

ORDER NO. 2019-01

ESTABLISHING BOUNDARIES OF TERRITORY PROPOSED FOR WITHDRAWAL FROM THE CITY LIMITS AND CLEAN WATER SERVICES BOUNDARY LOCATED IN SOUTHEAST ONE-QUARTER OF SECTION 35 AND SOUTHWEST ONE-QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 4 WEST WILLAMETTE MERIDIAN AND SETTING A TIME AND PLACE FOR FINAL PUBLIC HEARINGS AND ADOPTION OF AN ORDINANCE; (FILE NUMBER 311-18-000033-PLNG)

WHEREAS, the owner of a certain tract land described by Exhibit A, filed an application with the City requesting withdrawal of the territory from the Forest Grove city limits and Clean Water Services district; and

WHEREAS, as required by Oregon Revised Statutes (ORS) 222.460(2), City Council adopted Resolution 2019-06 declaring the City's intent to withdraw the subject territory described by Exhibit A; and

WHEREAS, Resolution 2019-06 also set the date of February 11, 2019, for an initial public hearing to consider the withdrawal question as required by ORS 222.460(4); and

WHEREAS, notice of the Public Hearing was published in the *Forest Grove News-Times*; and

WHEREAS, after holding the Public Hearing on February 11, 2019, the City Council still favors withdrawal of the subject territory as described by Exhibit A.

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

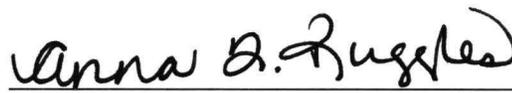
Section 1. The City of Forest Grove sets forth the boundary of the area to be withdrawn from the Forest Grove city limits and Clean Water Services District as shown on Exhibit A.

Section 2. The Forest Grove City Council desires to hold public hearings, in the Forest Grove Community Auditorium at 7:00 pm, or thereafter, on March 18, 2019 and April 8, 2019, to consider an ordinance detaching the territory from the Forest Grove city limits and Clean Water Services boundary as required by ORS 222.460(4) and ORS 222.460(5).

Section 3. If written requests for an election are not filed as required by ORS 222.460(6), City Council at time of the final hearing will adopt an ordinance detaching the territory from the Forest Grove city limits and Clean Water Services boundary.

Section 4. This order is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 11th day of February, 2019.



Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 11th day of February, 2019.



Peter B. Truax, Mayor

**NORTHWEST
SURVEYING, INC.**

**BOUNDARY TOPOGRAPHIC CONSTRUCTION CADASTRAL
Licensed in OR & WA**

1815 NW 169TH PLACE, SUITE 2090
BEAVERTON, OR 97006

TELEPHONE: (503) 848-2127
FAX: (503) 848-2179

PROPERTY DESCRIPTION

December 22, 2018

NWS Project No. 1060

Annexation Area

Page 1 of 2

A tract of land being located in the southeast one-quarter of Section 35 and the southwest one-quarter of Section 36, Township 1 North, Range 4 West, Willamette Meridian, City of Forest Grove, Washington County, Oregon, more particularly described as follows:

Beginning at the southwest corner of Ballad Towne No. 2; thence along the south line of Ballad Towne No. 2, North 89°38'00" East a distance of 1089.90 feet to the southeast corner of Tract "G", Knox Ridge No. 4; thence along the southwesterly boundary of Knox Ridge No. 4 the following 15 courses: South 19°37'26" East a distance of 1.41 feet to an angle point thereon; South 42°59'27" East a distance of 80.24 feet to an angle point thereon; South 26°12'19" East a distance of 12.56 feet to an angle point thereon; South 25°58'52" East a distance of 123.02 feet to an angle point thereon; South 37°40'04" East a distance of 109.49 feet to an angle point thereon; South 30°29'08" East a distance of 28.71 feet to an angle point thereon; South 44°01'54" East a distance of 166.37 feet to an angle point thereon; South 53°25'09" East a distance of 100.50 feet to an angle point thereon; South 08°25'08" East a distance of 15.56 feet to an angle point thereon; South 36°34'51" West a distance of 14.00 feet to an angle point thereon; South 53°25'09" East a distance of 91.11 feet to an angle point thereon; South 13°11'36" East a distance of 128.55 feet to an angle point thereon; South 24°02'23" West a distance of 97.25 feet to an angle point thereon; South 66°08'11" East a distance of 30.39 feet to an angle point thereon; North 66°20'31" East a distance of 102.47 feet to an angle point on the westerly boundary of Lot 128 of Knox Ridge No. 4; thence along the westerly boundary of said Lot 128 together with the westerly boundary of Partition Plat No. 2016-015, South 25°45'05" East a distance of 92.84 feet to an angle point on the westerly boundary of Partition Plat No. 2016-015; thence continuing along the westerly boundary of Partition Plat No. 2016-015, South 32°14'42" East a distance of 88.14 feet to a 5/8 inch iron rod located at the most southerly corner of Parcel 2 thereof; thence South 37°25'32" West a distance of 9.98 feet to a 5/8 inch iron rod; thence South 41°40'10" East a distance of 86.36 feet to a 5/8 inch iron rod; thence South 66°25'29" East a distance 72.21 feet to a 5/8 inch iron rod; thence South 77°27'57" East a distance of 79.81 feet to a 5/8 inch iron rod; thence South 48°57'00" East a distance of 47.93 feet to a 5/8 inch iron rod; thence South 34°22'56" East a distance of 139.48 feet to a 5/8 inch iron rod; thence South 18°10'51" East a distance of 122.57 feet to a 5/8 inch iron rod; thence South 06°36'58" East a distance of 119.62 feet to a 5/8 inch iron rod; thence South 05°04'16" West a distance of 56.98 feet to a 5/8 inch iron rod; thence South 16°47'34" West a distance of 46.08 feet to a 5/8 inch iron rod; thence South 00°08'22" West a

Annexation Area

Page 2 of 2

distance of 82.51 feet to a 5/8 inch iron rod; thence South 05°43'34" East a distance of 75.52 feet to a 5/8 inch iron rod; thence South 23°03'49" West a distance of 75.33 feet to a 5/8 inch iron rod located on the south line of Parcel I (as described on page 3 of Exhibit A) of that property conveyed to John H. Knox by deed recorded March 24, 2014 as Document No. 2014-016313, Washington County Deed Records; thence along the south line of said Knox property South 88°45'11" West a distance of 703.38 feet to a 5/8 inch iron rod located at the southwest corner thereof; thence along the west line of said Knox property, North 00°25'00" East a distance of 852.03 feet to the northwest corner thereof, said point being on the south line of Parcel II (as described on page 3 of Exhibit A) of said Knox property; thence along the south line of said Parcel II, South 89°36'23" West a distance of 1383.15 feet to the southwest corner thereof; thence along the west line of said Parcel II, North 00°39'05" East a distance of 891.24 feet to the Point of Beginning.

Said described tract of land contains 41.94 acres, more or less.

Bearings are based on Survey No. 27.470, Washington County Survey Records.

ANNEXATION CERTIFIED

BY VF

DEED

WASHINGTON COUNTY A & T
CARTOGRAPHY

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Scott F. Field

OREGON
JUNE 30, 1997
SCOTT F. FIELD
2844

RENEWS: 12/31/2019

ANNEXATION CERTIFIED

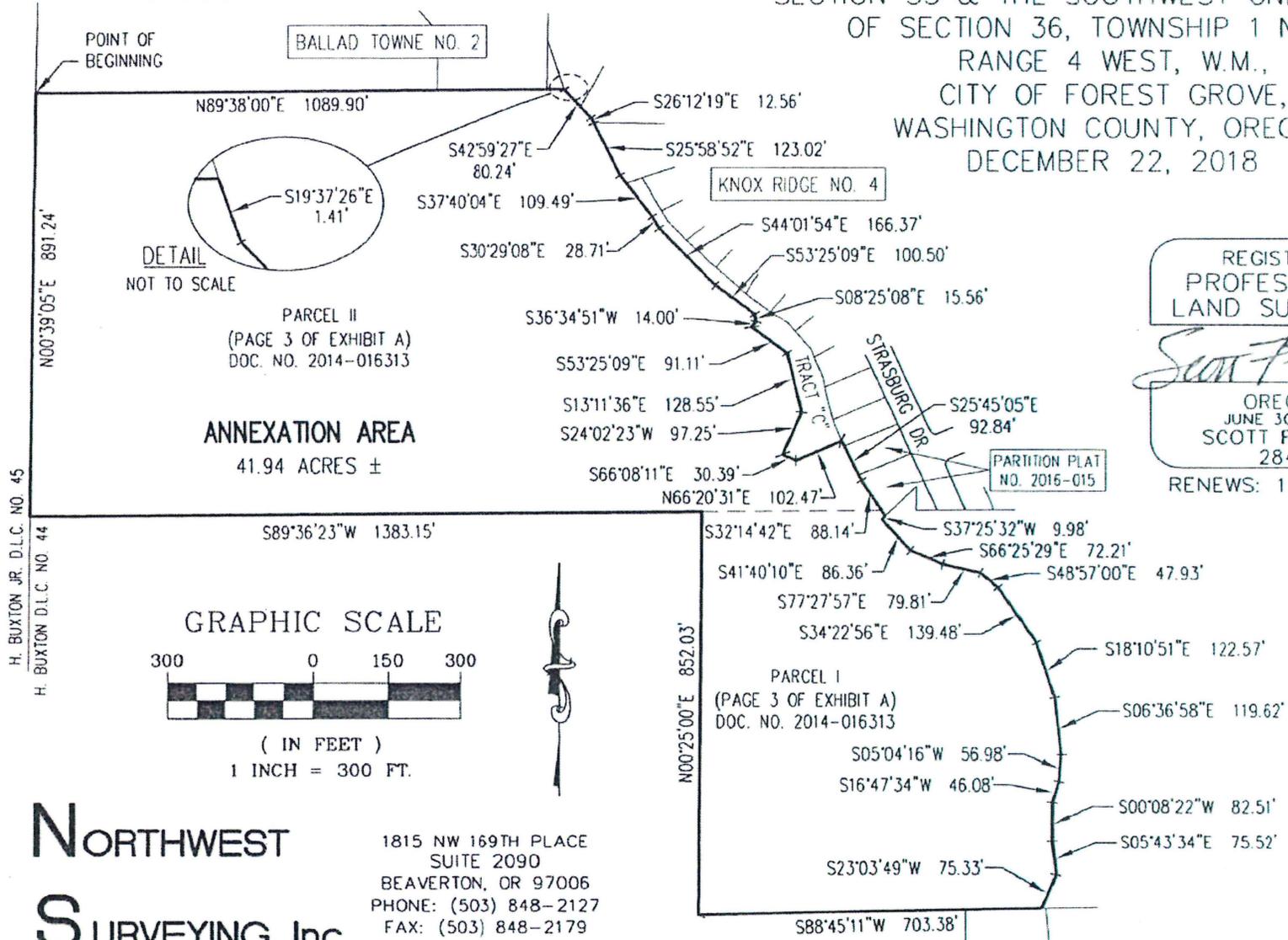
BY TF

DEC 24 2018

WASHINGTON COUNTY A & T
CARTOGRAPHY

EXHIBIT DRAWING

LOCATED IN THE SOUTHEAST ONE-QUARTER OF
SECTION 35 & THE SOUTHWEST ONE-QUARTER
OF SECTION 36, TOWNSHIP 1 NORTH,
RANGE 4 WEST, W.M.,
CITY OF FOREST GROVE,
WASHINGTON COUNTY, OREGON
DECEMBER 22, 2018



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Scott F. Field

OREGON
JUNE 30, 1997
SCOTT F. FIELD
2844

RENEWS: 12/31/2019

H. BUXTON JR. D.L.C. NO. 45
H. BUXTON D.L.C. NO. 44

NORTHWEST
SURVEYING, Inc.

1815 NW 169TH PLACE
SUITE 2090
BEAVERTON, OR 97006
PHONE: (503) 848-2127
FAX: (503) 848-2179

NWS PROJECT NO. 1060



A place where families and businesses thrive.

<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	6
MEETING DATE:	2-11-19
FINAL ACTION:	Order 2019-01

CITY COUNCIL STAFF MEMORANDUM

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

PROJECT TEAM: *Bryan Pohl CFM, Community Development Direction,
Daniel Riordan, Senior Planner*

MEETING DATE: *February 11, 2019*

SUBJECT TITLE: *Order establishing boundaries of territory proposed for withdrawal from the city limits and Clean Water Services boundary located in the southeast one-quarter of Section 35 and southwest one-quarter of Section 36, Township 1 North, Range 4 West, Willamette Meridian and setting a time and place for final public hearings and adoption of an ordinance. (File Number 311-18-000033-PLNG)*

ACTION REQUESTED:

	Ordinance	X	Order	Resolution	Motion	Informational
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X all that apply

ISSUE STATEMENT:

In 1995, the Portland Area Local Government Boundary Commission (Commission) approved an annexation of a tax lot located near 2200 Strasburg Drive (Attachment A). Although the urban growth boundary (UGB) bisects the tax lot it's entirely within the city limits. The area outside the urban growth boundary has a Washington County agriculture and forestry (AF-20) zoning designation. The area inside the UGB was assigned the City's Single Family R-7 zoning designation after annexation.

The Commission's decision notes the entire tax lot was annexed into the City to ensure only one jurisdiction has legal authority to act on development decisions. Since the area inside the UGB was proposed for development, the Commission determined the City is the appropriate jurisdiction to have authority over development decisions.

The Commission's decision also stipulated that at such time a lot is created for the area outside the UGB this area be withdrawn from the city limits. In November 2017, the property owner received preliminary approval for a partition to create three parcels including one for the area outside the UGB. The partition was recorded in December 2018 and is now final. Now that the partition is final, the property owner is requesting the City withdraw the area outside the UGB from the city limits consistent with the 1995 Commission's decision.

BACKGROUND:

On January 14, 2019, Council adopted a resolution declaring the City's intent to withdraw the territory from the city limits and Clean Water Services boundary and setting a date for the first public hearing on this matter. Adoption of the resolution is the first step in the withdrawal/de-annexation process as required by ORS 222.460(2). The next step in the process, as required by state law (ORS 222.460(4) and ORS 222.460(5), is adoption of an Order to:

- Establish the boundary of the territory proposed for withdrawal from the city limits;
- Set a time and place for final public hearings on an ordinance detaching the territory from the city limits; and
- Declaring that if written requests for an election are not filed as required by ORS 222.460(6), City Council at the time of public hearing, will adopt an Ordinance detaching the territory from the city limits and Clean Water Services boundary.

The Order, including the items above, is attached for Council consideration.

FISCAL IMPACT:

The taxable assessed value of the area outside the UGB to be withdrawn from the city limits is estimated to be approximately \$57,400. Based on this amount the City will likely forego approximately \$320.00 in annual property tax revenue after withdrawal from the City.

After withdrawal from the City responsibility for fire protection will be transferred to the Forest Grove Rural Fire Protection District. The Rural Fire Protection District tax rate is \$1.2776 per \$1,000 of taxable assessed value. After withdrawal of the territory from the City the Rural Fire Protection District will receive approximately \$73.00 in annual property tax revenue.

The territory withdrawn from the City will also be removed from the Clean Water Services district. The fiscal impact to the Clean Water Services should be negligible.

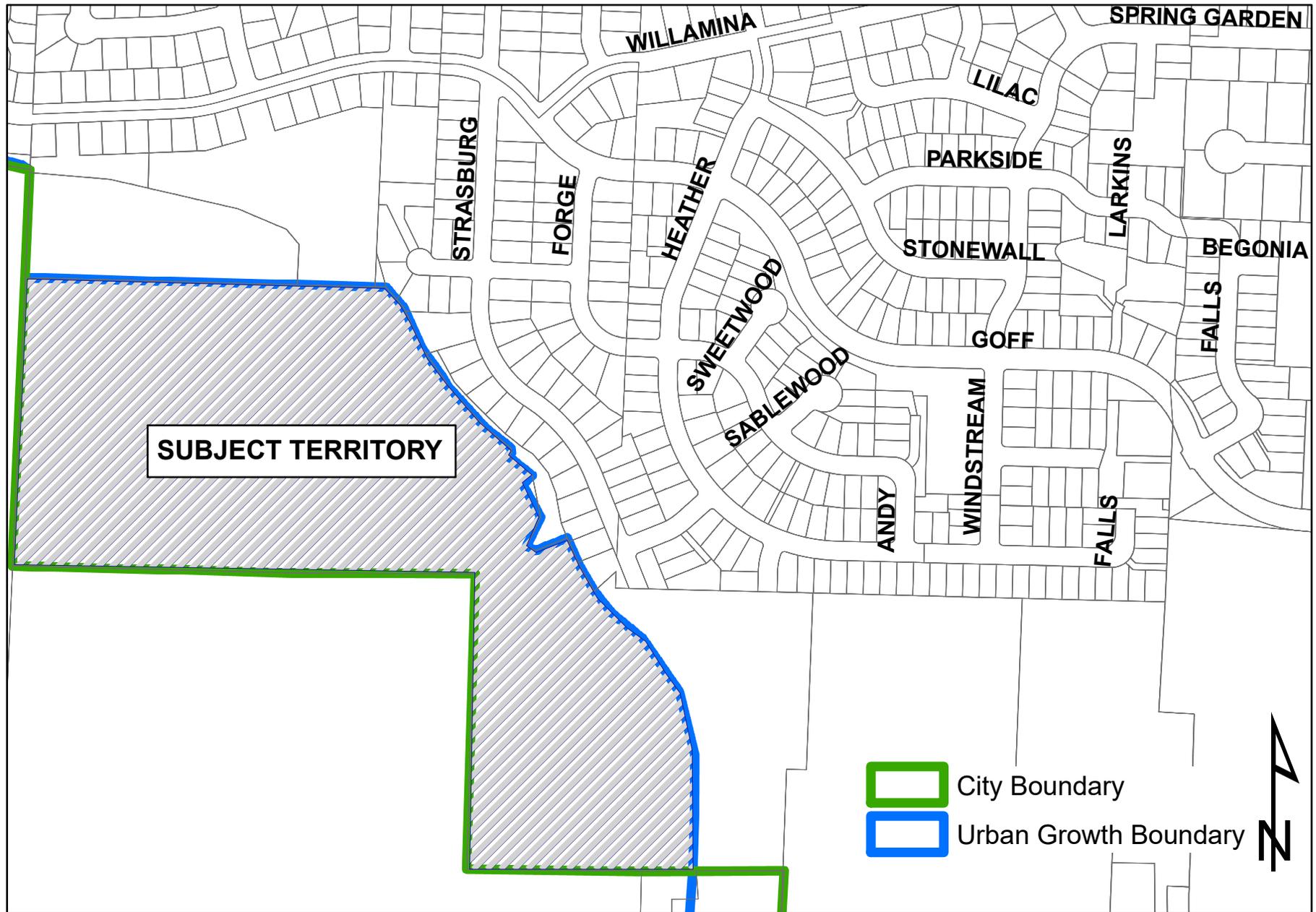
STAFF RECOMMENDATION:

Staff recommends City Council adopt the Order to establish the boundary of the territory proposed for withdrawal from the city limits and holding public hearings on March 18, 2019, and April 8, 2019, at 7:00 pm, or thereafter, to consider an ordinance detaching the territory from the city limits.

ATTACHMENT(s):

- A. Vicinity Map
- B. Order & Exhibit A

ATTACHMENT A
PETITION TO WITHDRAW TERRITORY FROM CITY LIMITS
FILE NO. 311-18-00033-PLNG





A place where families and businesses thrive.

NOTICE OF PUBLIC HEARING FOREST GROVE CITY COUNCIL

NOTICE IS HEREBY GIVEN that the Forest Grove City Council on **Monday, February 11, 2019**, at **7:00 p.m.** or thereafter, will meet at the Forest Grove Community Auditorium, 1915 Main Street, to review the following proposal:

PROPOSAL: Forest Grove City Council consideration of an order to withdraw land from the Forest Grove city limits located near 2200 Strasburg Drive and outside of the Portland Regional Urban Growth Boundary.

Applicant: Timothy C. Boyles

Property Owner: Timothy C. Boyles and John Knox

File Number: 311-18-000033-PLNG

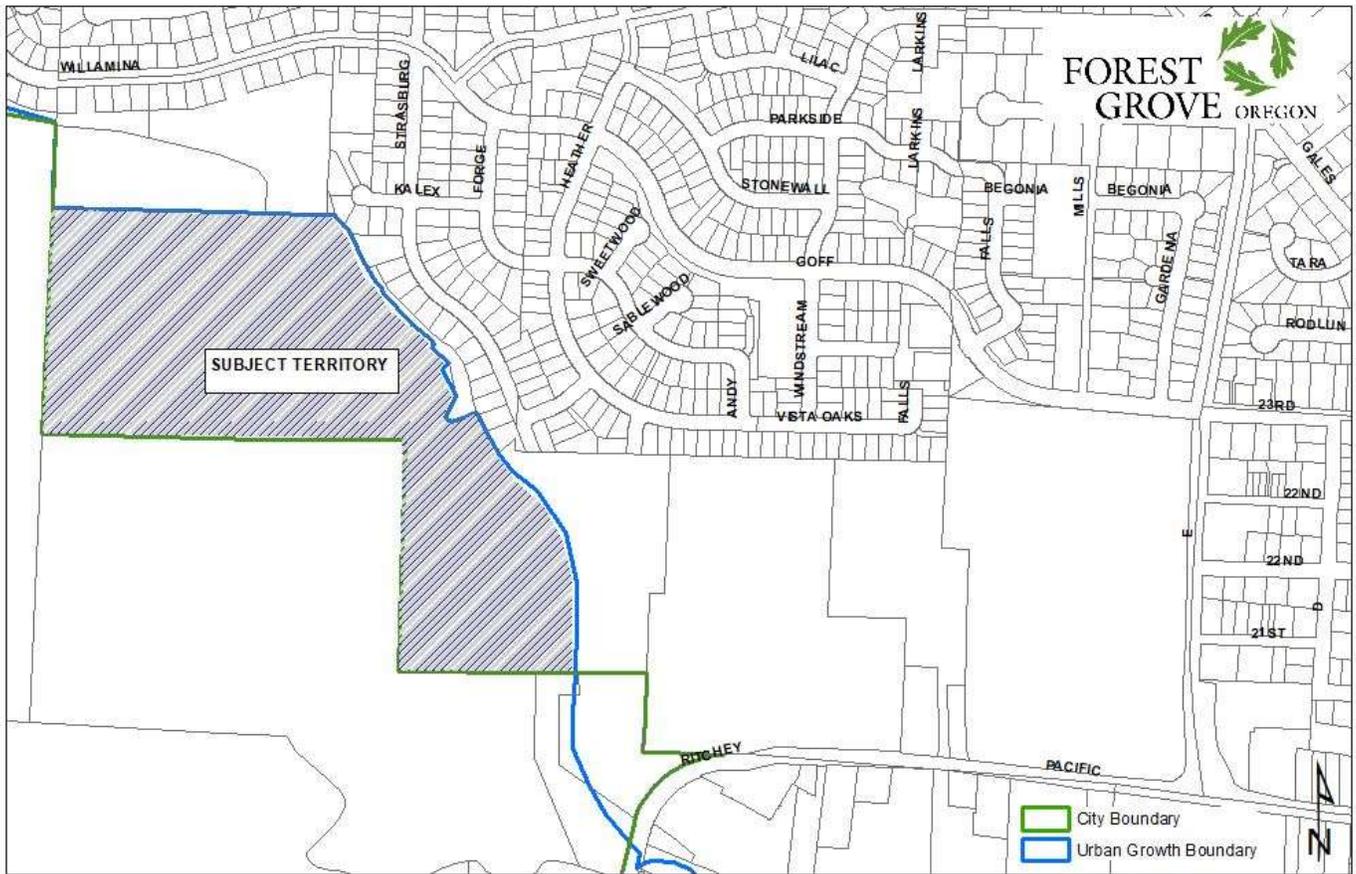
Criteria: Oregon Revised Statutes (ORS) Chapter 222.460 and ORS 222.465 (Withdrawal of Territory); and

Metro Code Chapter 3.09.050 (Local Government Boundary Changes)

Background:

At this time and place noted above, all persons will be given reasonable opportunity to give testimony about how the proposal responds to the review criteria. If an issue is not raised in the hearing (by person or by letter) or if the issue is not explained in sufficient detail to allow the Planning Commission to respond to the issue, then that issue cannot be used for an appeal to the Land Use Board of Appeals. If additional documents or evidence are provided in support of an application, any party shall be entitled to a continuance of the hearing. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing. For further information, including requesting a continuance, please call Senior Planner Dan Riordan at (503) 992-3226 or e-mail driordan@forestgrove-or.gov.

A copy of the staff report is available seven days prior to the hearing at the City Community Development Department Office or by visiting the Forest Grove Planning Commission website at forestgrove-or.gov/bc-pc. Written comments or testimony may be submitted at the hearing or sent prior to the hearing to the attention of Anna D. Ruggles, City Recorder, PO Box 326, 1924 Council Street, Forest Grove, OR 97116, aruggles@forestgrove-or.gov.



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

To be published: Wednesday, February 6, 2019

Date: February 11, 2019

Agenda Item: 6.

Subject: PUBLIC HEARING AND ORDER NO. 2019-01 ESTABLISHING BOUNDARIES OF TERRITORY PROPOSED FOR WITHDRAWAL FROM THE CITY LIMITS AND CLEAN WATER SERVICES BOUNDARY LOCATED IN SOUTHEAST ONE-QUARTER OF SECTION 35 AND SOUTHWEST ONE-QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 4 WEST WILLAMETTE MERIDIAN AND SETTING A TIME AND PLACE FOR FINAL PUBLIC HEARINGS AND ADOPTION OF AN ORDINANCE; FILE NUMBER 311-18-000033-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:

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, serving Forest Grove in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

**City of Forest Grove
 NOTICE OF PUBLIC HEARING
 FOREST GROVE CITY COUNCIL**

Ad#: 91717

A copy of which is hereto annexed, was published in the entire issue of said newspaper(s) for 1 week(s) in the following issue(s):
02/06/2019

Charlotte Allsop

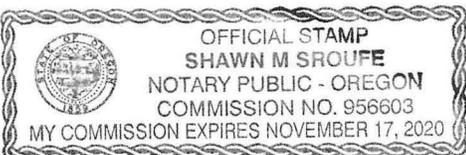
Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this 02/06/2019.

[Signature]

NOTARY PUBLIC FOR OREGON

Acct #: 104052
Attn: Anna D. Ruggles
 FOREST GROVE, CITY OF
 PO BOX 326
 FOREST GROVE, OR 97116



**NOTICE OF PUBLIC HEARING
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