

**ORDER NO. 2019-02**

**ORDER WITHDRAWAL FROM THE CITY LIMITS AND CLEAN WATER SERVICES BOUNDARY TERRITORY LOCATED IN SOUTHEAST ONE-QUARTER OF SECTION 35 AND SOUTHWEST ONE-QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 4 WEST WILLAMETTE MERIDIAN; (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 No. 2019-06, declaring the City's intent to withdraw the subject territory described by Exhibit A; and

**WHEREAS**, as required by ORS 222.460(4), a Public Hearing on the withdrawal of the subject territory was held by City Council on February 11, 2019; and

**WHEREAS**, on February 11, 2019, City Council adopted Order No. 2019-01, setting forth the boundaries of the subject territory proposed for withdrawal from the city limits; and

**WHEREAS**, Order No. 2019-01 also declares that if written requests for an election are not filed as provided by ORS 222.460(6) the Council will act to detach the territory from the City; and

**WHEREAS**, no electors reside in the subject territory and no written requests for an election have been filed with the City; and

**WHEREAS**, City Council desires to act on this matter so that the withdrawal of the subject territory becomes effective during the 2019 tax year; and

**WHEREAS**, City Council also desires to coordinate the effective date of the withdrawal of the subject territory with the annexation of subject territory to the Forest Grove Rural Protection District by the Washington County Board of Commissioners; and

**WHEREAS**, the effective date of the Washington County Board of Commissioners decision annexing the subject territory to the Forest Grove Rural Fire Protection District is March 31, 2019; and

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

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

**Section 1.** The City of Forest Grove sets forth the boundary of the area withdrawn from the Forest Grove city limits and Clean Water Services District as shown on Exhibit A.

**Section 2.** The City has not received written requests for an election on this matter as provided by ORS 222.460(6).

**Section 3.** The City Council declares the subject territory is withdrawn and detached from the City and the Clean Water Services District upon the effective date of this order.

**Section 4.** This order is effective March 31, 2019.

**PRESENTED AND PASSED** this 18<sup>th</sup> day of March, 2019.

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

**APPROVED** by the Mayor this 18<sup>th</sup> day of March, 2019.

  
\_\_\_\_\_  
Peter B. Truax, Mayor

**DEANNEXATION**  
**PROPERTY DESCRIPTION**

December 18, 2018

NWS Project No. 1060

Deannexation 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

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, also being the Southwest corner of Lot 88.

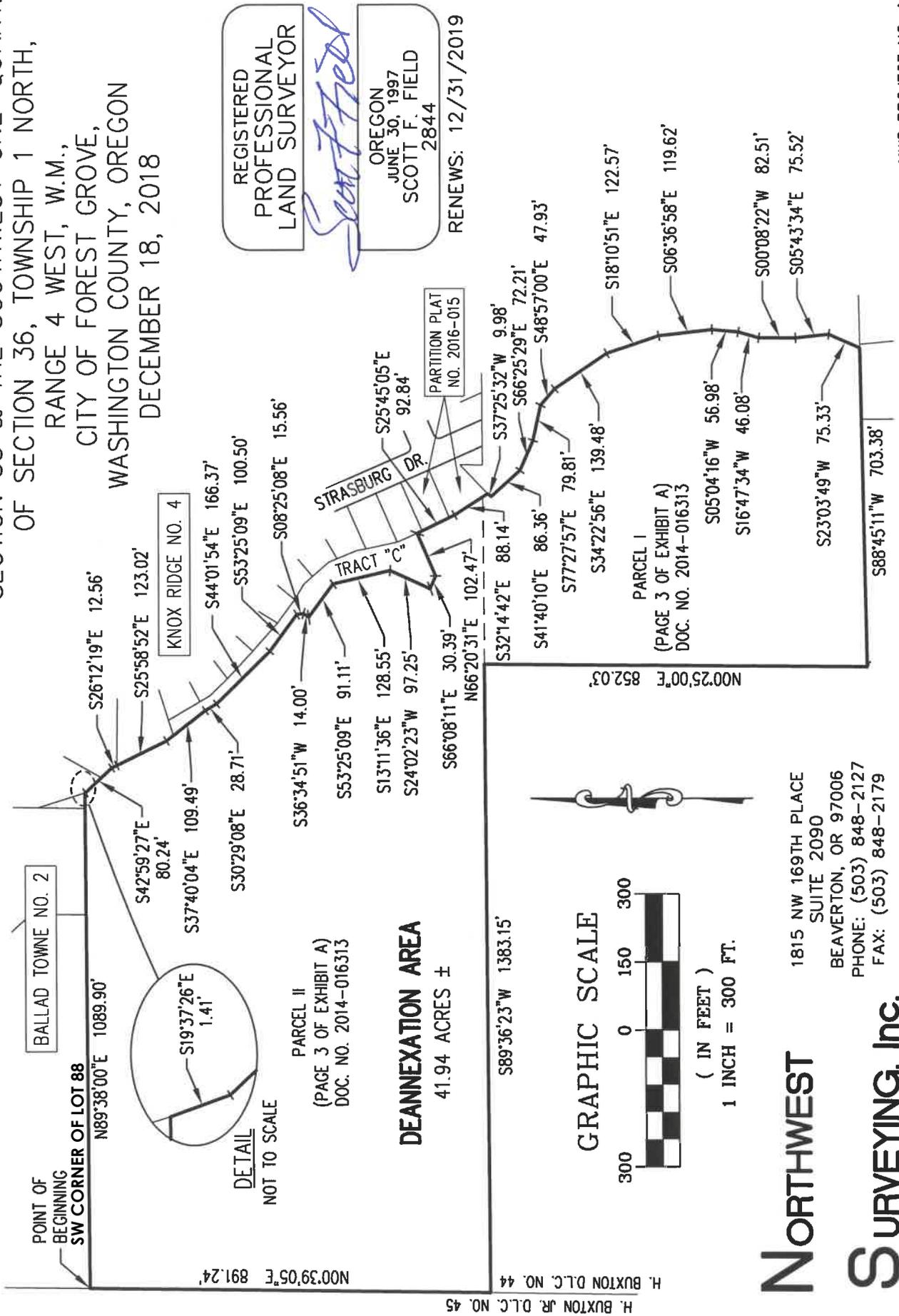
Said described tract of land contains 41.94 acres, more or less.

Bearings are based on Survey No. 27,470, Washington County Survey Records.



# 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 18, 2018



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Scott Field*

OREGON  
 JUNE 30, 1997  
 SCOTT F. FIELD  
 2844

RENEWS: 12/31/2019

PARTITION PLAT  
 NO. 2016-015



*A place where families and businesses thrive.*

<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	<u>6</u>
MEETING DATE:	<u>3-18-19</u>
FINAL ACTION:	<u>Order 2019-02</u>

**CITY COUNCIL STAFF MEMORANDUM**

**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

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

**MEETING DATE:** *March 18, 2019*

**SUBJECT TITLE:** *Order withdrawing from the Forest Grove city limits and Clean Water Services boundary territory located in the southeast one-quarter of Section 35 and southwest one-quarter of Section 36, Township 1 North, Range 4 West, Willamette Meridian. (File Number 311-18-000033-PLNG)*

**ACTION REQUESTED:**

<input type="checkbox"/>	Ordinance	<input checked="" type="checkbox"/>	Order	<input type="checkbox"/>	Resolution	<input type="checkbox"/>	Motion	<input type="checkbox"/>	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 as shown on Attachment A. Although the urban growth boundary (UGB) bisects the tax lot it's entirely within the city limits. 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:**

As required by Oregon Revised Statutes (ORS) 222.460(2) , Council adopted Resolution 2019-06 on January 14, 2019, declaring the City's intent to withdraw the territory from the city limits and Clean Water Services boundary and describing the boundary of the affected territory. The resolution also set February 11, 2019, as the date for the first public hearing on this matter.

On February 11, 2019, Council held the required public hearing and adopted Order 2019-01, setting forth the boundary of the area proposed for withdrawal from the city limits. The order also declared that if written requests for an election are not filed as provided by ORS 222.460(6) the Council will act to detach the territory from the City. Under ORS 222.460(6), an election is not necessary unless the lesser of 15% or 100 electors in the territory proposed to be withdrawn from the City file for an election. There are no electors residing in the territory proposed for withdrawal and no written requests for an election have been filed.

Concurrent with withdrawal of the subject territory from the city limits and Clean Water Services District the subject territory must be annexed into the Forest Grove Rural Fire Protection boundary since the territory will no longer be under City jurisdiction. The Washington County Board of Commissioners must take action to formally annex the territory into the Fire Protection District by adopting a resolution. To ensure consistency between the City and County actions the coordinated effective date of the withdrawal from the City and annexation into the District will be March 31, 2019. This is reflected in the order for Council's final consideration. An effective date of March 31<sup>st</sup> also ensures the decision becomes effective during the 2019 tax year.

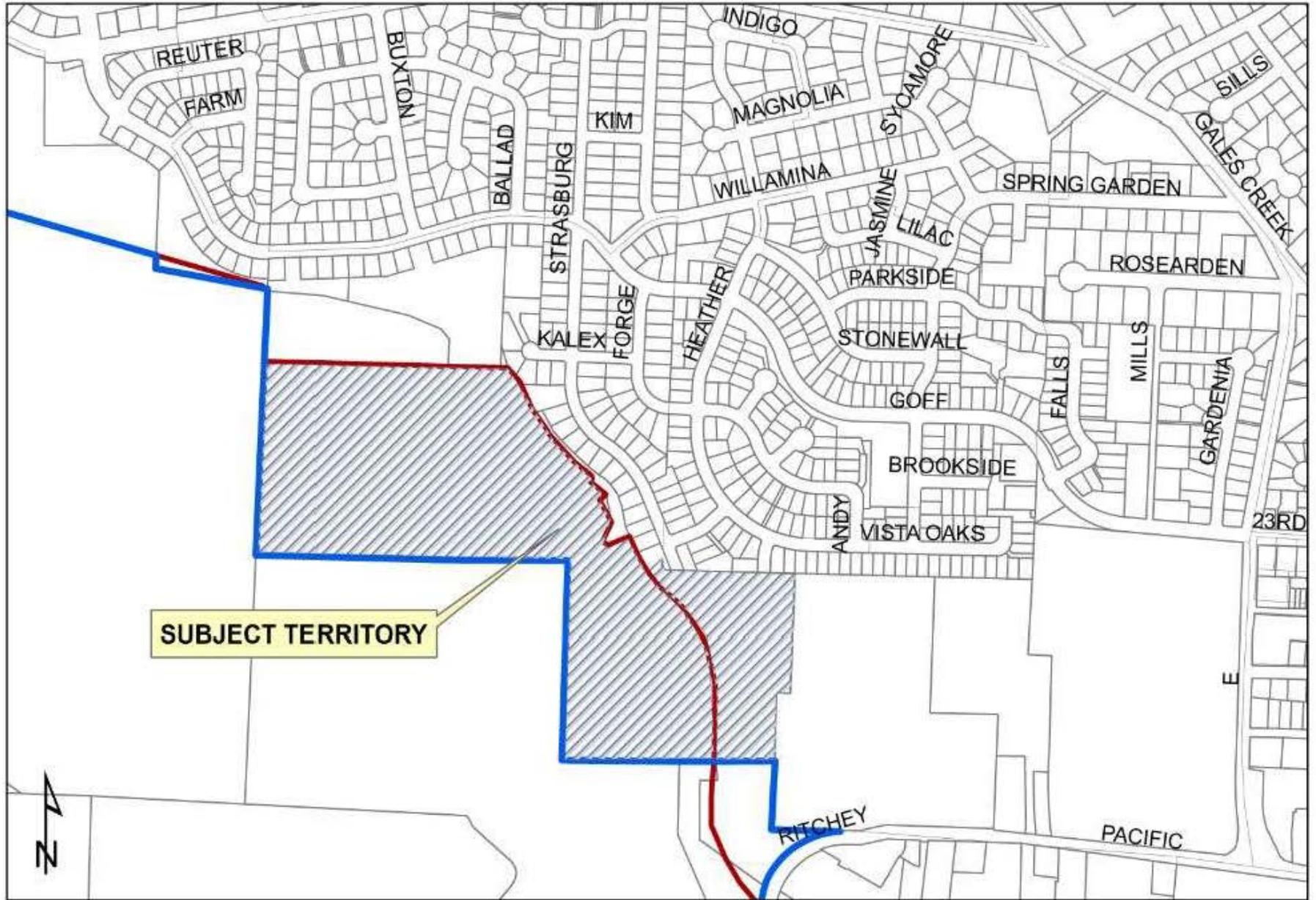
**STAFF RECOMMENDATION:**

Staff recommends City Council adopt an Order formally detaching the territory shown on Attachment A from the Forest Grove city limits and Clean Water Services District effective March 31, 2019.

**ATTACHMENT(s):**

- A. Vicinity Map

# ATTACHMENT A WITHDRAWAL AREA





*A place where families and businesses thrive.*

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## NOTICE OF PUBLIC HEARING FOREST GROVE CITY COUNCIL

**NOTICE IS HEREBY GIVEN** that the Forest Grove City Council will hold a **Public Hearing** on **Monday, March 18, 2019**, at **7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, to review the following:

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**PROPOSAL:** Forest Grove City Council consideration of withdrawal of land from the Forest Grove city limits and Clean Water Services boundary 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

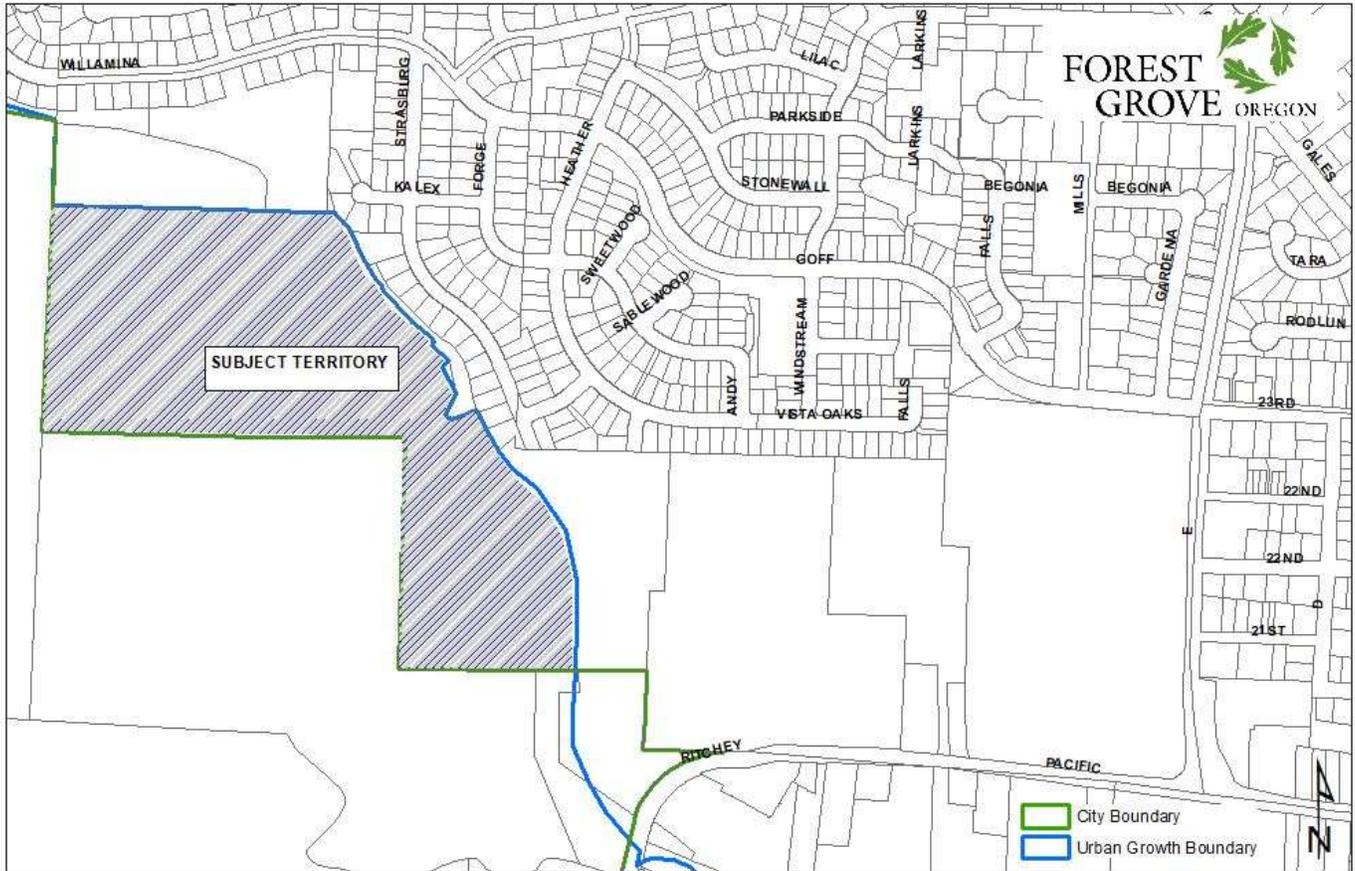
Metro Code Chapter 3.09.050 (Local Government Boundary Changes)

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At this time and place all persons will be given a 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 Council to respond to the issue, then that issue cannot be used for an appeal to the Land Use Board of Appeals (LUBA). 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.

Information pertaining to this request, including requesting a continuance, may be obtain from Senior Planner Dan Riordan, Community Development, 1924 Council Street, (503) 992-3226, between 9 a.m. and 5 p.m. ([driordan@forestgrove-or.gov](mailto:driordan@forestgrove-or.gov)). The staff report will be available seven days prior to the hearing. A copy of the report is available for inspection before the hearing by visiting the City's website at [www.forestgrove-or.gov](http://www.forestgrove-or.gov). Written comments or testimony may be submitted at the hearing or sent prior to the hearing to the attention of Anna Ruggles, City

Recorder, PO Box 326, 1924 Council Street, Forest Grove, OR 97116, [aruggles@forestgrove-or.gov](mailto:aruggles@forestgrove-or.gov).



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

Published Wednesday, March 6 & Wednesday, March 13, 2019  
FG NewsTimes



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](mailto: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  
 File Number:  
 311-18-000033-PLNG**

**Ad#: 97662**

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):  
**03/13/2019**

*Charlotte Allsop*

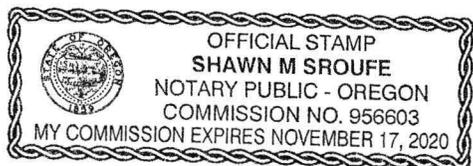
Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this 03/13/2019.

*[Signature]*

NOTARY PUBLIC FOR OREGON

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



**NOTICE OF PUBLIC HEARING  
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Metro Code Chapter 3.09.050 (Local Government Boundary Changes)

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Date: March 18, 2019

Agenda Item: #6

Subject: Order 2019-02 Deannexation

## 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 presiding officer will review the complete hearing instructions prior to testimony. The presiding officer will call the individual or group by the name given on the sign-in form. When addressing the Council, please move to the witness table (center front of the room). Each person should speak clearly into the microphone and must state name and an address for the record. All testimony is electronically recorded. In the interest of time, Public Hearing testimony is limited to three minutes unless the 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:**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



Department of Land Use & Transportation  
 Planning and Development Services  
 Long Range Planning Section  
 155 N First Avenue, Suite 350, MS14  
 Hillsboro, OR 97124  
 503-846-3519 fax: 503-846-4412  
 www.co.washington.or.us

# PROPOSAL NUMBER: 18-014 LRP/BC

**APPLICANT:**

Timothy C. Boyles  
 4143 NW Thatcher Rd.  
 Forest Grove, OR 97116

**APPLICANT'S REPRESENTATIVE:**

Same as applicant

## NOTICE OF PUBLIC HEARING

**PROCEDURE TYPE III**

CPO: 12F

**ASSESSOR MAP AND TAX LOT Nos.:** 1N4360003700

**SITE SIZE:** Approx. 41.94 acres

**PROPERTY DESCRIPTIONS:** See case file

**LOCATION:** Near 2200 Strassburg Drive, south of Willamina Avenue.

**PROPOSED MINOR BOUNDARY CHANGE:**

Annexation of one parcel near 2200 Strassburg Drive totaling approximately 41.94 acres into the Forest Grove Rural Fire Protection District. The parcel is concurrently being de-annexed from the City of Forest Grove and will be located in unincorporated Washington County. The parcel is outside the Urban Growth Boundary.

Notice is hereby given that the Washington County Board of Commissioners will review the request for the above-stated proposed Minor Boundary Change at a meeting on:

**March 19th, 2019 at 10:00 AM**  
 Auditorium of the Charles D. Cameron Public Services Building  
 155 N. First Avenue, Hillsboro, Oregon

The decision on the Minor Boundary Change does not authorize or prevent any specific use of land. Current planning designations will not be affected by this proposed change. Applicable criteria may be found in the Metro Code 3.09.050 (a) through (d) and Oregon Revised Statute Chapter 198.

All interested persons may appear and provide written or oral testimony (written testimony may be submitted prior to the hearing but not after the conclusion of the hearing). Only those making an appearance of record (those presenting oral or written testimony) shall be entitled to appeal. Failure to raise an issue in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the Board of County Commissioners an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals. The public hearing will be conducted in accordance with the rules of procedure as adopted by the Board of County Commissioners. Reasonable time limits will be imposed.

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

A copy of the staff report will be available 15 days before the hearing. To review or obtain copies of the application or staff report or to inquire about the annexation review process please contact:

**Bryan Robb, Associate Planner**

WASHINGTON COUNTY DEPARTMENT OF LAND USE & TRANSPORTATION,  
 PLANNING AND DEVELOPMENT SERVICES, LONG RANGE PLANNING  
 (503) 846-3717 OR E-MAIL AT bryan\_robbs@co.washington.or.us

Assistive Listening Devices are available for persons with impaired hearing and can be scheduled for this meeting by calling 503-846-8611 (voice) or 503-846-4598 (TDD-Telecommunications Devices for the Deaf) no later than 5:00 pm on the Monday preceding the meeting date. Upon request, the county will also endeavor to arrange for the following services to be provided: qualified sign language interpreters for persons with speech or hearing impairments, and qualified bilingual interpreters. Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the county of your need by 5:00 pm on the Thursday preceding the meeting date.

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.**



The information on this map was derived from several databases and care was taken in its creation. Washington County cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties for this product. However, notification of any errors will be appreciated.

Washington County- Planning and Development Services

**18-014**  
**Forest Grove**  
**Rural Fire**  
**Protection**  
**District**

- Subject Property
- Current Fire District

Other Tax Lots

1:6,500 Feet

