

ORDINANCE NO. 2018-04

ORDINANCE ANNEXING A TRACT OF LAND LOCATED AT 600 ELM STREET (WASHINGTON COUNTY TAX LOT 1S307AB01200) INTO THE CITY LIMIT OF FOREST GROVE AND ADDING THE TRACT TO THE CLEAN WATER SERVICES DISTRICT AND WITHDRAWING THE TRACT FROM THE FOREST GROVE RURAL FIRE PROTECTION DISTRICT; FILE NO. 311-18-000007-PLNG

FOREST GROVE MAKES THE FOLLOWING FINDINGS:

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, Oregon Revised Statutes Chapter 222.120 and Chapter 222.125 establishes procedures for property owner initiated annexation petitions without election by city electors; and

WHEREAS, the property owner submitted an annexation petition on November 2, 2016 and resubmitted the annexation petition on March 26, 2018; and

WHEREAS, the City of Forest Grove desires to adopt an ordinance annexing a 38.6 acre tract of land at 600 Elm Street (Washington County Tax Lot 1S307AB01200) owned by the petitioner into the city limits; and

WHEREAS, the annexation petition complies with the requirements of Metro Chapter 3.09; and

WHEREAS, the annexation is consistent with the Forest Grove Comprehensive Plan urbanization policies and Comprehensive Plan map; and

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

WHEREAS, the Forest Grove Rural Fire Protection District was notified of the annexation proposal and City Council public hearing as a necessary party under Metro Code Chapter 3.09; and

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

WHEREAS, Clean Water Services was notified of the annexation proposal and City Council public hearings as a necessary party under Metro Code Chapter 3.09; and

WHEREAS, the City Council held duly-noticed Public Hearings on July 17, 2018, and August 13, 2018, and mailed and published notice of the Public Hearing as required by Article 1 of the Forest Grove Development Code; 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 territory to the city limits; adding the subject territory to the Clean Water Services district boundary and removing the subject territory from the Forest Grove Rural Fire Protection District; and

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

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

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

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

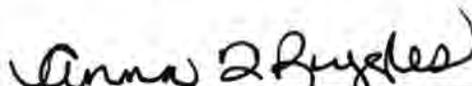
Section 3. The subject territory annexed by this Ordinance and described in Section 1 is withdrawn from the Forest Grove Rural Fire Protection District.

Section 4. The findings and conclusions contained in the staff report dated July 17, 2018, are incorporated by reference and hereby 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 Oregon Secretary of State as provided by ORS 222.180.

Section 5. This ordinance shall be effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading the 17th day of July, 2018.

PASSED the second reading the 13th day of August, 2018.



Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th day of August, 2018.



Peter B. Truax, Mayor

Exhibit A

LAND SURVEYING PLANNING ENGINEERING WATER RIGHTS FORESTRY GPS & GIS



TELEPHONE (503) 357-5717
FAX (503) 357-5698
WEBSITE: www.stuntzner.com
2318-B Pacific Avenue
Forest Grove, OR 97116

HAWORTH ANNEXATION

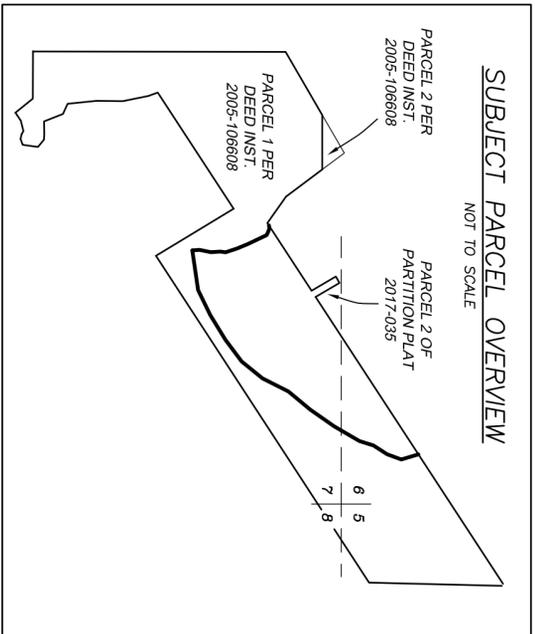
AREA TO BE ANNEXED

A parcel of land situated in Section 6 and Section 7, Township 1 South, Range 3 West, Willamette Meridian, Washington County, Oregon, being a portion of Parcel 1 of Document No. 2005-106608, more particularly described as follows:

Beginning at a 5/8" iron rod marking the southwest corner of Parcel 2, Partition Plat 2017-035, Records of Washington County, Oregon, said iron rod also lying on the northerly boundary of Parcel 1 of Document No. 2005-106608, thence along said northerly boundary, South 56°44'55" West 702.29 feet to a 5/8" iron rod set per SN 32,423, Records of the Washington County Surveyor;
thence North 79°23'45" East 29.48 feet to a 5/8" iron rod;
thence South 66°40'52" East 64.45 feet to a 5/8" iron rod;
thence South 25°17'17" East 189.21 feet to a 5/8" iron rod;
thence South 22°30'36" East 107.79 feet to a 5/8" iron rod;
thence South 18°01'04" East 110.93 feet to a 5/8" iron rod;
thence South 07°00'57" West 48.14 feet to a 5/8" iron rod;
thence South 03°29'50" East 87.08 feet to a 5/8" iron rod;
thence South 11°26'09" West 105.85 feet to a 5/8" iron rod;
thence South 03°53'34" East 66.19 feet to a 5/8" iron rod;
thence North 81°33'33" East 365.59 feet to a 5/8" iron rod;
thence North 63°58'49" East 253.81 feet to a 5/8" iron rod;
thence North 58°19'14" East 264.78 feet to a 5/8" iron rod;
thence North 53°04'36" East 246.10 feet to a 5/8" iron rod;
thence North 38°59'28" East 244.68 feet to a 5/8" iron rod;
thence North 26°44'33" East 266.56 feet to a 5/8" iron rod;
thence North 39°40'07" East 261.82 feet to a 5/8" iron rod;
thence North 34°52'32" East 263.14 feet to a 5/8" iron rod;
thence North 30°05'27" East 267.37 feet to a 5/8" iron rod;
thence North 17°12'02" East 134.83 feet to a 5/8" iron rod;
thence North 32°49'47" East 148.37 feet to a 5/8" iron rod;
thence North 19°55'37" East 137.61 feet to a 5/8" iron rod;
thence North 16°20'55" West 163.35 feet to a 5/8" iron rod set per said SN 32,423 on said northerly line of Parcel 1 of Document No. 2005-106608;
thence along said northerly line, South 56°44'55" West 1726.08 feet to a 5/8" iron rod marking the southeast corner of said Parcel 2;
thence continuing S56°44'55" West 66.09 feet to the point of beginning.

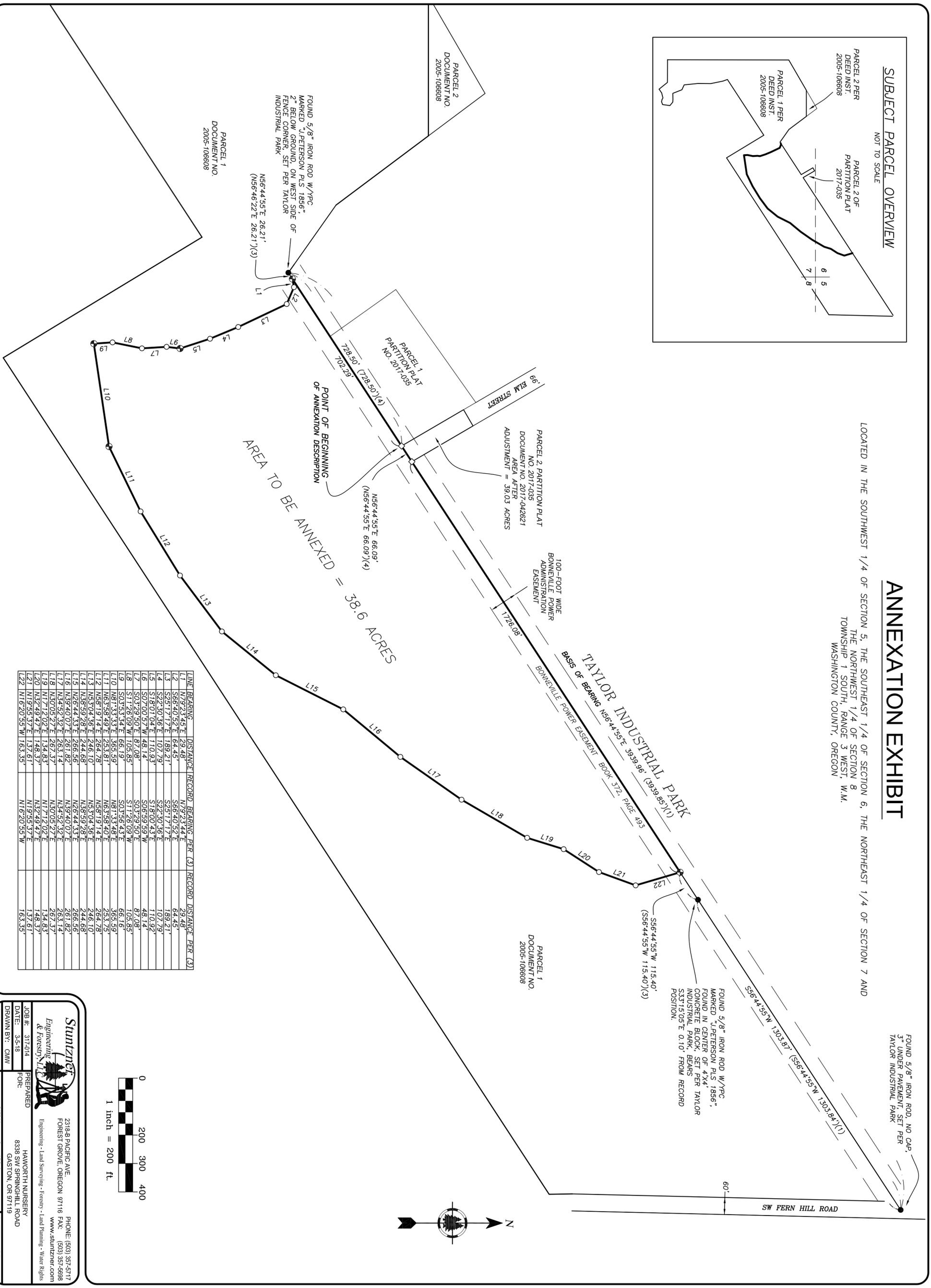
Containing 38.6 acres, more or less.

SUBJECT PARCEL OVERVIEW



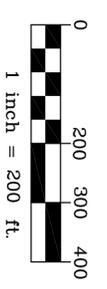
ANNEXATION EXHIBIT

LOCATED IN THE SOUTHWEST 1/4 OF SECTION 5, THE SOUTHEAST 1/4 OF SECTION 6, THE NORTHEAST 1/4 OF SECTION 7 AND THE NORTHWEST 1/4 OF SECTION 8 TOWNSHIP 1 SOUTH, RANGE 3 WEST, W.M. WASHINGTON COUNTY, OREGON



AREA TO BE ANNEXED = 38.6 ACRES

LINE BEARING	DISTANCE	RECORD	BEARING PER (3)	RECORD	DISTANCE PER (3)
L1	N62°40'52"E	23.48	N62°40'52"E	23.48	23.48
L2	S95°17'12"E	186.51	S95°17'12"E	186.51	186.51
L3	S29°30'34"E	109.21	S29°30'34"E	109.21	109.21
L4	S16°01'04"E	110.63	S16°01'04"E	110.63	110.63
L5	S07°00'57"W	48.12	S07°00'57"W	48.12	48.12
L6	S03°29'50"E	82.08	S03°29'50"E	82.08	82.08
L7	S11°28'09"W	105.85	S11°28'09"W	105.85	105.85
L8	S03°45'34"E	66.19	S03°45'34"E	66.19	66.19
L9	N81°33'33"E	364.59	N81°33'33"E	364.59	364.59
L10	N63°58'49"E	253.81	N63°58'49"E	253.81	253.81
L11	N67°19'14"E	264.78	N67°19'14"E	264.78	264.78
L12	N67°19'14"E	264.78	N67°19'14"E	264.78	264.78
L13	N57°04'36"E	244.69	N57°04'36"E	244.69	244.69
L14	N38°59'28"E	244.69	N38°59'28"E	244.69	244.69
L15	N26°44'33"E	266.56	N26°44'33"E	266.56	266.56
L16	N39°40'07"E	261.82	N39°40'07"E	261.82	261.82
L17	N34°52'32"E	263.14	N34°52'32"E	263.14	263.14
L18	N30°05'27"E	267.37	N30°05'27"E	267.37	267.37
L19	N17°12'02"E	134.83	N17°12'02"E	134.83	134.83
L20	N32°48'47"E	148.37	N32°48'47"E	148.37	148.37
L21	N19°55'37"E	137.61	N19°55'37"E	137.61	137.61
L22	N16°20'55"W	163.35	N16°20'55"W	163.35	163.35



Stuntzner
 Engineering, L.L.C.
 & Forestry, L.L.C.

2318-B PACIFIC AVE.
 FOREST GROVE, OREGON 97116
 PHONE: (503) 357-5717
 FAX: (503) 357-5688
 WWW.STUNTZNER.COM

Engineering - Land Surveying - Forestry - Land Planning - Water Rights

PREPARED BY: JMH
 DATE: 3-5-18
 DRAWN BY: CMW

HAWORTH NURSERY
 8338 SW SPRINGHILL ROAD
 GASTON, OR 97119

CHECKED BY: JMH
 FILE NAME: 317014 annexation exhibit.dwg
 SHEET 1 OF 1



A place where families and businesses thrive.

CITY RECORDER USE ONLY:

AGENDA ITEM #: 7

MEETING DATE: 7-17-18

FINAL ACTION: 1st reading

ORD 2018-04
8-13-18 2nd
FIRST READING readings

CITY COUNCIL STAFF REPORT

TO: City Council

FROM: Anna Ruggles, City Recorder

MEETING DATE: July 17, 2018

PROJECT TEAM: Daniel Riordan, Senior Planner, Bryan Pohl, Community Development Director

SUBJECT TITLE: Public hearing and first reading of an ordinance annexing a tract of land located at 600 Elm Street (Washington County Tax Lot 1S307AB01200), adding the tract to the Clean Water Services District and withdrawing the tract from the Forest Grove Rural Fire Protection District. File No. 311-18-000007-PLNG

ACTION REQUESTED:

<input checked="" type="checkbox"/>	Ordinance	<input type="checkbox"/>	Order	<input type="checkbox"/>	Resolution	<input type="checkbox"/>	Motion	<input type="checkbox"/>	Informational
-------------------------------------	-----------	--------------------------	-------	--------------------------	------------	--------------------------	--------	--------------------------	---------------

X all that apply

ISSUE STATEMENT: The owner of property located south of Highway 47 near the terminus of Elm Street and the Taylor Way Industrial Park submitted a petition for annexation of approximately 38.6 acres of land added to the urban growth boundary in 2014 (Attachment A). A map of the area and legal description describing the land subject to annexation are shown on Attachment B.

Annexation is a two-step process requiring City Council adoption of an ordinance approving the annexation petition. Adoption of the ordinance is followed by City Council approval of an order assigning a City zoning designation to the property. First reading of the annexation ordinance is scheduled for Council consideration on July 17th followed by second reading on August 13th. The order assigning a City zoning designation to the property subject to annexation is also scheduled for Council consideration on August 13th.

BACKGROUND: In 2014, the Oregon Legislature added territory to the urban growth boundary adjacent to Forest Grove including land south of Highway 47 near the Taylor Way Industrial Park. The owner of the subject property submitted an annexation petition and concurrent application for a zoning map amendment for consideration and approval by the Planning Commission and City Council. The property owners are interested in annexation at this time to facilitate designation of the site as a "shovel ready" under the State of Oregon's industrial site certification program. Certification facilitates marketing the property for development and adding taxable value to the City's tax base.

Annexation removes a barrier to development since annexation is required before public utilities are extended to new development areas. State law also prohibits providing municipal sanitary sewer service beyond the city limits except in cases where a public health concern exists.

Site Analysis

The territory subject to annexation is shaded light blue gray on Figure 1 below. The site is approximately 36.8 gross acres in area and is relatively flat with a gentle slope to the south toward the Tualatin River floodplain. The floodplain is shown on the map with the darker shading. As the imagery indicates the site is entirely above the 100-year flood plain which also serves as the urban growth boundary.



The site is largely vacant with a dwelling and several farm buildings located near the west side of the site. Historically the site has been in agricultural use and continues as such today.

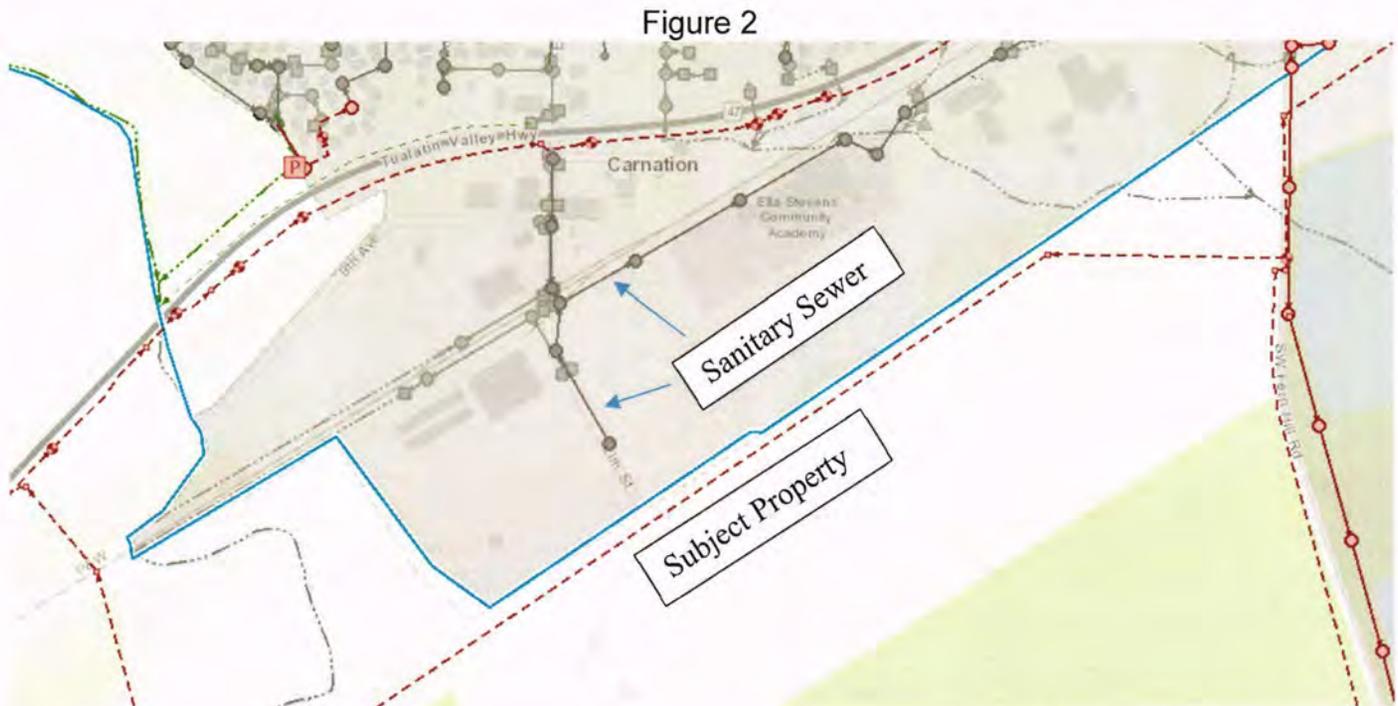
Access to the site is provided via Elm Street and an unimproved driveway south of the Elm Street terminus. Elm Street is a collector in the Forest Grove Transportation System Plan. Collector

streets require a sixty-six foot right-of-way. Elm Street provides direct access to Oregon Highway 47 to the north. Dedication of land for Elm Street will be required at time of development to ensure adequate access to the site.

A Bonneville Power Administration (BPA) easement and overhead power lines run along the northern boundary of the property. The BPA easement is 50 feet in width and follows the current city boundary.

Public Utilities Analysis

As shown on Figure 2 below, the nearest sanitary sewer line is located in the Elm Street right-of-way approximately 250 feet north of the Haworth ownership (Washington County Tax Lot 1S307AB01200). Water lines are also located near the site within the Elm Street right-of-way.



As noted above, the subject territory was added to the urban growth boundary by the Oregon Legislature in 2014 as part of the urban/rural reserve “Grand Bargain.” Since the territory was only recently added to the urban growth boundary, the Forest Grove Comprehensive Plan and public infrastructure facility plans did not contemplate urban development on the land subject to this annexation petition. Therefore, the City’s Water, Sanitary Sewer and Storm Drainage, and Transportation System Plans do not address specific infrastructure needs in this area. Infrastructure needs will be evaluated through the standard development review process when a development proposal is submitted to the City for review. An annexation petition does not require concurrent submittal of a development proposal with an annexation petition.

Clean Water Services Boundary

Clean Water Services provides sanitary sewer treatment and water quality services to urban areas within Washington County including within the Forest Grove city limits. The subject property is not currently within the Clean Water Services district boundary. Oregon Revised Statutes Chapter 199.150(2)(c) stipulates that when a city receives services from a district, such as Clean Water Services, the territory annexed to the city is also automatically added to the boundaries of the service district. Therefore, approval of the annexation ordinance will result in adding the annexed territory to the Clean Water Services district.

Forest Grove Rural Fire Protection District

The land subject to annexation is currently within and served by the Forest Grove Rural Fire Protection District. Upon annexation the land will be removed from the fire district and will be served by the Forest Grove Fire Department since the land will be within the city limits.

Concurrent Zone Change Request

The Forest Grove Development Code requires a concurrent zone change with an annexation petition. The purpose of the zone change is to apply a City zoning designation to the property upon annexation. Until a City zoning designation is applied the site retains the Washington County zoning designation. The subject territory is currently zoned by Washington County as FD-20 which is a future development zone. The FD district is essentially a holding zone precluding urban development until after property is annexed into a City.

The applicant filed an application for a concurrent zoning map amendment with the annexation petition. The subject territory is designated Campus Employment on the Forest Grove Comprehensive Plan Map. The Campus Employment Comprehensive Plan designation is implemented by the Business Industrial Park (BIP) zoning designation. The Business Industrial Park designation is intended for a mixture of light industrial, employment and office uses, together with small-scale commercial uses. External impacts are controlled and the zone's development standards require well-landscaped, attractive and cohesive developments.

The Planning Commission held a public hearing to consider assignment of a City zoning designation on June 4, 2018. The Planning Commission adopted a motion, on a 4-0 vote, recommending City Council approval of an amendment to the Official Zoning Map to designate the subject property Business Industrial Park upon annexation. The staff report to the Planning Commission, Planning Commission decision and findings are attached for additional information. (Attachment C and Attachment D). City Council will consider the zoning map amendment on August 13, 2018, after second reading of the annexation ordinance.

Oregon Revised Statutes Chapter 222

Annexations in Oregon are governed by Oregon Revised Statutes Chapter 222 (City Boundary Changes; Mergers; Consolidations; Withdrawals). ORS §222.111 grants authority to cities to annex territory contiguous with the city. An annexation petition may be initiated by the owners of real

property in the territory to be annexed. The subject territory includes one ownership – the annexation petitioner. Records indicate no electors reside on the property. The annexation petition was filed on November 2, 2016, and resubmitted on March 26, 2018, after approval of a partition and property line adjustment needed for annexation of only the territory within the urban growth boundary.

Annexation Review Criteria and Findings

The following statutes and policies apply to annexations in Oregon, the Portland region and Forest Grove:

- Forest Grove Development Code Section 10.1.600 et. seq. (Quasi-Judicial Land Use Decisions).
- Forest Grove Development Code §10.2.150 et. seq. (Annexation);
- Metro Code Chapter 3.09 (Local Government Boundary Changes); and
- Forest Grove Comprehensive Plan Map and Urbanization policies;

The applicable criteria are addressed more fully below and in the attached exhibits.

Forest Grove Development Code §10.1.600 et. seq. (Quasi-Judicial Land Use Decisions).

Forest Grove Development Code §10.1.600 et. seq. establishes procedures for land use decisions including adoption, amendment, or application of a statewide planning goal, local comprehensive plan provision, land use regulation or a new land use regulation. Land use decisions that are site specific are classified as Type III quasi-judicial decisions.

Finding: This annexation petition is site specific and involves one ownership and one tract. Therefore, this annexation decision is classified as a Type III, quasi-judicial decision. Type III decisions require review by the Planning Commission with a final local determination made by the City Council. The Planning Commission considered the annexation generally and assignment of a zoning designation to the property specifically on June 4, 2018. An order formally assigning a zoning designation to the property is scheduled for Council hearing and consideration on August 13, 2018.

Development Code Section 10.2.150 et. seq. (Annexation)

Article 2 of the Forest Grove Development Code establishes procedures for land use reviews including annexation. Development Code §10.2.150 establishes procedures for annexation:

- **10.2.150 Procedure:** Annexation shall be reviewed according to procedures in Chapter 3.09 of the Metro Code, Local Government Boundary Changes and applicable State of Oregon annexation regulations.

Development Code §10.2.160 requires assignment of a City zoning designation to property subject to annexation:

- **10.2.160 Assignment of Zoning Designations:** Before an annexation application is deemed complete, the applicant shall initiate a zone change pursuant to 10.2.750 et. seq. Zoning of the property shall meet the review criteria in 10.2.770.

The Planning Commission considered the assignment of a zoning designation on June 4, 2018. The Planning Commission recommended that City Council approve an amendment to the Forest Grove Zoning Map to assign the Business Industrial Park (BIP) zoning designation to the property subject to annexation. The property is currently designated Campus Employment on the Comprehensive Plan Map. The BIP zoning designation implements the Campus Employment Comprehensive Plan Map designation. The Planning Commission's staff report, findings and decision are attached for reference. (Attachment C and Attachment D).

Metro Code Chapter 3.09 (Local Government Boundary Changes)

Metro Code Chapter 3.09 provides additional requirements in the Portland Region. Under Metro Chapter 3.09 City Council must find:

- The annexation is consistent with expressly applicable provisions in:
 - Any applicable urban services agreement adopted pursuant to ORS 195.065;
 - Any applicable annexation plan adopted pursuant to ORS 195.205;
 - Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;
 - Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;
 - Any applicable comprehensive plan; and
 - Any applicable concept plan.

Metro Code Chapter 3.09 also requires an assessment of whether the annexation:

- Promotes the timely, orderly and economic provision of public facilities and services;
- Affects the quality and quantity of urban services; and
- Eliminates or avoid unnecessary duplication of facilities and services.

Findings addressing the Metro Code requirements are included in Attachment E.

Applicable Comprehensive Plan Policies

The following Comprehensive Plan urbanization policies apply to annexation:

Forest Comprehensive Plan Urbanization Policies

Urbanization Policy 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 extension. These priorities shall be the basis for making decisions on all development proposals and requests for annexation.

Urbanization Policy 5: Sewer and water utilities shall not be extended beyond the City's corporate limits and shall be provided only after annexation.

Urbanization Policy 12: Promote the efficient delivery of public services through annexation of land into the City of Forest Grove.

Urbanization Policy 13: The City will avoid approving annexations that create unincorporated islands with the Forest Grove planning area.

Findings addressing the applicable Comprehensive Plan policies are included in Attachment F.

FISCAL IMPACT: The annexation will add approximately \$267,430 to the City of Forest Grove's taxable assessed value. Staff estimates after annexation the City will receive approximately \$1,068.00 in property taxes based on the property's current taxable assessed value. This includes revenue from the City's permanent tax rate and local option levy.

Upon annexation the subject territory will be removed from the Forest Grove Rural Fire Protection District. Based on information from the Washington County Taxation and Assessment Department, the Forest Grove Rural Fire Protection District received \$341.40 in 2017 from the taxable assessed value of the subject property. The Rural Fire District will not receive this revenue after the annexation and the territory is removed from the service district. The City will provide fire protection services to the property after annexation.

ALTERNATIVES:

Property owners may request annexation in accordance with state law. The burden is on the applicant to demonstrate the criteria for annexation is met including:

- The territory is included within an urban growth boundary adopted by the City or Metro as defined in ORS 197.015;
- The territory is or upon annexation of the territory into the City will be subject to the acknowledged comprehensive plan of the City;
- At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right-of-way or body of water; and
- The proposal conforms to all other requirements of City ordinances.

If Council finds the applicable criteria are met, Council should adopt the ordinance approving annexation of the subject territory and order approving a zoning designation consistent with the Forest Grove Comprehensive Plan map.

NEXT STEPS:

Approval of the annexation requires the following steps:

- City Council - First reading of annexation ordinance (July 17, 2018)
- City Council - Second reading of annexation ordinance (August 13, 2018)
- City Council - Order amending official zoning map (August 13, 2018).
- City Recorder provides notice of annexation to affected public utilities
- Community Development Department submits signed ordinance, map and legal description to the Oregon Department of Revenue for final review and approval.
- After Department of Revenue approval, Community Development submits the annexation package (ordinance, order and Department of Revenue approval) to Metro for mapping.
- Metro files the annexation package with the Oregon Secretary of State's Office for recording.

STAFF RECOMMENDATION:

Staff recommends City Council:

1. Conduct the Public Hearing and first reading of the annexation ordinance annexing the 38.6 acre tract of land into the city limits located at 600 Elm Street, adding the tract to the Clean Water Services boundary, and withdrawing the tract from the Forest Grove Rural Fire Protection District;
2. Proceed with adoption of the Ordinance on August 13th; and
3. Consider an Order on August 13th to assign the Business Industrial Park zoning designation to the tract upon annexation.

ATTACHMENT(s):

- A. Annexation Petition
- B. Annexation Map and Legal Description
- C. Planning Commission Staff Report, June 4, 2018
- D. Planning Commission Findings and Decision #18-02
- E. Metro Code Findings
- F. Comprehensive Plan Findings
- G. Ordinance

ATTACHMENT A

City of Forest Grove

LAND USE APPLICATION FORM



APPLICATION FOR: 311-18-0000 07-PLN6 File No. 1301-1.60

- Site Plan Approval
- Conditional Use
- Variance
- Appeal to _____

Establish a Planned Development:

- PRD
- CPD
- PID

Comprehensive Plan Amendment:

- Text
- Map

Zoning Ordinance Amendment:

- Text
- Map

Land Division:

- Subdivision
- Tentative Plat
- Partition
- Final Plat

Other EXTENSION OF ANNEXATION APPLICATION

Applicant:

Name Hally L. & Mary J. Haworth
 Address 8338 SW Springhill Road
 City Gaston
 State OR Zip 97119
 Phone 503-985-7316 Fax _____
 Email haworthnursery@frontier.com

Property Owner:

Name Hally L. & Mary J. Haworth
 Address 8338 SW Springhill Road
 City Gaston
 State OR Zip 97119
 Phone 503-985-7316 Fax _____
 Email haworthnursery@frontier.com

Property Description:

Site Address 600 Elm Street
 Map & Tax Lot # 1S3070000100 & 1S306D000700
 (Please attach legal description)
 Total Acres or Square Feet:
 Acres 38.6 Sq. Feet _____

Property Use Description

Existing Land Use agriculture
 Existing Zoning FD-20
 Proposed Zoning (if applicable) _____
 Proposed Use _____

Additional Information:

In order to expedite and complete the processing of this application, the Planning Division requires that all pertinent material required for review be submitted at the time application is made. If the application is found to be incomplete, review and processing of the request will not begin until the application is made complete. The submittal requirements relative to this application may be obtained from the specific sections of the Zoning or Land Division Ordinances pertaining to this application and from Planning Division staff. Pre-application conferences with Planning Division staff are encouraged. If there are any questions as to submittal requirements, contact the Planning Division prior to formal submission of the application. In submitting this application, the applicant should be prepared to give evidence and information which will justify the request. *The filing fee must be paid at the time of submission. This fee in no way assures approval of the application and is non-refundable.*



Continued

Additional Information

I certify that the statements made in this application are complete and true to the best of my knowledge. I understand that any false statements may result in denial of this application.

Applicants Signature _____ Date _____

Property Owner's Signature Holly L. Haworth Date 3-26-18

For Office Use:

Received by Organizations Date 3/26/18

Fee Paid No fee due for extension Date N/A

Receipt Number N/A

Application Number 311-18-000007-PLNG

File Number 1301-1.00

Community Development Department
City of Forest Grove
PO Box 326
1924 Council Street
Forest Grove, OR 97116
Phone: (503) 992-3227



city of
forest
grove



LAND USE APPLICATION FORM

APPLICATION FOR: 311-16-000195-PLNG

- Site Plan Approval
- Conditional Use
- Variance
- Appeal to _____

Zoning Ordinance Amendment:

- Text
- Map

Land Division:

- Subdivision
- Tentative Plat
- Partition
- Final Plat

Establish a Planned Development:

- PRD
- CPD
- PID

Comprehensive Plan Amendment:

- Text
- Map

Other Annexation

Applicant:

Name Hally L. & Mary J. Haworth
 Address 8338 SW Springhill Rd.
 City Gaston
 State OR Zip 97119
 Phone _____ Fax _____
 Email haworthnursery@frontier.com

Property Description:

Site Address 600 Elm Street
 Map & Tax Lot # 1S3070000100 & 1S306D000700
 (Please attach legal description)
 Total Acres or Square Feet:
 Acres 38.6 Sq. Feet _____

Property Owner:

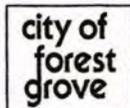
Name Hally L. & Mary J. Haworth
 Address 8338 SW Springhill Rd.
 City Gaston
 State OR Zip 97119
 Phone _____ Fax _____
 Email haworthnursery@frontier.com

Property Use Description

Existing Land Use Agriculture
 Existing Zoning FD-20 & AF-20
 Proposed Zoning (if applicable) Business Industrial Park
 Proposed Use To be determined

Additional Information:

In order to expedite and complete the processing of this application, the Planning Division requires that all pertinent material required for review be submitted at the time application is made. If the application is found to be incomplete, review and processing of the request will not begin until the application is made complete. The submittal requirements relative to this application may be obtained from the specific sections of the Zoning or Land Division Ordinances pertaining to this application and from Planning Division staff. Pre-application conferences with Planning Division staff are encouraged. If there are any questions as to submittal requirements, contact the Planning Division prior to formal submission of the application. In submitting this application, the applicant should be prepared to give evidence and information which will justify the request. *The filing fee must be paid at the time of submission. This fee in no way assures approval of the application and is non-refundable.*



Continued

Additional Information

I certify that the statements made in this application are complete and true to the best of my knowledge. I understand that any false statements may result in denial of this application.

Applicants Signature *Walter J. Haworth* Date 11-2-16
Property Owner's Signature *Walter L. Haworth* Date 11-2-16
Mary J. Haworth

For Office Use:					
Received by	<u>YMP</u>	Date	<u>11-2-16</u>	Receipt Number	<u>6598</u>
Fee Paid	<u>\$3,000</u>	Date	<u>11-2-16</u>	Application Number	<u>311-16-000195-PLUG</u>
				File Number	<u>1301-1.59</u>

Community Development Department
City of Forest Grove
PO Box 326
1924 Council Street
Forest Grove, OR 97116
Phone: (503) 992-3227

city of
forest
grove



File Number _____

Annexation Application and Petition

SECTION 1

Ownership and Applicant Information

Property Owner(s)

Name(s) Hally L. & Mary J. Haworth

Mailing Address 8338 SW Springhill Rd City Gaston State OR Zip 97119

Phone # _____ Email Address haworthnursery@frontier.com

Applicant/Owner Representative

Name _____

Mailing Address _____ City _____ State _____ Zip _____

Phone # _____ Email Address _____

Applicant's interest in property Owners

SECTION II

Site Location and Description

Tax Map #(s) 1S307 & 1S306D Tax Lot #(s) 1S3070000100 & 1S306D000700

Frontage Street or Address 600 Elm Street

Nearest Cross Street Hwy. 47

Land Area (square feet or acres) 38.6 acres

Current Forest Grove Comprehensive Plan Designation Campus Employment

Current Zoning FD-20 & AF-20 Proposed Zoning Business Industrial Park

General Site Information

Is the site located within the Urban Growth Boundary Yes No

If no, has an application for a UGB boundary amendment been filed with Metro?
 Yes No

Is this site located within the Metro Boundary Yes No

If no, has an application for annexation to the Metro boundary been filed with Metro?
 Yes No

Is the site located within the Clean Water Services Boundary (CWS)? Yes No

If no, has an application for annexation to the CWS boundary been filed with CWS
 Yes No

Please indicate which of the following services are currently provided to the property

Water Sanitary Sewer Septic Storm Sewer

Please indicate the approximate size and distance to the nearest public water and/or sanitary sewer line: Municipal water adjacent. Sanitary Sewer 290 feet north of property.

Existing Land Use: Number of single-family units ⁰_____ Number of Multi-family units ⁰_____

Number of commercial structures ⁰_____ Square Feet ⁰_____

Number of industrial structures ⁰_____ Square Feet ⁰_____

Total existing population residing within area subject to annexation ⁰_____

Please describe in general terms the reason for requesting annexation to the City of Forest Grove including general plans for future development (timing and type of development):

Requesting annexation to allow for future connection to City of Forest Grove services and development. Annexation also assists with certifying the site through the State of Oregon Shovel Ready Certification Program.

SECTION III

The annexation application must include a written response to both the annexation and zoning map amendment approval criteria and decision factors identified below. Please use a separate sheet of paper for your responses and attach it to the annexation application packet.

Annexation Application Approval Criteria and Decision Factors

1. State whether or not the property to be annexed is adjacent to the City of Forest Grove city limits.
2. Describe how the annexation:
 - a. Promotes the timely, orderly and economic provision of public facilities and services;
 - b. Would affect the quality and quantity of urban service; and
 - c. Whether the annexation would eliminate or avoid unnecessary duplication of facilities or services.

Criteria and Decision Factors for Concurrent Zoning Map Amendment

Describe how:

1. The zone change requested is consistent with the Forest Grove Comprehensive Plan Map.
2. The zone change is consistent with the relevant goals and policies of the Comprehensive Plan as identified by the Forest Grove Community Development Director.
3. The site is suitable for the proposed zone and there is a lack of appropriate designated alternative sites within the vicinity.
4. The zone change is consistent with the adopted Transportation System Plan. Development allowed by the zone change will not substantially impact the functional classification or operation of transportation facilities, or reduce the level of service of transportation facilities below the minimum acceptable level identified in the Transportation System Plan.

**SECTION V
 PETITION FOR ANNEXATION TO THE CITY OF FOREST GROVE**

To: The City Council of the City of Forest Grove, Oregon

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Forest Grove.

Signature	Printed Name	Address	Tax Map and Lot Number	Date	I am a PO/RV/OV*
<i>Hally L. Hawthorth</i>		8338 SW Spring Hill Rd Bastrop, OR 97119	15307 15306 D	11-2-16	P.O.
	Hally L. Hawthorth				
<i>Mary J. Hawthorth</i>	Mary J. Hawthorth				

*PO = Property Owner
 RV = Registered Voter
 OV = Property Owner and Registered Voter

ATTACHMENT B

Notice from Taxing District

Boundary change packets must be received by the Department of Revenue and the County Assessor(s) by March 31.

For Department of Revenue use only		
Prepared by	DOR file number	
Date received	Date approved	Date disapproved
Notes		

District name City of Forest Grove			
Mailing address PO Box 326	City Forest Grove	State OR	ZIP 97116
County name Washington	Second county name (if applicable)		
Contact person Daniel Riordan	Second contact person (if applicable)		
Phone (503) 992-3226	Email driordan@forestgrove-or.gov		
Ordinance/resolution/order	Planning file number 311-18-000007-PLNG		
Election date	Effective date		

Notes

Request for preliminary review of annexation legal description and map. Subject territory is approximately 38.6 acres in area and is situated in Section 5, 6, 7 and 8, Township 1 South, Range 3 West, Willamette Meridian, Washington County.

Boundary

- Change
 Proposed change
 Preliminary review
 Delayed annexation

The change is for

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

Documents included

- Ordinance/Resolution/Order
 Map of Boundary Change (shows point of beginning and all bearings and distances.)
 Legal description of Boundary Change

Send to

Oregon Department of Revenue
 Cadastral Information Systems Unit
 PO Box 14380
 Salem OR 97309-5075

Contact us

Email: boundary.changes@oregon.gov
Fax: 503-945-8737

Boundary Change Preliminary Review

DOR 34-P733-2018



Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
fax 503-945-8737
boundary.changes@oregon.gov

City of Forest Grove
Planning/DR
PO Box 326
Forest Grove OR 97116

April 17, 2018

Documents received: 4/13/2018
From: Daniel Riordan

This letter is to inform you that the map and description for your planned --Annex to Forest Grove ((311-18-000007-PLNG)(Haworth Annex)) in Washington County have been reviewed per your request. They MEET the requirements of ORS 308.225 for use with an Order, Ordinance, or Resolution which must be submitted to the Washington County Assessor and the Department of Revenue in final approved form before March 31 of the year in which the change will become effective.

The map and description are Acceptable with the following fix to be made to the Final documents. The Annexation parcel appears to only be in Sections 6 & 7.
Looks like Sections 5 & 8 should be removed from 1st paragraph of the description.

If you have any questions please contact Elise Bruch, 503-302-8353



Haworth Annexation Zoning Application

File No. 311-18-000007-PLNG

Planning Commission
June 4, 2018

A place where businesses and families thrive.

Presentation

Request

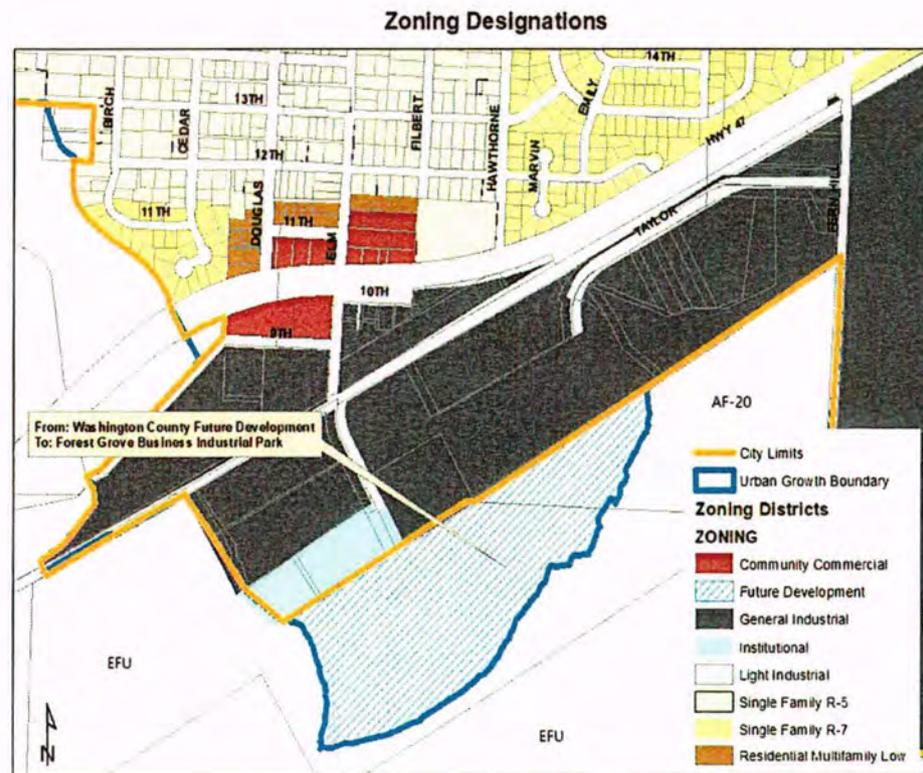
- This is an applicant initiated zoning map amendment to assign a City of Forest Grove zoning designation to property subject to an annexation petition.
- The applicant's request is to zone the property Business Industrial Park (BIP) consistent with the Campus Employment Comprehensive Plan designation.
- As stated in FGDC Section 10.3.500(C), the BIP zoning designation implements the Campus Employment Comprehensive Plan designation.
- The BIP zone allows for a mixture of light industrial, employment and office uses, together with some small-scale commercial uses. All activities must take place indoors.
- Unlike other employment zones building coverage in the BIP zone is limited to 50% of the development site and at least 15% of the development site must be landscaped.

Request

- Development Code (Sec. 10.2.160) requires that an applicant initiate a zone change concurrent with an annexation petition.
- Typically, the zoning designation assigned to the property is the one that most closely matches the Comprehensive Plan designation. This is the case with this request.
- The annexation petition does not include a development proposal. Site development review is required when a specific development proposal is submitted.
- Site development review considers compliance with Development Code Article 3 & Article 8 Development Standards.
- The development plan must preserve or adequately mitigate impacts to designated historic resources and distinctive natural features. This is achieved with conditions of approval.
- Site development review is a staff review with notice provided to property owners within 300 feet of the subject site.

The Site

- The subject territory was added to urban growth boundary by Oregon Legislature in 2016 as part of Urban Reserve “grand bargain.”
- The territory is approximately 38.6 gross acres.
- The site currently includes a residential structure and several accessory structures.
- The territory is adjacent to General Industrial, Institutional (AT Smith House and City-owne land) and Agricultural zoning.



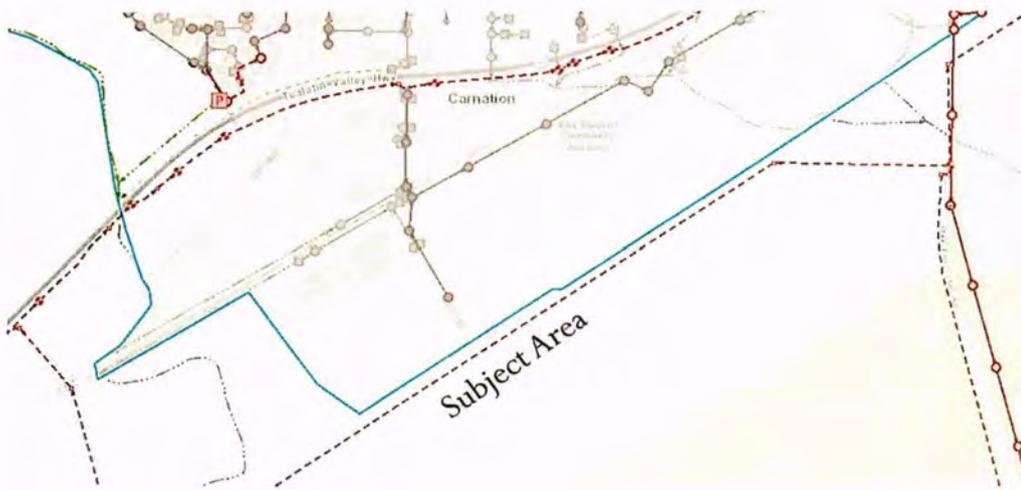


The Vicinity

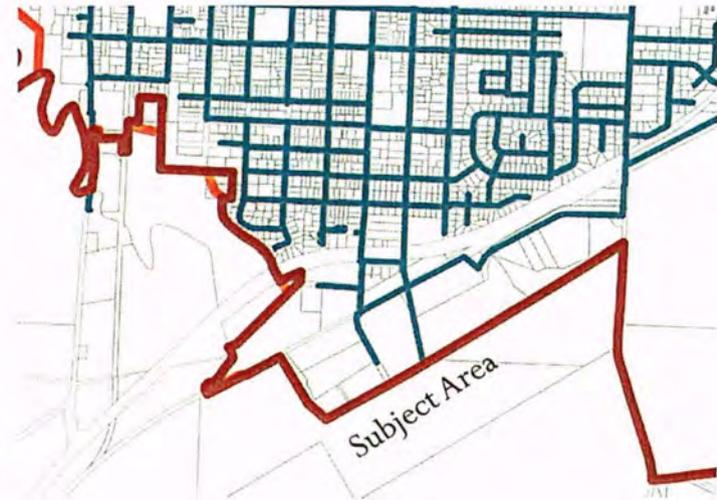


Services

Sewer



Water



Applicable Review Standards

- FGDC Section 10.1.600 et. seq.
 - Quasi-Judicial Land Use Decisions
- FGDC Section 10.2.150 et. seq.
 - Annexation (requires concurrent zone change)
- FGDC Section 10.2.770 et. seq.
 - Zone Change Review Criteria:
 - Consistent with Comp. Plan Map. When the Comp. Plan map has more than one implementing zone it must be shown the proposed zone is the most appropriate taking into account the purpose of each zone and pattern of surrounding development.
 - Consistent with Relevant Goals of the Comp. Plan identified by the CD Director.
 - Site is suitable for the proposed zone and there is a lack of appropriately designate alternative sites within the vicinity.
 - Zone change is consistent with adopted Transportation System Plan.
 - Public facilities are capable of supporting the uses allowed by the zone.
 - The establishment of the zone district is not subject to the meeting of conditions.

Analysis

- Details in the written staff report and Exhibit C.
- The analysis shows the proposed zoning map amendment meets the applicable review criteria:
 - The zone change as proposed is consistent with Comprehensive Plan map.
 - The zone change furthers the applicable goals and policies of the Comprehensive Plan for economic development to ensure an adequate supply of land for office campus development.
 - The subject property is the only area designated for business industrial park uses and there are no other alternative sites designated in the vicinity.
 - An assessment of traffic impacts and compliance with the Oregon Transportation Planning Rule was completed when the area was designated Campus Employment in 2016 (Ordinance 2016-06). Development specific impacts will be further assessed when a development application is filed.
 - Public facilities and services could be made available to serve the site. Annexation is the first step in the process and is required to extend services for development.
 - No conditions are proposed with this zoning change.

Staff Recommendation

- Staff recommends the Planning Commission adopt findings (Staff Report - Attachment C) and forward a recommendation to the City Council to designate the property subject to annexation as Business Industrial Park on the official zoning map consistent with the Forest Grove Comprehensive Plan map.

This concludes the staff report.
Any questions?



Annexation Zoning Map Amendment Staff Report and Recommendation

Community Development Department, Planning Division

HEARING DATE: June 4, 2018

REQUEST: Type III (quasi-judicial) zone change to amend the Forest Grove Zoning Map to assign the Business Industrial Park (BIP) zoning designation to a 38.6 acre parcel of land shown on Attachment A subject to an annexation petition. The subject property is currently zoned by Washington County as Future Development with a 20 acre minimum lot size. The property is designated Campus Employment on the Forest Grove Comprehensive Plan Map.

PRIMARY FILE NUMBER: 311-18-000007-PLNG

PROPERTY LOCATION: 600 Elm Street

LEGAL DESCRIPTION: Affected Tax Lots: 1S3070000100, 1S306D000700, and 1S307AB01200

APPLICANT: Hally and Mary Haworth, 8338 SW Springhill Rd., Gaston, OR 97119

APPLICABLE STANDARDS AND CRITERIA:

- Development Code Section 10.1.600 et. seq. (Type III Process – Quasi-Judicial Land Use Decisions)
- Development Code Section 10.2.150 et. seq. (Annexation)
- Development Code Section 10.2.770 et. Seq. (Zone Change Review Criteria)

REVIEWING STAFF: Daniel Riordan, Senior Planner

RECOMMENDATION: The Planning Commission adopt findings (Attachment C) and provide a recommendation to the City Council to adopt an order amending the Forest Grove Zoning Map to designate a 38.6 acre parcel of land located at 600 Elm Street as Business Industrial Park (BIP) upon annexation consistent with the Forest Grove Comprehensive Plan Map Campus Employment designation.

I. BACKGROUND

Mr. and Mrs. Haworth own property near the terminus of Elm Street south of the current city boundary near the Taylor Way Industrial Park. A portion of the Haworth ownership, totaling approximately 38.6 gross acres, was added to the urban growth boundary by the Oregon Legislature in 2014 as part of the urban/rural reserve "grand bargain." Subsequently, the Comprehensive Plan Map was amended by City ordinance (Ordinance 2016-09) to designate the site Campus Employment.

The Haworth's approached the City about annexation in November 2016. The Haworth's are working with the City's economic development manager to qualify the property as "shovel ready" under the State of Oregon industrial site certification program. Annexation furthers the site qualification process by removing a barrier to development. Annexation also provides the opportunity to extend needed public infrastructure to the site including water, sanitary sewer and storm sewer lines.

Development Code Section 10.2.150 (Annexation Procedure) and 10.2.160 (Assignment of Zoning Designations) identifies requirements for annexation of territory into the City. As indicated by Section 10.2.160, a complete annexation application requires a concurrent zone change complying the review criteria in Development Code Section 10.2.770 (Zone Change Review Criteria). Development Code Section 10.1.605 (Type III Applications and Approval Criteria) requires a Planning Commission *recommendation* to City Council for quasi-judicial zone changes such as this.

The proposal is to change the zoning of the subject property from Washington County Future Development (FD-20) to Forest Grove Business Industrial Park (BIP) upon annexation (Attachment B). This report addresses the zoning aspect of the annexation proposal.

The Haworth's submitted their annexation application and petition in November 2016. However, the annexation could not be processed at that time since the urban growth boundary bisects the Haworth ownership and the Haworth's desired to annex only their property within the urban growth boundary. To annex only the territory within the urban growth boundary a land partition and property line adjustment were necessary. Both the partition and property line adjustment have been completed. On March 26, 2018, subsequent to the partition and property line adjustment the Haworth's resubmitted their annexation application. The annexation application was deemed complete by staff on April 13, 2018.

II. PROPERTY DESCRIPTION

The subject property is located adjacent to the current City boundary near the terminus of Elm Street. (Attachment A). The property generally flat with a gentle slope toward the Tualatin River floodplain. Gales Creek is located west of the subject property.

The property is above is 100-year floodplain elevation which also serves as the urban growth boundary. The urban growth boundary also serves as the annexation boundary.

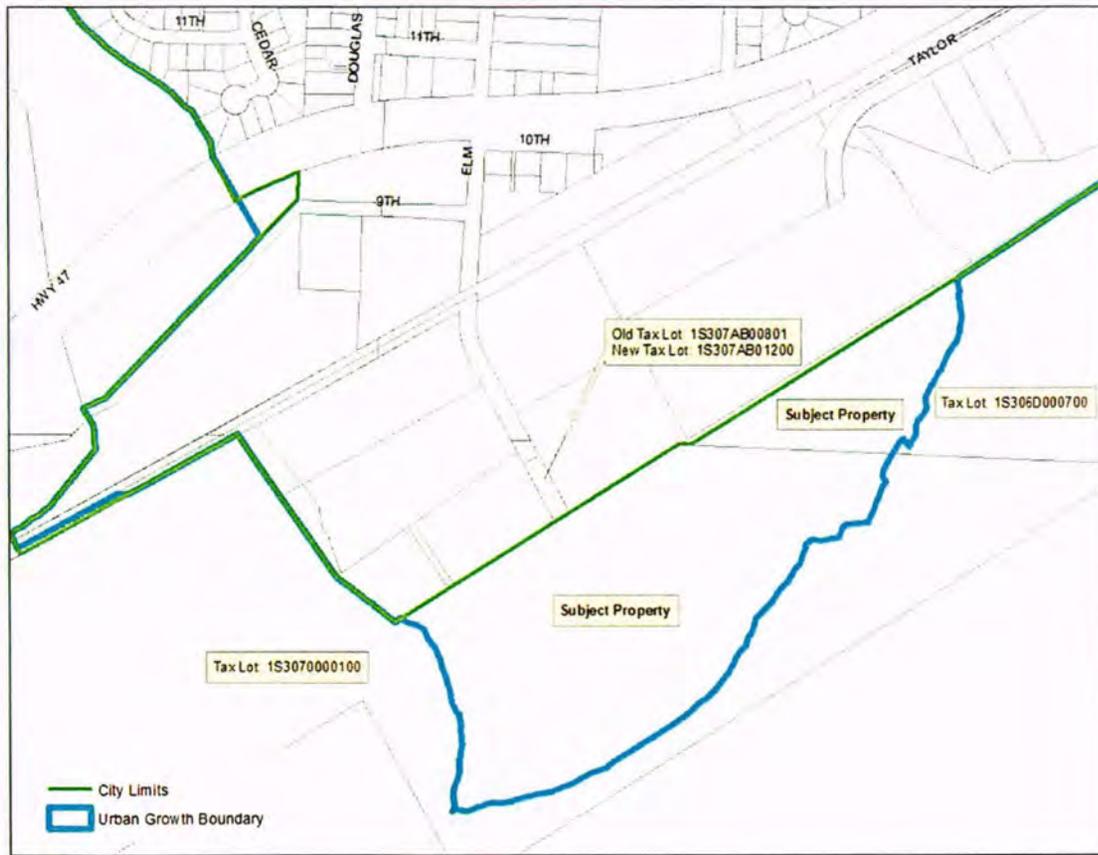
The property is largely vacant with several agricultural buildings and a dwelling. Historically the property has been in agricultural use and continues as such.

Access to the site is provided from Elm Street. Elm Street is a collector street in the Forest Grove Transportation System Plan. Elm Street provides direct access to Oregon Highway 47 to the north. Internal access within the site is provided by unimproved dirt roads skirting the northern property line. The dirt road provides access to the buildings located on the site.

A Bonneville Power Administration easement and overhead power lines run along the northern boundary of the property. The easement is 50 feet in width and follows the current city boundary.

The vicinity map below shows the subject property and its relationship with surrounding area. The green line on the map represents the current city limits. The blue line shows the urban growth boundary. The Haworth's own parcels 1S307AB01200, 1S3070000100, and 1S306D000700.

Vicinity Map



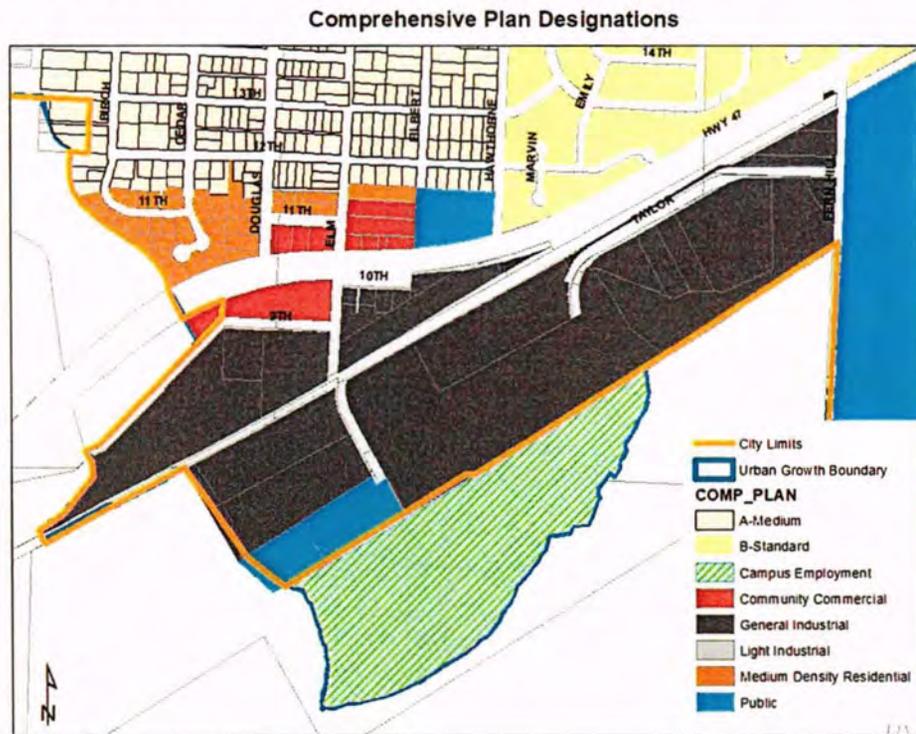
Vicinity Analysis

The aerial photos below shows points of interest near the subject property. The area to the north of the subject territory includes the Taylor Way Industrial Park, the MGC Pure site, the Forest Grove School District alternative learning center classrooms and the Forest Grove School District's bus barn. The A.T. Smith House is also located immediately north of the subject property. The City owns land for a possible future park north of the property along Elm Street. The area to north of the subject property is largely developed with land extensive and light industrial uses. The area to the south and west is largely agricultural and natural areas along Gales Creek and the Tualatin River.



Comprehensive Plan and Zoning Analysis

The Forest Grove Comprehensive Plan map designates the area subject to annexation as Campus Employment. The map below shows the Comprehensive Plan map designation of the territory subject to annexation and the surrounding area within the urban growth boundary.

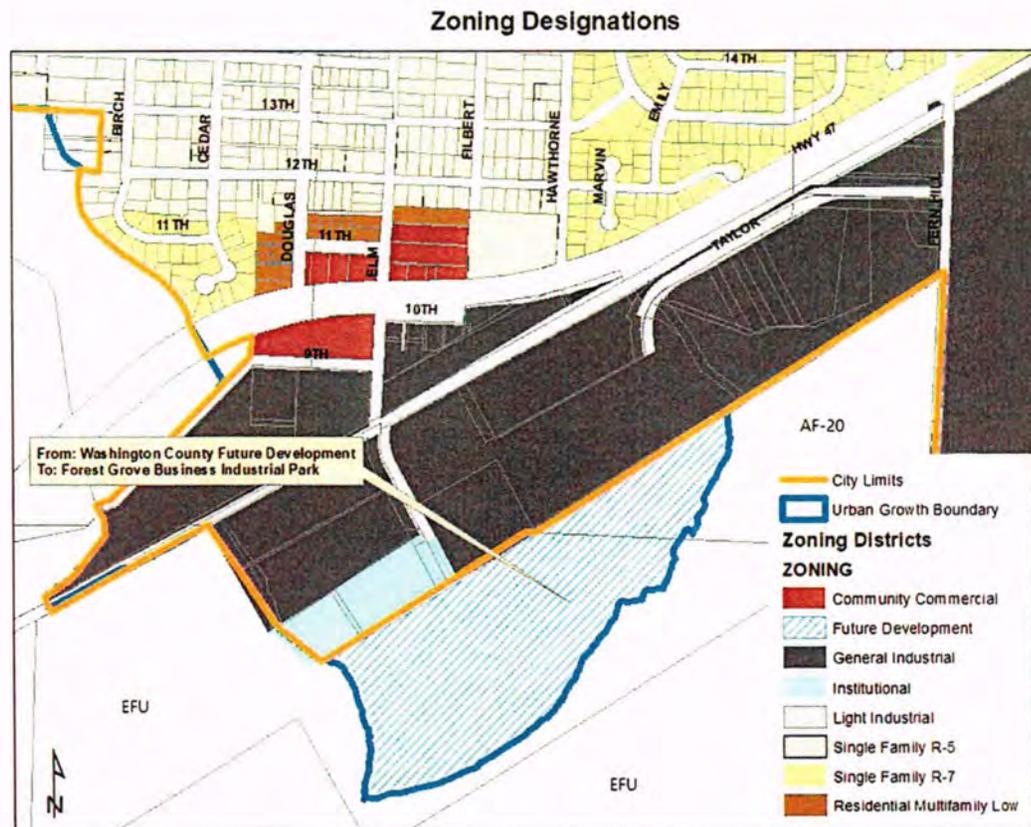


The Comprehensive Plan describes the Campus Employment district as follows:

“The Campus Employment designation is intended for development of industrial and office parks with a high level of amenity value including landscaping and open space. Typical uses include high technology companies, call centers, research and development firms, and business incubators. Industrial activities typically take place in enclosed structures. The district is intended to contain supportive retail development and business services.”

The Campus Employment designation is implemented by the City's Business Industrial Park (BIP) zoning designation. The use regulations and development standards for the City's industrial zoning districts including the Business Industrial Park are described in Attachment B for reference.

The zoning north of the subject territory is largely General Industrial. The exceptions are the AT Smith Housing site and vacant property owned by the City between the AT Smith House and Elm Street. Both properties are zoned Institutional on the Forest Grove zoning map. The image below shows the Zoning designations for the area within the urban growth boundary. The area shown as Future Development on the map below is the area proposed for the Business Industrial Park zoning designation upon annexation to the City.



The subject territory is currently zoned by Washington County as Future Development (FD) with a 20-acre minimum lot size. The FD zone is a holding zone applied to property within the urban growth boundary subject to annexation by a city. The County zone is replaced by a city zoning designation consistent with the city's comprehensive plan map at time of annexation

The area south and west of the subject territory is zoned by Washington County as Exclusive Farm Use (EFU). The area immediately to the east of the territory subject to annexation is Agricultural and Forestry with a twenty acre minimum lot size. This area is shown as (AF-20) on the map above.

The table below provides a summary of the Comprehensive Plan map and Zoning Map designations for the site subject to annexation and nearby vicinity.

Comprehensive Plan and Zoning Summary

	Comprehensive Plan Map Designation	Zoning Map Designation
Site	Campus Employment	Current: Washington County FD-20 Proposed: Business Industrial Park
North	General Industrial Public	General Industrial Institutional
South	Not Applicable	Washington County Exclusive Farm Use
East	Within City: General Industrial	Washington County Agriculture/Forestry General Industrial
West	Not Applicable	Exclusive Farm Use

III. REVIEW CRITERIA

The subject territory is subject to an annexation petition for consideration by City Council. Forest Grove Development Code (FGDC) section 10.2.160 states:

“Before an annexation application is deemed complete, the applicant shall initiate a zone change pursuant to Section 10.2.750 et. seq. Zoning of the property shall meet the review criteria in Section 10.2.770.”

The review criteria applicable to a zone change are shown below. Attachment C (Draft Findings and Conclusions) describes how the zone change review criteria are met by the annexation petition.

- A. The zone change is consistent with the Comprehensive Plan Map. When the Comprehensive Plan has more than one implementing zone as shown on the corresponding table in Article 3, it must be shown that the proposed zone is the most appropriate, taking into consideration the purpose of each zone and the zoning pattern of surrounding land.
- B. The zone change is consistent with relevant goals and policies of the Comprehensive Plan, as identified by the Director.
- C. The site is suitable for the proposed zone and there is a lack of appropriately designated alternative sites within the vicinity. The size of the vicinity will be determined on a case-by-case basis since the impacts of a proposed zone and its potential uses vary. The factors to be considered in determining suitability are parcel size and location.
- D. The zone change is consistent with the adopted Transportation System Plan. Development allowed by the zone change will not substantially impact the functional classification or operation of transportation facilities, or reduce the level of service of transportation facilities below minimum acceptable level identified in the Transportation System Plan. To ensure proper review and mitigation, a traffic impact study may be required for the proposed change if it may impact transportation facilities.

- E. Public facilities and services for water supply, sanitary waste disposal, storm water disposal and police and fire protection are capable of supporting the uses allowed by the zone. Adequacy of services is based on the projected service demands of the site and the ability of the public services to accommodate those demands.
- F. The establishment of a zone district is not subject to the meeting of conditions.

IV. RECOMMENDATION

Staff recommends the Planning Commission adopt findings (Attachment C) and provide a recommendation to City Council to adopt an order amending the Forest Grove Zoning Map upon annexation to designate a 38.6 acre parcel located at 600 Elm Street as Business Industrial Park (BIP) consistent with the Forest Grove Comprehensive Plan Map Campus Employment designation.

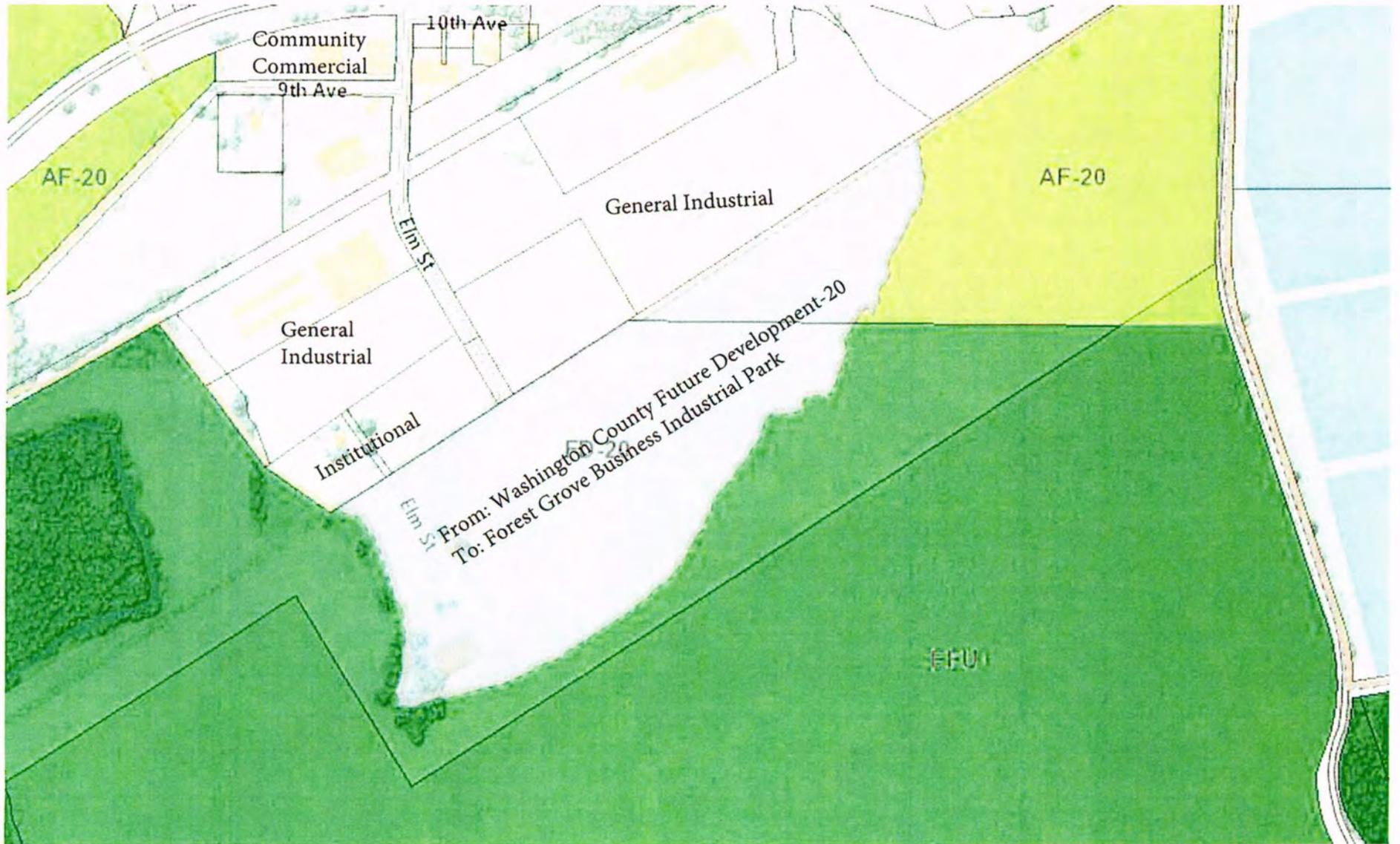
V. ATTACHMENTS

Attachment A: Subject Property Map

Attachment B: Industrial Zones Text

Attachment C: Draft Findings and Conclusions, Haworth Annexation Zone Change

Zoning



INDUSTRIAL ZONES

10.3.500 PURPOSE

The City of Forest Grove has established two industrial zones to implement the Industrial designation of the Comprehensive Plan. Non-industrial uses are restricted to protect industrial lands for employment and to minimize land use conflicts.

10.3.510 LIST OF INDUSTRIAL ZONES

A. Light Industrial (LI)

The LI zone is intended for a wide variety of manufacturing and other industrial uses with controlled external impacts. These types of industries are often involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling and ware-housing. Industrial activities occur within enclosed buildings. On a limited basis, supporting commercial and office uses are permitted in the LI zone.

B. General Industrial (GI)

The GI zone is intended for industrial uses that are generally not compatible with residential development because of their operational characteristics. This district is also intended for uses that may require extensive outdoor areas to conduct business activities or for product storage or display. General industrial uses include those involved in the processing of raw materials into refined products and/or industrial uses that have external impacts. The purpose of this district is to permit the normal operations of any industry that can meet and maintain compliance with established state and federal performance standards. The district is intended to contain supportive retail development. Commercial or retail uses that do not primarily serve the needs of people working or living in the employment and industrial areas are prohibited in this district. New residential uses are not permitted in the GI zone.

C. Business Industrial Park (BIP)

The BIP zone is intended to implement the Campus Employment designation of the Forest Grove Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The BIP zone allows a mixture of light industrial, employment, and office uses, together with some small-scale commercial uses with controlled external impacts. The development standards within the zone require well-landscaped, attractive and cohesive developments.

Attachment B

10.3.520 USE REGULATIONS

Refer to Article 12 for information on the characteristics of uses included in each of the Use Categories.

- A. Permitted Uses. Uses allowed in the Industrial zones are listed in Table 3-14 with a “P”. These uses are allowed if they comply with the development standards and other regulations of this Code.
- B. Limited Uses. Uses that are allowed subject to specific limitations are listed in Table 3-14 with an “L”. These uses are allowed if they comply with the limitations listed in the footnotes to the table and the development standards and other regulations of this Code.
- C. Conditional Uses. Uses that are allowed if approved through the conditional use process are listed in Table 3-14 with a “C”. These uses are allowed provided they comply with the conditional use approval criteria, the development standards, and other regulations of this Code. §10.2.200 contains the conditional use process and approval criteria.
- D. Prohibited Uses. Uses listed in Table 3-14 with an “N” are prohibited. Existing uses may be subject to the regulations of §10.7.700 Nonconforming Development.
- E. Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with specific regulations for accessory uses and all development standards.

TABLE 3-14: Industrial Zones Use Table

USE CATEGORY	LI	GI	BIP
RESIDENTIAL			
Household Living	L ⁽¹⁾	L ⁽¹⁾	N
Group Living	N	N	N
Transitional Housing	N	N	N
Home Occupation	N	N	N
Bed and Breakfast	N	N	N
CIVIC / INSTITUTIONAL			
Basic Utilities	P	P	P
Major Utility Transmission Facilities	C	C	C
Colleges	N	N	N
Community Recreation	N	N	C
Cultural Institutions	N	N	C
Day Care	L ⁽²⁾	L ⁽²⁾	L ⁽²⁾
Emergency Services	C	C	C
Postal Services	C	N	C
Religious Institutions	N	N	N
Schools	L ⁽³⁾	L ⁽³⁾	L ⁽³⁾
Social/ Fraternal Clubs / Lodges	N	N	N
COMMERCIAL			
Commercial Lodging	N	N	N
Eating & Drinking Establishments	L ⁽⁴⁾	L ⁽⁴⁾	L ⁽⁴⁾

USE CATEGORY	LI	GI	BIP
COMMERCIAL			
Entertainment – Oriented:			
- Major Event Entertainment	N	N	N
- Outdoor Entertainment	N	N	N
- Indoor Entertainment	N	N	C
General Retail:			
- Sales – Orientated	N	L ^[4]	L ^[4]
- Personal Services	N	N	L ^[10]
- Repair – Oriented	N	N	P
- Bulk Sales	N	N	N
- Outdoor Sales	N	N	N
- Animal - Related	N	N	N
Medical Centers	N	N	C
Motor Vehicle Related:			
- Motor Vehicles Sale / Rental	N	N	N
- Motor Vehicle Servicing / Repair	N	N	N
- Motor Vehicle Fuel Sales	N	N	N
Non-Accessory Parking	N	N	N
Office	L ^[5]	L ^[5]	L ^[11]
INDUSTRIAL			
Industrial Services	L ^[6]	P	L ^[6]
Manufacturing and Production:			
- Light Industrial	p ^[8]	p ^[8]	L ^[8]
- General Industrial	N	P	L ^[8]
- Medical and Recreational Marijuana Processors	N	C	N
Call Centers	P	P	P
Railroad Yards	N	P	N
Research and Development	P	P	P
Warehouse / Freight Movement	P/C(X)	P/C(X)	P/C(X)
Waste – Related	C	C	C
Wholesale Sales	p ^[8] /C(Y)	p ^[8] /C(Y)	C
OTHER			
Agriculture / Horticulture	p ^[8]	p ^[8]	P
- Medical and Recreational Marijuana Producers (Outdoor)	N	N	N
- Medical and Recreational Marijuana Producers (Indoor)	C	C	N
Cemeteries	N	N	N
Detention Facilities	C	P	C
Mining	N	C	N
Wireless Communication Facilities	L ^[9]	L ^[9]	L ^[9]
Information	P	P	P

P = Permitted L = Limited C = Conditional Use N = Not Permitted
X = Marijuana facilities including warehousing requires a conditional use permit.
Y = Wholesale activities for marijuana requires a conditional use permit in the LI and GI zone.

Table 3-6 Footnotes:

- [1] One (1) dwelling is permitted for a watchman employed on the premises.
- [2] On-site day care for employees is permitted in the LI and GI zones. Conditional use permit approval is required for a day care facility that is intended to serve more than on-site employees.
- [3] Educational uses for high school or college level programs governed by ORS Chapter 300 et. seq. comprising no more than 20% of the floor space of a building owned by a governmental agency shall be permitted provided that the following are met: (1) the use is separated from all industrial activities located on the site; (2) the use is located totally within a building; and (3) hours of operation are limited from 7:00 a.m. to 7:00 p.m.
- [4] Supportive retail or commercial use, such as convenience store, coffee shop, deli or business service, up to 3,000 square feet per use, permitted if the Director finds that it primarily serves the needs of the people working or living in the industrial area (drive-through prohibited). Employee cafeterias are permitted as an accessory uses.
- [5] In the LI zone, up to 50% and in the GI zone, up to 20% of the total floor area of the development may consist of executive and administrative offices if the development, in its entirety, is traded sector or other industrial use. Stand-alone offices in association with uses allowed in the LI but are at other locations are allowed in that district. Multiple tenant office buildings are prohibited.
- [6] Industrial services in the LI and BIP zones must take place within an enclosed building.
- [7] All processing and manufacturing must take place within a building or enclosed structure. Outdoor storage of raw materials, finished products and vehicles is prohibited.
- [8] Industrial users may have up to 5,000 square feet but no more than 40% of the total floor area of the operation devoted to selling the product the company manufactures.
- [9] Wireless communication facilities are regulated by the standards in Article 7.
- [10] Personal services limited to 3,000 square feet in conjunction with larger uses.
- [11] Limited to corporate offices where the majority of traffic generated comes from employees and not the general public.

10.3.530 INDUSTRIAL ZONE DEVELOPMENT STANDARDS

The development standards listed below are applicable to all development within the Light Industrial, General Industrial, and Business Industrial Park zones. Development within these zones shall also comply with all other applicable requirements of this Code, including the general development standards in Article 8.

TABLE 3-15: Industrial Zone Dimensional Requirements

STANDARD	LI	GI	BIP
Minimum Lot Size	10,000 square feet	10,000 square feet	20,000 square feet
Minimum Lot Width	100 feet	100 feet	100 feet
Minimum Lot Depth	None	None	None

STANDARD	LI	GI	BIP
Minimum Yard Setbacks ^[1]	None	None	Front: 20 feet Interior Side: 10 feet Rear: 10 feet
Maximum Building Height ^[2]	None	None	45 feet
Maximum Building Coverage			50%
Minimum Landscaping			15%

Footnotes:

- [1] A setback and buffer may be required where a LI or GI boundary abuts a less intensive zone. See screening and buffering standards in Article 8. When an industrial site is separated from a residential zone by either a dedicated public street, or a railroad main line or spur track, no setback shall be required in that yard adjacent to the residential zone.
- [2] Building height unlimited per the Building Code with the installation of a sprinkler system approved by the Forest Grove Fire Department in all buildings over two (2) stories.

10.3.540 ADDITIONAL INDUSTRIAL ZONE STANDARDS

- A. Site Plan Review Required. Development in the LI, GI and BIP zones is subject to a Type II site plan review process.
- B. Parking. Parking, loading and unloading areas shall not be located within a required setback area.

No loading or unloading facilities shall be located adjacent to a residential district if there is an alternative location of adequate size for loading and unloading facilities that is not adjacent to a residential district.

Off-street surface parking shall not occupy more than 33% of the public street frontage. Where a site has frontage along a side street, a surface parking lot may occupy more than 33% of the side street frontage. Parking areas located along a public street frontage shall be screened with any one or combination of the following techniques: solid perimeter wall, earthen berm or evergreen hedge with a minimum spacing of 3 feet and maximum height of 5 feet. Parking areas shall be landscaped as required in §10.8.415.

- C. Performance Standards. No land or structure in the LI, GI and BIP zones shall be used or occupied unless there is continuing compliance with the standards set forth by the Environmental Protection Agency, Oregon Department of Environmental Quality and Metro relative to noise, vibration, smoke and particulate matter, odors, heat and glare, and insects and rodents.
- D. Solid Waste Collection Areas. Exterior solid waste dumpsters and solid waste collection areas must be screened from the public street and any abutting residential, commercial or town center zones.

- E. Mechanical Equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators, must be screened from the street and any abutting residential zones by walls, fences, or vegetation tall enough to screen the equipment. Mechanical equipment on roofs must be screened from the ground level of any abutting residential zone.
- F. Building Façade and Massing. Where building elevations are oriented to the street, architectural features, such as windows, pedestrian entrances, building off-sets, projections, change in materials or change in colors shall be used to break-up building surfaces and volumes.

Buildings exceeding 100 feet in the horizontal direction facing a public street shall include vertical relief using windows or vertical design elements incorporating change in exterior building materials or landscape screening.

Recessed entries or canopies shall be used at the entrances of buildings in order to reinforce a pedestrian-scale and to break-up large blank walls.

- G. Landscaping. Except for driveways and parking areas, the front setback area along a primary public street frontage shall be landscaped with lawn, trees, hedges or ornamental flowers. Such landscaping shall be maintained in good order.
- I. Signage. Pole signs are prohibited within areas zoned as Business Industrial Park. Free standing signs shall be monument-type signs no more than five feet in height with a maximum area of 40 square feet including face and pedestal.

Multi-tenant complexes shall provide unified monument signage for individual tenants near an access point for the complex. Such signs shall comply with the requirements of §10.8.830(D). Monument signs shall be not be placed within any clear vision area required in §10.8.155.

- J. Site Circulation. All roadways and drives shall include sidewalks on at least one side of the roadway or drive with the exception of vehicle facilities that provide access solely to loading and service areas.

All pedestrian connections to the public sidewalk shall include canopy trees spaced at a maximum of 30 feet on-center. Coniferous trees are permitted with approval of the Director. Trees shall be placed within planting beds sized appropriately for the tree species using tree planting best practices adopted by the International Society of Arboriculture or similar professional organization.

- K. Surface Water Management. When required, on-site surface water management facilities, such as detention ponds and swales, shall be incorporated into open space and landscaped areas through the use of unifying landscape elements. The Director shall make a determination as to whether the design meets the intent of this standard. The Director's determination is appealable to the Planning Commission.

Attachment C

Findings and Conclusions Haworth Annexation Zone Change File No. 311-18-000007-PLNG

- A. The zone change is consistent with the Comprehensive Plan Map. When the Comprehensive Plan has more than one implementing zone as shown on the corresponding table in Article 3, it must be shown that the proposed zone is the most appropriate, taking into consideration the purpose of each zone and the zoning pattern of surrounding land.

Finding A.1: The subject property is designated Campus Employment on the Forest Grove Comprehensive Plan Map. Forest Grove Development Code (Section 10.3.500(C)) describes the Campus Employment designation as follows:

"The BIP [Business Industrial Park] zone is intended to implement the Campus Employment designation of the Forest Grove Comprehensive Plan through the identification of allowed uses and the establishment of development standards."

The BIP zone is the only implementing zone for the Campus Employment designation. Therefore, application of the BIP zone to the subject property is consistent with the Comprehensive Plan Map Campus Employment designation

Conclusion: The recommended Business Industrial Park Zoning Map designation is consistent with the Campus Employment Comprehensive Plan Map designation. The Business Industrial Park Zoning Map designation is the only implementing zone for the Campus Employment designation. Therefore, the Planning Commission concludes the recommended Business Industrial Park Zoning Map designation is consistent with the Comprehensive Plan Map and therefore this criterion is met.

- B. The zone change is consistent with relevant goals and policies of the Comprehensive Plan, as identified by the Director.

Finding B.1: The Director identifies the following Comprehensive Plan Goal and Policy as being relevant to the zone change:

Economic Development Goal 8: Ensure an adequate supply of land for office campus development.

Finding B.2: The subject property is approximately 38.6 acres in area based on the legal description and map prepared by an Oregon registered surveyor contained in the annexation File (File No. 311-18-000007-PLNG).

Finding B.3: The Planning Commission recommends zoning the property subject to annexation Business Industrial Plan consistent the Campus Employment Comprehensive Plan Map designation and Review Criterion A above.

Conclusion: The subject property comprises approximately 38.6 acres. The Comprehensive Plan Map identifies the subject property as Campus Employment. Since the Business Industrial Park zone implements the Campus Employment Comprehensive Plan designation applying the Business Industrial Park zone to the subject property furthers Comprehensive Plan Economic Development Goal 8 by identifying 38.6 acres of land for business industrial parks uses on the Forest Grove Zoning Map. Zoning the subject property is an initial step in making land available for development. Making land available for development supports ensuring an adequate supply of land for office campus employment development.

Conclusion: For the reasons stated above, zoning the subject property Business Industrial Park furthers Comprehensive Plan Economic Development Goal 8. Therefore, the Planning Commission concludes Review Criterion B is met.

- C. The site is suitable for the proposed zone and there is a lack of appropriately designated alternative sites within the vicinity. The size of the vicinity will be determined on a case-by-case basis since the impacts of a proposed zone and its potential uses vary. The factors to be considered in determining suitability are parcel size and location.

Finding C.1: The subject 38.6 acre parcel is designated Campus Employment on the Forest Grove Comprehensive Plan Map. The property was designated Campus Employment in 2016 by adoption of Ordinance 2016-09.

Finding C.2: There is only one location on the Comprehensive Plan Map designated Campus Employment which is the subject property.

Finding C.3: The Comprehensive Plan establishes the following location factors for designating a site Campus Employment:

- Greater than 25 gross acres
- Direct access to arterial streets
- Buffered from surrounding and agricultural uses

Finding C.4: Elm Street provides access to the subject property. Elm Street provides direct access to Oregon Highway 47. Oregon Highway 47 is designated as a Principal Arterial on the Transportation System Plan Updated Street Functional Classification System (Figure 8-1).

Finding C.4: The urban growth boundary is the southern boundary of the subject property. The urban growth boundary provides a buffer between the subject property and surrounding agricultural uses.

Finding C.5: The only implementing zone for the Campus Employment designation is Business Industrial Park.

Finding C.6: The size of the vicinity for purposes of Review Criteria C is the subject property.

Conclusion: The Comprehensive Plan designates the subject territory as Campus Employment. A finding was made at the time the site was designated Campus

Employment in 2016 by Ordinance 2016-09 that the site is suitable for the Campus Employment Comprehensive Plan designation and by default the Business Industrial Park zone since the Business Industrial Park zone implements the Campus Employment Comprehensive Plan designation. Since the subject property is the only area designated Campus Employment there is a lack of appropriately designated alternative sites within the vicinity. For these reasons this Review Criterion is met.

- D. The zone change is consistent with the adopted Transportation System Plan. Development allowed by the zone change will not substantially impact the functional classification or operation of transportation facilities, or reduce the level of service of transportation facilities below minimum acceptable levels identified in the Transportation System Plan. To ensure proper review and mitigation, a traffic impact study may be required for the proposed change if it may impact transportation facilities.

Finding D.1: Elm Street provides access to the subject property. Elm Street is designated as a collector street on the Updated Street Functional Classification System Map (Figure 8-1) contained in the Forest Grove Transportation System Plan.

Finding D.2: Elm Street provides direct access to Oregon Highway 47. Oregon Highway 47 is designated as a Principal Arterial street on the Updated Street Functional Classification System Plan (Figure 8-1) contained in the Forest Grove Transportation System Plan.

Finding D.3: There is no information in the record to suggest development in this area of the City will substantially impact the functional classification or operation of transportation facilities below minimum acceptable levels of service identified in the Transportation System Plan.

Finding D.4: The subject property is subject to an annexation petition. No development is proposed as part of the annexation petition and zone change request.

Finding D.5: Development Code Section 10.1.225(D) grants authority to the Community Development Director to require a transportation study if proposed projects would have potential circulation or safety impacts, need for off-site street improvements or would increase traffic on City streets by at least 50 peak hourly trips or a transportation impact study is required by ODOT.

Conclusion: The zone change is part of a pending annexation petition. The annexation petition does not identify a specific use for the property. Assessment of potential transportation impacts will be completed as part of the standard development review process consistent with Development Code Section 10.1.225(D). Since there is no information in the record to suggest development in the subject area will substantially impact the functional classification or operation of the transportation facilities below minimum acceptable levels identified in the Transportation System Plan this Review Criterion is met.

- E. Public facilities and services for water supply, sanitary waste disposal, storm water disposal and police and fire protection are capable of supporting the uses allowed by the zone. Adequacy of services is based on the projected service demands of the site and the ability of the public services to accommodate those demands.

Finding E.1: The subject territory was added to the urban growth boundary by the Oregon Legislature in 2014.

Finding E.2: The subject territory is subject to an annexation petition.

Finding E.3: Forest Grove Development Code Section 10.2.160 requires a request for a concurrent zone change pursuant to Section 10.2.750 et. Seq. (Zoning) and shall meet the review criteria in Section 10.2.770. Development Code Section 10.2.160 does not require a specific development proposal for an annexation petition and concurrent zone change.

Finding E.4: The annexation petition does not include a specific development proposal allowing assessment of service demands and the ability of the public services to accommodate those demands.

Finding E.5: The Water Master Plan, Waste Water System Plan, and Storm Drainage Master Plan do not address providing service to the subject property. As such, evaluation of public service needs will be considered as part of the development review process after annexation into the City. Consideration as part of the development review process includes assessing adequacy of services based on projected service demands of the site and ability of the public services to accommodate those demands.

Conclusion: The subject territory is subject to an annexation petition. Annexation of the subject territory requires a zone change in order to apply a City zoning designation to the subject territory upon annexation. Since the annexation petition does not include a development proposal assessment of public service demands cannot be made at this time. Assessment of public services demand will be done as part of the standard development review process. Since approval of development requires adequate public services this Review Criterion will be met at that time.

F. The establishment of a zone district is not subject to the meeting of conditions.

Finding F.1: No conditions are recommended for establishing the zone district. The purpose of the establishing the zone district is to apply a zoning designation consistent with the Comprehensive Plan to the subject property upon annexation.

Conclusion: Since no conditions are proposed as part of establishing the zone district this Review Criterion is met.

ATTACHMENT D

Planning Commission Findings and Decision No. 18-02 to Assign the Business Industrial Park Zoning Map Designation to Property Subject to an Annexation Petition at 600 Elm Street (Haworth Annexation)

File No. 311-18-000007-PLNG

WHEREAS, the owner of property at 600 Elm Street submitted an annexation petition and zone change application on November 2, 2016; and

WHEREAS, the annexation petition and zone change application were resubmitted on March 26, 2018 after completing a property partition and property line adjustment; and

WHEREAS, the partition and property line adjustment were necessary for annexing and zoning only territory within the urban growth boundary; and

WHEREAS, the annexation petition and zone change affects portions of Washington County Tax Lots 1S3070000100, 1S306D000700 AND 1S307AB01200); and

WHEREAS, Forest Grove Development Code Section 10.2.160 requires assignment of a City zoning designation concurrent with an annexation petition; and

WHEREAS, the applicant requests an amendment to the City of Forest Grove zoning map to designate the subject territory Business Industrial Park (BIP) consistent with the Forest Grove Campus Employment Comprehensive Plan Map designation; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on the zoning map amendment on June 4, 2018; and

WHEREAS, the Planning Commission reviewed the staff report presented on June 4, 2018; and

WHEREAS, the Planning Commission considered the staff report and information provided during the June 4, 2018 public hearing and after careful deliberation determined the zoning map amendment complies with the criteria for a zone change as described in Forest Grove Development Code Section 10.2.770; and

WHEREAS, the Planning Commission unanimously approved a motion on a 4-0 vote that City Council amend the Forest Grove Zoning Map to designate the territory subject to annexation as Business Industrial Park (BIP).

NOW THEREFORE, THE CITY OF FOREST GROVE PLANNING COMMISSION DOES HEREBY RECOMMEND CITY COUNCIL AMEND THE ZONING MAP TO DESIGNATE THE SUBJECT PROPERTY BUSINESS INDUSTRIAL PARK MAKING THE FOLLOWING SPECIFIC FINDINGS IN SUPPORT OF THE DECISION:

- 1) The Planning Commission adopts by reference the staff report including findings and recommendations dated June 4, 2018.

- 2) Development Code Section 10.2.770 *Review Criteria* establishes the review criteria to consider. The zone change shall be approved if findings are made that each of the following criteria are satisfied:

ZONE CHANGE REVIEW CRITERIA (DEVELOPMENT CODE SECTION 10.2.770)

- A. *The zone change is consistent with the Comprehensive Plan Map. When the Comprehensive Plan has more than one implementing zone as shown on the corresponding table in Article 3, it must be shown that the proposed zone is the most appropriate, taking into consideration the purpose of each zone and the zoning pattern of surrounding land.*

Finding A.1: The subject territory is designated Campus Employment on the Forest Grove Comprehensive Plan Map.

Finding A.2: The Business Industrial Park (BIP) zone is the only implementing zone for the Campus Employment designation as stated by Forest Grove Development Code (Section 10.3.500(C)):

"The BIP [Business Industrial Park] zone is intended to implement the Campus Employment designation of the Forest Grove Comprehensive Plan through the identification of allowed uses and the establishment of development standards."

Finding A.3: Development Code Section 10.3.500(C) describes the purpose of the BIP zone. This section states the "BIP zone allows a mixture of light industrial, employment, and office uses, together with some small-scale commercial uses with controlled external impacts. The development standards within the zone require well-landscaped, attractive and cohesive developments."

Finding: A.4: The subject territory is adjacent to property within the urban growth boundary zoned General Industrial on the Forest Grove Zoning Map. This industrial area is characterized by a variety of land uses including warehouse, concrete batch plant, armory, and light manufacturing.

Finding A.5: The subject territory is adjacent to a designated historic resource the AT Smith House. Development Code Section 10.3.530 and 10.3.540 contains development standards for the City's industrial zoning districts including the BIP zone. Development proposal(s) for the subject territory will be reviewed during site plan review and the standards in Development Code Sections 10.3.530 and 10.3.540 will be applied to mitigate off-site development impacts on the designated historic resource.

Conclusion: The Planning Commission concludes zoning the subject territory BIP is consistent with the Comprehensive Plan Map and is the most appropriate zone for the subject territory since the BIP zone is the only implementing zone for the Campus Employment Comprehensive Plan Map designation. Furthermore, the BIP zone allows for a mixture of light industrial, employment and office uses generally consistent with the zoning pattern of the surrounding land within the urban growth boundary. In addition, development standards for the BIP zone allow for mitigating adverse development impacts affecting nearby land uses, if any. For these reasons the Planning Commission concludes this criterion is met.

B. The zone change is consistent with relevant goals and policies of the Comprehensive Plan, as identified by the Director.

Finding B.1: The Director identifies the following Comprehensive Plan Goal and Policy as being relevant to the zone change:

Economic Development Goal 8: Ensure an adequate supply of land for office campus development.

Finding B.2: The subject property is approximately 38.6 acres in area based on the legal description and map prepared by an Oregon registered surveyor contained in the annexation File (File No. 311-18-000007-PLNG).

Finding B.3: The Planning Commission recommends zoning the property subject to annexation Business Industrial Park consistent the Campus Employment Comprehensive Plan Map designation.

Finding B.4: The Forest Grove Economic Opportunity Analysis (Figure 27) identifies a projected demand of 30 acres of land for business park use over the next twenty years.

Conclusion: Zoning the 38.6 acre subject property Business Industrial Park helps ensure an adequate supply of land for office campus/business park development based on a projected demand of 30 acres over the next twenty years and furthers Comprehensive Plan Economic Development Goal 8. Therefore, the Planning Commission concludes the zone change is consistent with the relevant goals and policies of the Comprehensive Plan, as identified by the Director.

C. The site is suitable for the proposed zone and there is a lack of appropriately designated alternative sites within the vicinity. The size of the vicinity will be determined on a case-by-case basis since the impacts of a proposed zone and its potential uses vary. The factors to be considered in determining suitability are parcel size and location.

Finding C.1: The subject 38.6 acre parcel is designated Campus Employment on the Forest Grove Comprehensive Plan Map. The property was designated Campus Employment in 2016 by adoption of Forest Grove Ordinance 2016-09.

Finding C.2: There is only one location on the Comprehensive Plan Map designated Campus Employment which is the subject property.

Finding C.3: The Comprehensive Plan establishes the following location factors for designating a site Campus Employment:

- Greater than 25 gross acres
- Direct access to arterial streets
- Buffered from surrounding and agricultural uses

Finding C.4: The only implementing zone for the Campus Employment designation is Business Industrial Park.

Finding C.5: Since the Comprehensive Plan map only designates the subject territory as Campus Employment, the size of the vicinity for purposes of Review Criterion C is the subject territory.

Conclusion: The Comprehensive Plan Map designates the subject territory as Campus Employment. A finding was made supporting Ordinance 2016-09, designating the subject territory Campus Employment, that the subject territory is suitable for this designation. Since the Business Industrial Park zone implements the Campus Employment Comprehensive Plan designation and the subject territory is the only area designated Campus Employment on the Comprehensive Plan Map there is a lack of appropriately designated alternative sites within the vicinity. For these reasons the Planning Commission concludes this review criterion is met.

D. The zone change is consistent with the adopted Transportation System Plan. Development allowed by the zone change will not substantially impact the functional classification or operation of transportation facilities, or reduce the level of service of transportation facilities below minimum acceptable levels identified in the Transportation System Plan. To ensure proper review and mitigation, a traffic impact study may be required for the proposed change if it may impact transportation facilities.

Finding D.1: Elm Street provides access to the subject property. Elm Street is designated as a collector street on the Updated Street Functional Classification System Map (Figure 8-1) contained in the Forest Grove Transportation System Plan.

Finding D.2: Elm Street provides direct access to Oregon Highway 47. Oregon Highway 47 is designated as a Principal Arterial street on the Updated Street Functional Classification System Plan (Figure 8-1) contained in the Forest Grove Transportation System Plan.

Finding D.3: Potential transportation impacts were considered when the subject territory was designated on the Comprehensive Plan Map by Forest Grove Ordinance 2016-09. The record indicates future development allowed by the land use designation will not substantially impact the functional classification or operation of transportation facilities or reduce levels of service below the minimum acceptable levels identified in the Transportation System Plan.

Finding D.4: The subject property is subject to an annexation petition. No development is proposed as part of the annexation petition and zone change request.

Finding D.5: Development Code Section 10.1.225(D) grants authority to the Community Development Director to require a transportation study if proposed projects would have potential circulation or safety impacts, need for off-site street improvements or would increase traffic on City streets by at least 50 peak hourly trips or a transportation impact study is required by ODOT.

Conclusion: The zone change is part of a pending annexation petition. The annexation petition does not identify a specific use for the property. Assessment of potential transportation impacts will be completed as part of the standard development review process consistent with Development Code Section 10.1.225(D). Since there is no information in the record to suggest development in the subject area will substantially impact the functional classification or operation of the transportation facilities below

minimum acceptable levels identified in the Transportation System Plan the Planning Commission concludes this review criterion has been met.

- E. *Public facilities and services for water supply, sanitary waste disposal, storm water disposal and police and fire protection are capable of supporting the uses allowed by the zone. Adequacy of services is based on the projected service demands of the site and the ability of the public services to accommodate those demands.*

Finding E.1: The subject territory was added to the urban growth boundary by the Oregon Legislature in 2014.

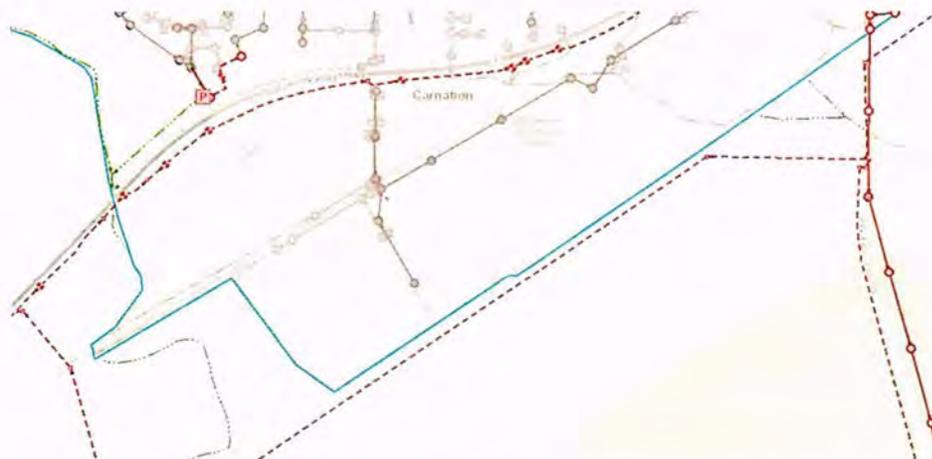
Finding E.2: The subject territory is subject to an annexation petition.

Finding E.3: Forest Grove Development Code Section 10.2.160 requires a request for a concurrent zone change pursuant to Section 10.2.750 et. Seq. (Zoning) and the zone change shall meet the review criteria in Development Code Section 10.2.770. Development Code Section 10.2.160 does not require a specific development proposal for a complete annexation petition and concurrent zone change.

Finding E.4: The annexation petition does not include a specific development proposal allowing assessment of service demands and the ability of the public services to accommodate those demands.

Finding E.5: The Water Master Plan, Waste Water System Plan, and Storm Drainage Master Plan do not address providing service to the subject property. As such, evaluation of public service needs will be considered as part of the development review process after annexation into the City. The development review process includes assessing adequacy of services based on projected service demands of the site and ability of the public services to accommodate those demands.

Finding E.6: Information from Clean Water Services shows the location of existing sanitary sewer lines. The nearest sanitary sewer line is located in the Elm Street right-of-way approximately 250 feet north of the subject property.



Conclusion: The subject territory is subject to an annexation petition. A complete annexation petition does not require a concurrent development proposal. Development Code Section 10.2.160 requires a concurrent zone change for territory subject to

annexation. Since an annexation petition does not require a concurrent development proposal for a complete annexation petition assessment of public service demands cannot be made at this time. Assessment of public service demand will be done as part of the standard development review process. Since development review requires adequate public services necessary to serve the territory this review criterion will be addressed at that time.

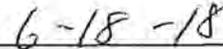
F. *The establishment of a zone district is not subject to the meeting of conditions.*

Finding F.1: No conditions are recommended for establishing the zone district. The purpose of the establishing the zone district is to apply a zoning designation consistent with the Comprehensive Plan to the subject property upon annexation.

Conclusion: Since no conditions are proposed as part of establishing the zone district the Planning Commission concludes this review criterion is met.



Tom Beck, Chair



Date

ATTACHMENT E

Metro Code Chapter 3.09 Findings

Metro Code Chapter 3.09 provides additional requirements in the Portland Region. Under Metro Chapter 3.09 City Council must find:

The annexation is consistent with expressly applicable provisions in:

§3.09.045(D)(1)(a) Any applicable urban services agreement adopted pursuant to ORS 195.065

Finding: Provision for urban services within the Forest Grove planning area is governed by the Urban Planning Area Agreement (UPAA) between Washington County and Forest Grove. Urban services include:

- Sanitary Sewers (City of Forest Grove distribution Clean Water Services treatment)
- Water (City of Forest Grove)
- Fire Protection (City of Forest Grove)
- Parks, Open Space, Recreation (City of Forest Grove)
- Streets and Roads (City of Forest Grove, Washington County)
- Transit (TriMet, RideConnection)

The UPAA contains the following provisions consistent with ORS 195.065:

- Identification of the appropriate service provider
- Functional role of each service provider
- Identification of the future service area.
- Identification of responsibilities for planning and coordination, annexation of service territory, process for review and modification of the urban service agreement.

Upon annexation the City of Forest Grove will be responsible for providing the urban services noted above.

§3.09.045(D)(1)(b) Any applicable annexation plan adopted pursuant to ORS 195.205

Finding: The City has not adopted an annexation plan under ORS 195.205. This factor is not applicable.

§3.09.045(D)(1)(c) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party

Finding: Necessary parties include:

- Washington County
- Clean Water Services
- Forest Grove Rural Fire Protection District

The only cooperative planning agreement is the Urban Planning Area Agreement (UPAA) between Washington County and the City. The UPAA identifies the City as the appropriate provider local services and requires planning coordination in the unincorporated area within the urban growth boundary adjacent to the Forest Grove. Washington County, Clean Water Services and Forest Grove Rural Fire Protection District were notified of the annexation petition as a necessary party consistent with Metro Code Chapter 3.09.030.

§3.09.045(D)(1)(d) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services

Finding: The subject territory was added to the urban growth boundary by the Oregon Legislature in 2014. At this time no applicable public facility has been adopted that affects the subject property. The subject territory will be added to the City's public facilities and services plans as they are updated.

§3.09.045(D)(1)(e) Any applicable comprehensive plan

Finding: The subject territory is within the urban growth boundary and is designated Campus Employment on the Forest Grove Comprehensive Plan Map. The proposed zoning designation is Business Industrial Park which implements the Campus Employment Comprehensive Plan designation

Finding: Annexation supports economic development including Economic Development Policy 1.4: Seek certification of large industrial sites through the State of Oregon Industrial Site Certification program. Economic Development Policy 8.2: Designate land for office and office campus development outside the Town Center.

Finding: Urbanization Policy 5: Sewer and water utilities shall not be extended beyond the City's corporate limits and shall be provided only after annexation.

Finding: Urbanization Policy 12: Promote the efficient delivery of public services through annexation of land into the City of Forest Grove

§3.09.045(D)(1)(f) Any applicable concept plan.

Finding: The subject territory was added to the urban growth boundary by the Oregon Legislature in 2014. As such, the subject territory is not subject to a concept plan adopted pursuant to Metro Code Title 11: Planning for New Urban Areas.

§3.09.045(D)(2)(a) Promotes the timely, orderly and economic provision of public facilities and services

Finding: The subject territory is adjacent to the Forest Grove city limits. Public utilities including an existing sanitary sewer line is located approximately 250 feet north of the subject property. Annexation allows the incremental extension of public utilities necessary to serve development in a timely, orderly and economic manner as the property urbanizes.

§3.09.045(D)(2)(b) Affect the quality and quantity of urban services

Finding: As required by Oregon Administrative Rules Chapter 660-11, the Urban Planning Area Agreement identifies the City as the appropriate provider of local water, sanitary sewer, storm sewer, and transportation planning within the planning area. The annexation transfers jurisdiction over the subject territory from Washington County to the City. The annexation petition does not include a development proposal. The annexation action allows for extension of urban services to future development. The quality and quantity of urban services will be assessed as part of the development review process.

§3.09.045(D)(2)(c) Eliminate or avoid unnecessary duplication of facilities and services.

Finding: The annexation of the subject territory avoids unnecessary duplication of facilities and services since under the Urban Planning Area Agreement (UPAA) between the City and Washington County all additions to the Urban Growth Boundary must be governed and urbanized by the City. As required by Oregon Administrative Rules Chapter 660-11-010, the UPAA identifies the City as the appropriate provider of local water, sanitary sewer, storm sewer, and transportation planning within the planning area.

Adequate Level of Service

Adequate level of service means a level of urban services adequate to support the higher number of dwelling units and jobs for the design type in the Urban Growth Management Functional Plan, or in the ordinance adopted by the Metro Council that added the area to be incorporated, or any portion of it, to the UGB.

Finding: The subject territory was added to the Urban Growth Boundary by the Oregon Legislature in 2014. Since the Legislature added the territory to the Urban Growth Boundary no design type in the Metro Urban Growth Management Functional Plan applies to the subject territory. Assessment of the level of urban services adequate to support the site will be done as the city's public facility plans are updated and through the City's standard development review process.

§3.09.045(E) A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

Finding: This annexation does not include property outside the UGB. A property line adjustment was completed by the applicant to include the subject territory with Washington County Tax Lot 1S307AB01200. The property line adjustment resulted in portions of tax lots outside the UGB that would have been included in the annexation to remain outside the UGB.

Necessary Parties

Necessary party means any county; city; district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory or who provides any urban service to any portion of the affected territory, Metro, or any other unit of local government for provision of urban service to the affected territory.

Finding: For purposes of this annexation the Necessary Parties include Metro, Washington County, Clean Water Services, and the Forest Grove Rural Fire Protection District. Required notice was provided to the necessary parties.

ATTACHMENT F

Forest Grove Comprehensive Plan Findings

The following Comprehensive Plan urbanization policies apply to annexation:

Urbanization Policies

Urbanization Policy 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 extension. These priorities shall be the basis for making decisions on all development proposals and requests for annexation.

Finding: Under the Urban Planning Area Agreement (UPAA) between Washington County and Forest Grove all lands within the unincorporated area within the urban growth boundary adjacent to Forest Grove have priority for annexation to the City. The UPAA also identifies the City as the appropriate provider for local urban services including water, sanitary sewer, storm drainage and transportation. Annexation allows for the orderly and efficient timing of service extensions. An existing sewer and water line exist approximately 250 feet north of the subject territory in the Elm Street right-of-way. Service needs for development at the subject property including extension of the existing water and sanitary sewer lines will be examined through the standard development review process when a development proposal is formally submitted for approval.

Urbanization Policy 5: Sewer and water utilities shall not be extended beyond the City's corporate limits and shall be provided only after annexation.

Finding: Annexation of the subject territory allows for the future extension of sewer and water utilities to serve development. Extension of water and sewer lines will not occur until after the subject territory is annexed.

Urbanization Policy 12: Promote the efficient delivery of public services through annexation of land into the City of Forest Grove.

Finding: The subject territory is currently zoned by Washington as FD-20 (Future Development). Development affecting the subject territory cannot occur until after the subject territory is annexed and a City zoning designation is assigned to the property. Annexation allows for assigning a City zoning designation and extension of urban services needed to serve development in an efficient manner.

Urbanization Policy 13: The City will avoid approving annexations that create unincorporated islands within the Forest Grove planning area.

Finding: The territory subject to annexation includes one parcel (Washington County Tax Lot 1S307AB01200). The subject territory is adjacent to the Forest Grove city limits and will be annexed in its entirety. Therefore, this annexation will not result in any unincorporated islands within the Forest Grove planning area.



Haworth Annexation (600 Elm Street) File No. 311-18-000007-PLNG

Project Team:

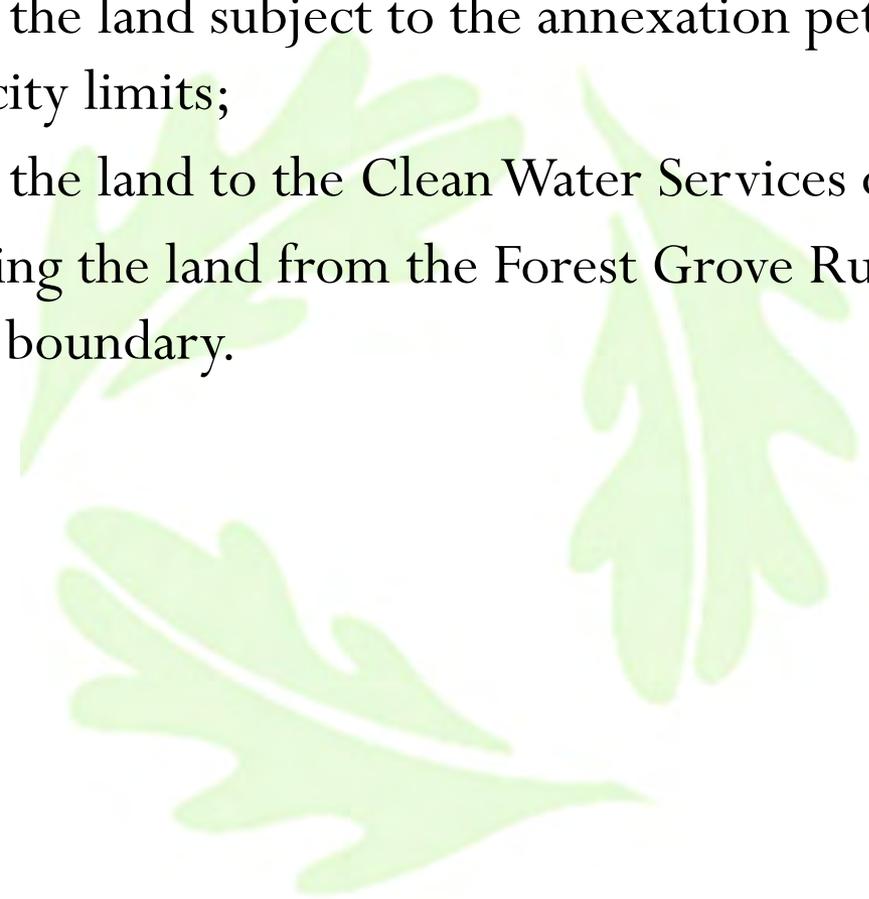
Daniel Riordan, Senior Planner

Bryan Pohl, Community Development Director

Annexation Petition

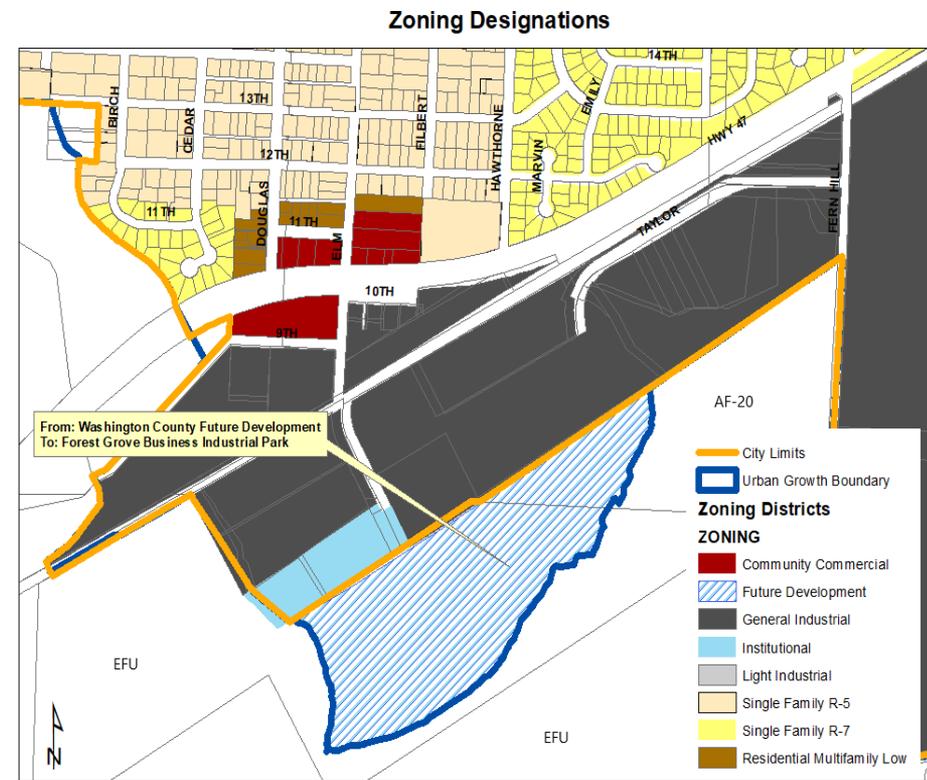
- The owner of a 38.6 acres tract located at 600 Elm Street submitted a petition for annexation for territory added to the urban growth boundary in 2014.
- The owner seeks annexation now to facilitate certification of the site as “shovel ready” under the Business Oregon Industrial Site Certification Program.
 - Annexation removes a significant barrier to development and shortens the amount of time required for development approval.
 - In addition, annexation also allows for extension of public utilities to the site.
 - Needed utilities will be reviewed through the standard development review process after a development proposal is submitted to the City.

Annexation Petition

- The annexation ordinance includes:
 - Adding the land subject to the annexation petition into the Forest Grove city limits;
 - Adding the land to the Clean Water Services district boundary;
 - Removing the land from the Forest Grove Rural Fire Protection district boundary.
- 

The Site

- The subject territory was added to urban growth boundary by Oregon Legislature in 2016 as part of Urban Reserve “grand bargain.”
- The territory is approximately 38.6 gross acres.
- The site currently includes a residential structure and several accessory structures.
- The territory is adjacent to General Industrial, Institutional (AT Smith House and City-owned land) and Agricultural zoning.



The Vicinity



Utilities

Sewer



Water



Rules and Review Standards

- Annexation involves the following statutes, codes and policies:
 - ORS Chapter 222 (Boundary Changes)
 - FGDC Section 10.1.600 et. seq. (Quasi-Judicial Decisions);
 - FGDC Section 10.2.150 et. seq. (Annexation Process);
 - FGDC Section 10.2.770 et. seq. (Zone Change Criteria);
 - Metro Code Chapter 3.09 (Local Boundary Changes)
 - Forest Grove Comprehensive Plan Map & Urbanization Policies
 - Annexation must be consistent with Comp. Plan map designation for the property and urbanization policies.

ORS Chapter 222

- ORS 222.111 grants authority to cities to annex territory contiguous with the a city.
- ORS 222. 120 establishes procedures for annexation without an election.
 - The City Charter does not require an election for annexations.
 - State law also now prohibits annexation elections if the annexation is supported by all property owners.
 - Although an election is not required City Council must hold a hearing and adopt an ordinance annexing the subject territory.

Development Code

- FGDC Section 10.1.600 et. seq. (Quasi-Judicial Decisions)
 - This section establishes procedures for land use decisions affecting an individual property owner including annexations.
 - This type of review requires review by the Planning Commission with a final local decision made by City Council.
 - The Planning Commission considered the annexation generally and assignment of a City zoning designation specifically on June 4th.

Development Code

- FGDC Section 10.2.150 et. seq. (Annexation)
 - This section establishes local requirements for annexation.
 - Under this section, annexations are reviewed according to Metro Code Chapter 3.09 (Local Government Boundary Changes).
 - Annexations also require a concurrent zone change in order to assign a City zoning designation to the property
 - The zone change review criteria are contained in the FGDC Section 10.2.770 (Zone Change Criteria).
 - The zone change requires adoption an order separate from the annexation ordinance.
 - The zoning order is scheduled for Council consideration on August 13th.

Metro Code

- The analysis contained in the written staff report and exhibits shows the proposed annexation meets the applicable review criteria in the Metro Code including:
 - Consistency with the Urban Planning Area Agreement (UPAA) between the County and City.
 - The UPAA identifies the City as the appropriate provider of urban services to unincorporated land in the urban growth boundary.
 - The annexation should promote the timely, orderly and economic provision of public facilities and services.
 - The annexation should eliminate or avoid unnecessary duplication of facilities and services.
 - The annexation should not affect the quality and quantity of urban services.
 - Specific service needs will be evaluated during the standard development review process.

Comprehensive Plan

- The annexation is consistent with the Forest Grove Comprehensive Urbanization Policies:
 - Policy 2: Sewer and water utilities shall not be extended beyond the City's corporate limits and shall be provided only after annexation. The annexation provides the opportunity to extend public services to the site.
 - Policy 5: Promote the efficient delivery of public services through annexation.
 - Policy 12: Promote the efficient delivery of public services through annexation of land into the City of Forest Grove.
 - Policy 13: The City will avoid approving annexations that create unincorporated islands. This annexation does not create islands.
- Although the area is not addressed in adopted public facilities plans, service needs will be evaluated as part of standard development review process consistent with the Forest Grove Development Code.

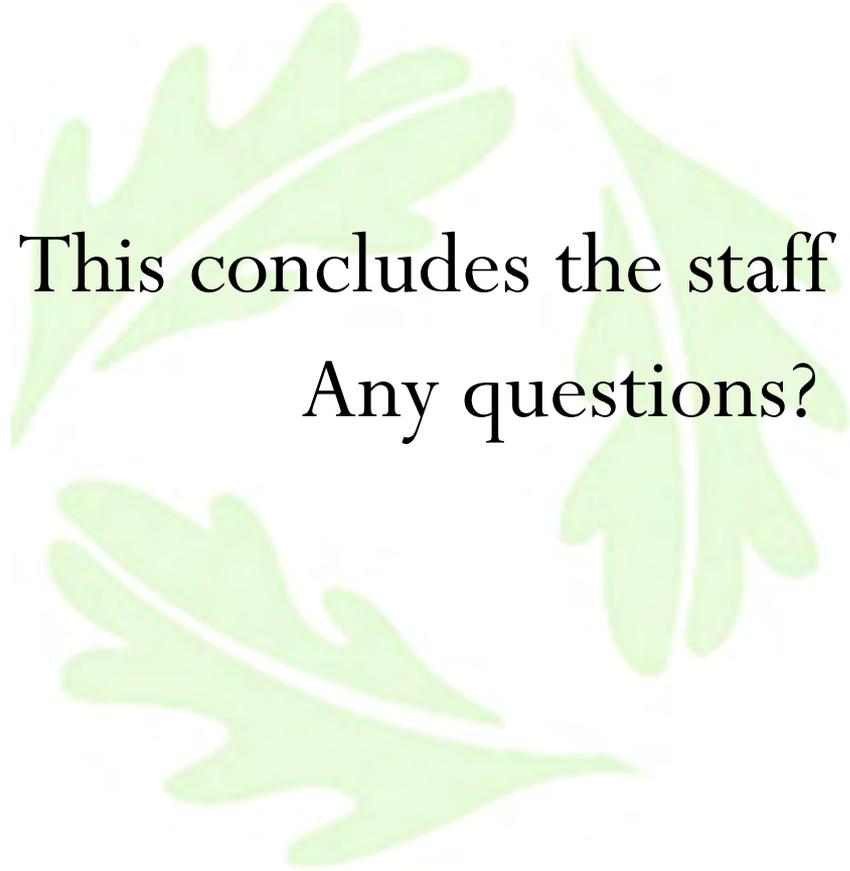
Next Steps

- First reading of annexation ordinance (7/17/18);
- Second reading and approval of annexation ordinance (8/13/18);
- Approval of order assigning zoning designation (8/13/18);
- City submits ordinance to Department of Revenue;
- City submits annexation package to Metro for mapping
- Metro files annexation package with Secretary of State for final approval;
- City provides notice of annexation to utilities

Staff Recommendation

- Staff recommends City Council:
 - Conduct the public hearing and first reading of the annexation ordinance annexing the 38.6 acre tract of land into the city limits located at 600 Elm Street, adding the tract to the Clean Water Services boundary, and removing the tract from the Forest Grove Rural Fire Protection District;
 - Proceed with adoption of the ordinance on August 13th; and
 - Consider an order on August 13th to assign the Business Industrial Park zoning designation to the tract upon annexation.

This concludes the staff report.
Any questions?



NOTICE OF PUBLIC HEARING

ORDINANCE ANNEXING A CERTAIN 38.6 ACRE TRACT OF LAND LOCATED
AT 600 ELM STREET (WASHINGTON COUNTY TAX LOT 1S307AB01200)
INTO THE CITY LIMITS OF FOREST GROVE AND ADDING TRACT TO
CLEAN WATER SERVICES BOUNDARY AND WITHDRAWING TRACT FROM
FOREST GROVE RURAL FIRE PROTECTION DISTRICT; FILE NO. 311-18-000007-PLNG
FOR CITY OF FOREST GROVE

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will hold a Public Hearing on **Tuesday, July 17, 2018, 7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove to consider enacting an ordinance annexing a 38.6 acre tract of land located at 600 Elm Street (Washington County Map and Tax Lot 1S307AB01200), adding the tract the Clean Water Services district and withdrawing the tract from the Forest Grove Rural Fire Protection District. The proposed annexation ordinance, if enacted by the City Council, would take effect 30 days immediately after enactment. The annexation ordinance is subject to referendum.

This hearing is open to the public and interested parties are encouraged to attend. A copy of the staff report and proposed ordinance are available for inspection before the hearing at the City Recorder's Office or by visiting the City's website at www.forestgrove-or.gov. Written comments or testimony may be submitted at the hearing or sent to the attention of the City Recorder's Office, P. O. Box 326, 1924 Council Street, Forest Grove, OR 97116, prior to the hearing. For further information, please call Anna Ruggles, City Recorder, at 503.992.3235.

Applicable Standards and Criteria:

Forest Grove Development Code Section 10.1.600 et. seq. (Quasi-Judicial Land Use Decisions).

Forest Grove Development Code Section 10.2.150 et. seq. (Annexation)

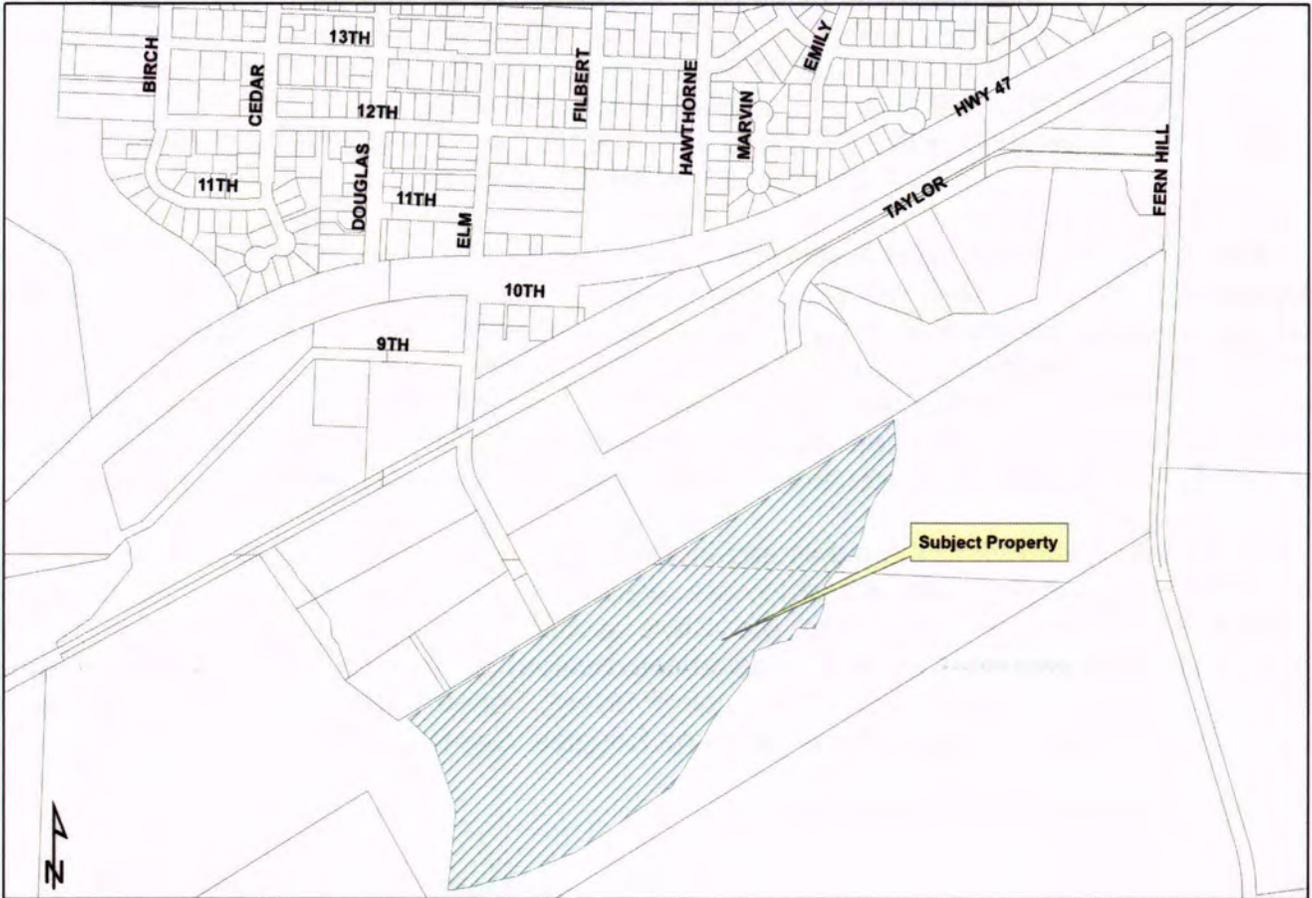
Metro Code Chapter 3.09.045(D) (Local Government Boundary Changes): The annexation is consistent with any applicable urban service agreement, annexation plan, cooperative planning agreement, public facility plan, comprehensive plan, or concept plan.

Metro Code Chapter 3.09.045(E) (Local Government Boundary Changes): Consider whether the annexation promotes the timely, orderly and economic provision of public facilities and services, affects the quality and quantity of urban services, and eliminates or avoids unnecessary duplication of facilities or services.

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

To be published: Wednesday, July 4, 2018 and July 11, 2018

**ANNEXATION
600 ELM STREET
WASHINGTON COUNTY TAX LOT 1S307AB01200**



Date: JULY 17, 2018

Agenda Item: 7.

Subject: PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2018-04 ANNEXING A CERTAIN TRACT OF LAND, LOCATED AT 600 ELM STREET (WASHINGTON COUNTY TAX LOT 1S307AB01200), INTO THE CITY LIMIT OF FOREST GROVE AND ADDING TRACT TO THE CLEAN WATER SERVICES DISTRICT AND WITHDRAWING THE TRACT FROM THE FOREST GROVE RURAL FIRE PROTECTION DISTRICT; PETITIONER: HALLY AND MARY HAWORTH. FILE NO. 311-18-000007-PLNG

CITY COUNCIL MEETING

Request to Testify at Public Hearing

Public Hearings – Public hearings are held on each matter required by state law or City policy. Anyone wishing to testify should sign-in for the Public Hearing prior to the meeting. The Mayor or presiding officer will review the complete hearing instructions prior to testimony. The Mayor or presiding officer will call the individual or group by the name given on the sign-in form. When addressing the Mayor and Council, please move to the witness table (center front of the room). Each person should speak clearly into the microphone and must state their first and last name and provided a mailing address for the record. All testimony is electronically recorded. In the interest of time, Public Hearing testimony is limited to three minutes unless the Mayor or presiding officer grants an extension. Written or oral testimony is heard prior to any Council action.

Please sign-in below to testify.

PROPONENTS: (Please print legibly)

First & Last Name:

Address:

City, State & Zip Code:

David Morelli

1320 Cedar St F.G. 97116

OPPONENTS: (Please print legibly)

First & Last Name:

Address:

City, State & Zip Code:

OTHERS: (Please print legibly)

First & Last Name:

Address:

City, State & Zip Code:

6605 SE Lake Road, Portland, OR 97222
PO Box 22109 Portland, OR 97269-2169
Phone: 503-684-0360 Fax: 503-620-3433
E-mail: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of the Forest Grove News Times, a newspaper of general circulation, published at Forest Grove, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

Ad#: 57088

Owner: City of Forest Grove

Description: NOTICE OF PUBLIC HEARING

A copy of which is hereto annexed, was published in the entire issue of said newspaper for 2 week(s) in the following issue:

07/04/2018, 07/11/2018

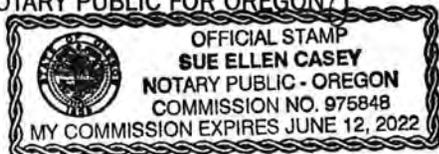
Charlotte Allsop

Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this 07/11/18

Sue Ellen Casey

NOTARY PUBLIC FOR OREGON



Acct #: 104052

Attn:

FOREST GROVE, CITY OF
PO BOX 326
FOREST GROVE, OR 97116

NOTICE OF PUBLIC HEARING

ORDINANCE ANNEXING A CERTAIN 38.6 ACRE TRACT OF LAND LOCATED AT 600 ELM STREET (WASHINGTON COUNTY TAX LOT 1S307AB01200) INTO THE CITY LIMITS OF FOREST GROVE AND ADDING TRACT TO CLEAN WATER SERVICES BOUNDARY AND WITHDRAWING TRACT FROM FOREST GROVE RURAL FIRE PROTECTION DISTRICT; FILE NO. 311-18-000007-PLNG FOR CITY OF FOREST GROVE

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will hold a Public Hearing on **Tuesday, July 17, 2018, 7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove to consider enacting an ordinance annexing a 38.6 acre tract of land located at 600 Elm Street (Washington County Map and Tax Lot 1S307AB01200), adding the tract the Clean Water Services district and withdrawing the tract from the Forest Grove Rural Fire Protection District. The proposed annexation ordinance, if enacted by the City Council, would take effect 30 days immediately after enactment. The annexation ordinance is subject to referendum.

This hearing is open to the public and interested parties are encouraged to attend. A copy of the staff report and proposed ordinance are available for inspection before the hearing at the City Recorder's Office or by visiting the City's website at www.forestgrove-or.gov. Written comments or testimony may be submitted at the hearing or sent to the attention of the City Recorder's Office, P. O. Box 326, 1924 Council Street, Forest Grove, OR 97116, prior to the hearing. For further information, please call Anna Ruggles, City Recorder, at 503.992.3235.

Applicable Standards and Criteria:

Forest Grove Development Code Section 10.1.600 et. seq. (Quasi-Judicial Land Use Decisions).

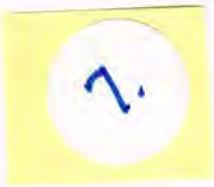
Forest Grove Development Code Section 10.2.150 et. seq. (Annexation)

Metro Code Chapter 3.09.045(D) (Local Government Boundary Changes): The annexation is consistent with any applicable urban service agreement, annexation plan, cooperative planning agreement, public facility plan, comprehensive plan, or concept plan.

Metro Code Chapter 3.09.045(E) (Local Government Boundary Changes): Consider whether the annexation promotes the timely, orderly and economic provision of public facilities and services, affects the quality and quantity of urban services, and eliminates or avoids unnecessary duplication of facilities or services.

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





FIRST READING: 7/17/18

ORDINANCE NO. 2018-04

ORDINANCE ANNEXING A TRACT OF LAND, LOCATED AT 600 ELM STREET (WASHINGTON COUNTY TAX LOT 1S307AB01200), INTO THE CITY LIMIT OF FOREST GROVE AND ADDING THE TRACT TO THE CLEAN WATER SERVICES DISTRICT AND WITHDRAWING THE TRACT FROM THE FOREST GROVE RURAL FIRE PROTECTION DISTRICT; FILE NO. 311-18-000007-PLNG

FOREST GROVE MAKES THE FOLLOWING FINDINGS:

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, Oregon Revised Statutes Chapter 222.120 and Chapter 222.125 establishes procedures for property owner initiated annexation petitions without election by city electors; and

WHEREAS, the property owner submitted an annexation petition on November 2, 2016 and resubmitted the annexation petition on March 26, 2018; and

WHEREAS, the City of Forest Grove desires to adopt an ordinance annexing a 38.6 acre tract of land at 600 Elm Street (Washington County Tax Lot 1S307AB01200) owned by the petitioner into the city limits; and

WHEREAS, the annexation petition complies with the requirements of Metro Chapter 3.09; and

WHEREAS, the annexation is consistent with the Forest Grove Comprehensive Plan urbanization policies and Comprehensive Plan map; and

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

WHEREAS, the Forest Grove Rural Fire Protection District was notified of the annexation proposal and City Council public hearing as a necessary party under Metro Code Chapter 3.09; and

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

WHEREAS, Clean Water Services was notified of the annexation proposal and City Council public hearings as a necessary party under Metro Code Chapter 3.09; and

WHEREAS, the City Council held duly-noticed Public Hearings on July 17, 2018, and August 13, 2018, and mailed and published notice of the Public Hearing as required by Article 1 of the Forest Grove Development Code; 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 territory to the city limits; adding the subject territory to the Clean Water Services district boundary and removing the subject territory from the Forest Grove Rural Fire Protection District; and

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

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

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

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

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

Section 4. The findings and conclusions contained in the staff report dated July 17, 2018, are incorporated by reference and hereby 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 Oregon Secretary of State as provided by ORS 222.180.

Section 5. This ordinance shall be effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading the 17th day of July, 2018.

PASSED the second reading the 13th day of August, 2018.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th day of August, 2018.

Peter B. Truax, Mayor