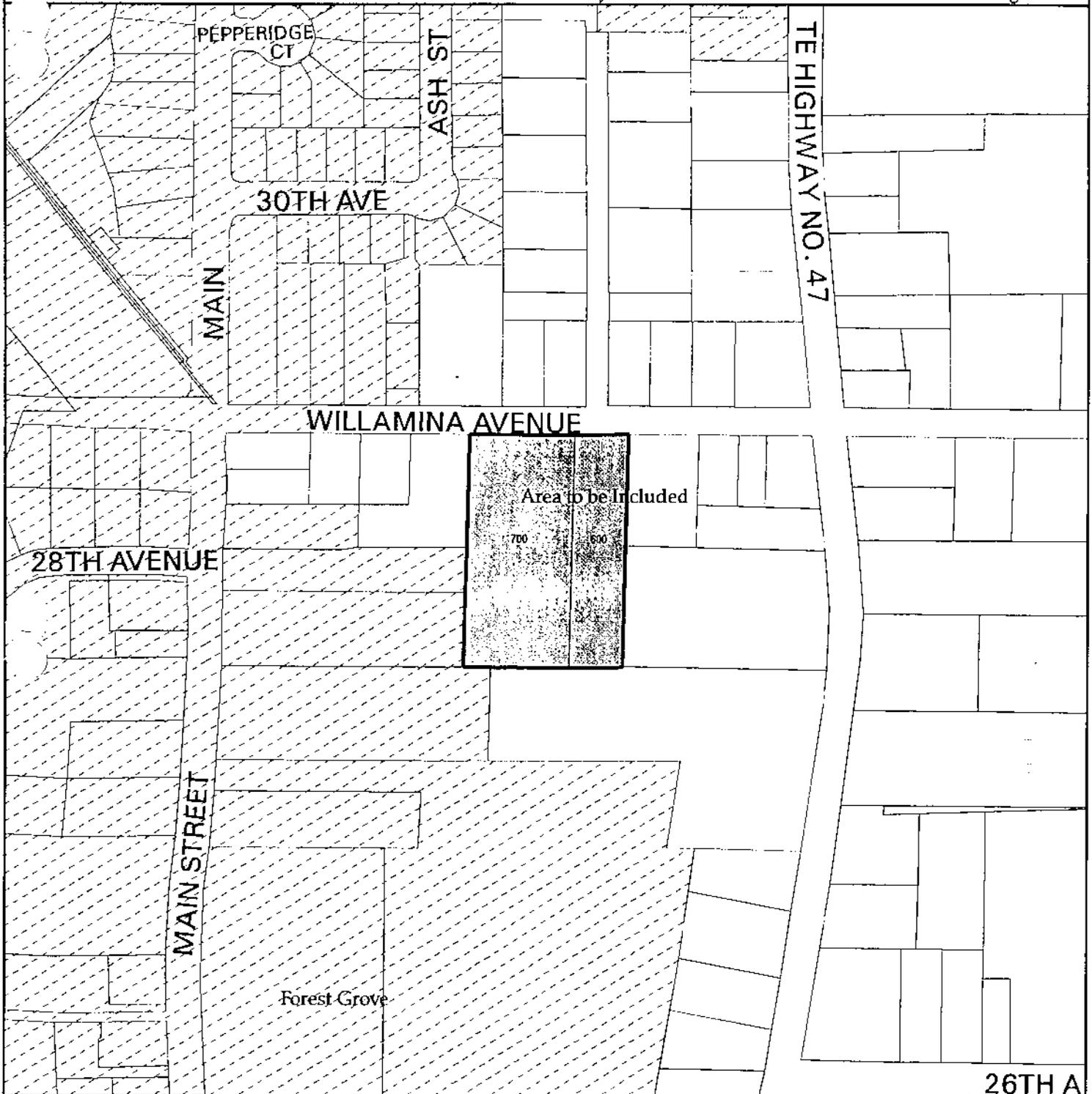
Mailing: 10/10/02

Proposal No. WA4702

1N3W31

Annexation to the City of Forest Grove

Washington Co.



REGIONAL LAND INFORMATION SYSTEM

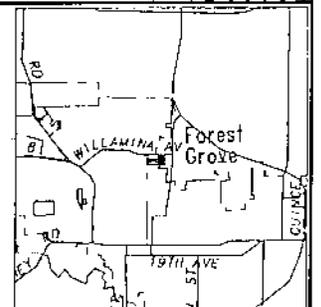
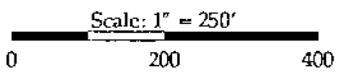


600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

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-  County lines
-  City
-  Annexation boundary
-  Urban Growth Boundary

Proposal No. WA4702
CITY OF FOREST GROVE
Figure 1



Office of the Secretary of State

Bill Bradbury
Secretary of State



Archives Division
ROY TURNBAUGH
Director

800 Summer Street NE
Salem, Oregon 97310
(503) 373-0701

Facsimile (503) 373-0953

October 24, 2002

Metro
Att. Bob Knight
600 NE Grand Ave
Portland, OR 97232-2736

Dear Sir or Madam:

Please be advised that we have received and filed on October 11, 2002 the following Annexation(s).

Ordinance(s):	City of:	Our File Number(s):
4226	Beaverton	AN 2002-0179
02-16	Forest Grove	AN 2002-0180
02-15	Forest Grove	AN 2002-0181

All the above Final Order(s) determination of the effective date is subject to ORS199.461 and/or ORS 222.180 and/or ORS 222.750

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

Sincerely,

Rita F. Mathews
Official Public Documents

cc: Washington County
ODOT/Highway Dept
PSU/Population ResearchCtr.
Revenue Cartography Section

Notice to Taxing Districts

ORS 308.225



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

City of Forest Grove
P.O. Box 326
Forest Grove, OR 97116

Description and Map Approved
October 3, 2002
As Per ORS 308.225

Description Map received from: METRO
On: 10/3/2002

This is to notify you that your boundary change in Washington County for
ANNEX TO THE CITY OF FOREST GROVE & WITHDRAWAL FROM SEVERAL DIST.

ORD. #2002-16

has been: Approved 10/3/2002
 Disapproved

Notes:

Department of Revenue File Number: 34-1581-2002

Prepared by: Jennifer Dudley, 503-945-8666

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. 2002-16

**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 property owners and registered voters of certain tracts of land depicted on the attached map (Exhibit B) and described by legal description (Exhibit A) to 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 owners 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 tracts of land are 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 tracts of land lie within the boundary of the Washington County Enhanced Law Enforcement District; and

WHEREAS, the tracts of land lie within the boundary of the Washington County Urban Roads Maintenance District; and

WHEREAS, the tracts of land lie 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:

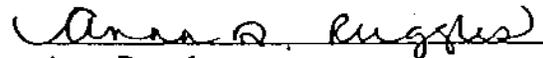
Section 1. The tracts of land, described in Exhibit A and depicted on the attached map (Exhibit B), are declared to be annexed to the City of Forest Grove, Oregon.

Section 2. The tracts 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.

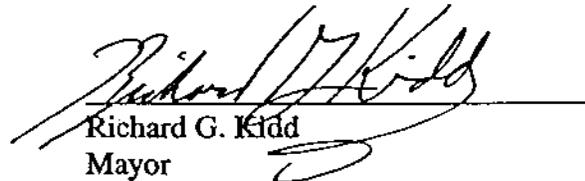
PRESENTED AND PASSED the first reading the 9th day of September, 2002.

PASSED the second reading this 23rd day of September, 2002.



Anna Ruggles
City Recorder

APPROVED by the Mayor this 23rd day of September, 2002.



Richard G. Kidd
Mayor

EXHIBIT A
Proposal ANX-02-04

LEGAL DESCRIPTION

The following described property located in the Northwest one-quarter of Section 31, Township 1 North, Range 3 West of the Willamette Meridian, Washington County Oregon. Being more particularly described as follows:

Beginning at a point on the south line of County Road N 7° 36' W 357.5 feet and S 89° 43' W 354.50 feet and south 25 feet from the Northwest corner of the William Stokes DLC No. 61, T1N, R3W, W.M. Washington County Oregon; thence S 89° 43' W 291.45 feet; thence S 0° 26' W 423.76 feet; thence N 89° 34' E 291.45 feet; thence N 0° 26' E 423.76 feet to the point of beginning.

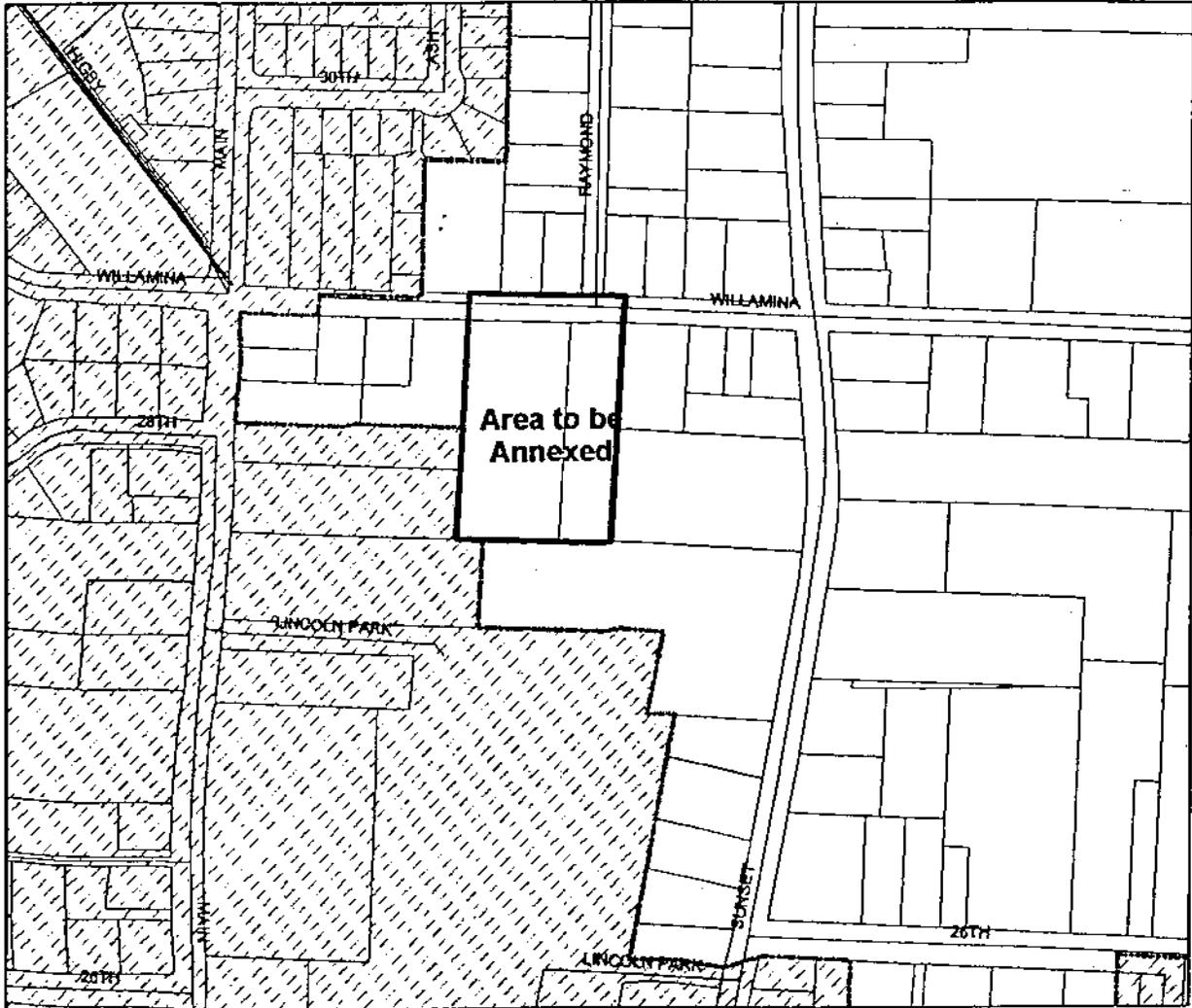
**EXHIBIT B
 MAP OF TERRITORY**

Proposal No. ANX-02-04

Map 1N3 31BC Tax Lots 600 & 700

Annexation to the City of Forest Grove

Washington County, Oregon



city of forest grove

1924 Cornall Street
 P.O. Box 326
 Forest Grove, Oregon 97116-0326
 (503) 962-3227
 (503) 962-3202 FAX

Legend

NAME

- Willamina
- City Limits
- Incorporated City

0 250 500 Feet

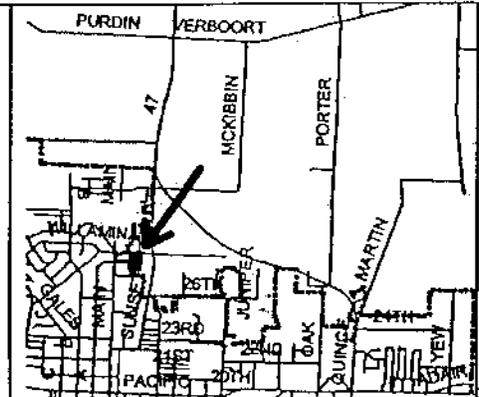


EXHIBIT C
Proposal ANX-02-04

FINDINGS

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

1. The territory proposed to be Proposal No. ANX 02-04 was initiated by a consent petition of the property owners and registered voters within the territory. The properties have three owners and one 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).
2. The territory to be annexed is 2.83 acres and consists of two parcels located approximately 500 feet east of Main Street adjacent to the south side of Willamina Avenue more particularly: Map IN3 31BC tax lots 600 and 700 in Washington County, Oregon. Based on County tax assessor data, tax lot 600 has an assessed value of \$79,580 and tax lot 700 has an assessed value of \$115,860.
3. The annexation is necessary to facilitate future development by allowing access to Forest Grove public utilities and allowing the parcel to partition according to City standards.
4. 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 10 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 10 factors are not applicable at this time because no necessary party has contested the proposed annexation.

5. The annexation of territory into Forest Grove is subject to State and regional planning requirements, including:

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. Washington County and the City of Forest Grove jointly prepared and adopted an Urban Planning Area Agreement (UPAA) to coordinate land use actions within the City's planning area. The subject territory is within the area covered by the UPAA. 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.

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. The City Comprehensive Plan covers the territories to be annexed. The area to be annexed has the Comprehensive Plan designation of High Density Residential (20.28 units per net acre).

Upon annexation the parcel will be assigned the zoning designation of A-2 Multi-family from the current Washington County designation of Future Development, 10 acres (FD-10). The City Zoning Code 9.614 specifies that as parcels are annexed they are assigned a zoning designation which is generally equivalent to the City's Comprehensive Plan Map 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.

9. Sewer. Due to the A-2 Zone District's density requirements, any residential development of the site will require sewer service. The territory sits on a ridge and drains into two service areas identified in the City's Sewer Master Plan: David Hill and Northeast Service areas. For the David Hill Service area, a 12 inch trunk line is located at the intersection of Main Street and Willamina. It is the closest existing sewer line in the area to the site and would have to be extended 500 feet to the east to reach the site. The Engineering Division has preliminarily indicated that this line has the physical ability to serve the site. That is, it has sufficient capacity to serve potential development. Further, there appears to be a sufficient grade differential between the depth of the sewer line at its current location and the elevation of the site to provide a gravity feed. However, there has not been any final engineering plans for such a line extension.

The Northeast Service area lacks any sewer facilities near the site at this time. Currently, a 36 inch trunk line runs along Council Creek. The Master Plan proposes an 8 inch line along Sunset Drive to Willamina which increases to a 10 inch line easterly on Willamina to the existing trunk line. There is no schedule for the construction of the 8 or 10 inch line. The Willamina/Sunset Drive intersection is located about 350 feet to the east of the site. Based on this situation, staff finds that sewer service is available to the site.

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.

The City is responsible for billing its customers after service is installed and for collecting sanitary and storm sewer connection fees. If the City imposes the same

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. Necessary services are available or can be made available to the properties with adequate capacity. Water is currently available adjacent to the property. Sanitary sewer and storm water systems are not immediately available, but could be extended. 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 and water utilities can be provided within the City. Urbanization policy 5, which requires properties to be within the City limits before services 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 will specify in its annexation Ordinance that the territory 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.