

**ORDINANCE NO. 2015-08**

**ORDINANCE ANNEXING A TRACT OF LAND LOCATED AT 1525 B STREET  
(PORTION OF WASHINGTON COUNTY TAX LOT 1S306CB00500) INTO THE CITY  
LIMIT OF FOREST GROVE AND WITHDRAWING THE TRACT FROM THE FOREST  
GROVE RURAL FIRE PROTECTION DISTRICT  
FILE NO. ANX-15-00537**

**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 entire property subject to annexation is owned by Waste Management Corporation; and

**WHEREAS**, the property is used for industrial purposes and no electors reside on the subject property; and

**WHEREAS**, Waste Management Corporation consents to the annexation as required by ORS 222.125; and

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

**WHEREAS**, the City Council held a duly-noticed Public Hearing on September 14 and September 28, 2015, on the annexation petition consistent with Article 1 of The Forest Grove Development Code (Type III Process – Quasi-Judicial Land Use Decision); 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 City conducted public hearings, and mailed, published, and posted notice of the public hearings as required by Article 1 of the Forest Grove Development Code; and

**WHEREAS**, a report was report 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 tract of land and withdrawal from the districts based on the findings and conclusions attached hereto as Exhibit C; and

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

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

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

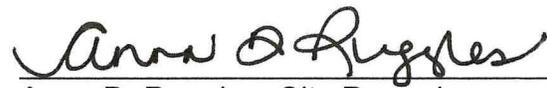
**Section 2.** The tract of land annexed by this Ordinance and described in Section 1 are withdrawn from the Forest Grove Rural Fire Protection District.

**Section 3.** The findings and conclusions contained in the staff report dated September 14, 2015, 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 4.** This ordinance shall be effective 30 days following its enactment by the City Council.

**PRESENTED AND PASSED** the first reading the 14<sup>th</sup> day of September 2015.

**PASSED** the second reading the 28<sup>th</sup> day of September 2015.



Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 28<sup>th</sup> day of September 2015



Peter B. Truax, Mayor



VANCOUVER OFFICE

1325 SE Tech Center Drive, Suite 140 • Vancouver, WA 98683  
360.695.3411 • info@mackaysposito.com



12/06/13

GAH

**LEGAL DESCRIPTION**  
**Adjustment to City Fill Limit**  
**Forest Grove, Oregon**

Real property situated in the City of Forest Grove, Washington County, Oregon, being a portion of that tract of land conveyed to Metropolitan Disposal and Recycling Corporation by warranty deed recorded February 24<sup>th</sup>, 1998, in Document No. 99004954, Washington County book of records, said tract being in the Harvey Clark DLC #37 and lying in the Northwest Quarter of the Southwest Quarter of Section 6, Township 1 South, Range 3 West of the Willamette Meridian, described as follows:

**Commencing** at the northwest corner of said DLC #37, being a 2" Brass Disk in monument box; thence along the westerly line of said DLC #37 South 01° 17' 42" West 3237.37 feet; thence leaving said westerly line South 87°53'21" East 67.74 feet to a point on the easterly right of way line of B Street (Tualatin Valley Highway, as described in said deed document), being a distant of 30 feet from, measured at right angles to, the centerline of said B Street, also being the southwest corner of said tract of land described as Parcel IV of said deed document and the **Point of Beginning**; thence northerly along said easterly right of way line the following 3 courses:

Thence North 6°32'59" West 39.95 feet to the point of curvature with a 1403.35 foot radius curve; thence along said curve to the right, through a central angle of 7°25'00", an arc distance of 181.66 feet (the chord which bears North 2°50'29" West, a distance of 181.53 feet); thence North 0°52'01" East 33.77 feet;

Thence leaving said easterly right of way line South 88°38'51" East 6.48 feet, thence South 28°44'01" East 116.96 feet; thence South 89°42'00"E 279.86 feet to a point on the easterly line of said deed document 99004954; thence along said easterly line South 02°22'12" West 158.67 feet to the southeast corner of said deed document; thence North 87°53'21" West 323.64 feet along the southerly line of said deed document to said easterly right of way line and said **Point of Beginning**.

Containing 54,819 square feet or approximately 1.258 acres.

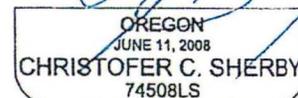
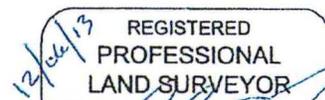
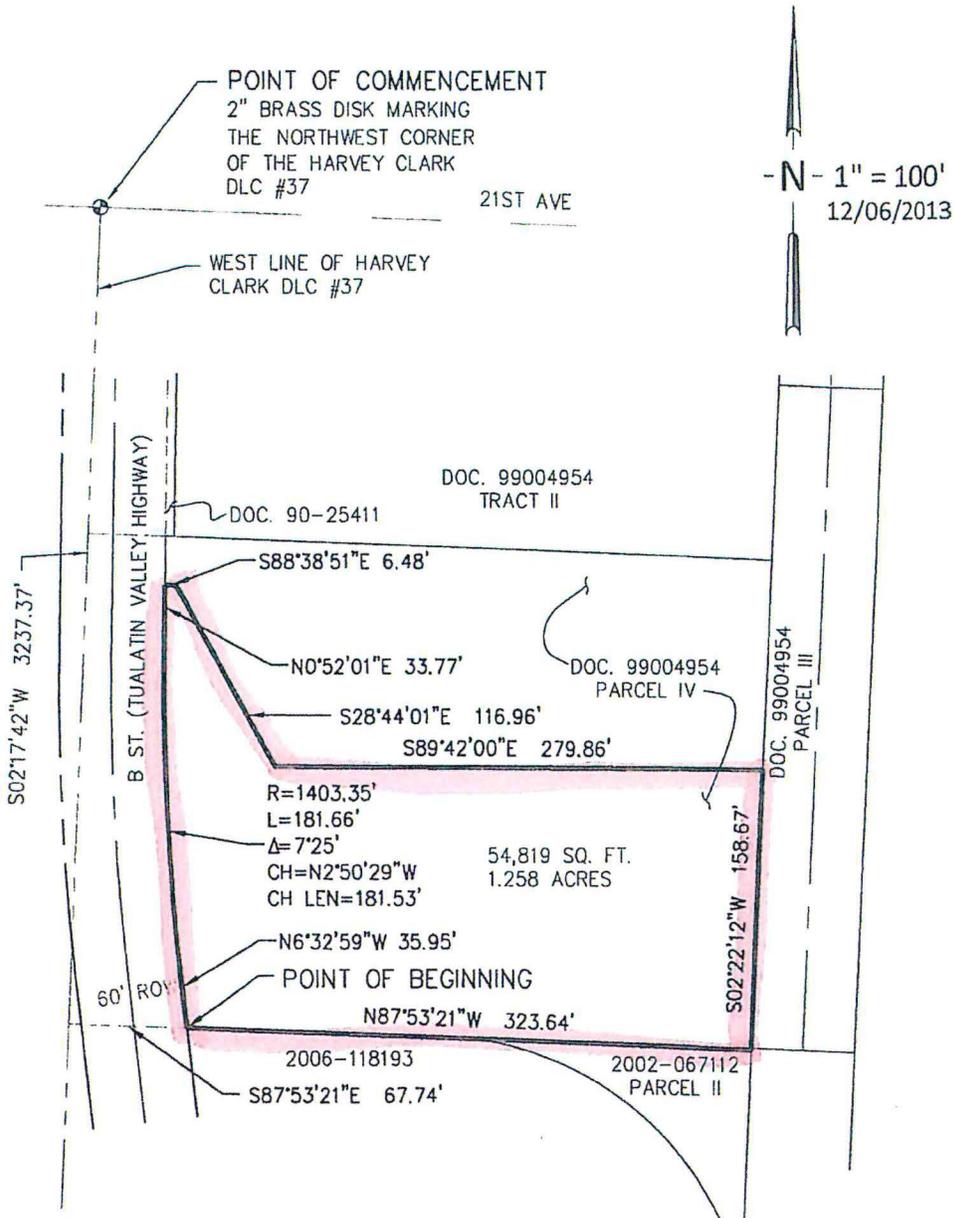


Exhibit A

**RECEIVED**  
 APR 29 2017  
 CITY OF FOREST GROVE

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR  
 ADJUSTMENT TO CITY FILL LIMITS**

FOREST GROVE, WASHINGTON COUNTY, OREGON



**MacKay Sposito**

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 VANCOUVER, WA 98683  
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ENERGY PUBLIC WORKS LAND DEVELOPMENT  
 www.mackaysposito.com

ORDINANCE NO. 2015-08

CITY COUNCIL ACTION	
FIRST READING:	9/14/15
MEETING DATE:	
APPROVED:	
ACK/NOTED:	
DENIED:	1st Reading
NO ACTION:	
OTHER:	

**ORDINANCE ANNEXING A TRACT OF LAND LOCATED AT 1525 B STREET  
(PORTION OF WASHINGTON COUNTY TAX LOT 1S306CB00500) INTO THE CITY  
LIMIT OF FOREST GROVE AND WITHDRAWING THE TRACT FROM THE FOREST  
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FILE NO. ANX-15-00537**

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**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 entire property subject to annexation is owned by Waste Management Corporation; and

**WHEREAS**, the property is used for industrial purposes and no electors reside on the subject property; and

**WHEREAS**, Waste Management Corporation consents to the annexation as required by ORS 222.125; and

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

**WHEREAS**, the City Council held a duly-noticed Public Hearing on September 14 and September 28, 2015, on the annexation petition consistent with Article 1 of The Forest Grove Development Code (Type III Process – Quasi-Judicial Land Use Decision); 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 City conducted public hearings, and mailed, published, and posted notice of the public hearings as required by Article 1 of the Forest Grove Development Code; and

**WHEREAS**, a report was report 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 tract of land and withdrawal from the districts based on the findings and conclusions attached hereto as Exhibit C; and

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

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

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

**Section 2.** The tract of land annexed by this Ordinance and described in Section 1 are withdrawn from the Forest Grove Rural Fire Protection District.

**Section 3.** The findings and conclusions contained in the staff report dated September 14, 2015, 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 4.** This ordinance shall be effective 30 days following its enactment by the City Council.

**PRESENTED AND PASSED** the first reading the 14<sup>th</sup> day of September 2015.

**PASSED** the second reading the 28<sup>th</sup> day of September 2015.

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Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 28<sup>th</sup> day of September 2015

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Peter B. Truax, Mayor

CITY COUNCIL ACTION	
FIRST READING	
MEETING DATE:	9/14/15
APPROVED:	<input checked="" type="checkbox"/> [Signature]
ACK/NOTED:	<input type="checkbox"/>
DENIED:	<input type="checkbox"/>
NO ACTION:	<input type="checkbox"/>
OTHER:	<input type="checkbox"/>

September 14, 2015

**PUBLIC HEARING AND FIRST READING OF AN ORDINANCE  
ANNEXING INTO THE CITY OF FOREST GROVE A TRACT OF LAND LOCATED AT  
1525 B STREET (PORTION OF WASHINGTON COUNTY TAX LOT 1S306CB00500)  
AND WITHDRAWING THE TRACT FROM THE FOREST GROVE RURAL FIRE  
PROTECTION DISTRICT (CITY FILE NO. ANX-15-00537)**

**PROJECT TEAM:** Daniel Riordan, Senior Planner  
Jon Holan, Community Development Director  
Jesse VanderZanden, City Manager

**ISSUE STATEMENT:** City Council consideration of an ordinance approving a property owner initiated annexation petition affecting approximately 1.55 acres of land owned by Waste Management Corporation. The affected tax lot is currently bisected by the Forest Grove city limit line. If the annexation is approved, the entire Waste Management property used for the Forest Grove Solid Waste Transfer station will be placed within the Forest Grove city limits.

**Background**

Waste Management Corporation operates the Forest Grove solid waste transfer station at 1525 B Street. The land area used for the station is approximately 7.4 acres in area and comprised of four tax lots as shown on the map below. The city limit line and urban growth boundary bisects tax lot 1S306CB00500 which is part of the Waste Management ownership. The area outside the City is approximately 1.55 acres. The subject area is shown on the map on the following page.

Waste Management Corporation is interested in bringing the unincorporated portion of their property into the Forest Grove city limits. Annexation of the subject property provides the opportunity for Waste Management to work with the City on issuance of building permits needed for improvements at the southern end of the solid waste transfer site as has been done in the past for improvements on property within the city limits.

The portion of tax lot 1S306CB00500 subject to annexation is also outside the urban growth boundary as noted above. The property outside the urban growth boundary is

zoned Land Extensive Industrial (MAE) by Washington County. This is a rural zoning designation as specified in Section 356 of the Washington County Community Development Code. Since the property has a rural zoning designation, the property was classified by Washington County as rural reserve in 2014. The rural reserve designation affects how the property is zoned subsequent to annexation. This is addressed in detail later in this report.

The map below shows the Waste Management ownership and the property's relationship to the city limits and urban growth boundary. The light blue area on the map represents the property owned by Waste Management Corporation. The dark red line is the city limit line and the green line represents the urban growth boundary. The property subject to annexation is shown in the hatched area. The urban growth boundary and city limit line are coincident in the area subject to annexation.

### Waste Management Annexation ANX-15-00537



#### Overview of Annexation Application

Waste Management Corporation filed an application for annexation with the City on April 24, 2015. The annexation application was deemed complete by staff on May 29,

2015. The annexation, if approved, would bring the remaining unincorporated property (the hatched area) owned by Waste Management Corporation into the city limits. This is desirable to the applicant since Waste Management Corporation intends to expand their compressed natural gas (CNG) fueling station into the area proposed for annexation. A CNG fueling station was constructed in 2014 immediately north of the area proposed for annexation. Building permits for the existing CNG fueling station were issued by the City since the facility was constructed entirely within the City limits. Annexation would allow the City to review and approve required permits for the possible CNG fueling station expansion. Given the City's familiarity with the CNG project, annexation will provide continuity in the review process and will promote efficient delivery of public services related to issuance of building permits.

### **Property Description**

As noted above, the property subject to this annexation is part of the Forest Grove solid waste transfer station. The entire solid waste transfer site is approximately 7.4 acres in area. The property subject to this annexation petition is approximately 1.55 acres in area. This represents approximately 21% of the solid waste transfer site.

The property proposed for annexation is paved and provides space for truck maneuvering and parking. This is shown on the map on page 5. The parking and maneuvering area is adjacent to a compressed natural gas (CNG) fueling station.

The subject property has approximately 200 feet of frontage along B Street. B Street is designated as an arterial roadway in the Forest Grove Transportation System Plan. B Street has one lane of traffic in each direction and is a primary entryway into the City from Highway 47 especially for traffic entering the City from Gaston and other points south. The posted speed limit on B Street is 35 miles per hour along the solid waste transfer station property frontage.

The B Street right-of-way is 60 feet adjacent to the Waste Management property. This right-of-way includes the street, curb and sidewalk. The standard right-of-way for an arterial street in Forest Grove is 66 feet. Right-of-way dedication is not required as part of the annexation process. Annexation of the property is not expected increase traffic on B Street.

The following section of this report describes the relationship between the solid waste transfer facility and immediate area.

### **Vicinity Analysis**

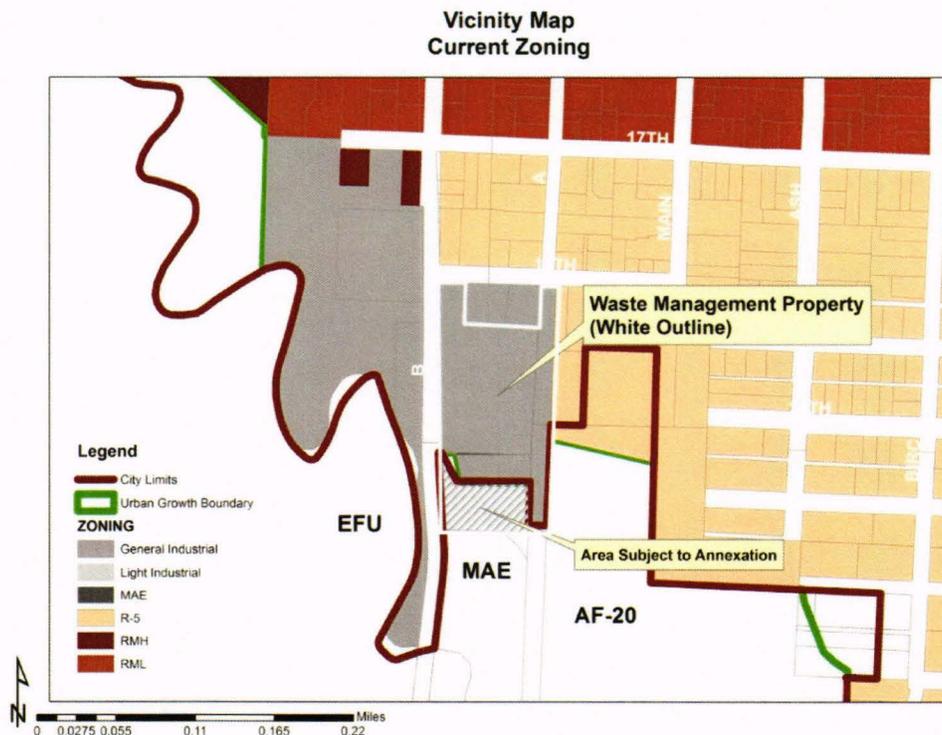
As noted above, the subject property is located adjacent to the urban growth boundary. As such, this is a transition area where agricultural land gives way to urban activities. The map on page 5 shows the land use pattern in the immediate vicinity of the solid waste transfer station. As the maps shows, land to the south of the subject area is rural reserve and includes the Gales Creek floodplain. The area to the west also includes the

Gales Creek corridor and is rural reserve outside the UGB. The area north of 16<sup>th</sup> Avenue and east of B Street is residential. The area to the east of the subject property includes the B Street trail and open space owned by Metro.

The map below shows the current zoning of the subject property and immediate vicinity. The solid waste transfer facility inside the city limits is zoned General Industrial (GI). The GI zoning designation also applies to property west of B Street within the Forest Grove City Limits. This area includes the old Light and Power building and a self-storage facility.

The property north and east of the Waste Management property is zoned Single Family Residential (R-5) south of 17<sup>th</sup> Avenue. The area between 17<sup>th</sup> Avenue and 18<sup>th</sup> Avenue is zoned Residential Multifamily Low. The area north of 18<sup>th</sup> Avenue is comprised of Residential Multifamily High, General Industrial and Town Center Support. The zoning designations are shown on the map below.

The area outside the urban growth boundary is designated by Washington County as Land Extensive Industrial (MAE) immediately adjacent to and immediately south of the subject property. The area outside the urban growth boundary west of the subject property is zoned Exclusive Farm Use. The area east of the Waste Management property outside the urban growth boundary is zoned Agricultural and Forestry with a twenty acre minimum lot size (AF-20).



The image below shows the location of the subject property and nearby vicinity. The image shows that the solid waste transfer facility is near the center of the site with truck

fueling and parking to the south. The fueling station is currently within the city limits. The truck parking area and associated circulation area is currently outside the city limits and urban growth boundary.

**Waste Management Solid Waste Transfer Facility  
Vicinity Map**



The image also shows the agricultural and open space areas outside of the urban growth boundary. The area west of B Street inside the urban growth boundary includes a self-storage facility (the white rectangular buildings) and former Light and Power building immediately to the west of the Waste Management facility (near the letter B on the map).

The area to the north of 16<sup>th</sup> Avenue and east of the Waste Management property is primarily residential. This area is inside the urban growth boundary.

The linear corridor, with a north/south orientation, adjacent to and immediately to the west of Waste Management site is the “B Street: trail. The open space area south of the urban growth boundary is owned by Metro and is reserved for open space.

**Legal Framework**

State, regional and local laws and regulations govern annexation of land in the Portland Metro area. An overview of the legal framework governing annexation is provided below. In general, annexation must comply with Oregon Revised Statutes (ORS)

Chapter 222 (City Boundary Changes), the Metro Code (Chapter 3.09) and the Forest Grove Development Code (10.2.150).

## Oregon Revised Statutes (ORS) Chapter 222

ORS Chapter 222 establishes procedures and requirements for certain types of annexations and withdrawal of territory from taxing districts. Under ORS 222, land considered for annexation must be contiguous with land currently in the city limits. The subject property meets this qualification since it's adjacent to property within the city.

Also under ORS 222, an annexation may be initiated by the City Council on its own accord or by petition to the City Council by the owners of real property in the territory to be annexed. In this case, the property owner (Waste Management Corporation) submitted an annexation petition on April 24, 2015 requesting annexation into the City. The City's Charter does not require the City Council to submit a proposal for annexation of territory to the voters of the city for their approval or rejection.

## Metro Code Chapter 3.09 (Local Government Boundary Changes)

The Oregon Legislature (through ORS 268.347 to ORS 268.354) granted authority to Metro to establish criteria for annexations which must be used by cities within the Metro boundary including Forest Grove. The applicable criteria are contained in Chapter 3.09 of the Metro Code. The criteria require compliance with applicable provisions of adopted annexation agreements and local comprehensive plans. Metro Code Chapter 3.09 also requires that findings be adopted by the City Council demonstrating that the proposed annexation promotes the timely, orderly and economic provision of public facilities and services and whether the annexation will affect the quality and quantity of urban services. This is addressed in detail later in this report.

## Forest Grove Development Code

Forest Grove Development Code Section 10.2.150 also establishes local procedures for annexation. This section requires that City annexations be reviewed according to the procedures in Metro Code Chapter 3.09 and applicable State of Oregon Annexation Requirements (ORS Chapter 222).

Forest Grove Development Code Section 10.2.160 addresses the assignment of a City of Forest Grove zoning designation to property annexed into the City of Forest Grove. This section stipulates that the zoning of property meet the review criteria in Development Code Section 10.2.770. The criteria are listed below for reference. For the reasons explained in the next section of this report (Assignment of Zoning Designation) a City zoning designation cannot be applied to the subject property subsequent to annexation because it is in Rural Reserve.

City of Forest Grove  
Zoning Criteria

- 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 shall 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 the 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, stormwater, 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; and
- F. The establishment of a zone district is not subject to the meeting of conditions.

The Planning Commission held a public hearing regarding the zoning of property and review criteria on July 27, 2015. The proposed zoning of the subject property proposed for annexation is discussed in the next section.

### **Assignment of Zoning Designation**

Ordinarily, the Planning Commission is asked to recommend a City of Forest Grove zoning designation for property annexed into the City. In this case, assignment of a City zoning designation is complicated by the fact that the unincorporated portion of the site has a rural zoning designation. To complicate matters further, the property outside the urban growth boundary was designated rural reserve by Washington County in partnership with Metro in 2014.

Staff contacted Metro about this annexation request and the current rural reserve designation. Metro was contacted for guidance since Metro is the agency responsible for coordinating annexations within the Metro boundary. Metro staff advised the City that the rural reserve designation does not preclude annexation of the property into the city limits. The rural reserve designation, however, precludes bringing the unincorporated property into the urban growth boundary and assigning it a City zoning designation. This means the Washington County zoning designation must remain after the property is annexed into the City. This is explained further below.

It's not unprecedented for the City to annex property that lies in and out of the urban growth boundary. There are several examples of this along the Gales Creek corridor and along Council Creek. In every case, the Washington County zoning designation was retained outside of the urban growth boundary even though the entire parcel is within the city limits. State law (ORS 215.130(2)(a)) allows for the continuation of county zoning within city limits. ORS 215.130(2)(a) states:

“215.130(2): An ordinance designed to carry out a county comprehensive plan and a county comprehensive plan shall apply to:

(a) The area within the county also within the boundaries of a city as a result of extending the boundaries of the city or creating a new city unless, or until the city has by ordinance or other provision provided otherwise.”

Therefore, under ORS 215.130(2), unless the City specifically takes action to amend the zoning map to apply a City zoning designation to the subject property, the County's designation remains after annexation. Since the subject property to be annexed is outside the urban growth boundary, the recommendation is to retain the County zoning designation of Land Extensive Industrial (MAE) after annexation as allowed by ORS 215.130(2).

Under the approach to zoning described above, the City would implement the MAE zoning provisions. This approach to zoning land in the City, but outside the urban growth boundary, is consistent with prior agreement between the City of Forest Grove and Washington County regarding planning and zoning responsibilities.

The next section of this report provides an overview of the Washington County Land Extensive Industrial (MAE) zoning designation and provides a comparison with the City's General Industrial (GI) zoning designation. The CNG expansion could be considered under the MAE zone similar to the GI zone within the City since the CNG station is an ancillary use to the solid waste transfer facility.

#### Overview of Land Extensive Industrial (MAE) zoning designation

The intent of the MAE zone is to provide for land extensive industrial uses in the rural areas of Washington County. The primary purpose is to provide land for farm and forest

related uses need to support the natural resource base and consistent with the rural character and level of services. Although the purpose of the MAE zone differs from the City's General Industrial zone the uses allowed are similar. The MAE zone provisions are summarized below.

The MAE zone allows for a variety of land uses under a Type I (Administrative) or Type II (Limited Land Use Decision) approval process including:

- Caretaker or dormitory residence in conjunction with a permitted use;
- Facility and communication towers;
- Batch plant;
- Contractor's establishment;
- Research and development;
- Production, processing, assembling, packaging or treatment of materials when the use meets the intent and purpose of the district;
- Public utility;
- Exploration of geothermal resources; and
- Restaurant or cafeteria facilities for employees in a new building when in conjunction with a permitted use;

The MAE zone allows for a variety of land use under a Type III (Quasi-Judicial) approval process including:

- Auto wrecking yard;
- Solid Waste Disposal or Transfer Site;
- Communication towers;
- Airport; and
- Race track, drag strip

For comparison the City's General Industrial (GI) zone generally allows for:

- Limited residential (caretaker residence);
- Schools (comprising no more than 20% of the floor space of a building owned by a governmental agency);
- Eating and drinking establishments up to 3,000 square feet provided it primarily serves the needs of the people living or working in the industrial area;
- General retail sales up to 3,000 square feet provided it primarily serves the needs of the people living or working in the industrial area;
- Office up to 20% of the total floor area of an allowed use;
- Industrial services
  - Repair of machinery and equipment
  - Salvage or wrecking of heavy machinery
  - Towing and vehicle storage
  - Laundry, dry cleaning and carpet cleaning plants;

- Manufacturing and production
  - Manufacturing, processing and assembling of semi-finished products from raw materials
  - Food processing
  - Breweries, distilleries, and wineries
  - Woodworking
  - Manufacturing and production of large-scale machinery;
- Call Centers;
- Railroad yards;
- Research and development;
- Warehouse/freight movement;
- Waste related as a conditional use;
- Wholesale Sales up to 5,000 square feet or 40% of the total floor area of an allowed use; and
- Wireless Communication Facilities

The City’s General Industrial zone does not allow for airport or race track activities allowed in the MAE zone.

Development standards between the MAE and GI zones vary. In some cases the City’s GI zone is more restrictive than the County’s MAE zone. In other cases the GI zone is less restrictive. The table below shows the variation in standards between the two zones.

### **Industrial Development Standards**

Standard	MAE	GI
Minimum Lot Size	2 acres to 5 acres	10,000 square feet
Minimum Lot Width	200 feet (average)	100 feet
Minimum Lot Depth	200 feet	None
Maximum Building Height	65 feet	None (subject to Building Code and approved by Fire Department)
Building Setbacks	40 foot front yard 20 feet side and rear yard or required side and rear yard of abutting zone	None

The next section of this report identifies the review criteria applicable to annexations and describes how the proposal complies with the criteria. This provides the factual basis for making a determination to approve or deny the annexation petition.

### **Annexation Criteria for Decision Making, Findings and Conclusions**

Annexation of land into the City must address the following criteria as applicable. Findings demonstrating how the criteria are met are also provided below.

1. Consistency with applicable provisions in ORS 195 agreements or ORS 195 annexation plans;
2. Consistency with applicable provisions of urban planning agreements between the annexing entity and a necessary party;
3. Consistency with applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans;
4. Consistency with applicable standards for boundary changes contained in the Metro Regional Framework Plan or any functional plans;
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services; and
6. Consistency with criteria for a boundary change under state and local law.

Finding - Annexation Criteria #1: The City has not adopted an ORS 195 annexation agreement or annexation plan. Therefore, this criterion is deemed to be not applicable.

Finding - Annexation Criteria #2: The City of Forest Grove and Washington County entered into an urban planning area agreement (UPAA) in 1988. The UPAA does not specifically address the annexation of the subject property since it is located outside of the urban growth boundary. Therefore, the UPAA is not applicable to this annexation petition.

Finding - Annexation Criteria #3: Boundary changes are address in the Urbanization Element of the Forest Grove Comprehensive Plan (Chapter 10). Annexation to the City is required for the extension of sanitary sewer service required for development (Urbanization Policy 5). In addition, urbanization Policy 12 promotes the efficient delivery of public services through annexation. Annexation of the subject territory promotes the efficient delivery of public services including police and to some extent fire protection. Annexation of the subject territory also allows the property to work directly with the City regarding land use and building permit approval for the entire site used for the solid waste transfer station. Without annexation, all building permits for the 1.5 acres site outside the city limits would be handled through Washington County in Hillsboro.

Related to the requirement for consistency with applicable standards for boundary changes contained in the Comprehensive Plan, Urbanization Policy 13 states the City will avoid approving annexations that create unincorporated islands within the Forest Grove planning area. This annexation will not result in the creation of an unincorporated island.

Finding - Annexation Criteria #4: The subject property is currently bisected by the city limit line. This annexation petition is consistent with Metro Code provision allowing for annexation of property bisected by a city limit line (Metro Code Section 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 - Annexation Criteria #5: This annexation will promote and will not interfere with the timely, orderly and economic provision of public facilities and services. As stated above, the annexation will clarify responsibilities for services including police and fire protection. The annexation will also consolidate the entire solid waste transfer facility under the City’s jurisdiction which by its very nature improves the efficiency of providing public service such as issuing building permits.

Finding - Annexation Criteria #6: The annexation is consistent with the criteria for a boundary change under state and local law as described more fully below. This includes local and regional planning requirements such as State Land Use Goal 14 (Urbanization), the Metro Regional Framework Plan and the Forest Grove Comprehensive Plan. Findings related to these requirements are presented below.

Finding - State Land Use Goal 14 (Urbanization)

State Land Use Planning Goal 14 (Urbanization) requires communities, “provide for an orderly and efficient transition from rural to urban land use.” Furthermore, this goal specifies that conversion of urbanizable land to urban uses be based on: orderly, economic provision of public facilities; availability of sufficient land for various uses; LCDC goals or the acknowledged comprehensive plan; and encouragement of development within urban areas before conversion of urbanizable areas.

This annexation is consistent with State Land Use Goal 14 which promotes an orderly and efficient transition of land for urban use. The Solid Waste Transfer facility serves the west metro region including the urbanized area of Forest Grove. Given that this site is already being used as part of the transfer station, it is consistent with the intent of Goal 14 to encourage development on the subject property which is already committed to land use activities serving urban needs.

Finding - Metro Regional Framework Plan

The Metro Regional Framework Plan serves as the comprehensive plan for Metro. The Framework Plan addresses land use matters including growth management, urban/rural transition, urban design and adjustments to the urban growth boundary. It is the policy of the Metro Council to provide a clear distinction between urban and rural lands (Framework Policy 1.6.1(b)). The proposed annexation is already a functional part of the solid waste transfer station and will not result in the conversion of rural land for urban use. Therefore, the proposed annexation is consistent with the intent of Framework Policy 1.6.1(b).

It is also the policy of the Metro Council to protect agricultural and forest resource lands (Framework Policy 1.12). Although the subject property is located outside of the urban growth boundary, it is not being used for agricultural or forest related activities. The site is an integral part of the Forest Grove Solid Waste Transfer Facility. Therefore, annexation of the subject property is also consistent with Framework Policy 1.12.

In addition the Framework Plan, the Metro Code (Section 3.09) contains specific criteria related to boundary changes. The following section of this report addresses the criteria contained in Metro Code Section 3.09.

## Metro Code (Section 3.09) Annexation Criteria

*Metro Code Criteria 1: The annexation must be consistent with adopted urban service agreements and annexation plans under ORS 195.*

Finding: The City has not adopted a formal annexation agreement under Oregon Revised Statutes Chapter 195. In addition, the Urban Planning Area Agreement (UPAA) does not address the subject area since it is located outside the urban growth boundary. As a result, this criterion is not applicable to the proposed annexation. The proposed annexation is however, consistent with the intent of the criterion which is to promote efficient delivery of public services including identifying responsibilities for service delivery among service providers. Annexing the subject territory will bring entire solid waste transfer facility into the City. This will result in the City providing services such as police and fire protection and issuance of future building permits. Delivery of such public services by one jurisdiction improves the overall efficiency of providing services to the site.

*Metro Code Criteria 2: The annexation must be consistent with Comprehensive Plan provisions applicable to annexation.*

Finding: The Forest Grove Comprehensive Plan contains several policies applicable to annexation as identified below. The policies applicable to this annexation request include:

- Urbanization Policy 12: Promote the efficient delivery of public services through annexation of land into the City of Forest Grove; and
- Urbanization Policy 13: The City will avoid approving annexations that create unincorporated islands within the Forest Grove planning area.

As noted above, annexation of the subject territory will promote the efficient delivery of public services including police and fire protection and issuance of building permits.

The subject property is currently bisected by the Forest Grove City limit line. Annexation will bring the entire parcel into the city limits. This action will not result in the creation of any unincorporated islands within the forest Grove planning area.

*Metro Code Criteria 3: The annexation is consistent with applicable standards for boundary changes contained in the Metro Regional Framework Plan or any functional plans.*

Finding: Annexation of the subject territory is consistent with applicable standards for boundary changes contained in the Metro Regional Framework Plan or any functional plans. As noted above, the subject territory is bisected by the urban growth boundary. The Metro Urban Growth Management Functional Plan, Section 3.09.045(E),

specifically allows the annexation of territory bisected by the urban growth boundary. Therefore this annexation is consistent with the applicable standards for boundary changes contained in the Metro Regional Framework Plan or any functional plans.

*Metro Code Criteria 4: The annexation is consistent with applicable provisions contained in adopted public facility plans.*

Finding: Staff finds this annexation is consistent with applicable provisions contained in adopted public facility plans. The area adjacent to the subject property is currently served by Forest Grove utilities including water, storm sewer, sanitary sewer and electricity. In addition, the subject territory is located within the boundaries of Clean Water Services. A 12" PVC and 24" corrugated steel pipe (CSP) storm water conveyance line are located adjacent to the subject property. An 8" CSP sanitary sewer line is located within the B Street right-of-way approximately 215 feet north of the subject property.

Negligible increased service demand is expected to result from this annexation. The property owner (Waste Management Corporation) intends to expand the existing CNG fueling station onto the subject property.

*Metro Criteria 5: Promote the timely, orderly, and economic provision of public facilities and services.*

Finding: As noted throughout this report, annexation of the subject property promotes the timely, orderly and economic provision of public facilities and services by bringing the entire solid waste transfer facility into the City. Annexation provides the opportunity for the applicant to work directly with the City on the issuance of building permits related to improvement on the subject property. Annexation also clarifies primary responsibility for the provision of police and fire protection.

*Metro Criteria 6: Affect the quality and quantity of urban services.*

Finding: The annexation will not affect the quality and quantity of urban services provided by the City. Increased service demand resulting from this annexation is expected to be negligible. The site is currently being used for truck parking and maneuvering. The applicant intends to expand the existing CNG fueling station onto the subject property.

*Metro Criteria 7: Eliminate or avoid unnecessary duplication of facilities and services.*

Finding: The subject property is bisected by the city limit line and urban growth boundary. Bringing the entire property into the City will clarify responsibilities for public service delivery including police and fire protection and building permit issuance. Annexation of the subject property will avoid unnecessary duplication of services to the site. Public services provided to or near the site include:



## **Public Sanitary Sewer**

The solid waste transfer station is provided with sanitary sewer service through an existing 8" sewer line. This line terminates approximately 221 feet north of the property proposed for annexation. Extension of the existing sanitary sewer line is not necessary to serve the proposed expansion of the CNG fueling station. The entire property is within the Clean Water Services boundary. As such, any future extension of sanitary sewer service must comply with applicable Clean Water Services and City regulations.

## **Water**

An existing water 8 inch water line is present within the B Street right-of-way serving the northern portion of the solid waste transfer station. A 2 inch line is adjacent to the property subject to annexation.

Development of the subject site is not expected to increase daily water use beyond what is ordinarily used for the solid waste transfer facility. This conclusion is based on the applicant's desire to expand the CNG fueling station. The City of Forest Grove Water Master Plan Update (August 2010) shows that the City has sufficient raw water supply and rights to meet demand over the planning period (through 2050)<sup>1</sup> to accommodate development. The Water Master Plan Update also indicates that additional water storage to meet the needs of the lower water pressure zone (including the subject site) is not needed until late in the 20-year planning horizon.<sup>2</sup>

## **Public Stormwater Facilities**

Clean Water Services is responsible for regulating stormwater management in Washington County including within the city limits. Data from Clean Water Services shows a 12 inch to 24 inch stormwater sewer line within the B Street right-of-way adjacent to the subject property. Under the City's Intergovernmental Agreement with Clean Water Services, adequate stormwater facilities meeting standards will be required as part of any development approval.

## **Police**

The entire solid waste transfer facility, except for the 1.55 acre subject property, is within the Forest Grove city limits. As such, the Forest Grove Police Department is the primary provider of police services for the subject property. Technically speaking, the Washington County Sheriff Office is the primary provider of police services for the 1.55 acre unincorporated area. In reality, the Forest Grove Police Department would be the first responder in any event. Annexation of the subject property will clarify police responsibilities. The Forest Grove Police Department has sufficient resources to serve the subject property adjacent to the Forest Grove city limits. The Forest Grove Police

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<sup>1</sup> City of Forest Grove, Water Master Plan Update (August 2010), Executive Summary – Page ES-6.

<sup>2</sup> City of Forest Grove, Water Master Plan Update (August 2010), Executive Summary – Page ES-9

Department employs 19 patrol officers. The increased service demand resulting from this annexation is expected to be negligible on Police Department resources.

## **Fire**

Forest Grove Fire and Rescue operates with 18 paid fire fighters. The City provides four to eight paid personnel on duty at all times at the Ash Street station. On all alarms, the volunteers respond to the station along with off duty paid personnel. All personnel are provided with tone activated radio receivers. Night responses are augmented by the resident volunteers at the station. The Fire Department is equipped with 5 engines; 2 tankers; 5 pick-ups; a 104' platform truck; a command vehicle; a utility vehicle; and one rescue unit. Forest Grove Fire and Rescue has sufficient resources to serve the 1.55 acre area if annexed into the City.

Annexation of the subject property may result in loss of revenue to the Forest Grove Rural Fire Protection District. Based on current property tax information available from the Washington County Office of Assessment and Taxation, the amount of property tax revenue generated from the land subject for general operations of the Forest Grove Rural Fire Protection District is approximately \$143.00 for tax year 2014-2015.

## **Transportation**

Transit: The subject property is located approximately 2,100 feet (0.40 miles) from the Tri Met Line 57 terminus station located at B Street and 19<sup>th</sup> Avenue.

Bicycle: B Street does not have bicycle lanes adjacent to the subject property. The property is adjacent to the existing B Street trail.

Streets: The property is adjacent to B Street. B Street is designated as an Arterial street in the Transportation System Plan in this area of the City. According to information contained in Forest Grove Transportation System Plan, B Street in this part of the City serves approximately 4,300 vehicles per day on average. A sidewalk exists adjacent to the subject property. B Street is sufficient in terms of serving additional traffic, if any, resulting from annexation and subsequent improvement of the site.

Light & Power: The subject property is within the Forest Grove Light and Power service area. Expansion of the CNG fueling station may have a slight impact on electricity demand for powering pumps or lighting.

Forest Grove School District: The subject property is located within the Forest Grove School District attendance boundary. The subject property is zoned for industrial purposes and annexation of the property will have no impact on school district attendance.

## **FISCAL IMPACT**

According to the Washington County Office of Assessment and Taxation, the taxable assessed value of the property subject to annexation is \$111,960. Property taxes for the 2014/2015 tax year are estimated to be approximately \$1,500. Annexation of the subject property will not affect property tax collections provided to taxing districts except for the Forest Grove Rural Fire Protection District as noted above and explained below.

Annexation of the subject property may result in loss of revenue to the Forest Grove Rural Fire Protection District. Based on current property tax information available from the Washington County Office of Assessment and Taxation, the amount of property tax revenue generated from the land subject for general operations of the Forest Grove Rural Fire Protection District is approximately \$143.00 for tax year 2014-2015.

Annexation of the subject property will result in additional property tax revenue for the City of Forest Grove. Staff estimates the City will receive a minimum of \$660 in upcoming property tax revenue annually subsequent to the annexation. This revenue would be allocated as follows \$179.14 for the local option levy and \$443.36 from the City's permanent property tax rate of \$3.96 per \$1,000 of taxable assessed value.

## **RECOMMENDATION**

Staff recommends that City Council:

1. Adopt the attached ordinance approving ANX-15-00537 annexing approximately 1.55 acres of land adjacent to 1525 B Street (Washington County Tax Lot 1S306CB00500); and
2. Retain the Washington County zoning designation of Land Extensive Development (MAE) after annexation of the subject property.

## **ATTACHMENTS**

- A. Ordinance annexing into the City of Forest Grove a tract of land located at 1525 B Street (Portion of Washington County Tax Lot 1S306CB00500) and withdrawing the tract from the Forest Grove Rural Fire Protection District.

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**NOTICE OF PUBLIC HEARING  
CITY OF FOREST GROVE CITY COUNCIL**

**NOTICE IS HEREBY GIVEN** that the Forest Grove City Council will hold a Public Hearing on **Monday, September 14, 2015, at 7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove, to consider adopting an ordinance approving a property owner initiated annexation petition affecting a 1.55 acre tract land adjacent to 1525 B Street (Washington County Assessor Map and Tax Lot Number 1S306CB00500). The annexation petitioner is Waste Management Corporation. The tract of land subject to the annexation petition is owned by Waste Management Corporation and is currently being used for truck parking associated with the solid waste transfer facility on B Street.

Annexation of the subject property will be reviewed by the City Council based on the following criteria as applicable:

1. Consistency with applicable provisions in ORS 195 agreements or ORS 195 annexation plans;
2. Consistency with applicable provisions of urban planning agreements between the City of Forest Grove and Washington County;
3. Consistency with applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans;
4. Consistency with applicable standards for boundary changes contained in the Metro Regional Framework Plan or any functional plans;
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services; and
6. Consistency with criteria for a boundary change under state and local law.

This hearing is open to the public and interested parties are encouraged to attend. A copy of the 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](http://www.forestgrove-or.gov). Written comments or testimony may be submitted at the hearing or e-mailed to City Recorder's Office, [aruggles@forestgrove-or.gov](mailto:aruggles@forestgrove-or.gov), or sent to P. O. Box 326, 1924 Council Street, Forest Grove, OR 97116, prior to the hearing. For further information pertaining to this proposal, please contact Community Development Department 1924 Council Street, 503.992.3224, 9am-5pm, Daniel Riordan, Senior Planner (503) 992-3226, [driordan@forestgrove-or.gov](mailto:driordan@forestgrove-or.gov).

Anna D. Ruggles, CMC, City Recorder

Published: Wednesday, September 9, 2015, Forest Grove NewsTimes

# Waste Management Annexation ANX-15-00537



Date: SEPTEMBER 14, 2015

Agenda Item: 6.

Subject: PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2015-08 ANNEXING A TRACT OF LAND LOCATED AT 1525 B STREET (PORTION OF WASHINGTON COUNTY TAX LOT NO. 1S306CB00500) INTO THE CITY LIMIT OF FOREST GROVE AND WITHDRAWING THE TRACT FROM FOREST GROVE RURAL FIRE PROTECTION DISTRICT. APPLICANT: WASTE MANAGEMENT CORPORATION. FILE NO. ANX-15-00537

# 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:**

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**OPPONENTS:** (Please print legibly)

**First & Last Name:**

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**OTHERS:** (Please print legibly)

**First & Last Name:**

**Address:**

**City, State & Zip Code:**

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6605 S.E. Lake Road, Portland, OR 97222  
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 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, published at 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 – Waste Management Corp Annexation Petition FGNT7530**

a copy of which is hereto attached, was published in the entire issue of said newspaper for

**1**  
 week in the following issue:  
**September 9, 2015**

*Charlotte Allsop*  
 Charlotte Allsop, Accounting Manager

Subscribed and sworn to before me this September 9, 2015.

*Desirae A Marglin*  
 NOTARY PUBLIC FOR OREGON  
 My commission expires *March 02, 2019*  
 OFFICIAL STAMP  
**DESIRAE ANN MARGLIN**  
 NOTARY PUBLIC - OREGON  
 COMMISSION NO. 936708  
 MY COMMISSION EXPIRES MARCH 02, 2019

Acct #298024  
 PO #: # 20145076  
**Attn: Anna Ruggles**  
 City of Forest Grove  
 PO Box 326  
 Forest Grove, OR 97116  
 Size: 2 x 7.25"  
 Amount Due: **\$138.48\***  
 \*Please remit to the above address.

**NOTICE OF PUBLIC HEARING**  
**CITY OF FOREST GROVE CITY COUNCIL**

**NOTICE IS HEREBY GIVEN** that the Forest Grove City Council will hold a Public Hearing on **Monday, September 14, 2015, at 7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove, to consider adopting an ordinance approving a property owner initiated annexation petition affecting a 1.55 acre tract land adjacent to 1525 B Street (Washington County Assessor Map and Tax Lot Number 1S306CB00500). The annexation petitioner is Waste Management Corporation. The tract of land subject to the annexation petition is owned by Waste Management Corporation and is currently being used for truck parking associated with the solid waste transfer facility on B Street.

Annexation of the subject property will be reviewed by the City Council based on the following criteria as applicable:

1. Consistency with applicable provisions in ORS 195 agreements or ORS 195 annexation plans;
2. Consistency with applicable provisions of urban planning agreements between the City of Forest Grove and Washington County;
3. Consistency with applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans;
4. Consistency with applicable standards for boundary changes contained in the Metro Regional Framework Plan or any functional plans;
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services; and
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Anna D. Ruggles, CMC, City Recorder  
 Published: Wednesday, September 9, 2015,  
 Forest Grove News-Times  
 Publish 09/09/2015.

FTN7530

537172.090915

Date: SEPTEMBER 28, 2015

Agenda Item: 6.

Subject: CONTINUE PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 2015-08 ANNEXING A TRACT OF LAND LOCATED AT 1525 B STREET (PORTION OF WASHINGTON COUNTY TAX LOT NO. 1S306CB00500) INTO THE CITY LIMIT OF FOREST GROVE AND WITHDRAWING THE TRACT FROM FOREST GROVE RURAL FIRE PROTECTION DISTRICT. APPLICANT: WASTE MANAGEMENT CORPORATION. FILE NO. ANX-15-00537

# CITY COUNCIL MEETING

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*Please sign-in below to testify.*

**PROPONENTS:** *(Please print legibly)*

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**OPPONENTS:** *(Please print legibly)*

**First & Last Name:**

**Address:**

**City, State & Zip Code:**

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**OTHERS:** *(Please print legibly)*

**First & Last Name:**

**Address:**

**City, State & Zip Code:**

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Ord 2015-08  
1st read  
9/14/15



Forest Grove City Council  
September 14, 2015

Annexation: ANX-15-00537/Ordinance 2015-08

# ANX-15-00537

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## ▶ Overview

### ▶ Location

- ▶ 1525 B Street

### ▶ Ownership

- ▶ Waste Management Corporation

### ▶ Current Use

- ▶ Truck Parking and Circulation for Solid Waste Transfer Station

### ▶ Area Affected

- ▶ Approximately 1.5 acres

### ▶ Reason for Annexation

- ▶ Parcel is Bisected by City Limit Line and Urban Growth Boundary
- ▶ Allows City to Conduct Building Permit Review and Issuance

### ▶ Considerations

- ▶ Rural Reserve Designation Affects Zoning of Property
  - ▶ Urban Growth Boundary Cannot be Amended
- 



# ANX-15-00537

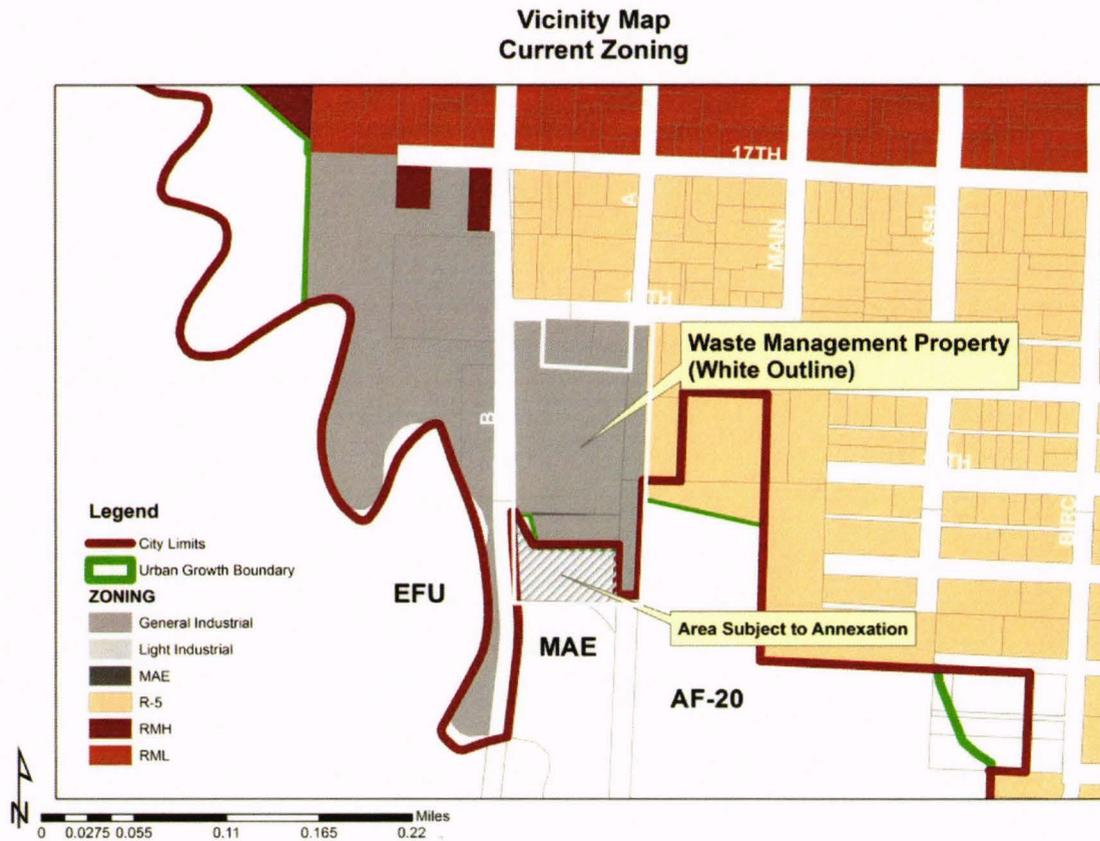
## ► Site Context (Vicinity)

Waste Management Solid Waste Transfer Facility  
Vicinity Map



# ANX-15-00537

## ► Site Context (Zoning)



# ANX-15-00537

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- ▶ Legal Authority
  - ▶ Oregon Revised Statutes Chapter 222
  - ▶ State Land Use Planning Goals
  - ▶ Metro Code Chapter 3.09
  - ▶ Forest Grove Comprehensive Plan
  - ▶ Forest Grove Development Code Article 2



# ANX-15-00537

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## ▶ Annexation Criteria

- ▶ Consistency with ORS 195 annexation agreements or annexation plans
- ▶ Consistency with urban planning agreements between the City and Washington County
- ▶ Consistency with applicable provisions in comprehensive land use plans and public facility plans
- ▶ Consistency with Metro Regional Framework Plan or Metro Functional Plan
- ▶ Consideration of whether the proposed boundary change will promote timely and economical provision of public services
- ▶ Consistency with criteria for boundary change under state and local law



# ANX-15-00537

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## ▶ Zoning

- ▶ Ordinarily the zoning of property annexed into the City is changed from a County designation to a City designation consistent with the Forest Grove Comprehensive Plan
  - ▶ In this case, applying a zoning designation is not possible:
    - ▶ The subject property is outside the urban growth boundary
    - ▶ The property is zoned by Washington County as Land Extensive Industrial (MAE) which is a rural zoning designation
    - ▶ Given the County zoning the County designated the property as rural reserve
    - ▶ Under state law, the urban growth boundary cannot include rural reserve land
    - ▶ The City cannot zone property designated rural reserve
    - ▶ Therefore, the County zoning designation must remain.
- 



# ANX-15-00537

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## ▶ Zoning

- ▶ There is precedence for retaining the County's zoning designation inside the city limits if the property is outside the urban growth boundary
- ▶ The City and County have an agreement that allows the City to administer the County's zoning inside the city limits
- ▶ The MAE zoning designation is similar to the City's General Industrial (GI) zoning designation
  - ▶ Both allow for solid waste transfer stations
  - ▶ The written staff report provide more detail about the County's MAE zoning designation.



# ANX-15-00537

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## ▶ Findings

- ▶ Detailed findings provided in written staff report
- ▶ Staff finds that the annexation
  - ▶ Is consistent with the annexation criteria and will promote the timely and economical provision of public services including the review and issuance of building permits



# ANX-15-00537

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## ▶ Staff Recommendation

### ▶ Staff recommends that City Council:

- ▶ 1. Adopt Ordinance 2015-08, approving ANX-15-00537 annexing approximately 1.55 acres of land adjacent to 1525 B Street (portion of Washington County Tax Lot 1S306CB00500) and withdrawing the tract from the Forest Grove Rural Fire Protection District; and
  - ▶ 2. Retain the Washington County zoning designation of Land Extensive Industrial Development (MAE) after annexation of the subject property
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City of Forest Grove  
Community Development Department  
1924 Council Street  
PO Box 326  
(503) 992-3227

