Final Documents

for

Annexation to

Metro

WA6206

Ordinance: 07-1143

Annexation: AN 01-06

DOR: 34-1861-2007

Secretary of State: SD 2007-0060

Office of the Secretary of State

BILL BRADBURY
Secretary of State

Archives Division
MARY BETH HERKERT
Director

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

Facsimile (503) 373-0953

April 11, 2007

Metro
Linda Martin
600 NE Grand Ave
Portland, Oregon 97232-2736

Dear Ms. Martin:

Please be advised that we have received and filed, as of April 11, 2007, the following records annexing territory to the following:

Ordinance/Resolution Number(s)		Our File Number
1859	(Troutdale)	AN 2007-0188
07-1143	(Metro)	SD 2007-0060

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

DOR 34-1861-2007

Notice to Taxing Districts

ORS 308.225

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

Metropolitan Service District
Budget Officer
600 NE Grand Ave
Portland, OR 97232-2736

Description and Map Approved
March 28, 2007
As Per ORS 308.225

☒ Description ☒ Map received from: METRO
On: 3/28/2007

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

ANNEX TO METRO JURISDICTIONAL BOUNDARY

ORD. #07-1143 (AN-01-06)

has been: ☒ Approved 3/28/2007
☐ Disapproved

Notes:

Department of Revenue File Number: 34-1861-2007

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

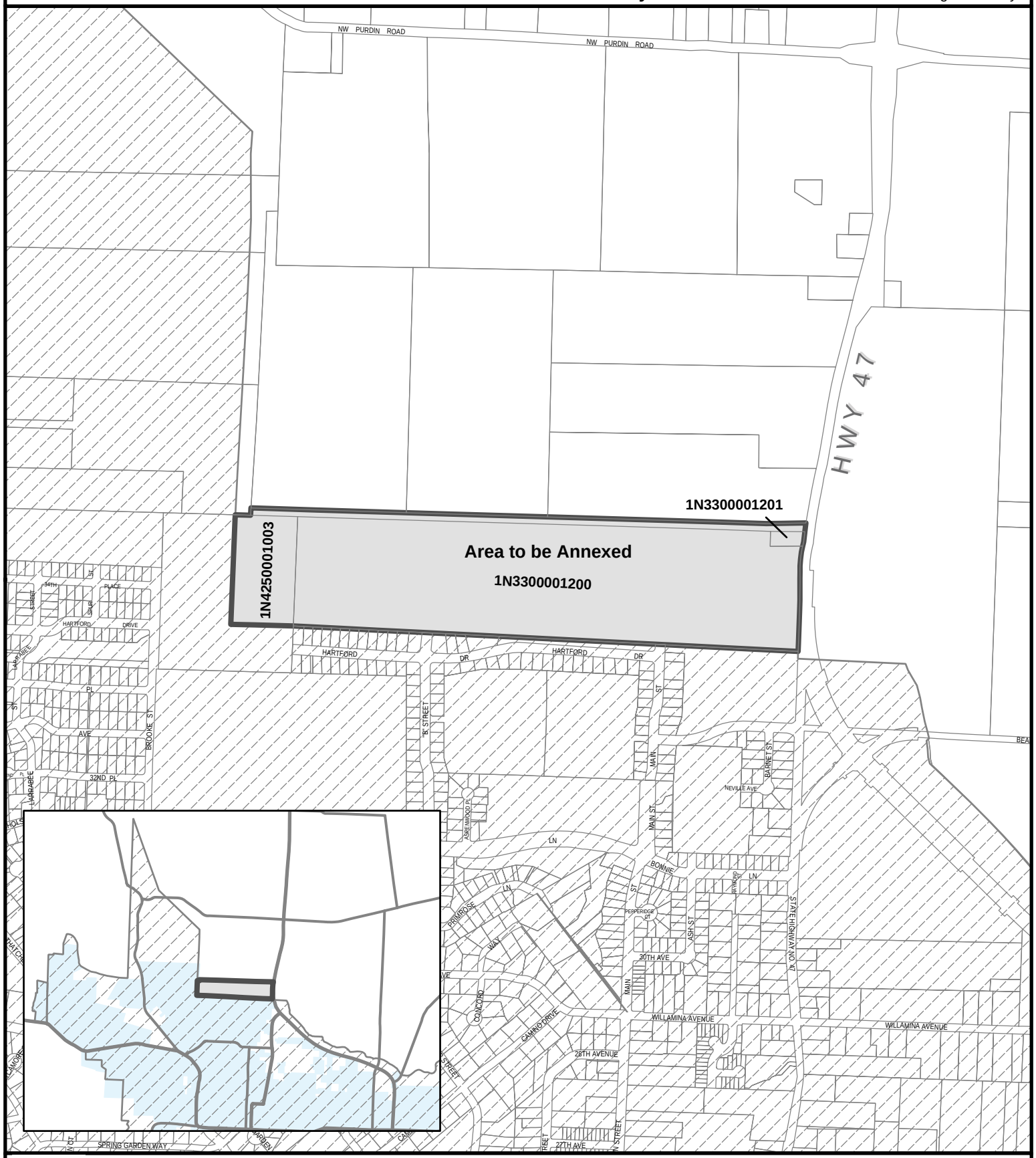
Ordinance No. 07-1174
Exhibit A.2

Annexation: AN-01-06

1N4W25, 1N3W30

Annexation to Metro Boundary

Washington County



Data Resource Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
http://www.metro-region.org/drc

1:10,000

Metro Annexation

Metro Boundary

AN-01-06
WA6206

Ken Martin Consulting
P.O. Box 29079
Portland, OR 97296-9079
(503) 222-0955

EXHIBIT A
SHEET 1 OF 2

NORTH

NOT TO SCALE

100' BPA EASEMENT

1N425
600

1N425
500

1N330
1100

N00°27'05"E
40.00'

S89°32'55"E

3618.83'

S09°04'38"W
40.46'

S89°32'55"E
88.88'

40' ROADWAY
C.R. 1245

SOUTH LINE ORUS
BROWN DLC NO. 71

DOC. NO. 85-40360
(0.46AC.)

N01°12'18"E
719.98'

1N425
1003
(7.28 AC.)

60.13 AC.

S00°05'20"E
660.00

1N330
1200
(49.09 AC.)

S00°05'12"E
60.16'

POINT OF BEGINNING

N89°32'43"W
448.38'

N89°32'43"W

3269.52'

HARTFORD DRIVE

1N425
1003

"LANCASTER SQUARE NO. 2"

"B" STREET

"LANCASTER SQUARE NO. 2"

LOT 47

STATE HIGHWAY NO. 47

CITY OF FOREST GROVE

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
FEBRUARY 08, 2000
JOHN R. WADE
59999 LS

EXPIRES: 06/30/08

SFA JOB NO.:	DATE:	PREPARED FOR:	
131-010	10-16-06	RIVERSIDE_HOMES	EXHIBIT SKETCH

SFA Design Group, LLC

STRUCTURAL | CIVIL | LAND USE PLANNING | SURVEYING

9020 SW Washington Square Dr. • Suite 350 • Portland, Oregon 97223

Phone 503.641.8311 Fax 503.643.7905

ANNEXATION PARCELS

A PORTION OF THE BENJAMIN CATCHING DLC NO. 59 & THE ORUS BROWN DLC NO. 71, LOCATED IN THE S.W. 1/4 OF SECTION 30, T.1N., R.3W. & THE S.E.1/4 OF SECTION 25, T.1N., R.4W., W.M., WASHINGTON COUNTY, OREGON.

SFA Design Group, LLC
STRUCTURAL | CIVIL | LAND USE PLANNING
9020 SW Washington Square Dr. • Suite 350 • Portland, Oregon 97223

NEXATION CERTIFIED
BY
NOV 15 2006
WASHINGTON COUNTY A & T
CARTOGRAPHY

Legal Description: **October 16, 2006**

Exhibit A
Sheet 2 of 2

Annexation Parcels

Basis of Bearings:

The bearings noted hereon are based upon "Lancaster Square No.2", a plat of record in Washington County.

A portion of the Benjamin Catching DLC No. 59 and the Orus Brown DLC No. 71, situated in the SW ¼ of Section 30, Township 1 North, Range 3 West, and the SE ¼ of Section 25, Township 1 North, Range 4 West, Willamette Meridian, Washington County, State of Oregon, being more particularly described as follows:

Beginning at the Northeast corner of Lot 47, Lancaster Square No.2",

thence N89°32'43"W, 3269.52 feet along the North boundary line of said "Lancaster Square No.2", to the Northwest corner of Lot 77 said plat;

thence S00°05'12"E, 60.16 feet along the West line of said plat to a point on the Southerly line of a 100 foot wide easement to Bonneville Power Administration;

thence leaving said West line of "Lancaster Square No.2", N89°32'43"W, 448.38 feet along the Southerly line of said easement;

thence N01°12'18"E, 719.98 feet along the West line of said easement to a point on the North line of Tax Lot 1N42501003;

thence leaving the Westerly line of said easement, S89°32'55"E, 88.88 feet along the North line of said Tax Lot to the Southwest corner of the 40 foot wide County Road (C.R. 1245);

thence N00°27'05"E, 40.00 feet along the Westerly line of said County Road to the Northwest corner thereof;

thence S89°32'55"E, 3618.83 feet along the North line of said County Road to a point on the Westerly Right of Way line of State Highway No.47;

thence S09°04'38"W, 40.46 feet along said Westerly right of way line to an angle point therein;

thence continuing along said right of way line, S00°05'20"E, 660.00 feet to the point of beginning.

Containing 60.13 Acres

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING LANDS ON THE WEST SIDE OF HIGHWAY 47 TO THE METRO JURISDICTIONAL BOUNDARY	)	ORDINANCE NO. 07-1143
	)	Introduced by Council President, David Bragdon

WHEREAS, the duty and authority to review and approve annexations to the Metro jurisdictional boundary is granted to Metro pursuant to Oregon Revised Statute 268.354 (3) (c); and

WHEREAS, Metro received a complete petition from the property owners and registered voters of a certain tract of land depicted on the attached map and described in Exhibit A to this ordinance, requesting that their property be annexed to Metro; and

WHEREAS, Metro received written consent from a majority of the electors in the territory to be annexed and owners of more than half the land in the territory proposed to be annexed, as required by ORS 198.855 (3); and

WHEREAS, Metro Council in Ordinance No. 02-985A, For the Purpose of Amending the Metro Urban Growth Boundary in the Vicinity of the Forest Grove by Adding and Deleting an Equivalent Amount of Land adopted on December 12, 2002 amended the Urban Growth Boundary to include the territory described in Exhibit A; and

WHEREAS, a report was prepared as required by law and Metro having considered the report and the testimony at the public hearing, does hereby favor annexation of the subject property based on the findings and reasons for decision attached hereto as Exhibit B; now therefore

THE METRO COUNCIL ORDAINS;

The territory described in Exhibit A and depicted on the attached map is hereby annexed to the Metro jurisdictional boundary.

ADOPTED by the Metro Council this 8th day of March 2007.

David Bragdon, Council President

Officially Approved Resolution No. 07-1143 Regional Government METRO COUNCIL Metro Council

ATTEST:

Christina Billington, Recording Secretary

Approved as to Form

Daniel Cooper, Metro Attorney

Ordinance No. 07-1143
Exhibit A
Proposal No. AN-01-06

The Bearings noted hereon are based upon “Lancaster Square No. 2”, a plat of record in Washington County.

A portion of the Benjamin Catching DLC No. 59 and the Orus Brown DLC No. 71, situated in the SW ¼ of Section 30, Township 1 North, Range 3 West, and the SE ¼ of Section 25, Township 1 North, Range 4 West, Willamette Meridian, Washington County, State of Oregon, being more particularly described as follows:

Beginning at the Northwest corner of Lot 47, Lancaster Square No. 2”,

thence N89°32’43”W, 3269.52 feet along the North boundary line of said “Lancaster Square No. 2”, to the Northwest corner of Lot 77 said plat;

thence S00°05’12”E, 60.16 feet along the West line of said plat to a point on the Southerly line of a 100 foot wide easement to Bonneville Power Administration;

thence leaving said West line of “Lancaster Square No. 2”, N89°32’43”W, 448.38 feet along the Southerly line of said easement;

thence N01°12’18”E, 719.98 feet along the West line of said easement to a point on the North line of Tax Lot 1N42501003;

thence leaving he Westerly line of said easement, S89°32’55”E, 88.88 feet along the North line of said Tax Lot to the Southwest corner of the 40 foot wide County Road (C.R. 1245);

thence N00°27’05”E, 40.00 feet along the Westerly line of said County Road to the Northwest corner thereof;

thence S89°32’55”E, 3618.83 feet along the North line of said County Road to a point on the Westerly Right of Way line of State Highway No. 47;

thence S09°04’38”W, 40.46 feet along said Westerly right of way line to an angle point therein;

thence continuing along said right of way line, S00°05’20”E, 660.00 feet to the point of beginning.

Containing 60.13 Acres

FINDINGS

Based on the study and the public hearing, the Council found:

1. The territory is located on the west edge of the District north of Hartford Road and west of Highway 47. The territory contains 59.8 acres and 2 single family dwellings.

2. The annexation is being sought to continue the process which will lead to development of the property. The property has been included in the Urban Growth Boundary and annexed to the City of Forest Grove. The City is developing the Concept Plan for the area. The Metro Functional Plan requires that the entity responsible for the Concept Plan make annexation to the Metro jurisdictional boundary a requirement of the Plan. This annexation will meet that requirement.

3. Oregon Revised Statute 198.850 (2) directs the Council to consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.

   A second set of criteria can be found in Chapter 3.09 of the Metro Code. That 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 findings and conclusions shall address the following minimum criteria:

   1. The affected territory lies within the UGB; and
   2. The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services

   Additionally Metro Code 3.09.050 (b) requires issuance of a report addressing the above criteria "including at a minimum the following:

   (1) The extent to which urban services presently are available to serve the affected territory including any extraterritorial extensions of service;
   (2) A description of how the proposed boundary change complies with any urban service agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;
   (3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;
   (4) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and
   (5) The proposed effective date of the decision."

The applicants have prepared a detailed response to each of the 5 criteria listed above. These responses are Shown below.

COMPLIANCE WITH METRO CODE

METRO CODE CHAPTER 3.09.050(b):

1. The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;

RESPONSE: The proposed annexation area was annexed to the City of Forest Grove, Ordinance 2006-07. As part of annexation to the City, the Council authorized the annexed territory to be withdrawn from Forest Grove R.F.P.D., Washington County Service District for Enhanced Law Enforcement and the Washington County Service District for Urban Road Maintenance. This property was previously added to the UGB in 2002 as part of Metro's UGB update under Metro Ordinance 02-985A.

FACILITIES AND SERVICES

The following summarizes the availability of existing public facilities and services to this area. Generally, services are available to the property from abutting development to the south.

Sanitary Sewer. The site falls within the David Hill Service Area of the City's Sewer Master Plan. There is an existing 10-inch stub extending north of the intersection of Hartford Drive and Main Street as well as an 8-inch line along Hartford Drive at the intersection of B Street. The site will be served by an 8-inch sanitary sewer as proposed in the City's Sanitary Sewer Master Plan.

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' Hillsboro sewage treatment plant, is located on First Street in that community. The plant serves portions of the communities of Hillsboro, Forest Grove and Cornelius. Clean Water Services built an intertie between the various treatment plants. If there is any problem at the Hillsboro 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 connection fees and use charges as Clean Water Services, it simply passes these monies on to Clean Water Services to pay for the costs of treatment and transmission of the sewage or storm water. The City may impose higher costs than Clean Water Services charges and keep the difference to offset City costs. Forest Grove does not charge a higher fee. The City assesses system development charges (SDCs) upon development of the property.

Water. Water is available to the site via the existing 10-inch stub north of the intersection of Hartford Drive and Main Street and additional 8- and 1-inch pipes along Hartford Drive at the intersection of B Street.

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.

Storm Water Management. The site is sloping toward the east to an existing unnamed stream. There is no storm sewer facility currently available on site. A water quality facility will be planned during the development phase of this site. Clean Water Services (CWS) County Service District is responsible for storm water management in Washington County. Due to the City's Intergovernmental Agreement with CWS, adequate storm water facilities meeting CWS standards will be required as part of any 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.

Police. The territory to be annexed was 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 withdrew the territory from the District upon annexation.

Upon annexation the City of Forest Grove Police Department assumed 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.

Fire. The territory was within the boundary of the Forest Grove Rural Fire Protection District. However, upon annexation, the City withdrew the territory from the District. Therefore on the effective date of the annexation the District's tax levy will no longer apply.
The City Fire Department will now provide service for the annexed area. 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.

Transportation. The territory to be annexed was within the boundary of the Washington County Urban Road Maintenance District. The City withdrew the territory from the District upon annexation to the City. The site abuts Highway 47 and David Hill Road. Development of the subject properties will provide improvements to David Hill Road, which will also be coordinated with currently planned improvements by Washington County for the west end of the road. The adjacent development has stubbed streets to the southern boundary of the subject site. These roads will be extended into and through the subject property as development occurs.

Parks. 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.

Other Services. 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.

These basic services are available and adequate to support initial annexation and future development impacts.

2. A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;

RESPONSE: The annexation complies with urban service agreements as follows:

Washington County Planning The annexation was found to be consistent with Washington County planning policies (Ordinance 2006-07). 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.

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.

Urban Growth Management Agreement.
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:

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.

City Planning: 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. However, in this instance, the territory was added to the city's UGB in 2002 and thus is not part of the existing Comprehensive Plan. The City is required to do planning for this new area under Metro's Code Title 11 (Section 3.07.1105 – 3.07.1140 – Planning for New Urban Areas). The purpose of this title is to guide planning of areas brought into the UGB for conversion from rural to urban use. All land added to the UGB shall be included within a city's comprehensive plan prior to urbanization. The comprehensive plan amendment must be consistent with all applicable titles of Metro's Functional Plan. Title 11 lists ten provisions that need to be addressed in the comprehensive plan amendment including an urban growth plan diagram and policies consistent with the Regional Framework Plan and adopted 2040 Growth Concept Design types.

The Title 11 planning efforts for this territory are underway. The comprehensive plan designation will be established during this process.

The City's comprehensive plan policies were reviewed for policies related to annexation. The proposal was found to be consistent with the following:

Local Urbanization Goals:
Land shall be made available within the urban growth boundary to meet all urban land use needs.

Utility services shall be provided incrementally without bypassing large parcels of vacant land to serve peripheral parcels.

Local Urbanization Policies:
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.

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.

Trunk lines for utilities shall be extended only to service areas which are adjacent to existing

development.

Sewer and water utilities shall not be extended beyond the City's corporate limits and shall be provided only after annexation.

3. A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework plan and functional plans, regional urban growth goals and objectives, urban planning agreements of affected entity and of all necessary parties;

RESPONSE: Consistency of Proposal with Land Use Planning Requirements:
The proposal is consistent with State, regional and local planning requirements listed in the preceding pages. The proposal meets the requirements of State Land Use Goal 14: Urbanization by providing for an orderly transition from rural to urban land use; allowing the efficient provision of public facilities; allowing for the future construction of needed housing; and implementing the City's acknowledged Comprehensive Plan.

Metro's action to add the territory to the Regional Urban Growth Boundary confirms conformance with the regional framework plan, and the regional urban growth goals and objectives (Metro Ordinance 02-985A).

The City's growth management strategy is represented by the Comprehensive Plan and the proposal is consistent with the goal and policies presented in this document. The property, when developed, will extend urban services from areas immediately adjacent to the property or to areas immediately adjacent to the property. These services have capacity to serve the site. Thus, the annexation of this area appears to be consistent with the intent of Policies 2 and 3. Policy 4 and 5 prohibits extension of utility outside the City and only to area which are adjacent to existing development. The following section will discuss the availability of municipal facilities and services to the territory in more detail.

4. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party:

RESPONSE: The proposed annexation area was annexed to the City of Forest Grove, Ordinance 2006-07. As part of annexation to the City, the Council authorized the annexed territory to be withdrawn from Forest Grove R.F.P.D., Washington County Service District for Enhanced Law Enforcement and the Washington County Service District for Urban Road Maintenance. This property was previously added to the UGB in 2002 as part of Metro's UGB update under Metro Ordinance 02-985A.

5. The proposed effective date of the decision.

RESPONSE: The proposed effective date of decision will be as soon as possible, or immediately upon approval of the Metro Council, and standard affective dates for Ordinances.

4. The site slopes gently from west to east. There is a low drainage channel which runs west to east along the southern edge of the property.

To the north and to the east (across Highway 47) lies farmland. To the west and south of the property are urban residential developments.

5. The area to be annexed is inside the Urban Growth Boundary. The territory abuts the Metro jurisdictional boundary on the west and on the south.

The law that dictates that Metro adopt criteria for boundary changes requires those criteria to include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." The Framework Plan (which includes the regional urban growth goals and objectives and the 2040 Growth Concept) has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Plan and the Regional Transportation Plan.

The Urban Growth Management Functional Plan contains only one provision in its Title 11 component which speaks to annexations and prescribes a directly applicable standard or criterion for an annexation boundary change. Title 11, Section 3.07.1110.A, Interim Protection of Areas Brought into the Urban Growth Boundary, concerns “annexations” of land added to the UGB. It requires local comprehensive plan amendments for land added to the UGB to include “provisions for annexation to the (Metro) district and to a city or any necessary service district prior to urbanization of the territory . . . to provide all required urban services”. By its terms, this Title 11 provision requires local comprehensive plans to assure the provision of adequate public facilities and services to land added to the UGB through annexation of such lands to the Metro District, the affected city and/or any special service district responsible for providing such facilities and services to the land prior to its urban development.

The Regional Transportation Plan was examined and found not to contain any directly applicable standards and criteria for boundary changes.

This area was added to the UGB by the Metro Council in December, 2002 (Metro Ordinance No. 02-985A).

6. The territory was recently annexed to the City of Forest Grove. The City is in the process of adopting a Concept Plan for the area, including Comprehensive Plan amendments in compliance

with Metro Title 11. The territory has been designated FD-20 (Future Development, 20 Acre District) as a way to prevent premature development prior to adoption of the Concept Plan and rezoning in compliance with that plan. The City has very recently re-designated the area for urban residential use with R-5 zoning and the enacting ordinances have been submitted to Metro for Compliance Review with Title 11.

7. The availability of public services is addressed in Finding 3 above.

8. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of reviewing and approving the inclusion of this area in the UGB.

   Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt.

   Metro has no service agreements with local governments that would be relative to district annexation in general or to this particular site.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Council concluded:

1. Oregon Revised Statutes 198 requires the Council to consider the local comprehensive plan when deciding a boundary change. The Council has reviewed the applicable comprehensive plan which is the Forest Grove Comprehensive Plan and finds that it contains no directly applicable criteria for making district boundary change decisions.

2. Oregon Revised Statutes 198 also requires consideration of "any service agreement executed between a local government and the affected district." As noted in Finding No. 8 Metro has no relevant service agreements.

3. Metro Code 3.09.120 (e) (1) establishes inclusion of the territory within the Urban Growth Boundary as one criteria for any annexation subject to the Metro rules. The Council has made such a determination as noted in Finding No. 6. Therefore the Council finds this proposed annexation to be consistent with that criterion.

4. The final criterion to be considered under the Metro Code 3.09.120 (e) (2) is “The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services.” As noted in Finding 6 the territory has been protected from premature development by application of FD-20 zoning. The territory has been annexed to Forest Grove and as stated in Finding 3 the City has necessary urban services available. The Council concludes this criterion is met.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 07- 1143 FOR THE PURPOSE OF ANNEXING LAND ON THE WEST EDGE OF HIGHWAY 47 TO THE METRO JURISDICTIONAL BOUNDARY

Date: February 15, 2007 Prepared by: Ken Martin, Annexation Staff

SECTION I: APPLICATION SUMMARY

CASE:	AN-0106, Annexation To Metro Jurisdictional Boundary
APPLICANT:	99.2% Owners/100%Voters of Three Properties
PROPOSAL:	The petitioners are requesting annexation to the Metro boundary following the Metro Council's addition of the property to the Urban Growth Boundary in December, 2002 and the City of Forest Grove's annexation of the property in 2006.
LOCATION:	The territory is located on the west edge of the District north of Hartford Road and west of Highway 47. (See Figure 1).
PLAN/ZONING	Future Urban/FD-20 (Future Development – 20 Acre District).
APPLICABLE REVIEW CRITERIA:	ORS Chapter 198, Metro Code 3.09

SECTION II: STAFF RECOMMENDATION

Staff recommends adoption of Ordinance No. 07- 1143 approving Boundary Change Proposal No. AN-0106, annexation to Metro.

SECTION III: BACKGROUND INFORMATION

Initiation: Proposal No. AN-0106 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (which lists minimum requirements for petition).

Site Information: The territory is located on the west edge of the District north of Hartford Road and west of Highway 47. The territory contains 59.8 acres and 2 single family dwellings.

REASON FOR ANNEXATION

The annexation is being sought to continue the process which will lead to development of the property. The property has been included in the Urban Growth Boundary and annexed to the City of Forest Grove. The City is developing the Concept Plan for the area. The Metro Functional Plan requires that the entity responsible for the Concept Plan make annexation to the Metro jurisdictional boundary a requirement of the Plan. This annexation will meet that requirement.

CRITERIA

Oregon Revised Statute 198.850 (2) directs the Council to consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.

A second set of criteria can be found in Chapter 3.09 of the Metro Code. That 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 findings and conclusions shall address the following minimum criteria:

1. The affected territory lies within the UGB; and
2. The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services

Additionally Metro Code 3.09.050 (b) requires issuance of a report addressing the above criteria "including at a minimum the following:

(1) The extent to which urban services presently are available to serve the affected territory including any extraterritorial extensions of service;
(2) A description of how the proposed boundary change complies with any urban service agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;
(3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;
(4) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and
(5) The proposed effective date of the decision."

The applicants have prepared a detailed response to each of the 5 criteria listed above. These responses are attached as Attachment 1.

LAND USE PLANNING

SITE CHARACTERISTICS

The site slopes gently from west to east. There is a low drainage channel which runs west to east along the southern edge of the property.

To the north and to the east (across Highway 47) lies farmland. To the west and south of the property are urban residential developments.

REGIONAL PLANNING

This territory abuts the Metro jurisdictional boundary on the west and on the south.

Regional Framework Plan

The law that dictates that Metro adopt criteria for boundary changes requires those criteria to include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." The Framework Plan (which includes the regional urban growth goals and objectives and the 2040 Growth Concept) has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Plan and the Regional Transportation Plan.

The Urban Growth Management Functional Plan contains only one provision in its Title 11 component which speaks to annexations and prescribes a directly applicable standard or criterion for an annexation boundary change. Title 11, Section 3.07.1110.A, Interim Protection of Areas Brought into the Urban Growth Boundary, concerns "annexations" of land added to the UGB. It requires local comprehensive plan amendments for land added to the UGB to include "provisions for annexation to the (Metro) district and to a city or any necessary service district prior to urbanization of the territory . . . to provide all required urban services". By its terms, this Title 11 provision requires local comprehensive plans to assure the provision of adequate public facilities and services to land added to the UGB through annexation of such lands to the Metro District, the affected city and/or any special service district responsible for providing such facilities and services to the land prior to its urban development.

The Regional Transportation Plan was examined and found not to contain any directly applicable standards and criteria for boundary changes.

Urban Growth Boundary Change

This area was added to the UGB by the Metro Council in December, 2002 (Metro Ordinance No. 02-985A).

CITY PLANNING

The territory was recently annexed to the City of Forest Grove. The City is in the process of adopting a Concept Plan for the area, including Comprehensive Plan amendments in compliance with Metro Title 11. The territory has been designated FD-20 (Future Development, 20 Acre District) as a way to prevent premature development prior to adoption of the Concept Plan and rezoning in compliance with that plan. The City has very recently re-designated the area for urban residential use with R-5 zoning and the enacting ordinances have been submitted to Metro for Compliance Review with Title 11.

FACILITIES AND SERVICES

Public Services. The availability of public services is addressed in Attachment 1.

Metro Services. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of reviewing and approving the inclusion of this area in the UGB.

Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt.

Metro has no service agreements with local governments that would be relative to district annexation in general or to this particular site.

SECTION IV: ANALYSIS/INFORMATION

1. **Known Opposition** - There is no known opposition to this annexation. No one has contacted staff on this matter despite extensive notification which included posting and publishing of notices and notices to surrounding property owners.
2. **Legal Antecedents** - This annexation is a follow-up to the UGB change passed by the Council as Ordinance 02-985A. The annexation is being processed under provisions of ORS 198 and Metro Code 3.09.
3. **Anticipated Effects** - No significant effect is anticipated. The uses allowed on this site will be under the control of the City of Forest Grove and as anticipated by the Metro UGB expansion.
4. **Budget Impacts** - None

SECTION V: SUMMARY AND RECOMMENDATION

This petition seeks to annex approximately 59.8 acres of land into the Metro Jurisdictional boundary in order to provide for eventual residential development within the City of Forest Grove. Based on the study above and the proposed Findings and Reasons For Decision found in Attachment 2, the staff recommends that Proposed Annexation No. AN-0106 be ***approved***. This approval should be implemented by adoption of Ordinance No. 07-1143 (attached).

Ordinance No. 07-1143
ATTACHMENT 1

COMPLIANCE WITH METRO CODE

METRO CODE CHAPTER 3.09.050(b):

1. The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;

RESPONSE: The proposed annexation area was annexed to the City of Forest Grove, Ordinance 2006-07. As part of annexation to the City, the Council authorized the annexed territory to be withdrawn from Forest Grove R.F.P.D., Washington County Service District for Enhanced Law Enforcement and the Washington County Service District for Urban Road Maintenance. This property was previously added to the UGB in 2002 as part of Metro's UGB update under Metro Ordinance 02-985A.

FACILITIES AND SERVICES

The following summarizes the availability of existing public facilities and services to this area. Generally, services are available to the property from abutting development to the south.

Sanitary Sewer. The site falls within the David Hill Service Area of the City's Sewer Master Plan. There is an existing 10-inch stub extending north of the intersection of Hartford Drive and Main Street as well as an 8-inch line along Hartford Drive at the intersection of B Street. The site will be served by an 8-inch sanitary sewer as proposed in the City's Sanitary Sewer Master Plan.

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' Hillsboro sewage treatment plant, is located on First Street in that community. The plant serves portions of the communities of Hillsboro, Forest Grove and Cornelius. Clean Water Services built an intertie between the various treatment plants. If there is any problem at the Hillsboro 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 connection fees and use charges as Clean Water Services, it simply passes these monies on to Clean Water Services to pay for the costs of treatment and transmission of the sewage or storm water. The City may impose higher costs than Clean Water Services charges and keep the difference to offset City costs. Forest Grove does not charge a higher fee. The City assesses system development charges (SDCs) upon development of the property.

Water. Water is available to the site via the existing 10-inch stub north of the intersection of Hartford Drive and Main Street and additional 8- and 1-inch pipes along Hartford Drive at the intersection of B Street.

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.

Storm Water Management. The site is sloping toward the east to an existing unnamed stream. There is no storm sewer facility currently available on site. A water quality facility will be planned during the development phase of this site. Clean Water Services (CWS) County Service District is responsible for storm water management in Washington County. Due to the City's Intergovernmental Agreement with CWS, adequate storm water facilities meeting CWS standards will be required as part of any 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.

Police. 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.

Fire. The territory was within the boundary of the Forest Grove Rural Fire Protection District. However, upon annexation, the City withdrew the territory from the District. Therefore on the effective date of the annexation the District's tax levy will no longer apply.
The City Fire Department will now provide service for the annexed area. 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.

Transportation. The territory to be annexed was within the boundary of the Washington County Urban Road Maintenance District. The City withdrew the territory from the District upon annexation to the City. The site abuts Highway 47 and David Hill Road. Development of the

subject properties will provide improvements to David Hill Road, which will also be coordinated with currently planned improvements by Washington County for the west end of the road. The adjacent development has stubbed streets to the southern boundary of the subject site. These roads will be extended into and through the subject property as development occurs.

Parks. 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.

Other Services. 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.

These basic services are available and adequate to support initial annexation and future development impacts.

2. A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;

RESPONSE: The annexation complies with urban service agreements as follows:

Washington County Planning The annexation was found to be consistent with Washington County planning policies (Ordinance 2006-07). 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.

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.

Urban Growth Management Agreement.
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:

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.

City Planning: 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. However, in this instance, the territory was added to the city's UGB in 2002 and thus is not part of the existing Comprehensive Plan. The City is required to do planning for this new area under Metro's Code Title 11 (Section 3.07.1105 – 3.07.1140 – Planning for New Urban Areas). The purpose of this title is to guide planning of areas brought into the UGB for conversion from rural to urban use. All land added to the UGB shall be included within a city's comprehensive plan prior to urbanization. The comprehensive plan amendment must be consistent with all applicable titles of Metro's Functional Plan. Title 11 lists ten provisions that need to be addressed in the comprehensive plan amendment including an urban growth plan diagram and policies consistent with the Regional Framework Plan and adopted 2040 Growth Concept Design types.

The Title 11 planning efforts for this territory are underway. The comprehensive plan designation will be established during this process.

The City's comprehensive plan policies were reviewed for policies related to annexation. The proposal was found to be consistent with the following:

Local Urbanization Goals:
Land shall be made available within the urban growth boundary to meet all urban land use needs.

Utility services shall be provided incrementally without bypassing large parcels of vacant land to serve peripheral parcels.

Local Urbanization Policies:
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.

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.

Trunk lines for utilities shall be extended only to service areas which are adjacent to existing development.

Sewer and water utilities shall not be extended beyond the City's corporate limits and shall be provided only after annexation.

3. A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework plan and functional plans, regional urban growth goals and objectives, urban planning agreements of affected entity and of all necessary parties;

RESPONSE: Consistency of Proposal with Land Use Planning Requirements:
The proposal is consistent with State, regional and local planning requirements listed in the preceding pages. The proposal meets the requirements of State Land Use Goal 14: Urbanization by providing for an orderly transition from rural to urban land use; allowing the efficient provision of public facilities; allowing for the future construction of needed housing; and implementing the City's acknowledged Comprehensive Plan.

Metro's action to add the territory to the Regional Urban Growth Boundary confirms conformance with the regional framework plan, and the regional urban growth goals and objectives (Metro Ordinance 02-985A).

The City's growth management strategy is represented by the Comprehensive Plan and the proposal is consistent with the goal and policies presented in this document. The property, when developed, will extend urban services from areas immediately adjacent to the property or to areas immediately adjacent to the property. These services have capacity to serve the site. Thus, the annexation of this area appears to be consistent with the intent of Policies 2 and 3. Policy 4 and 5 prohibits extension of utility outside the City and only to area which are adjacent to existing development. The following section will discuss the availability of municipal facilities and services to the territory in more detail.

4. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party:

RESPONSE: The proposed annexation area was annexed to the City of Forest Grove, Ordinance 2006-07. As part of annexation to the City, the Council authorized the annexed territory to be withdrawn from Forest Grove R.F.P.D., Washington County Service District for Enhanced Law Enforcement and the

Washington County Service District for Urban Road Maintenance. This property was previously added to the UGB in 2002 as part of Metro's UGB update under Metro Ordinance 02-985A.

5. The proposed effective date of the decision.

RESPONSE: The proposed effective date of decision will be as soon as possible, or immediately upon approval of the Metro Council, and standard affective dates for Ordinances.

FINDINGS

Based on the study and the public hearing, the Council found:

1. The territory is located on the west edge of the District north of Hartford Road and west of Highway 47. The territory contains 59.8 acres and 2 single family dwellings.

2. The annexation is being sought to continue the process which will lead to development of the property. The property has been included in the Urban Growth Boundary and annexed to the City of Forest Grove. The City is developing the Concept Plan for the area. The Metro Functional Plan requires that the entity responsible for the Concept Plan make annexation to the Metro jurisdictional boundary a requirement of the Plan. This annexation will meet that requirement.

3. Oregon Revised Statute 198.850 (2) directs the Council to consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.

   A second set of criteria can be found in Chapter 3.09 of the Metro Code. That 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 findings and conclusions shall address the following minimum criteria:

   1. The affected territory lies within the UGB; and
   2. The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services

   Additionally Metro Code 3.09.050 (b) requires issuance of a report addressing the above criteria "including at a minimum the following:

   (1) The extent to which urban services presently are available to serve the affected territory including any extraterritorial extensions of service;
   (2) A description of how the proposed boundary change complies with any urban service agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;
   (3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;
   (4) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and
   (5) The proposed effective date of the decision."

The applicants have prepared a detailed response to each of the 5 criteria listed above. These responses are Shown below.

COMPLIANCE WITH METRO CODE

METRO CODE CHAPTER 3.09.050(b):

1. The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;

RESPONSE: The proposed annexation area was annexed to the City of Forest Grove, Ordinance 2006-07. As part of annexation to the City, the Council authorized the annexed territory to be withdrawn from Forest Grove R.F.P.D., Washington County Service District for Enhanced Law Enforcement and the Washington County Service District for Urban Road Maintenance. This property was previously added to the UGB in 2002 as part of Metro's UGB update under Metro Ordinance 02-985A.

FACILITIES AND SERVICES

The following summarizes the availability of existing public facilities and services to this area. Generally, services are available to the property from abutting development to the south.

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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.

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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.

Storm Water Management. The site is sloping toward the east to an existing unnamed stream. There is no storm sewer facility currently available on site. A water quality facility will be planned during the development phase of this site. Clean Water Services (CWS) County Service District is responsible for storm water management in Washington County. Due to the City's Intergovernmental Agreement with CWS, adequate storm water facilities meeting CWS standards will be required as part of any 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.

Police. The territory to be annexed was 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 withdrew the territory from the District upon annexation.

Upon annexation the City of Forest Grove Police Department assumed 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.

Fire. The territory was within the boundary of the Forest Grove Rural Fire Protection District. However, upon annexation, the City withdrew the territory from the District. Therefore on the effective date of the annexation the District's tax levy will no longer apply.
The City Fire Department will now provide service for the annexed area. 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.

Transportation. The territory to be annexed was within the boundary of the Washington County Urban Road Maintenance District. The City withdrew the territory from the District upon annexation to the City. The site abuts Highway 47 and David Hill Road. Development of the subject properties will provide improvements to David Hill Road, which will also be coordinated with currently planned improvements by Washington County for the west end of the road. The adjacent development has stubbed streets to the southern boundary of the subject site. These roads will be extended into and through the subject property as development occurs.

Parks. 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.

Other Services. 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.

These basic services are available and adequate to support initial annexation and future development impacts.

2. A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;

RESPONSE: The annexation complies with urban service agreements as follows:

Washington County Planning The annexation was found to be consistent with Washington County planning policies (Ordinance 2006-07). 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.

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.

Urban Growth Management Agreement.
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:

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.

City Planning: 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. However, in this instance, the territory was added to the city's UGB in 2002 and thus is not part of the existing Comprehensive Plan. The City is required to do planning for this new area under Metro's Code Title 11 (Section 3.07.1105 – 3.07.1140 – Planning for New Urban Areas). The purpose of this title is to guide planning of areas brought into the UGB for conversion from rural to urban use. All land added to the UGB shall be included within a city's comprehensive plan prior to urbanization. The comprehensive plan amendment must be consistent with all applicable titles of Metro's Functional Plan. Title 11 lists ten provisions that need to be addressed in the comprehensive plan amendment including an urban growth plan diagram and policies consistent with the Regional Framework Plan and adopted 2040 Growth Concept Design types.

The Title 11 planning efforts for this territory are underway. The comprehensive plan designation will be established during this process.

The City's comprehensive plan policies were reviewed for policies related to annexation. The proposal was found to be consistent with the following:

Local Urbanization Goals:
Land shall be made available within the urban growth boundary to meet all urban land use needs.

Utility services shall be provided incrementally without bypassing large parcels of vacant land to serve peripheral parcels.

Local Urbanization Policies:
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.

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.

Trunk lines for utilities shall be extended only to service areas which are adjacent to existing

development.

Sewer and water utilities shall not be extended beyond the City's corporate limits and shall be provided only after annexation.

3. A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework plan and functional plans, regional urban growth goals and objectives, urban planning agreements of affected entity and of all necessary parties;

RESPONSE: Consistency of Proposal with Land Use Planning Requirements:
The proposal is consistent with State, regional and local planning requirements listed in the preceding pages. The proposal meets the requirements of State Land Use Goal 14: Urbanization by providing for an orderly transition from rural to urban land use; allowing the efficient provision of public facilities; allowing for the future construction of needed housing; and implementing the City's acknowledged Comprehensive Plan.

Metro's action to add the territory to the Regional Urban Growth Boundary confirms conformance with the regional framework plan, and the regional urban growth goals and objectives (Metro Ordinance 02-985A).

The City's growth management strategy is represented by the Comprehensive Plan and the proposal is consistent with the goal and policies presented in this document. The property, when developed, will extend urban services from areas immediately adjacent to the property or to areas immediately adjacent to the property. These services have capacity to serve the site. Thus, the annexation of this area appears to be consistent with the intent of Policies 2 and 3. Policy 4 and 5 prohibits extension of utility outside the City and only to area which are adjacent to existing development. The following section will discuss the availability of municipal facilities and services to the territory in more detail.

4. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party:

RESPONSE: The proposed annexation area was annexed to the City of Forest Grove, Ordinance 2006-07. As part of annexation to the City, the Council authorized the annexed territory to be withdrawn from Forest Grove R.F.P.D., Washington County Service District for Enhanced Law Enforcement and the Washington County Service District for Urban Road Maintenance. This property was previously added to the UGB in 2002 as part of Metro's UGB update under Metro Ordinance 02-985A.

5. The proposed effective date of the decision.

RESPONSE: The proposed effective date of decision will be as soon as possible, or immediately upon approval of the Metro Council, and standard affective dates for Ordinances.

4. The site slopes gently from west to east. There is a low drainage channel which runs west to east along the southern edge of the property.

   To the north and to the east (across Highway 47) lies farmland. To the west and south of the property are urban residential developments.

5. The area to be annexed is inside the Urban Growth Boundary. The territory abuts the Metro jurisdictional boundary on the west and on the south.

   The law that dictates that Metro adopt criteria for boundary changes requires those criteria to include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." The Framework Plan (which includes the regional urban growth goals and objectives and the 2040 Growth Concept) has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

   There are two adopted regional functional plans, the Urban Growth Management Plan and the Regional Transportation Plan.

   The Urban Growth Management Functional Plan contains only one provision in its Title 11 component which speaks to annexations and prescribes a directly applicable standard or criterion for an annexation boundary change. Title 11, Section 3.07.1110.A, Interim Protection of Areas Brought into the Urban Growth Boundary, concerns “annexations” of land added to the UGB. It requires local comprehensive plan amendments for land added to the UGB to include “provisions for annexation to the (Metro) district and to a city or any necessary service district prior to urbanization of the territory . . . to provide all required urban services”. By its terms, this Title 11 provision requires local comprehensive plans to assure the provision of adequate public facilities and services to land added to the UGB through annexation of such lands to the Metro District, the affected city and/or any special service district responsible for providing such facilities and services to the land prior to its urban development.

   The Regional Transportation Plan was examined and found not to contain any directly applicable standards and criteria for boundary changes.

   This area was added to the UGB by the Metro Council in December, 2002 (Metro Ordinance No. 02-985A).

6. The territory was recently annexed to the City of Forest Grove. The City is in the process of adopting a Concept Plan for the area, including Comprehensive Plan amendments in compliance

with Metro Title 11. The territory has been designated FD-20 (Future Development, 20 Acre District) as a way to prevent premature development prior to adoption of the Concept Plan and rezoning in compliance with that plan. The City has very recently re-designated the area for urban residential use with R-5 zoning and the enacting ordinances have been submitted to Metro for Compliance Review with Title 11.

7. The availability of public services is addressed in Finding 3 above.

8. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of reviewing and approving the inclusion of this area in the UGB.

   Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt.

   Metro has no service agreements with local governments that would be relative to district annexation in general or to this particular site.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Council concluded:

1. Oregon Revised Statutes 198 requires the Council to consider the local comprehensive plan when deciding a boundary change. The Council has reviewed the applicable comprehensive plan which is the Forest Grove Comprehensive Plan and finds that it contains no directly applicable criteria for making district boundary change decisions.

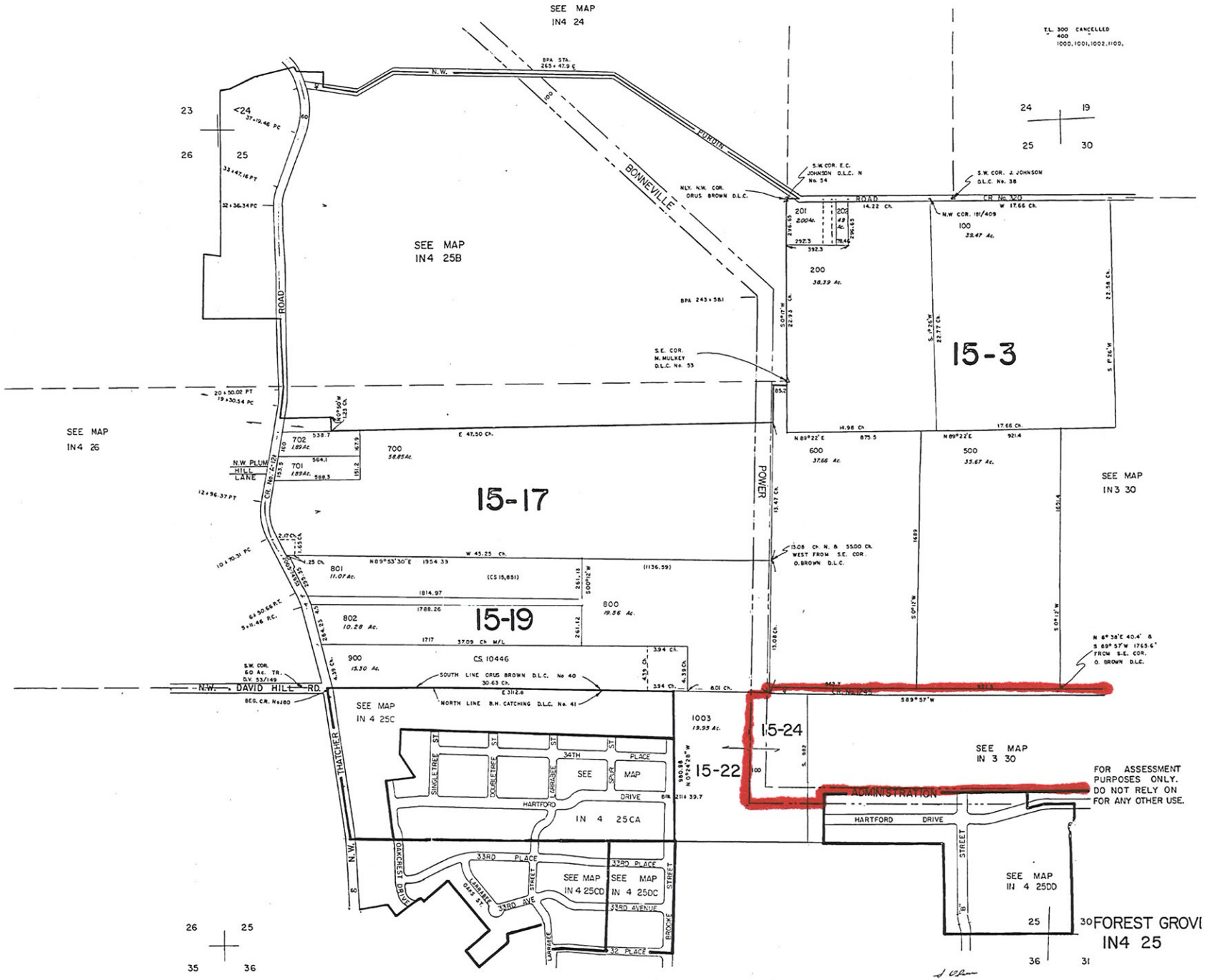
2. Oregon Revised Statutes 198 also requires consideration of "any service agreement executed between a local government and the affected district." As noted in Finding No. 8 Metro has no relevant service agreements.

3. Metro Code 3.09.120 (e) (1) establishes inclusion of the territory within the Urban Growth Boundary as one criteria for any annexation subject to the Metro rules. The Council has made such a determination as noted in Finding No. 6. Therefore the Council finds this proposed annexation to be consistent with that criterion.

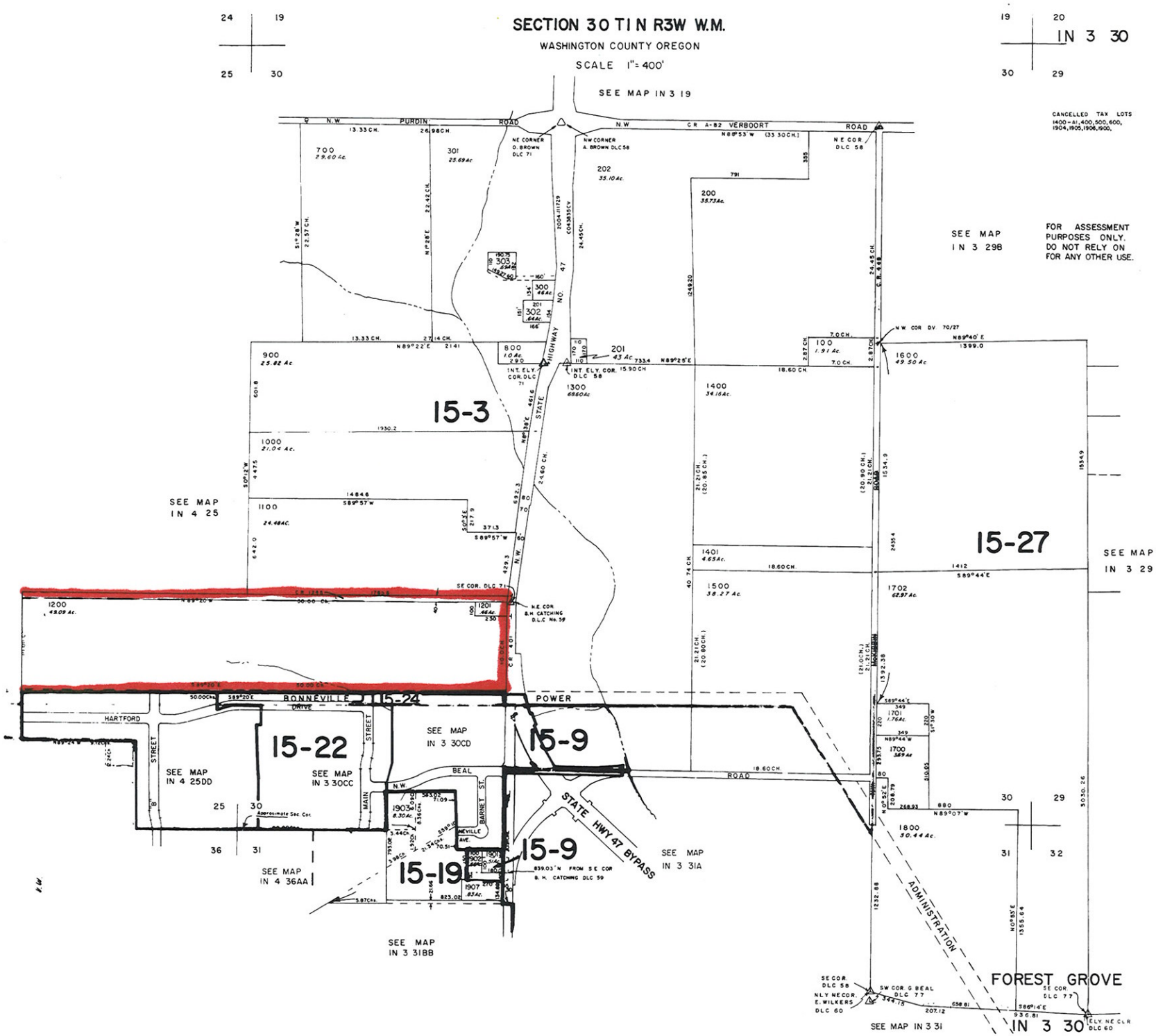
4. The final criterion to be considered under the Metro Code 3.09.120 (e) (2) is “The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services.” As noted in Finding 6 the territory has been protected from premature development by application of FD-20 zoning. The territory has been annexed to Forest Grove and as stated in Finding 3 the City has necessary urban services available. The Council concludes this criterion is met.

SECTION 25 T1N R4W W.M.
WASHINGTON COUNTY OREGON
SCALE 1"=400'

IN4 25



SECTION 30 T1N R3W W.M.

WASHINGTON COUNTY OREGON

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