



*Home of the Tualatin River National Wildlife Refuge*

# **CITY COUNCIL MEETING PACKET**

**FOR**

**Tuesday, August 16, 2011**

**Sherwood City Hall  
22560 SW Pine Street  
Sherwood, Oregon**

**6:00pm City Council Work Session**

**7:00pm Regular City Council Meeting**

**URA Board of Directors Meeting**  
(Following the Council Meeting)



**CITY COUNCIL WORK SESSION 6:00PM**

**REGULAR CITY COUNCIL MEETING**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. CONSENT:**
  - A. Approval of August 2, 2011 City Council Minutes**
  - B. Resolution 2011-070 Authorizing the City Manager to enter into a Water System Data Use and Confidentiality Agreement with the Regional Water Providers Consortium**
  - C. Resolution 2011-071 of the Sherwood City Council Certifying the Explanatory Statement for proposed revision of City Charter to be referred to the electors on the November 2011 Ballot**
- 5. PRESENTATIONS**
  - A. Eagle Scout Recognition**
  - B. Cedar Creek-Tonquin Trail Segment Presentation (Tom Pessemier, Community Development Director)**
- 6. CITIZEN COMMENTS**
- 7. NEW BUSINESS**
  - A. Resolution 2011-072 Accepting the Brookman Funding Plan for the Brookman Concept Plan Area (Julia Hajduk, Planning Manager)**
  - B. Resolution 2011-073 Authorizing the City Manager to Acquire Real Property at 22895 SW Elwert Road (Tom Pessemier, Community Development Director)**
- 8. PUBLIC HEARING**
  - A. Resolution 2011-074 Approving Annexation Proposal AN 11-01 and Calling for an Election (Julia Hajduk, Planning Manager)**

**AGENDA**

**SHERWOOD CITY COUNCIL  
August 16, 2011**

**6:00pm Council Work Session**

**7:00pm Regular City Council Meeting**

**URA Board Meeting  
(following the Council Meeting)**

**Sherwood City Hall  
22560 Pine Street  
Sherwood, OR 97140**

**B. Ordinance 2011-010 Renaming SW Adams Avenue to SW Langer Farms Parkway**  
(Julia Hajduk, Planning Manager)

**9. NEW BUSINESS-Continued**

**A. Resolution 2011-075 of the Sherwood City Council Certifying the Explanatory Statement for Brookman Annexation to be referred to the electors on the November 2011 Ballot** (Chris Crean, City Attorney)

**10. CITY MANAGER & STAFF REPORTS**

**11. COUNCIL ANNOUNCEMENTS**

**12. ADJOURN TO URA BOARD MEETING**

**How to Find Out What's on the Council Schedule:**

City Council meeting materials and agenda are posted to the City web page at [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov), by the Friday prior to a Council meeting. Council agendas are also posted at the Sherwood Library/City Hall, the YMCA, the Senior Center, and the City's bulletin board at Albertson's. Council meeting materials are available to the public at the Library.

**To Schedule a Presentation before Council:**

If you would like to appear before Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder Sylvia Murphy by calling 503-625-4246 or by e-mail to: [citycouncil@sherwoodoregon.gov](mailto:citycouncil@sherwoodoregon.gov)



**SHERWOOD CITY COUNCIL MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**August 2, 2011**

**EXECUTIVE SESSION**

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 5:55 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Robyn Folsom, Bill Butterfield, Matt Langer, Linda Henderson and Krisanna Clark.
3. **STAFF PRESENT:** City Manager Jim Patterson, Community Development Director Tom Pessemier, Finance Director Craig Gibons and City Recorder Sylvia Murphy.
4. **TOPIC DISCUSSED:** Real Property Transaction, pursuant to ORS 192.660(2)(e).
5. **ADJOURNED:** Mayor Mays adjourned the executive session at 6:05 pm and convened to a work session.

**WORK SESSION**

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 6:07 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Robyn Folsom, Bill Butterfield, Matt Langer, Linda Henderson and Krisanna Clark.
3. **STAFF PRESENT:** City Manager Jim Patterson, Community Development Director Tom Pessemier, Finance Director Craig Gibons, Police Chief Jeff Groth, Police Captain Mark Daniel, Economic Development Manager Tom Nelson, IT Director Brad Crawford, Associate Planner Michelle Miller, Administrative Assistant Kirsten Allen and City Recorder Sylvia Murphy.
4. **TOPICS DISCUSSED:**
  - A. **Chickens and Municipal Code.** Council discussion occurred with assistance from Tom Pessemier and Michelle Miller. City Manager Jim Patterson suggested amendments to the Municipal Code, dependent on the Council direction.
  - B. **Renaming of Adams Ave and other streets.** Mayor Mays informed the Council the City received a request to rename Adams Ave. Staff provided the Council with a handout, Street Renaming Process, (see record, Exhibit A). Discussion occurred. Mayor Mays stated the Council would be looking at other City initiated renaming of streets in the near future.
  - C. **Sherwood Broadband.** Brad Crawford, IT Director brief the Council on this topic and distributed a Sherwood Broadband Draft Business Plan (see record, Exhibit B). Discussion occurred. Brad also presented a power point presentation (see record, Exhibit C) briefing Council on Sherwood Broadband Overview, Objectives, Mission, Keys to Success,

Threats, History, Past Accomplishments/Current Status, Strategy and Implementation-Services, Partnerships and Economic Development and financials. Discussion followed.

- 5. ADJOURNED:** Mayor Mays adjourned the Work Session at 7:00 pm and convened to the regular Council Session.

### **REGULAR COUNCIL MEETING**

- 1. CALL TO ORDER:** Mayor Mays called the meeting to order at 7:08 pm.
- 2. PLEDGE OF ALLEGIANCE AND ROLL CALL:**
- 3. COUNCIL PRESENT:** Mayor Mays, Council President Dave Grant, Councilors Linda Henderson, Robyn Folsom, Bill Butterfield, Matt Langer and Krisanna Clark.
- 4. STAFF AND LEGAL COUNSEL PRESENT:** City Manager Jim Patterson, Police Chief Jeff Groth, Police Captain Mark Daniel, Finance Director Craig Gibons, Economic Development Manager Tom Nelson, IT Director Brad Crawford, Administrative Assistant Kirsten Allen and City Recorder Sylvia Murphy. City Attorney Chris Crean.

Mayor Mays addressed the Consent Agenda and asked for a motion.

### **5. CONSENT AGENDA**

- A. Approval of July 12, 2011 City Council Minutes**
- B. Approval of July 19, 2011 City Council Minutes**
- C. Approval of July 26, 2011 City Council Minutes**
- D. Resolution 2011-064 a Resolution authorizing the City Manager to enter into an amended Intergovernmental Agreement (IGA) with the Washington County Watershed Technical Committee for the Regional Solid Waste Management Plan**

**MOTION: FROM COUNCILOR LINDA HENDERSON TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR BILL BUTTERFIELD. ALL COUNCIL MEMBERS VOTED IN FAVOR.**

Mayor Mays addressed the next item on the agenda.

### **6. PRESENTATIONS**

**Eagle Scout Recognition.** Mayor Mays called forward Michael-Jon Helwig a recipient of an Eagle Scout award and asked Michael to provide a brief description of the project that earned him the award. Michael stated that his project was to build two raised bed planter boxes for an organization dedicated to helping individuals with mental illness. Michael explained how long it took to complete the project as well as how many people he had to assist him. Mayor Mays congratulated Michael-Jon and presented him with a Certificate of Achievement.

Mayor Mays addressed the next item on the agenda.

### **7. CITIZEN COMMENTS**

Robert Claus, 22221 SW Pacific Hwy Sherwood, came forward explained that a fence had been installed by the Sherwood Police department due to complaints from Mr. Claus' neighbor, complaints regarding children playing. Mr. Claus stated the previous evening the police were near the property at around 9 o'clock and again at 2 o'clock. Mr. Claus informed Council that his father died of cancer and that his wife has cancer. Mr. Claus stated his wife was upset about the police activity and commented regarding a scheduled court appearance his wife had on the date of her operation. Mr. Claus commented regarding the City Attorney and the Police Chief knocking on his front door in the future to inform his wife why they are there.

Mayor Mays addressed the next item on the agenda.

## **8. NEW BUSINESS**

### **A. Resolution 2011-065 to recognize the partnership between the City of Sherwood and Raindrops to Refuge**

City Manager Jim Patterson provided an example of a service that Raindrops to Refuge has given to the City in regards to the swale in front of the stage at Stella Olsen Park. Mr. Patterson expounded on some other services that Raindrops to Refuge offers to the community and explained that there is an important relationship between the City and Raindrops to Refuge and that the resolution was a memorialization of that relationship.

Mayor Mays commented on the importance of Raindrops to Refuge and asked for questions or comments from Council. With no comments received, the following motion was stated.

**MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO APPROVE RESOLUTION 2011-065, SECONDED BY COUNCILOR LINDA HENDERSON. ALL COUNCIL MEMBERS VOTED IN FAVOR.**

Mayor Mays addressed the next item on the agenda.

### **B. Resolution 2011-066 authorizing a temporary Utility Easement for AT&T Mobility**

IT Director Brad Crawford addressed Council and explained that the resolution was for a temporary easement for AT&T Mobility at Snyder Park to enable them to provide telephone service and that the easement is tied to the original lease document with the City.

Mayor Mays asked if it was for a single phone system, Brad Crawford confirmed.

Mayor Mays asked for Council questions.

Councilor Linda Henderson asked if an existing cell phone tower was going to be used. Mr. Crawford affirmed and answered that he thought it was for hard wire back to their infrastructure.

Mayor Mays asked for additional comments or a motion.

**MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO APPROVE RESOLUTION 2011-066, SECONDED BY COUNCILOR KRISANNA CLARK. ALL COUNCIL MEMBERS VOTED IN FAVOR.**

Mayor Mays thanked Mr. Crawford and addressed the next agenda item.

### **C. Resolution 2011-067 approving a Ballot Title for an Election on the Annexation of the Brookman Area**

City Attorney Chris Crean explained that this resolution was the culmination of a many year effort beginning when the area was brought into the Urban Growth Boundary in 2002 with the Concept Plan being approved in 2009. Mr. Crean stated, under the City Charter, all annexations into the City have to be approved by the voters and State law allows a ballot title to be challenged. Mr. Crean explained that the resolution to annex and send to the ballot will be at the next council meeting.

Mayor Mays asked for some clarification for phasing the taxation for the area. Mr. Crean confirmed that taxation will be phased in for a period of ten years with the details in the resolution to come.

Councilor Robyn Folsom asked about notification to current residents of the Brookman Area. Mr. Crean deferred to the City Manager. The City Manager confirmed that Community Development Director, Tom Pessemier, has met with several property owners recently to discuss issues and questions brought up by Council. It was indicated that signs have been posted and other information distributed. City Manager Patterson offered to follow up with Councilor's the following day as Tom Pessemier was not present to answer Councilor's Folsom's questions.

Mayor Mays asked for Council questions or a motion.

**MOTION: FROM COUNCILOR LINDA HENDERSON TO APPROVE RESOLUTION 2011-067, SECONDED BY COUNCILOR BILL BUTTERFIELD. ALL COUNCIL MEMBERS VOTED IN FAVOR.**

Mayor Mays addressed the next agenda item.

**D. Resolution 2011-068 Transferring Budget Expenditure Appropriations between categories for Budget Year 2011-12**

Finance Director Craig Gibbons explained the transfer resolution to move funds from contingency into two line item budgets, the Court budget, for increased court staffing as discussed in a prior work session, and the Community Development budget to pay for contractual services to replace the Plumbing Inspector that was laid off.

Mayor Mays asked for Council discussion or a motion.

**MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO APPROVE RESOLUTION 2011-068, SECONDED BY COUNCILOR LINDA HENDERSON. ALL COUNCIL MEMBERS VOTED IN FAVOR.**

**E. Resolution 2011-069 Authorizing an increase in the Municipal Judge's Compensation**

Mr. Gibbons explained the Council also discussed this item in work session and said the Municipal Judge's compensation has been at \$75 per hour since 1996 and based on recent increased activity in the court and a study of other jurisdictions he recommends an increase to \$100 per hour.

Mayor Mays asked for questions or a discussion from Council.

Council President Grant commented that it was a low rate and that it was a good deal.

**MOTION: FROM COUNCILOR BILL BUTTERFIELD TO APPROVE RESOLUTION 2011-069, SECONDED BY COUNCILOR LINDA HENDERSON. ALL COUNCIL MEMBERS VOTED IN FAVOR.**

Councilor Henderson thanked staff for inviting Judge Morris to a recent work session and commented that it was very educational and enlightening to visit with Judge Morris at the work session and she felt he is a very fair and just judge. Ms. Henderson stated she appreciated learning about the courtroom processes and feels the compensation is deserved.

Mayor Mays addressed the next agenda item.

**F. Resolution 2011-063 referring to the Voters of Sherwood a Proposed Revision of the City Charter**

City Attorney Chris Crean explained the Council discussed this business in a recent work session and said the current City Charter was adopted in 2005 and it was discovered certain things have become obsolete and this was a housekeeping measure to get some of the extraneous language removed and to work in best practices as compared to other jurisdictions and charters. He stated the resolution clarifies the process for appointing or removing members of boards, requirements for the Mayor's signature on Council decisions, removes other obsolete provisions regarding Willamette River drinking water and personnel policies or budgets. Mr. Crean stated some of the more substantive changes is changing the term of the Council President from a one year to a two year and changes the term limit for the Mayor.

Mr. Crean stated it retains provisions unique to Sherwood including voter approval of annexations, the provision that Councilor's are elected by position.

Mr. Crean informed the Council the marked-up redlined version of the proposed changes discussed in work session, attached to the staff report, did not get included in the clean copy attached to the Resolution. Specifically Section 32-Filling Vacancies. The language in question is regarding the next regularly scheduled election date. Mr. Crean said elections are held in March, May, September and November and said it's very confusing and it was decided to go back to the language of "regularly scheduled May or November election date". Mr. Crean stated in the last sentence of this section there is language pertaining to a disability preventing a Council member from attending council meeting and said what if the Councilor is prevented from attending due to military service. He said he believed there was general consensus at the work session to add the words "or other circumstance" after the word "disability". Mr. Crean stated if Council has conceded with these changes, they will need to be added this evening.

The following motion was received from Mayor Mays.

**MOTION: MAYOR MAYS MOVED TO AMEND RESOLUTION 2011-063 TO INCORPORATE THE TWO CHANGES AS DETAILED BY THE CITY ATTORNEY, SECONDED BY COUNCIL PRESIDENT GRANT.**

Mayor Mays asked for discussion on the motion to incorporate the clarifications as proposed by Mr. Crean.

Councilor Henderson asked if we change the wording to be the next May or November election date to fill the vacancy, and if the vacancy occurs in April, one will not make the May election. She said she was trying to understand how the 25 months or more remain in office, is determined based on when the May or November election date might be as it's a rolling calendar depending on when the vacancy happens.

Mr. Crean said it would have to be determined based on whether or not there were 25 months or more left in the term first of all to determine whether or not an election will be held, and if there are you will determine which election you will use to fill the vacancy. Mr. Crean said this issue came up the last time we did this and said you have to take into account the filing deadlines for those elections. Therefore if you've passed the filing deadline, then that election is not available.

Mayor Mays asked for other Council questions, with none heard he asked for a vote on the motion.

**VOTE: TO APPROVE THE AMENDMENT TO RESOLUTION 2011-063 AS DETAILED BY THE CITY ATTORNEY. ALL COUNCIL MEMBERS VOTED IN FAVOR.**

Mayor Mays asked for questions on the amended resolution.

Councilor Folsom stated that she had two stumbling blocks with the resolution. Ms. Folsom said she is fine with putting before the voters something that is housekeeping, but is very uncomfortable about not having a public process on election issues. Ms. Folsom stated she feels it's appropriate for citizens to be able to comment on something that we are putting on a ballot. Ms. Folsom explained why she feels strongly about this and said when she was a voter and not a city elected official, she expected that the process would be vetted so that when she saw something on the ballot, she felt that Council would have vetted it and it was in the citizen's best interest. Ms. Folsom stated for the housekeeping items this makes a lot of sense. Ms. Folsom said as she studied other communities and called the state elections board and spoke to the Mayor of Tualatin, all of the processes involved citizen input and some sort of a public process. Ms. Folsom stated she understand the citizens will have their say through their vote but as a citizen who would look at this ballot without the understanding and experience of going through this discussion, she is concerned that they will think the Council has already vetted this. She said she believes there is real discussion that needs to occur around the term length of the Mayor because it is a significant change to the system. Ms. Folsom stated she needs to have the voters input and as an elected official it feels odd to her to tell the voters how she will be elected or what opportunities she will have. Ms. Folsom said she feels the same about Section 32 and said the 25 months is a stumbling block for her as currently the Mayor is elected for two years. Ms. Folsom commented regarding the processes of the past year and allowing the voters to have their say. Ms. Folsom stated from her perspective she believes voters trust us to have looked at all the avenues to make sure that we defined the role of the Mayor as a four year term, which has great benefit for many reasons, that we make sure for other things, that checks and balances go into that so we are looking ahead and not to our Mayor or anything now, but to the future. Ms. Folsom concluded and said it's difficult for her say to the public that she can put this on a ballot, it's been vetted without citizen input.

Councilor Clark stated that she agrees with Councilor Folsom, particularly on Section 32 and that she has a problem understanding what the benefit is to our public in extending the time from 13 months to 25 months and taking away the rights of the voters to vote and have their say on who they would like elected official and not their appointed official. Ms. Clark stated this was learned in the last election that the person that was appointed was not the person that

was elected and feels this should be taken into consideration and doesn't see the benefit to the public and taking this right away from them. Ms. Clark stated she has not heard in any of the discussions that changing the 13 months to 25 months benefits the public in any way.

Mayor Mays commented best practices and said his understanding of the 13 months when it was put in was because it was reflective of the Mayor's two year term, verses a four year term.

Mr. Crean replied it's one half of the shortest term on the Council.

Mayor Mays asked Mr. Crean if it's still his position that the 25 months is best practice. Mr. Crean replied it's the most common practice.

Mayor Mays asked for other Council comments.

Councilor Butterfield stated that he feels that he is in touch with the constituents that voted him into office and feels he understands what they want and what they would like of Council as leaders in the community. He stated he has trust in the voters as they voted the Council members in and said at some point they are going to expect the Council to make decisions on their behalf and he believes the Council is doing a pretty good job.

Council President Grant stated he echo's the comments of Councilor Butterfield and said he believes when elected, that they are out in the community and connected the people and believes this is what the public wants and this is the public input the Council receives. Mr. Grant stated we are voted for our ability to vet these things out and make decisions and believes the Council has received input and will continue to receive it.

Councilor Henderson asked the City attorney what is the typical of other communities who do election appointments, charter changes and revisions, do they traditionally have a citizen's sponsored committee review the charter changes before they come to the Council and before they come to the ballot?

Mr. Crean answered that it's difficult to generalize and in general it would depend on the significance or magnitude of the changes. He said the housekeeping items are routinely handled in this fashion, the wholesale revision changes would go through some kind of subcommittee or charter review and it does vary by jurisdiction and the general rule is the more significant the changes the more process there is.

Ms. Henderson asked Mr. Crean if he considered the term of the mayor or the election to be a significant process change for most jurisdictions. Mr. Crean replied he's not going to go there and it's up to the individual jurisdiction.

Ms. Henderson stated her concern is the Council hasn't spent a lot of time talking about this, they held a work session last week and prior to this not since 2005 when changes were made. She stated she is in favor of having citizens comments on revisions in the same manner we have them comments at the Boards & Commission level when we ask for input on policy changes and ordinance changes, these usually come to the Council through a committee with the committee's recommendation. With ordinances these come through staff and a public hearing is held. Ms. Henderson stated we have not done any of this with the charter. Ms. Henderson stated she will not currently support placing this on the ballot because she doesn't feel that we have had the opportunity to get public input. She stated she doesn't consider a two week period or a ten day period a long time to talk about this and doesn't know what

would be lost, other than a bit of time, if a subcommittee were to be formed. She commented regarding a conversation in prior years with the Mayor about charter changes and the formation of a committee. She stated she has not had time recently to be out discussing charter changes with the community and we have frequently changes the charter over a ten year period and believes this should be done with great thought and input from the citizens. She stated this has been in the Oregonian but has not been in the Gazette and doesn't believe the citizens have had a chance make comments and Council doesn't take comments on items that are on the agenda unless mandated by public hearing.

Councilor Langer stated he hears the concerns of Councilors Folsom, Henderson and Clark and referenced housekeeping and the language in the current charter related to use of Willamette water and stated this is one good example of housekeeping. Mr. Langer stated he has heard concerns of repeated charter revisions in the last several years and said if you look at our growth rate relative to towns we are being compared too, he have grown dramatically faster and we stated out with a small town of about 1000 people and have grown to 18,000 in a short amount of time while other city's did not grow nearly at the same rate. Mr. Langer stated out charter was designed for a small rural remote town and said we are trying to get it up to speed with what is common in a large community. Mr. Langer referenced the two year term of the mayor and said to compare this to other communities as this is not the norm. He said it's quite a process and causes disruption with a two year term as an election process starts at about 18 months and takes a lot of time and distracts from what they are doing. He said he believes it's a healthy change and is comfortable with it and believes his constituents would support this. He said this doesn't concern him and referenced the change to the 13 month and 25 month language and said this is simply a math calculation in reference to the term of 2 years to 4 years and said he is in support of this. He stated he feels concerns were vetted in the work session and is shocked to hear the comments and concerns tonight. Mr. Langer stated he is in support of the changes.

Mayor Mays asked for comments from Council President Grant. Mr. Grant state the following motion.

**MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO APPROVE RESOLUTION 2011-063, AS AMENDED, SECONDED BY COUNCILOR MATT LANGER. MOTION PASSED 4:3. (MAYOR MAYS, COUNCIL PRESIDENT GRANT, COUNCILOR BUTTERFIELD AND COUNCILOR LANGER VOTED IN FAVOR. COUNCILOR HENDERSON, COUNCILOR FOLSOM AND COUNCILOR CLARK VOTED AGAINST).**

Mayor Mays addressed the next agenda item.

## **9. CITY MANAGER REPORT**

City Manager, Jim Patterson asked the Police Department to address the comments made earlier in the evening under citizen comments by Mr. Claus.

Chief Groth clarified that the incident with the fence, as stated by Mr. Claus, was an incident that occurred a few years ago. Chief Groth informed the Council that there was an existing fence that the developer put in to separate property lines and the neighbor on the end, off of Handley called the police to inform, due to a combination of branches, trees and trespassers, the fence had been pulled down. Chief Groth stated he visited the sight and confirmed the fence had come down and spoke with the Claus's and they were not aware of anyone being involved. Chief Groth stated the

issue was trespassing and had nothing to do with children, with the youngest being potentially teenager or older that were trespassing and the concern of the neighbor was that someone was squatting on the property on the Claus side of the fence. After investigating the down fence to find it was a development fence, the City had the fence repaired to ensure the integrity of the property.

Chief Groth described the call that came in as being made by a Handley neighbor who had seen a man with a large knife on the property in question, cutting brush. The caller was concerned that the man was clearing a place to sleep or set up a camp. Chief Groth stated there must have been some sort of engagement as the person indicated he was doing work for the property owner and as the story didn't make sense, the Handley resident called the police.

Chief Groth asked Sergeant Hanlon who was on scene to come forward and described the situation. Sergeant Hanlon described the property in question and stated that he had sent an officer to make contact with the property owner. He informed the Council the officer knocked and rang the doorbell but the primary car driven by the Claus's was not in the driveway. After forty five minutes of knocking on several buildings they searched the area but were unable to locate the man. After determining that the premises was safe the officers left without being able to contact the property owner.

Chief Groth stated that the Police made every effort to contact the owner before the search was made, but it was not possible.

With no other report from the City Manager, Mayor Mays addressed the next agenda item.

## **10. COUNCIL ANNOUNCEMENTS**

Councilor Butterfield stated in his efforts to get to know staff, he participated in a ride along with Officer Adam Keesee, Councilor Butterfield described the evening ride.

Councilor Folsom stated that the Cultural Arts Commission was in the second week of the Missoula Children's Theater and thanked the members of the Cultural Arts Commission for all the work they do. Ms. Folsom stated the Movies in the Park begins on August 12<sup>th</sup> and recapped the movie titles and themes. Ms. Folsom thanked all who attended the production of Sound of Music and stated Councilor Henderson had co-produced it.

Councilor Henderson thanked everyone who attended the Sound of Music and City Staff for their help. Ms. Henderson stated that the Missoula Children's Theater organization commented that Sherwood was the most organized and had the most well behaved children that they had worked with this year. Ms. Henderson thanked staff for following up on the slurry seal project done two weeks ago.

Councilor Clark reminded everyone of the Relay for Life held August 6-7, and invited all to take a lap for someone they know who has been affected by cancer and donate to the cause.

Council Langer announced the Chamber breakfast will be held on August 9<sup>th</sup> at the Sherwood High School. He stated BOOTS meets three Mondays a month and stated the Main Street Program was moving forward wonderfully, he thanked all the volunteers who have taken committee rolls. He stated Adams Avenue has a lot of activity and is taking shape with the roundabout adding distinction to the area.

**11. ADJOURN**

With no other announcements received, Mayor Mays adjourned the meeting at 8:10 pm to convene to a URA Board of Directors work session.

Submitted by:

---

Sylvia Murphy, CMC, City Recorder

---

Keith S. Mays, Mayor

**TO:** Sherwood City Council

**FROM:** Craig Sheldon, Public Works Director

**SUBJECT: RESOLUTION 2011-070, AUTHORIZING THE CITY MANAGER TO ENTER INTO A WATER SYSTEM DATA USE AND CONFIDENTIALITY AGREEMENT WITH THE REGIONAL WATER PROVIDERS CONSORTIUM**

**ISSUE:** Should the City enter into an agreement with the Regional Water Providers Consortium for a water system data use and confidentiality agreement.

**BACKGROUND:** In December 2010, the Regional Water Providers Consortium completed the regional water system interconnection and evaluation project, which included the development of an ARC/GIS geo database of all existing water system facilities and interconnections in the region. The geo database was designed to help the consortium and its members:

- Provide the foundation for a resilient water supply system.
- Identify within the region and sub-region, resource availability in the event of a water supply emergency.
- Provide a framework to inform local decision making regarding priorities for infrastructure improvement.
- Support funding opportunities for future interconnection or related projects.
- Identify future regional and sub-regional interconnections to strengthen regional water systems, reliability and resiliency.

The geo database tool can be used by individual water providers to help identify pathways for routing water in an emergency, identify system vulnerabilities, and develop emergency operational strategies as well for general and CIP planning purposes.

The consortium would like to make this geo database accessible to all consortium members to use. Due to the sensitive information contained in the geo database, a data sharing agreement was developed to enable water providers to share confidential information with the confidence that it will be protected from public disclosure.

**FINDINGS:** It is a benefit to the City of Sherwood to enter into this agreement not only for emergency purposes and preparedness but also as a major connection point to the Willamette River.

**RECOMMENDATION: STAFF RECOMMENDS THAT COUNCIL ADOPT RESOLUTION 2011-070, AUTHORIZING THE CITY MANAGER TO ENTER INTO A WATER SYSTEM DATA USE AND CONFIDENTIALITY AGREEMENT WITH THE REGIONAL WATER PROVIDERS CONSORTIUM**



**RESOLUTION 2011-070**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A WATER SYSTEM DATA USE AND CONFIDENTIALITY AGREEMENT WITH THE REGIONAL WATER PROVIDERS CONSORTIUM**

**WHEREAS**, the City of Sherwood is a member of the Regional Water Providers Consortium; and

**WHEREAS**, the Consortium serves as a collaborative and coordinating organization to improve the planning and management of municipal water supplies in the Portland Metropolitan Area region; and

**WHEREAS**, each member of the consortium presently provides water service to its customers and may have system interconnections which are authorized by other various intergovernmental and mutual aid agreements; and

**WHEREAS**, it is a benefit to the City of Sherwood to enter into this agreement not only for emergency purposes and preparedness but also as a major connection point to the Willamette River.

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** The City Manager is authorized to enter into a Water System Data Use and Confidentiality Agreement, attached as Exhibit A, with the Regional Water Providers Consortium.

**Section 2.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 16<sup>th</sup> day of August 2011.**

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder



## WATER SYSTEM DATA USE AND CONFIDENTIALITY AGREEMENT

This Water System Data Use and Confidentiality Agreement (“Agreement”) is made and entered into by and between the members of the Regional Water Providers Consortium (“Consortium”) who are signatories hereto who may also be referenced to as a Requesting Party or Disclosing Party as set forth below.

### RECITALS

A. Each signatory hereto is a City, People’s Utility District, Domestic Water District or Water Authority all defined as units of local government under ORS 174.116. As units of local government in the State of Oregon and, pursuant to ORS Chapter 190, the Parties are authorized to enter into intergovernmental agreements, such as the Regional Water Providers Consortium.

B. The Consortium serves as a collaborative and coordinating organization to improve the planning and management of municipal water supplies in the Portland Metropolitan area region.

C. Each member of the Consortium presently provides water service to its customers and may have system interconnections which are authorized by other various intergovernmental and mutual aid agreements.

D. The Consortium has completed a Regional Water System Interconnections and Evaluation Project (“Project”), which contains water system information, vulnerabilities, records and mapping information (“Confidential Information”) for all of the Consortium Members.

E. The central location of this combined Confidential Information greatly enhances the ability and efficiency of the Consortium and its members to identify water resource availability in the event of an emergency, build a more resilient regional water system and identify priorities for infrastructure improvements.

F. This Confidential Information collected by the Consortium will be useful to each Party, and the objective of the Consortium as a whole, but reveals the vulnerabilities of individual Consortium member systems, and of interconnected system elements, that would permit unlawful disruption to or interference with the Parties’ water supply systems. Such Confidential Information is conditionally exempt from disclosure under ORS 192.501(22).

G. It is anticipated that the Confidential Information will be used by the Consortium members to better prepare for a water system emergency and plan for a more resilient water system.

H. By intergovernmental agreement with the Consortium, the City of Portland (“City”) is to provide a “wide range of staff support services to the Consortium” in order for the Consortium to achieve its objectives.

I. The data described above has been collected in the form of a geodatabase which the City has the technological capability to store and recall for distribution as the staffing agent for the Consortium. As a consequence, the Consortium has determined that the City, as part of its staffing duties, will store and, as provided in this Agreement, distribute some or all of the Consortium’s geodatabase information for use by the Consortium as a whole and by individual members. In doing so, the City shall act as the agent of the members of the Consortium.

J. By assigning this function to the City, there is no intention by the Consortium as a whole, or any individual member, to transfer ownership of any such information, except that regarding the City’s own water system, to the City for any purpose whatsoever. It is the intention of the Consortium that ownership of all such data shall remain with the Consortium member who supplied its system information for the geodatabase.

K. The Signatory Parties enter into this Agreement to enable them to share their Confidential Information in order to protect and enhance their water systems which supports the Consortium’s goals.

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL TERMS, COVENANTS AND CONDITIONS SET FORTH HEREIN, THE PARTIES AGREE AS FOLLOWS:

**1. Records to be Shared.**

a. The Parties. For purposes of this Agreement, the “Providing Party” is the entity that owns confidential records and provides them to the “Receiving Party.” The Receiving Party is the entity that receives records from the Providing Party. Confidential Information is that information that meets the exemptions specified under the Oregon Public Records Law, including but not limited to information which the Providing Party and Receiving Party reasonably believe should be considered confidential under that law and which they agree to keep confidential under this Agreement.

b. Agreements to Share. Confidential Information shall be shared, upon request, with any Party that has signed this Agreement. Each Party agrees to transmit to the other, either directly or through the City acting as agent for the Parties, the water system information or the Project information (“Records”) requested and to hold any Confidential Information received according to the terms of this Agreement. The Receiving Party may only use Confidential Information or intellectual property obtained under this Agreement for the Receiving Party's municipal planning or operations purposes, including emergency planning and response, and to assist in planning conducted by or on behalf of the Consortium. The Receiving Party shall not otherwise publish or disclose the Confidential Information or intellectual property without the Providing Party's prior written consent or as provided for under this Agreement.

**2. Breach of Confidentiality.**

a. Confidential Information. In addition to any other written or verbal agreements or understandings at the time of disclosure, this Agreement serves as an agreement by the Receiving Party to maintain confidentiality of that Providing Party's Confidential Information to the extent permitted and subject to the Oregon Public Records Law, and as provided in paragraph 2(c) below. Each Party shall:

(1) limit disclosure of the Confidential Information to those elected officials, directors, officers, employees and agents of the Receiving Party who need to know the Confidential Information;

(2) exercise reasonable care with respect to the Confidential Information at least to the same degree of care as that Receiving Party employs with respect to protecting its own proprietary and Confidential Information to perform their duties; and

(3) return immediately to the Providing Party, upon its request, all Records containing Confidential Information in whatever form that are in the Receiving Party's possession, custody or under its control.

b. Nondisclosure. The information provided under this Agreement includes information as to each Party's water supply that is protected from disclosure under ORS 192.501(22), relating to public records that if disclosed would allow a person to identify or disclose structural or operational vulnerability that would permit unlawful disruption to or interference with the water supply. Each Party agrees not to share or disclose the information

and maps provided to it by the other under this Agreement and agrees for itself as an entity and for its officers, employees and agents to protect as confidential such information and not release such information to any person except pursuant to the terms of this Agreement.

c. Maintaining Confidentiality. The Receiving Party will maintain the confidentiality of the Providing Party's Confidential Information and not disclose it, except pursuant to the terms of this Agreement, to any person not authorized to receive it unless (1) disclosure is required by the Oregon Public Records Law; or (2) disclosure is authorized by the Providing Party in writing; or (3) disclosure is ordered by a court of competent jurisdiction.

d. Requests to Disclose Confidential Information. If the Receiving Party receives a request for disclosure or a subpoena related to Confidential Information, the Receiving Party will provide notice to the Providing Party as expeditiously as practical, but in any case before a response to the request for disclosure or subpoena is due or within five (5) days, whichever period is the shorter. Notice shall be provided to a Party's designated representative in writing (which shall include e-mail). It shall be the Providing Party's responsibility to respond and establish that such information is exempt from disclosure. Upon receipt of the notice, the Providing Party, acting by and through the persons charged with responding to requests for public records, may request to act on behalf of the Receiving Party in responding to the Public Records request. Should the Receiving Party, acting by and through the persons charged with responding to requests for public records, agree to the request, then henceforth the Providing Party shall assume responsibility for all legal obligations of the Receiving Party in responding to the request or subpoena. In any case, both before a transfer of responsibility or if a transfer of responsibility is either not requested or not approved, the Receiving Party will make its best efforts to consult with the Providing Party in developing its response to the Public Records Request and shall undertake such reasonable and prudent steps as it deems necessary to protect the Confidential Information from disclosure to prevent prejudice of rights to the Disclosing Party or Receiving Party. In the event the Providing Party fails to respond after receiving notification from the Receiving Party as described above or fails to respond to a Receiving Party's request to act on behalf of the Receiving Party, the Providing Party shall defend, indemnify, and hold Receiving Party harmless from any claim or administrative appeal, including costs and expenses related to the request to disclose, subject to applicable legal limitations.

e. **Receiving Party's Response.** If the Receiving Party has been advised by the Providing Party that it will respond on the Receiving Party's behalf, the Receiving Party shall, within the time required by law, respond to any requestor for the Confidential Information, that: 1) the Confidential Information belongs to the Providing Party; 2) the request has been delivered to the Providing Party; and 3) the Providing Party shall formally respond to the request; and 4) the Providing Party should be contacted for all future inquiries regarding release of the Confidential Information. If the Providing Party does not assume responsibility to respond to a request, the Receiving Party shall provide a response as required by law, subject to its obligations under this Agreement.

**3. Ownership of Confidential Information.** The Providing Party shall at all times remain the owner of their Confidential Information.

**4. Hold Harmless and Indemnification for Agent of the Parties.** The parties acknowledge that the Regional Water Consortium has designated the City of Portland as its agent to store, maintain, and, at the request of the Parties, provide access to or distribute the Confidential Information. The parties to this Agreement shall hold harmless and shall defend the City from any and all actions arising out of any release or use of the Confidential Information provided by the City to the Requesting Party and shall bring no action against the City relating to the form or correctness of the data provided. No action shall be brought against the City by the Providing Party arising from the City's provision of information to the Requesting Party, relating to the Requesting Party's use of the information, or any other issue related to the collection, storage or provision of such information by the City.

**5. Remedy.**

Parties acknowledge that unauthorized disclosure of Confidential Information will result in irreparable harm to the Providing Party. In the event of breach or threatened breach of this Agreement, the Providing Party may obtain equitable relief prohibiting the breach in addition to any other appropriate legal or equitable relief.

**6. Term.**

The Term of this Agreement shall not be restricted as to time. Any party signatory to this Agreement may withdraw from the Agreement upon 30 days written notice to the others, provided that no party may withdraw from the Agreement if it still has within its possession Confidential Information of another party signatory to this Agreement. The Providing Party may require return of any Confidential Information from a Receiving Party by giving written notice to the Receiving Party. The Receiving Party shall return all copies of the Records in whatever form within seven (7) days of receipt of the written notice.

**7. Applicable Law and Venue.**

This Agreement shall be interpreted under and pursuant to the laws of the State of Oregon. The parties agree that any venue for any action or claim arising out of or connected with this Agreement shall be in the Circuit Court of the County where a public record request or subpoena is served or, if such has not occurred, in the County in which resides one of the litigating parties. If the City of Portland is a party, any action shall be prosecuted in the Circuit Court for Multnomah County.

**8. Severability.**

If any term or provision of this Agreement or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and each term or provision of this Agreement shall be valid and enforced as written to the full extent permitted by law.

**9. Entire Agreement.**

This Agreement contains the entire agreement of the parties hereto with respect to the matters covered hereby and no other agreement, statement or promise made by any Party hereto which is not contained herein shall be binding or valid.

**10. Designated Representatives.**

Each Party's representative shall be the person who is the signatory below and notices shall be sufficient if delivered to that person at the address set forth below. The designated

person or address for notice may be amended by written notice to the Consortium. The Consortium will notify all signatories to this Agreement.

**11. Authority.**

Persons whose signatures appear at the bottom of this Agreement represent that they are authorized to do so and represent and warrant that this Agreement is a legal, valid and binding obligation enforceable against each Party to this Agreement.

**12. Counterparts.** The parties agree this Agreement may be executed in counterparts. The Consortium shall keep all original signature pages and provide signatory Consortium members with copies of all executed pages as well as updated names and addresses of designated representatives.

**SIGNATORY PARTY**

**CONSORTIUM ACKNOWLEDGEMENT**

**CITY OF SHERWOOD**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: City Manager

Date: \_\_\_\_\_

Print Name: James A. Patterson

Print Name: \_\_\_\_\_

Contact Person: Craig Sheldon

Dated: \_\_\_\_\_

Address: 22560 SW Pine Street

Sherwood, OR 97140



**RESOLUTION 2011-071**

**A RESOLUTION OF THE SHERWOOD CITY COUNCIL CERTIFYING THE EXPLANATORY STATEMENT FOR PROPOSED REVISION OF CITY CHARTER TO BE REFERRED TO THE ELECTORS ON THE NOVEMBER 2011 BALLOT**

**WHEREAS**, on August 2, 2011, the Sherwood City Council approved the proposed revision of the City Charter and referred the revision to the November 2011 ballot; and

**WHEREAS**, under Sherwood Municipal Code (SMC) 2.04.044, the City Council is to certify the explanatory statements of all city-referred measures; and

**WHEREAS**, the explanatory statement was drafted by the City Attorney to ensure compliance with state law; and

**WHEREAS**, the City Council has reviewed the Explanatory Statement for the Measure proposing revisions to the City Charter which has been referred to voters for the November 8, 2011 election.

**NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** The City Council hereby certifies the explanatory statement attached hereto as Exhibit A for revising the City Charter consistent with its duty under SMC 2.04.044 and is deemed to have filed the explanatory statement with the City Recorder on August 16, 2011.

**Section 2.** The City Recorder is directed to publish a notice in a newspaper of general circulation in the city upon receipt of the explanatory statement consistent with the terms of SMC 2.04.044(C) and that explanatory statement shall be used with the City's ballot measure for approval by voters at the November 8, 2011 election.

**Section 3.** This resolution is effective upon its adoption by the City Council.

PASSED AND APPROVED this 16<sup>th</sup> day of August, 2011.

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder

## **CITY OF SHERWOOD MEASURE TO AMEND CITY CHARTER**

### **EXPLANATORY STATEMENT**

The Oregon Constitution gives city voters the right to adopt, amend and revise the city charter. Sherwood voters adopted the current city charter in 2005. It has not been amended or revised since then. The proposed revision was approved by the Sherwood City Council and referred to the ballot on August 2, 2011.

This measure would update the city charter to delete obsolete provisions, clarify the roles of the mayor and city council; and modify other administrative provisions to reflect current municipal organizational practices. The proposed changes include:

- Authorizing the mayor to appoint members of certain boards and commissions with the consent of the City Council and specifying that the members serve at the pleasure of the council.
- Deleting the mayor's authority to veto city legislation.
- Requiring the mayor's signature on all City Council decisions.
- Establishing a four-year term for the mayor beginning with the next general election in November 2012.
- Prohibiting the mayor and city councilors from holding another elected office at the same time.
- Clarifying the process for filling vacancies on the City Council.
- Specifying that the City's municipal court judge must be a member of Oregon State bar.
- Deleting obsolete provisions regarding personnel rules and compensation.
- Deleting an obsolete provision regarding use of Willamette River water

Significantly, the proposed revision retains a number of existing charter provisions that are unique to Sherwood, including voter approval for all annexations and the requirement that City Councilors are elected by position.

If approved by the voters, the revisions will take effect on January 1, 2012.

TO: Sherwood City Council  
FROM: Julia Hajduk, Planning Manager  
Through: Tom Pessemier, Community Development Director  
Subject: Resolution 2011-072 Accepting Brookman Funding Plan – Staff report

## EXECUTIVE SUMMARY

**Summary:** The attached resolution accepts the Brookman Funding Plan, acknowledging that the costs to fund the necessary infrastructure to support the development of the Brookman area that are not generally paid for by a developer to support their development alone, are reasonably likely to be obtained through existing funding sources as development occurs and over time.

**Previous Council Actions:** The Brookman Concept Plan was approved via Ordinance 2009-004 in June 2009.

**Background/Problem Discussion:** The Brookman area was brought into the Urban Growth Boundary (UGB) in 2002 by Metro via Ord. 02-0969B. The City developed a concept plan for the area and adopted the Brookman Area Concept Plan and implementing Ordinances in 2009 via Ord 09-004. Implementation Policy 8.2.a requires that “prior to or concurrent with annexation and assignment of zoning of properties within the Brookman addition area, a plan shall be prepared and adopted by Council to ensure that the necessary infrastructure improvements will be available and a funding mechanism or combination of funding mechanisms are in place consistent with the funding options identified in the concept plan and in full compliance with the Transportation Planning Rule.” The City has prepared the Funding Plan as a prerequisite to the annexation. The Funding Plan identifies the updated improvement costs, updated anticipated revenues and the identified local, county and regional funding sources. It demonstrates that the anticipated costs of providing service to the area are reasonable likely to be funding through existing local, County or regional funding sources within the planning horizon which is a requirements of the Transportation Planning Rule.

**Alternatives:** The Council could chose not to approve the resolution; however this would result in a delay of the Brookman Annexation decision. The Council could also choose to modify the Funding Plan.

**Financial Implications:** There are no financial implications with accepting the Funding Plan as it simply identifies the anticipated costs and revenues for the area.

**Recommendation and Proposed Motion:** Staff recommends City Council approve the resolution accepting the Brookman Funding Plan.

**Attachments:**

Draft Resolution  
Exhibit 1 – Brookman Funding Plan



**RESOLUTION 2011-072**

**A RESOLUTION ACCEPTING THE BROOKMAN FUNDING PLAN FOR THE BROOKMAN CONCEPT PLAN AREA**

**WHEREAS**, the Brookman area was brought into the Urban Growth Boundary in 2002 by Metro via Ord. 02-0969B; and

**WHEREAS**, the City of Sherwood developed a concept plan for the area and adopted the Brookman Area Concept Plan and implementing Ordinances in 2009 via Ord. 09-004; and

**WHEREAS**, Implementation Policy 8.2.a requires that “prior to or concurrent with annexation and assignment of zoning of properties within the Brookman addition area, a plan shall be prepared and adopted by Council to ensure that the necessary infrastructure improvements will be available and a funding mechanism or combination of funding mechanisms are in place consistent with the funding options identified in the concept plan and in full compliance with the Transportation Planning Rule”; and

**WHEREAS**, the City has prepared a Funding Plan identifying the updated improvement costs, updated anticipated revenues and identified local, county and regional funding sources; and

**WHEREAS**, the Funding Plan demonstrates that the anticipated costs of providing service to the area are reasonable likely to be funding through existing local, County or regional funding sources within the planning horizon; and

**WHEREAS**, this finding demonstrates compliance with the Transportation Planning Rule by ensuring that transportation improvements needed to accommodate growth in the Brookman Area are reasonably likely to be funded; and

**WHEREAS**, the Funding Plan is based upon the entire Brookman area being annexed at one time, which ensures that revenues to fund necessary improvements throughout the area can be obtained over time.

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** The City Council accepts the Funding Plan for the Brookman area, attached as Exhibit A, acknowledging the costs and revenue associated with development of the Brookman area consistent with the Brookman Concept Plan.

**Section 2.** This Resolution shall take effect immediately upon its passage by the Council and signature by the Mayor.

**Duly passed by the City Council this 16<sup>th</sup> day of August 2011.**

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder

# Brookman Funding Plan

July 29, 2011

## Background

---

The Brookman Area concept plan includes plans for the extension of water, sanitary and storm sewer and road improvements throughout the area. The plan also identifies needed upgrades to accommodate the increase in people and jobs in the area. When the Brookman Concept Plan was adopted it was realized that the cost of these improvements would not be fully covered by the System Development Charges (SDC) anticipated, however it was determined that a detailed plan for addressing the funding gap would be better addressed through coordination with potential developers and the City prior to or concurrent with annexation. Since the plan was adopted, however, the economy took a downturn and developers appear hesitant to step up and even discuss development when funding issues are undefined.

In an effort to provide more certainty for the development community and the residents in the Brookman area and the City of Sherwood, the City has decided to take the lead on developing a funding plan. This funding plan is also a prerequisite for annexation. (Brookman Concept Plan Implementation Policy 8.2.a)

## Identified need

It is assumed that there is a certain level of improvement that is expected to be covered by any development and generally serves or benefits primarily that development. This includes: local roadways, traffic calming measures directly related to development, 8-inch water pipes, local sanitary sewer lines, and storm water detention facilities. The concept Plan identified the following needs for improvements that are not generally or typically paid for by developers:

	Identified projects	Estimated cost (2008) not paid by developer
<b>Water</b>	Main reservoir upgrade	400,000
	Reservoir no. 2	4,700,000
	SW Sherwood PRV	190,000
	12-inch water main pipes	1,931,000
	<b>Total</b>	<b>7,221,000</b>
<b>Sanitary</b>	Collection System Extension Area 54/55	1,292,430
	Capacity upgrade	113,176
	Capacity Update	133,176
	<b>Total</b>	<b>1,538,782</b>
<b>Storm</b>	Assumes regional water quality facilities:	
	Base Construction items	181,771
	Conveyence infrastructure	467,412
	Detention facilities	0
	Construction contingencies	259,673
	Engineering and permitting	454,428
	Land Acquisition	0
	Staffing and Appraisal	601,875
	<b>Total</b>	<b>1,965,160</b>
<b>Transportation</b>	Old Hwy 99-Upgrade to collector standards	1,235,000
	Brookman, east of Middleton - Urbanize and rebuild existing roadway	10,855,000
	Brookman, west of Middleton – Construct new collector with rail crossing	6,770,000
	Brookman/Old Hwy 99 intersection – construct a round-about	800,000
	Hwy 99W/Sunset intersection – add eastbound right turn overlap phase <sup>1</sup>	10,000
	Hwy 99W/Sunset intersection – Add westbound right turn lane	250,000
	Hwy 99W/Sunset intersection – Add westbound right turn overlap phase	10,000
	Hwy 99W/Brookman intersection – Add traffic signal	250,000
	Sunset-Timbral intersection – Construct a round-about	800,000
	Sunset/Redfern intersection – all-way stop control	10,000
	Brookman/Ladd Hill intersection – All-way stop control	10,000
	Brookman/Ladd Hill intersection – add southbound right turn lane	250,000
	Or Construct round-about	800,000

<sup>1</sup> The Highway 99W/Sunset improvements were determined no longer necessary after adjustments to the jobs housing mix, however that change was made after the cost analysis was completed.

	<b>Identified projects</b>	<b>Estimated cost (2008) not paid by developer</b>
<b>Total</b>		<b>21,250,000-21,790,000<sup>2</sup></b>

## Identified Revenue

The Concept Plan includes estimated revenue via SDC's to fund the needed improvements. The estimates were made based on the plan draft recommended by the Steering Committee and were not updated after adjustments to the jobs-housing mix at the Planning Commission and Council level.

Comparison of assumptions in Fiscal impact analysis and final adopted plan:

	<b>Fiscal impact analysis assumptions</b>	<b>Final adopted plan</b>
<b>Retail</b>	29 jobs	29 jobs
<b>Office</b>	349 jobs	774 jobs
<b>Industrial</b>	102 jobs	226 jobs
<b>Single family</b>	943 dwelling units	798 dwelling units
<b>Multi-family</b>	296 dwelling units	290 dwelling units

This difference in the number of housing units and jobs results in a significant change in the revenue projections:

	<b>Estimated SDC revenue<sup>3</sup></b>			
	<b>Traffic SDC and TIF</b>	<b>Sanitary</b>	<b>Storm SDC</b>	<b>water SDC</b>
Retail	663,125	96,318	18,874	87,106
Office	1,569,957	272,901	121,448	275,204
Industrial	795,109	476,505	121,448	439,955
Single family	4,811,812	3,416,529	617,345	5,042,641
Multi-family	106,370	1,241,569	84,157	1,832,569
<b>Total</b>	<b>8,904,372</b>	<b>5,503,849</b>	<b>963,272</b>	<b>7,677,474</b>

## Identified gaps and plan to fill

	<b>Estimated Costs based on final adopted plan</b>	<b>Estimated revenues based on final adopted plan</b>	<b>Additional funding sources</b>	<b>Gap</b>
Water	7,221,000	7,677,474		None
Sanitary	1,538,782	5,503,849		None
Storm	1,965,160	963,272		1,001,888
Traffic	20,880,000-\$21,420,000	5,503,849	RTP project #10682 =\$20,510,000 <sup>4</sup>	None

<sup>2</sup> With removal of the Highway 99W/Sunset improvements, the total cost estimate is reduced by \$370,000 to \$20,880,000-\$21,420,000.

<sup>3</sup> All assumptions used for calculation of SDCs is from the April 2008 Fiscal Impact Analysis in the Brookman Concept Plan appendix with updates needed to reflect the job and housing changes.

# Conclusion

---

The updated analysis reveals that the only area in which there is a gap between projected costs and revenues is in storm water. Because the costs are based on an assumed regional water quality facility, it is possible that the gap can be addressed simply by requiring all development to address storm water on their own property for their own development. This is not ideal, and the City should continue to work towards funding regional facilities in the area; however the lack of funding will not undermine the ability of the area to develop consistent with accepted storm water design practices.

All needed transportation improvements to support the projected build out of the area can reasonably likely be funding from existing identified sources within the planning horizon.

All needed sanitary sewer improvements to support the projected build out of the area can reasonably likely be funding through SDC's collected as development occurs in the area.

All needed water improvements to support the projected build out of the area can reasonably likely be funding through SDC's collected as development occurs in the area.

That said, all improvements may not be available at the same time a developer is interested in developing. While it is anticipated that improvements can be funding, the timing may not match when a developer needs them to be in place. In those instances, a developer has the following potential options:

- Construct improvement and receive credits equal to the amount of the eligible improvement
- Request the formation of a reimbursement district to recoup the costs incurred from future developers
- Form a local improvement district

---

<sup>4</sup> This project is to reconstruct Brookman Road to collector standards between 99W and Ladd Hill. It is on the financially constrained list in the RTP indicating that it is reasonably likely to be funding within the RTP planning horizon (2035) and is eligible for Federal funds through the MTIP process

**TO:** Sherwood City Council

**FROM:** Tom Pessemier, P.E., Community Development Director

**SUBJECT:** RESOLUTION 2011-073, A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE REAL PROPERTY LOCATED AT 22895 SW ELWERT ROAD

**ISSUE:** Should the City adopt Resolution 2011-072 authorizing the purchase of 19.91 acres of land located at 22895 SW Elwert Road?

**BACKGROUND:** Ordinance 2005-006 approved the City of Sherwood Transportation System Plan which identified a necessary transportation improvement at the intersection of Highway 99W at Elwert/Kruger/Sunset. Development application including the recent Ridge Schools show that this intersection is operating at maximum capacity and future development in the area will require improvements at this intersection. In addition the intersection is noted as the 24<sup>th</sup> highest intersection in Washington County for safety improvements. The Transportation System Plan analysis showed moving the intersection of Kruger/Elwert significantly to the north and adding a roundabout in order to separate Kruger/Elwert and 99W so that improvements including protected left turns could be added at Highway 99W which would improve capacity and safety. In order to construct these improvements up to 5 acres of land will need to be acquired for the realignment of the roads and to construct a roundabout.

Almost the entire property necessary to make the intersection improvement are located on the property at 22895 SW Elwert Road. The property has been for sale for over 3 years and the asking price has changed from \$5.9 million to \$1.5 million. The City has negotiated a purchase price of \$1.275 million with the seller and completed due diligence on the property.

The house is in poor condition and it would not be fiscally viable to restore the house for occupation.

The only item of note was in the Title Report that noted that the property is in farm use and there may be additional taxes liability if taken out of farm use or there is a change of use of the property. Information from the Title Report is noted below.

\$1,938.35 2010-2011 Taxes Paid  
\$1,927.96 (estimated taxes for 2011-2012)

The City will have the option to keep the property in farm production or inform the Assessor that the property is owned by a public agency.

The next step in the process if Council approves of the purchase is for the City Council to authorize the City Manager to acquire the real property and sign any appropriate documents for the acquisition.

**Funding:** Funding would come from City Transportation Capital Improvements Budget approved for 2011-12. Expenditures for the entire intersection project exceed the property purchase amount. The Transportation Capital Fund would be paid back the purchase amount plus interest when the remainder of the property was sold after the right-of-way was dedicated. Pine Street Phase 2 construction schedule would have to be extended so that additional revenue could replace the monies spent on the real property acquisition prior to starting construction on that project.

**FINDINGS:** This resolution will enable the City to acquire land necessary to construct intersection improvements that will provide for additional capacity and safety.

**RECOMMENDATION:** MOTION TO ADOPT RESOLUTION 2011-073, A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE REAL PROPERTY LOCATED AT 22895 SW ELWERT ROAD.



**RESOLUTION 2011-073**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE REAL PROPERTY LOCATED AT 22895 SW ELWERT ROAD**

**WHEREAS**, the City has found that there is a public necessity and it is in the public interest to acquire the property so it may be used for improvements to the city transportation system; and

**WHEREAS**, the real property consists of one lot in Washington County at 22895 SW Elwert Road containing 19.91 acres of land; and

**WHEREAS**, the property is situated such that it provides a substantial benefit to the City of Sherwood for transportation uses; and

**WHEREAS**, City staff has negotiated for the purchase of the property; and

**WHEREAS**, the 2011-12 budget has identified funding for transportation projects that allows for purchase of the property by adjusting the schedule for other projects; and

**WHEREAS**, the City is expected to authorize a warranty deed to transfer ownership of the property to the City.

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** The City Manager is authorized to take all steps reasonably necessary to acquire the property located at 22895 SW Elwert Road.

**Section 2.** The City Manager is authorized to sign deed documents and other necessary documents for the purchase of 22895 SW Elwert Road and to accept the commitments imposed thereon by the City.

**Section 3.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 16<sup>th</sup> day of August 2011.**

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder

TO: Sherwood City Council  
FROM: Julia Hajduk, Planning Manager  
Through: Tom Pessemier, Community Development Director  
Subject: Resolution 2011-074 Annexation of the Brookman Area, calling for an election and deferring taxes – Staff report

## EXECUTIVE SUMMARY

**Summary:** The attached resolution will: 1.) approve annexation of the Brookman area, 2.) direct staff to place the issue on the November 8, 2011 ballot for approval by the City of Sherwood and the registered voters in the area to be annexed, 3.) designate the zoning that will be applied upon annexation consistent with the adopted comprehensive plan, and 4.) provide for delayed assessment of City taxes within the area to be annexed.

**Previous Council Actions:** The Brookman Concept Plan was approved via Ordinance 2009-004 in June 2009. The City Council adopted Resolution 2011-062 initiating the annexation on July 19, 2011 and Resolution 2011-067 approving the ballot title on August 2, 2011.

**Background/Problem Discussion:** The City of Sherwood approved the concept plan for the Brookman Plan area in 2009 via Ordinance 2009-004. The area remains in the County and under County jurisdiction until annexation. Development to the urban densities identified in the concept plan cannot occur until annexation.

The City has reviewed the annexation proposal to confirm compliance with the applicable state, regional and local standards and finds that annexation of the entire Brookman area will meet the standards with conditions. The staff report analyzing the proposal and draft findings is attached as Exhibit 1 to the resolution, the legal description of the area and corresponding map area attached as Exhibit 3 to the resolution and a copy of the previously approved comprehensive plan zoning designations for the area, and the zoning that will apply upon annexation, is attached as Exhibit 3 to the resolution.

The proposed resolution also includes four options to consider to gradually phase in the assessment of City taxes for properties within the area to be annexed as authorized by ORS 222.111(3). Attachment A provides a detailed description of the pros and cons of delaying assessment of taxes and outlines the existing taxes paid in the area and what the City taxes would be based on several options proposed. While there are many options to consider, the 4 options identified by staff for Council consideration include:

1. No assessment of City taxes for the first 5 years then assess 50% of the City taxes in 5 years and the remainder in year 10.
2. Assess 10% of the City taxes the first year and then increase by 10% per year until 100% of the City taxes are assessed at year 10.
3. Assess 100% of the City taxes at year 10.
4. Assess 50% of the taxes in 5 years and increase by 10% per year for an additional 5 years

If the Council decides they do not support an option to gradually phase in the assessment, 100% of the City taxes will be assessed in year 1.

**Alternatives:** The Council could chose not to approve the resolution, thereby eliminating the possibility of a November 2011 vote on the annexation. The next possible election date would be March 2012 with a special election.

**Financial Implications:** There are upfront and staff costs associated with processing an annexation. Under property owner initiated annexations, the property owner pays 100% of costs associated with the annexation, including staff time. It is estimated that this annexation will require approximately \$20,000 in funds. This cost includes staff time, filing fees, ballot costs, notice costs and professional services for the preparation of legal descriptions. These costs were included in the FY 2011-2012 budget.

Analysis of the fiscal impacts of deferring assessment of taxes is included in Attachment A.

**Recommendation and Proposed Motion:** Staff recommends City Council determine:

- 1.) Whether to approve the annexation and direct the issue to be placed on the ballot for the City of Sherwood voters and the registered voters in the area to be annexed to vote upon
- 2.) Whether to provide for a gradual phasing in of taxes.
  - a. If a gradual phasing in is desired, the Council may choose from one of the four options provided or provide for an alternate method of phasing in the taxes. The resolution that is adopted must identify the one option that is ultimately chosen. *While the draft resolution includes all four options, the Council will need to specify which specific option will be provided and make a motion to strike the other three options from the resolution prior to adoption of the resolution.*
  - b. *If Council chooses not to phase in the assessment, the 10<sup>th</sup> "WHEREAS" clause and Section 13 would need to be struck from the resolution.*

**Attachments:**

Draft Resolution

Exhibit 1 – Staff report with findings

Exhibit 2 - Map of area

Exhibit 3 – Previously adopted Concept Plan zoning designations (via Ord 2009-004) for the area to be annexed

Attachment A - Analysis of deferred tax options



**RESOLUTION 2011-074**

**A RESOLUTION APPROVING ANNEXATION PROPOSAL AN 11-01 AND CALLING FOR AN ELECTION**

**WHEREAS**, the Brookman Concept Plan area was brought into the Urban Growth Boundary in 2002 by Metro via Ord. 02-0969B; and

**WHEREAS**, the City of Sherwood developed a concept plan for the area and adopted the Concept Plan and implementing Ordinances in 2009 via Ord 09-004; and

**WHEREAS**, the Brookman area is currently in unincorporated Washington County and Clackamas County; and

**WHEREAS**, Washington County and Clackamas County have both entered into agreements acknowledging that the City of Sherwood should be the ultimate provider of services in the Brookman area; area outside the City limits and inside the Urban Growth Boundary; and

**WHEREAS**, this area must be in a City in order to be developed to urban densities planned for in the Brookman Concept Plan; and

**WHEREAS**, the City has determined that it would be more efficient to bring the entire Brookman area in at once rather than piece-meal as individual property owners petition for annexation; and

**WHEREAS**, the City initiated this annexation by Resolution 2011-062 under ORS 222.111; and

**WHEREAS**, after properly legal notice, a public hearing was held on this proposal for annexation by the City Council on August 16, 2011, where comments and testimony were received and considered; and

**WHEREAS**, the Council reviewed and considered the staff report with proposed findings and reasons for the decision attached; and

**WHEREAS**, the City Council has determined that there is an economic development benefit to offering a gradual phase in for the assessment of property taxes within the Brookman Area; and

**WHEREAS**, ORS 222.111(3) authorizes a local jurisdiction to delay the assessment of City taxes for up to 10 years for areas annexed into a City; and

**WHEREAS**, Under Section 3 of the Sherwood's Charter, annexation to the City takes place only upon voter approval. Approval of this annexation would annex of 258 acres to the City, comprised of 66 tax lots bordered on the north by the existing Sherwood City Limits, the south by Brookman road, the west by Pacific Highway and the east by five parcels laying east of Ladd Hill road; and

**WHEREAS**, under the City initiated annexation procedures identified in ORS 222.111 a majority of the registered voters in the affected territory to be annexed must approve the annexation; and

**WHEREAS**, If annexed, the area will be re-zoned consistent with the Comprehensive plan which was updated via Ordinance 09-004 to implement the Brookman Concept Plan and will include the following zones: Medium Density Residential Low, Medium Density Residential High, High Density Residential, Light Industrial, Neighborhood Commercial, Office Commercial and Institutional and Public, and

**WHEREAS**, The extension of Red Fern Street into the Brookman area is considered an area of special concern due to existing development constraints and upon subsequent annexation shall only be deemed appropriate for bicycle, pedestrian and emergency vehicle access consistent with the findings adopted with the adoption and implementation of the Brookman Concept Plan.

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** The City Council adopts Annexation AN 11-01, the staff report to the City Council dated August 16, 2011, and the proposed findings and conclusions and reasons for decision attached as Exhibit 1.

**Section 2.** The City Council approves Annexation 11-01, and the annexation to the City of Sherwood of the territory described in Exhibit 2.

**Section 3.** A City election on this annexation is called for November 8, 2011.

**Section 4.** The Washington County Elections Department will conduct the election and will coordinate with Clackamas County for the properties in that County.

**Section 5.** The precincts for the election are all those that include territory included within the corporate limits of the City and a separate precinct including only the affected territory to be annexed.

**Section 6.** The ballot title, previously adopted by the Council for the November 8, 2011 election by Resolution 2011-067 will read as follows:

**CAPTION:** PROPOSAL TO ANNEX 258 ACRES TO CITY

**QUESTION:** Should 258 acres on the southern boundary of the City of Sherwood be annexed to the City of Sherwood?

**SUMMARY:** Approval of this ballot measure will annex 258 acres to the city, consisting of approximately 66 separate lots and parcels. The area to be annexed lies generally south of the current city boundary, north of Brookman

Road, east of Highway 99W and west of Ladd Hill, with 10 parcels east and south of Brookman Road where it curves north toward Ladd Hill and 5 parcels directly east of Ladd Hill Road also included within the plan area. The area is subject to the Brookman Concept Plan that was approved by the City Council on June 2, 2009. Under the Brookman Concept Plan, the area will be zoned for a mix of uses including Medium Density Residential low, Medium Density Residential High, High Density Residential, Office Commercial, Neighborhood Commercial, Light Industrial and Institutional Public. Following annexation, city taxes will be phased in over a period of 10 years. If approved by the voters of Sherwood, the Area may be annexed following approval by a majority of voters or property owners in the Brookman Area.

**Section 7.** The City Recorder will give notice of the election in the manner required by law.

**Section 8.** The City Recorder is authorized to submit an impartial explanatory statement for the Washington County voters' pamphlet on behalf of the City.

**Section 9.** The City Recorder has previously published the ballot title in compliance with state law.

**Section 10.** Under ORS 222.520 and 222.120(5), the City Council declares that upon approval of the annexation by the voters and subsequent acceptance of the election results by the Sherwood City Council via separate resolution, the annexed territory will be withdrawn from the County Service Districts for Vector Control, Enhanced Law Enforcement and Urban Road Maintenance effective on the date this annexation takes effect.

**Section 11.** If this annexation takes effect, the annexed territory will be designated in accordance with the zoning adopted into the Comprehensive Plan as part of the Brookman Concept Plan, attached as Exhibit 3 for reference.

**Section 12.** The City of Sherwood property tax rate will be implemented in this area in a phased manner pursuant to ORS 222.111(3), beginning in fiscal year 2012-13, the area will be assessed as follows:

OPTION 1 – No assessment of City taxes for the first 5 years then assessment of 50% of the City taxes in 5 years and the final 50% in 10 years (FY 2022-23)

OPTION 2 – Assess 10% of the City taxes the first year and then increase by 10% per year until 100% of the City taxes are assessed (10 years, FY 2022-23)

OPTION 3 – Assess 100% of the City taxes in 10 years, fiscal year 2022-23

OPTION 4 - Assess 50% of the taxes in 5 years (fiscal year 2017-18) and increase by 10% per year for an additional 5 fiscal years

**Section 13.** This Resolution shall take effect immediately upon its passage by the Council and signature by the Mayor.

**Duly passed by the City Council this 16<sup>th</sup> day of August 2011.**

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

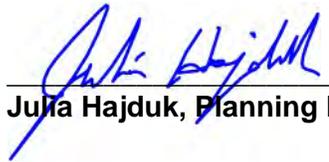
\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder

**City of Sherwood**  
**Staff Report for Brookman Annexation:**

**August 16, 2011**  
**File No: AN 11-01**

---

Signed:

  
\_\_\_\_\_  
Julia Hajduk, Planning Manager

**Proposal:**

**I. BACKGROUND**

- A. Applicant: **N/A – City initiated**
- B. Location: South of the existing Sherwood City limits, generally north of Brookman Road, east of Pacific Highway and west of Ladd Hill, however there are 5 parcels directly east of Ladd Hill and 10 parcels south of Brookman near the intersection of Brookman and Ladd Hill that are included in the proposal. A map of the project area is attached as Attachment 1 and a list of tax lots within the area to be annexed is included as Attachment 2.
- C. Review Type: An annexation is a legislative decision by the City Council and the City Charter requires a vote on annexation if approved by the City Council. Any appeal of the City Council decision would go directly to the Land Use Board of Appeals.
- D. Public Notice and Hearing: Notice of the August 16, 2011 City Council hearing on the proposed annexation was provided to affected agencies and service providers, posted in five public locations around town and mailed to all property owners within the area to be annexed on July 27, 2011. Notice of the hearing was published in The Times on August 4<sup>th</sup> and August 11<sup>th</sup>, 2009.
- E. Review Criteria: While the Oregon Revised Statutes (ORS 222) guide the process for annexations, there are no specific criteria for deciding city boundary changes with the statutes. Metro, the regional government for this area, has legislative authority to provide criteria for reviewing (Metro Code 3.09). In addition, the City of Sherwood Comprehensive Plan Growth Management policies for urbanization are applicable and will be addressed (Chapter 3, Section B.2 and F.1.b).
- F. Legislative history: The area was brought into the Sherwood Urban Growth Boundary in 2002 via Metro Ordinance 02-0969B to provide for needed residential land. The area, comprised of 66 tax lots and approximately 258 acres was concept planned between 2007-2009. In June 2009, via Ord 09-004 the City approved the concept plan and implementing comprehensive plan and map amendments.
- G. Site Characteristics: The Brookman area includes approximately 258 acres of land with a variety of characteristics. The area is bisected by the Cedar Creek corridor in 3 locations. The easternmost portion is moderately sloped down to a heavily wooded natural area and floodplain west of the curve in Brookman road. The

middle portion of the area is lightly sloped. A railroad line, currently not utilized, bisects the westernmost portion of the area. The western portion of the area is gently to moderately sloped. The existing stream corridors and railroad limit access options between sections of the area.

## II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

### Agencies:

The following agencies: Tri-Met, NW Natural Gas, Sherwood Broadband, Bonneville Power Administration, City of Sherwood Public Works, Tualatin Valley Fire and Rescue, Sherwood School District, ODOT, Pride Disposal, Allied Waste, Waste Management, Sherwood Engineering, Raindrops2Refuge, PGE, Washington County, Clackamas County, Metro, and Clean Water Services. No comments have been received at the time of this report.

### Public:

As of the time of this staff report, no written comments have been submitted.

## III. REQUIRED CRITERIA AND FINDINGS FOR ANNEXATION AND BOUNDARY CHANGE

### State

Oregon revised Statute 222 guides the process for annexations. While ORS 222.111 provides for City initiated annexations which does not require property owner or elector approval prior to consideration; however an election is required with a majority of those voting in the area approving the annexation. In addition, the City of Sherwood charter requires all annexations to be approved by the electors within the city. Therefore, ORS 222.160 is applicable. ORS 222.160 states that when the annexation is put to the electors, the City shall proclaim the annexation via resolution or ordinance if it receives a majority vote. Assuming the annexation is approved by the voters, a resolution proclaiming the annexation and forwarding notification to the Secretary of State, Department of Revenue and affected agencies and districts will be prepared for Council approval.

### Regional Standards

There are no specific criteria for deciding city boundary changes within the Oregon statutes. However, the Legislature has directed Metro to establish criteria, which must be used by all cities within the Metro boundary. This area is within the Urban Growth Boundary; however Metro has not extended their jurisdictional boundaries to include this area. Regardless, the City will err on the side of caution and review the annexation for compliance with the applicable Metro Code Chapter, Chapter 3.09 (Local Government Boundary Changes).

### **3.09.050 Hearing and Decision Requirements for Decisions Other Than Expedited Decisions**

**(a) The following requirements for hearings on petitions operate in addition to requirements for boundary changes in ORS Chapters 198, 221 and 222 and the reviewing entity's charter, ordinances or resolutions.**

**(b) Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria in subsection (d) and includes the following information:**

**(1) The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;**

The Brookman Area Concept Plan identifies the location and size of urban services including water, sanitary and storm sewer. The Water System Master Plan, Storm Water Master Plan and Sanitary Sewer Master Plan already include assumptions for the Brookman area and upgrades needed to serve the Brookman area are already programmed in. Therefore, while urban services are not immediately available within the Brookman area, they can be extended to serve the area. It is important to note that this analysis is based on the entire plan area coming in and may not apply the same if only portions of the area were to be annexed.

Water: The Water System Master Plan identifies the need for several major improvements to extend water service to the area. These projects include: the seismic upgrade to the existing reservoirs; construction of new reservoirs; installation of a pressure reducing valve; and the addition of several pipeline segments. These improvements are required to provide a “backbone” network that will serve the area. Several of these items, including a seismic upgrade of the Main Reservoir and a new 4.0 million gallon reservoir have been completed. The Southwest Sherwood Pressure Reduction Valve (PRV) station and associated piping will be constructed in the right-of-way of Old Highway 99 at the border of the 455-foot pressure zone. This connection will provide service to the western portion of the concept plan area, located in the 380- foot pressure zone. The PRV reduces the water pressure in the piping as it moves from the 455-foot pressure zone to the lower pressure, 380-foot pressure zone. This project is programmed for 2024/ 2025, however may be completed sooner as development occurs.

Sewer: The Sanitary Sewer Master Plan identifies a system upgrade to a 12 inch line running along the Cedar Creek corridor is needed to serve the plan area. The City is currently in the process of completing this upgrade to the existing City limits.

The City is within the Clean Water Services County Service District and is served by the Durham regional treatment plant. The territory to be annexed is not currently within the District and will require separate annexation request to CWS.

Storm Drainage. The Concept Plan and Storm Water Master Plan identifies regional water quality facilities to meet the storm water needs of the area. The concept plan identifies several ideal locations for these facilities, however, they do not currently exist and it is unlikely funding will be available in the near future to provide for these facilities prior to development. Developments will be required to provide private on-site storm water facilities if a regional facilities is not available at the time of development.

Parks and Recreation. The City of Sherwood maintains a number of developed parks and open spaces. Additionally the City maintains over 300 acres of Greenway/greenspace/natural areas. The parks and open space system is funded out of the General Fund. The City also assesses a Parks and Open Space System Development Charge on residential, commercial and industrial development. The Zoning Code identifies the requirements of the Parks and Open Space System Development Charge.

Transportation. The area is within both Washington and Clackamas County Territory. A portion of the area (2 tax lots) is within the boundary of the Washington County Urban Road Maintenance District. The City may withdraw the territory from the District upon annexation. ORS 222.520 and 222.120(5). If the City declares the territory withdrawn from the District, on the effective date of the annexation the District's tax levy value will no longer apply.

Access to the area occurs via several locations including Pacific Highway, Brookman Road, Ladd Hill, Middleton Road, Old Highway 99W, Pinehurst and Timbrel. Road upgrades will be necessary with development. Transportation improvement needs were identified in the development of the concept plan and the funding plan that will be adopted by Council prior to the approval of the Brookman annexation demonstrates that these identified transportation improvements are "reasonably likely" to be funded with existing local, county, regional and state funding sources.

Fire. The territory is within the boundary of the Tualatin Valley Fire and Rescue District, which is served by Station 33 located on SW Oregon Street. Station 35 in King City and Station 34 in Tualatin are also in close proximity. This will not change with annexation.

Police. Only a small portion of the area (2 tax lots) is the Washington County Enhanced Sheriff's Patrol District. The City may withdraw the territory from the District upon annexation. ORS 222.520 and 222.120(5). If the City declares the territory withdrawn from the District on the effective date of the annexation the District's tax levy will no longer apply.

Upon annexation police services will be provided by the Sherwood Police Department which provides 24-hour/day protection.

Vector Control. The territory is within the Clackamas and Washington County Service District for Vector Control. The City may withdraw the territory from the District upon annexation. ORS 222.520 and 222.120(5).

**(2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and**

As discussed above, all of the properties are within a County vector control and will be withdrawn upon annexation. There are 2 parcels that are within the Washington County Enhanced Law Enforcement District and Urban Road Maintenance District which will be withdrawn from those districts.

**(3) The proposed effective date of the boundary change.**

Because of the City of Sherwood charter requirement that annexations be approved by the citizens of Sherwood, the annexation would not take effect until after voter approval at the November 8, 2011 election. The effective date of annexation will be finalized after the election and Council acceptance of the election results via resolution and filing the approval and election results with the Secretary of State, Department of Revenue, and other affected agencies.

The City Council is considering gradual phasing of the assessment of City taxes for this area. The ultimate determination will be made prior to placing the issue on the ballot concurrent with the annexation hearing.

**(c) The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.**

This proposal is a City initiated annexation and this staff report will demonstrate that the proposed boundary change meets the applicable criteria.

**(d) To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in Subsections (d) and (e) of Section 3.09.045.**

The criteria are evaluated immediately below

**Metro Criteria § 3.09.045 (d.)**

1. **Find that the change is consistent with expressly applicable provisions in:**
  - (a) **any applicable urban service agreement adopted pursuant to ORS 195.065**

Under the Washington County/Sherwood Urban Planning Area Agreement (UPAA), and the Clackamas County Urban Services Agreement, the City was responsible for preparing the comprehensive plan and public facilities plan within the regional urban growth boundary surrounding the City limits. In the UPAA and Urban Services Agreement the respective Counties agreed that the CITY would be responsible for comprehensive planning within the Urban Planning Area and would be responsible for the preparation, adoption and amendment of the public facility plan required by OAR 660-11 within the Urban Planning Area. The UPAA and Urban Services Agreement also identify the City as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within the urban planning area.

**FINDING:** As discussed within this report, the concept plan for the area was developed consistent with the UPAA and Urban Services Agreement. Both agreements specify that the City of Sherwood is the appropriate urban service provider for this area and the applicable County will not oppose

annexation. Therefore, the annexation is fully consistent with Washington County and Clackamas County policies and agreements.

**(b) Any applicable annexation plan adopted pursuant to ORS 195.205**

This is not applicable

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

The City is in the Clean Water Services District and this area will need to be annexed into the CWS district. The City and CWS have cooperative agreements that will not be affected by this annexation. The territory is also in the TVF&R service district which will not change upon annexation. Two parcels are within the Washington County Enhanced Sherriff Patrol District and Urban Road Maintenance District and will be withdrawn upon annexation. Both the City and Washington County will continue to honor the mutual aid agreements which ensure coverage of law enforcement regardless of the jurisdictional boundary. The area is also on the District and Vector Control. The area to be annexed will be withdrawn from these district as the City of Sherwood provides these services and the special district service will no longer be needed. Pursuant to the ORS, the cooperative agreements call for coordination of planning activities. As affected agencies, the both Clackamas and Washington County, CWS and TVF&R received notice of the proposed annexation and the opportunity to provide comments.

**(d) Any applicable public facility plan adopted pursuant to a Statewide planning goal on public facilities and services; and**

City Council reviewed and adopted the Brookman Concept Plan in June 2011. The Brookman Concept Plan incorporated the recommendations found in the City's water, sanitary sewer and storm water master plan and the Transportation System Plan. At that hearing the Council evaluated the Plan's consistency with the Comprehensive Plan and the applicable master plans and found that these were met.

**(e) Any applicable comprehensive plan; and**

Compliance with the local Comprehensive Plan is discussed further in this report under the "Local Standards" section.

**2. Consider whether the boundary change would:**

**(a) Promote the timely, orderly and economic provision of public facilities and services;**

The annexation of the Brookman area will remove an existing barrier preventing property owners and developers from serious consideration of development of the area and extension of public facilities. By removing the barrier, the timely provision of public facilities is more likely. The annexation of the entire Brookman area will help ensure the orderly provision of public

facilities. If less than the whole area were to be annexed, additional evaluation would be needed to ensure that the portion being considered was able to be served. Finally, by annexing the area, the City will be able to collect the SDC's necessary to make infrastructure improvements needed to serve the entire area and consistent with the applicable master plans.

**(b) Affect the quality and quantity of urban services; and**

Currently there are no urban services in the territory to be annexed, therefore annexation will provide the opportunity for extension of urban services to City standards. There are existing roads that vary in quality. Annexation will not immediately affect these positively or negatively, however as development occurs, road improvements will likely be required. Therefore the annexation positively affects the quality and quantity of urban services.

**(c) Eliminate or avoid unnecessary duplication of facilities or services.**

Currently, there are approximately 50 dwelling units in the area. These property owners most likely use City facilities such as the library and parks, while also relying upon County services for road maintenance and law enforcement. However, because of the proximity to the City, Sherwood would be a first responder on many emergency calls. In addition, there can sometimes be confusion on the part of both the City and residents when an area is developed in such close proximity to the City in regard to who the service provider is. Annexation will eliminate any confusion or potential duplication of services.

**C. Local Standards**

The territory is within the City's Urban Planning Area as identified in Sherwood/Washington County Urban Planning Area Agreement and the Sherwood/Clackamas County Urban Services Agreement. As such, the Comprehensive Plan goals and policies for urbanization apply. In addition, the city adopted the Brookman Concept Plan, including amendments to the Comprehensive Plan to implement the concept plan. Ordinance 09-004 designated zoning the properties in the area. A copy of the adopted comprehensive plan zoning map is attached as Exhibit C. This zoning will be applied upon annexation of the area.

The Growth Management Chapter of the City's Comprehensive Plan contains several policy objectives

**Chapter 3, section B.2**

**a. Focus growth into areas contiguous to existing development rather than "leap frogging" over developable property.**

The subject property is immediately south of existing fully built out development inside the City limits therefore this policy is addressed.

**b. Encourage development within the present city limits, especially on large passed-over parcels that are available.**

The area was brought into the UGB by Metro in 2002 to provide for residential development. The decision to annex the property provides for additional development opportunities within the City. Complimentary to the residential development, the area will provide for commercial and office opportunities as well. The annexation of this area will not significantly affect the ability for existing parcels inside the City limits to develop when and if they are ready to develop.

**c. Encourage annexation inside the UGB where services are available.**

The area to be annexed is in the UGB and services are available to be extended into the area.

**d. When designating urban growth areas, consider lands with poorer agricultural soils before prime agricultural lands.**

This is now a criterion that Metro must consider in its decision to expand the UGB. Any land's brought into the UGB have already undergone extensive weighing of the need and ultimately the decisions were made that allowing the area to be urbanized outweighs the need to preserve the agricultural land.

**e. Achieve the maximum preservation of natural features.**

The annexation of the area, in and of itself will not preserve natural features; however the development of the concept plan considered the natural environment and development of the area must be in compliance with Clean Water Services standards and the development code standards which will encourage preservation of natural area.

**f. Provide proper access and traffic circulation to all new development.**

The concept plan for the area identifies transportation improvements necessary to serve the anticipated development of this area. As development occurs, new roads will be required in accordance with the existing Development Code which requires road connections every 530 feet and a maximum block length of 1,800 except for blocks adjacent to arterials. Development of this area will provide additional transportation options for existing developments in the City limits.

**g. Establish policies for the orderly extension of community services and public facilities to areas where new growth is to be encouraged, consistent with the ability of the community to provide necessary services. New public facilities should be available in conjunction with urbanization in order to meet future needs. The City, Washington County, and special service districts should cooperate in the development of a capital improvements program in areas of mutual concern. Lands within the urban growth boundary shall be available for urban development concurrent with the provision of the key urban facilities and services.**

This is a goal that is achieved through the concept planning and public facility planning for new urban areas. This was done concurrent with the Brookman Area Concept Plan.

**h. Provide for phased and orderly transition from rural to suburban or urban uses.**

The concept plan that was developed to ensure that the urbanization of this area was orderly and met the needs of the community; therefore the annexation of the area is also consistent with the policies outlined above.

**The Growth Management chapter of the Comprehensive Plan also contains the following City Limits Policies**

**Chapter 3 section F.1.b**

**Policy 5 Changes in the City limits may be proposed by the City, County, special districts or individuals in conformance with City policies and procedures for the review of annexation requests and County procedures for amendment of its comprehensive plan.**

The proposed annexation is City initiated.

**Policy 6 provides guidelines for the UPAA consideration and is not directly relevant to the annexation proposal since the UPAA already exists.**

**Policy 7 All new development must have access to adequate urban public sewer and water service.**

As discussed previously, while the area must still be annexed into the Clean Water Services District Boundaries, the subject area will have access to public sewer and water. Services have adequate capacity to service the area.

**Policy 8 through 10 are not relevant to the annexation proposal.**

**Specific requirements of the Brookman Concept Plan include:**

**Chapter 8, Comp Plan policy 8.2:**

**To facilitate and ensure implementation in accordance with the concept plan policies, annexation of properties within the Brookman Addition concept plan area may not occur until development code amendments are made to implement applicable policies, including but not limited to policy 4.4.**

Upon detailed review of the policies, the majority are already able to be implemented with the existing code standards. The City of Sherwood is in the process of a comprehensive development code clean-up project which will apply citywide, but will also specifically consider whether any additional standards need to be applied to better meet the policy objectives of the concept plan. The only specific policies found to applicable is 5.2 which called for the "Develop and open space requirement (e.g. as a percentage of land area) for all new development." This was addressed when the Council adopted new standards for Parks and Open Spaces via Ordinance 2011-009.

Policy 4.4, referenced in the implementation policy is specifically regarding the extension of Red Fern from the existing City limits into the area. Staff has determined that a development code amendment is not necessary as the Comprehensive Plan and Concept Plan already identify Red Fern as an area of special concern. However, to ensure this is understood, it is recommended that the annexation approval also specify this.

- a. **prior to or concurrent with annexation, and assignment of zoning of properties within the Brookman addition area, a plan shall be prepared and adopted by Council to ensure that necessary infrastructure improvements will be available and a funding mechanism or combination of funding mechanisms are in place for the necessary infrastructure improvements consistent with the funding options identified in the concept plan and in full compliance with the Transportation Planning Rule. The plan for annexation may address all or part of the concept plan area, subject to Council approval.”**

The City has prepared a funding plan that will be considered prior to the annexation public hearing. The funding plan identifies that the infrastructure improvements identified in the Concept Plan are available to serve the area and funding will be available to extend the infrastructure into the area with the collection of SDC's and the allocation of transportation funds. The funding plan also acknowledges that some property owners may wish to develop their property prior to adequate funds being collected to install the infrastructure and, in those instances, the responsibility to extend will be the developers with SDC credits or the possibility of development of a reimbursement district being options to recoup the costs incurred in the extension. Because this is being considered concurrent with the annexation proposal, this criterion is met.

#### **IV. RECOMMENDATION**

Based on the analysis and findings in this report Staff recommends Proposal No. AN 11-01 be **approved** subject to the following conditions:

1. The required election of the City of Sherwood registered voters voting in the majority to approve the annexation.
2. The majority of registered voters in the area voting in the election approve the annexation or petition of property owners and registered voters meeting the requirements of ORS 222.125, ORS 222.170(1) or ORS 222.170(2).
3. If the annexation is approved by the voters, the area shall be withdrawn from the Vector Control District, the Enhanced Law Enforcement District and the Urban Roads Maintenance District.
4. The annexation approval shall specify that the extension of Red Fern into the Brookman area is considered an area of special concern due to existing development constraints and shall only be deemed appropriate for bicycle, pedestrian and emergency vehicle access consistent with the findings adopted with the adoption and implementation of the Brookman Concept Plan.

**V. EXHIBITS**

- A. Legal description of area to be annexed
- B. Vicinity map of area to be annexed
- C. Comprehensive zoning map adopted via Ord. 2009-004

Area 54-55, Brookman Study Area  
City of Sherwood  
Project No. 1333-012  
July 11, 2011

**PROPERTY DESCRIPTION**

A tract of land located in Section 1, Township 3 South, Range 2 West; Section 36, Township 2 South, Range 2 West; Section 31, Township 2 South, Range 1 West; and Section 6, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon; and Section 5, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon; being more particularly described as follows:

Beginning at the Northwest corner of said Section 5 (also being the Northeast corner of said Section 6);

thence, along the North line of said Section 5, Easterly 1089 feet, more or less, to the Northwest corner of Partition Plat No. 1992-183, Clackamas County Records;

thence, along the Westerly line of said Partition Plat, Southeasterly 1084 feet, more or less, to the Southerly line of that Tract as reestablished on Record of Survey PS 6272, Clackamas County Surveys;

thence, along said South line and its westerly projection, Southwesterly 178 feet, more or less, to the Westerly right of way line of Parrot Mt. Rd. being 40-foot wide;

thence, along said Westerly right of way line, Northwesterly 75.00 feet, more or less, to the South line of that Tract conveyed by Deed Document No. 75-008688, Clackamas County Deed Records;

thence, along said South line, Westerly 400 feet, more or less, to the East line of "Apple Lane" (Plat No. 2057);

thence, along said East line, Southerly 148 feet, more or less, to the Southeast corner of said "Apple Lane";

thence, along the South line of "Apple Lane", Westerly 655 feet, more or less, to the East right of way line of Brookman Road being 40-foot wide;

thence, along said East right of way line, Southerly 145 feet, more or less, to the South right of way line of Brookman Road being 40-foot wide;

thence, along said South right of way and its westerly projection, Westerly 4944 feet, more or less, to the Westerly right of way line of Middleton Road being 40-foot wide;

thence, along last said Westerly right of way line, Northeasterly 16 feet, more or less, to the South right of way line of Brookman Road being 40-foot wide;

thence, along last said South right of way line, Westerly 565 feet, more or less, to an angle point therein;

thence continuing along said South right of way line, Southerly 14 feet, more or less, to an angle point in the South right of way line of Brookman Road being 50-foot wide;

thence, along last said South right of way line, Southwesterly 23 feet, more or less, to an angle point therein;

thence continuing along said South right of way line, Westerly 506 feet, more or less, to the Easterly right of way line of the Southern Pacific Railroad being 60-foot wide;

thence, along last said Easterly right of way line, Northeasterly 24 feet, more or less, to the South right of way line of Brookman Road being 40-foot wide;

thence, along last said South right of way line, Westerly 327 feet, more or less, to the Easterly right of way line of SW Old Hwy. 99W being 60-foot wide;

thence, along last said Easterly right of way line, Southwesterly 26 feet, more or less, to an easterly projection of the South right of way line of Brookman Road being 80-foot wide;

thence, along said easterly projection of and said South right of way line and its westerly projection, Westerly 796 feet, more or less, to a southerly projection of the Westerly right of way line of Pacific Highway (99W) being 184-foot wide;

thence, along said Westerly right of way line of Pacific Highway (width varies), Northeasterly 2871 feet, more or less, to a point perpendicular to the Northeast corner of that Tract reestablished on SN 21,617 Washington County Surveys;

thence, along said perpendicular line, Southeasterly 174 feet, more or less, to said Northeast corner;

thence, along the East line of last said Tract, Southerly 965 feet, more or less, to the Northwest corner of "Middleton Cemetery";

thence, along the North line of said "Middleton Cemetery" and its easterly projection, Southeasterly 503 feet, more or less, to the Easterly right of way line of SW Old Highway 99W being 60-foot wide;

thence, along last said Easterly right of way line, Northerly 195 feet, more or less, to the Northwest corner of "Northfield" subdivision;

thence, along the North line of "Northfield", Easterly 344 feet, more or less, to the Northwest corner of "Quail Meadows" subdivision;

thence, along the West line of "Quail Meadows", Southerly 534 feet, more or less, to the North line of Lot 5 of "Northfield";

thence, along last said North line, Northeasterly 410 feet, more or less, to the West right of way line of Middleton Road being 65-foot wide;

thence, along last said West right of way line, Southerly 46 feet, more or less, to a westerly projection of the North right of way line of S.W. Harrison St. being 60-foot wide;

thence, along said westerly projection and North right of way line, Easterly 900 feet, more or less, to the most southerly West line of "Woodhaven" subdivision;

thence, along last said West line, Southerly 91 feet, more or less, to the South line of "Woodhaven";

thence, along last said South line, Easterly 382 feet, more or less to the Northerly right of way line of said Southern Pacific Railroad being 60-foot wide;

thence, perpendicular to said Northerly right of way, Southeast 60 feet, more or less, to the Southerly right of way line of said Southern Pacific Railroad;

thence, along said Southerly right of way line, Northeasterly 874 feet, more or less, to the West line of "Abney Revard" subdivision;

thence, along last said West line, Southerly 121 feet, more or less, to the South line of "Abney Revard";

thence, along said South line, Easterly 1697 feet, more or less, to the Southwest corner of "Arbor Lane" subdivision;

thence, along the South line of "Arbor Lane", Easterly 910 feet, more or less, to the West right of way line of Brookman Road being 40-foot wide;

thence, along last said West right of way line, Northerly 20 feet, more or less, to the northerly terminus of said West right of way;

thence, along said terminus, Easterly 40 feet, more or less, to the East right of way line of said Brookman Road;

thence along said East right of way line, South 20 feet, more or less, to the point of beginning.

Containing approximately 258 acres, more or less.



*Revised 12/31/11*

TAG LETTER	TAX LOT NUMBER	TAG LETTER	TAX LOT NUMBER
A	25-2W-36D 700	N	35-1W-6BB 1801
B	25-2W-36D 800	O	35-1W-6BB 1900
C	35-1W-6BB 2001	P	35-1W-6BB 1700
D	35-1W-6BB 300	R	35-1W-6BB 1600
E	35-1W-6BB 400	S	35-1W-6BB 2300
F	35-1W-6BB 500	T	35-1W-6BB 2301
G	35-1W-6BB 600	U	35-1W-6BB 2400
H	35-1W-6BB 700	V	35-1W-6BB 2500
I	35-1W-6BB 800	W	35-1W-6BB 2501
J	35-1W-6BB 900	X	35-1W-6BB 2002
K	35-1W-6BB 1000	Y	35-1W-5B 1700
L	35-1W-6BB 1000 Z	Z	35-1W-5B 1600
M	35-1W-6BB 1000 Z	AA	35-1W-5B 1400
		BB	35-1W-5B 1300



GRAPHIC SCALE



( IN FEET )  
 1 inch = 600 ft.

EXHIBIT OF ANNEXATION  
 AREA 54-55  
 SECTION 1, T. 3 S., R. 2 W.,  
 SECTION 36, T. 2 S., R. 2 W.,  
 SECTIONS 31, T. 2 S., R. 1 W.,  
 SECTION 6, T. 3 S., R. 1 W., W.M.  
 WASHINGTON COUNTY &  
 SECTION 5, T. 3 S., R. 1 W., W.M.  
 CLACKAMAS COUNTY, OREGON

DATE: 07/11/11  
 DRAWN BY: JLN  
 CHECKED BY: GRA  
 REVISIONS:  
 JOB NO.: 1333-012

**WESTLAKE**  
 CONSULTANTS, INC.

ENGINEERING • SURVEYING • PLANNING  
 PACIFIC CORPORATE CENTER  
 13115 N.W. SUNDATA PARKWAY, SUITE 150  
 TIGARD, OREGON 97224  
 PAX (503) 864-0852  
 FAX (503) 864-0157





## MEMORANDUM

---

22560 SW Pine St  
Sherwood, OR97140  
Tel 503-625-5522  
Fax 503-625-5524

To: City Council

From: Julia Hajduk, Planning Manager and Craig Gibbons, Finance Director

Date: August 16, 2011

RE: Analysis of deferred tax options with the Brookman Annexation

As part of the Brookman Annexation, the Council may also consider phasing in the assessment of City taxes for a maximum of 10 years. The benefit of phasing in the taxes is that it has less fiscal impact on the existing property owners immediately upon annexation and can act as an incentive for development by lowering holding costs while a developer is going through the land use process.

Of course, though there are economic benefits to delaying the assessment of taxation, there are costs as well. While development will generally pay for itself through the assessment of fees (land use application, engineering permit, building permit, etc), there are urban services that will be immediately available to the residents in the area that are generally funded through local taxes. These services include law enforcement, library services, parks, public works, code compliance and community development. At this point in time, there are approximately 50 homes in the area, therefore it is not anticipated that the immediate increase in demand for city services will be significant. However, as the area develops over time, if adequate tax revenues are not received there may be a significant unfunded increase in demand for city services.

ORS 222.111(3) authorizes that the proposal for annexation may provide a different tax rate (not to exceed the City tax rate) for up to 10 years. It also allows the rate to increase from year to year, again up to a maximum equal to the city taxes. While there are many options to consider, the 4 options identified by staff for Council consideration include:

1. No assessment of City taxes for the first 5 years then assess 50% of the City taxes in 5 years and the final 50% in 10 years.
2. Assess 10% of the City taxes the first year and then increase by 10% per year until 100% of the City taxes are assessed (10 years)
3. Assess 100% of the City taxes in 10 years
4. Assess 50% of the taxes in 5 years and increase by 10% per year for an additional 5 years

Currently there are four tax code areas in the Brookman area. Three are in Washington County and one is in Clackamas County. Those in the Washington county tax code areas have total tax assessments of \$14.70 (per \$1,000 of Assessed Value), \$15.10, and \$16.60. The following table shows what the taxes would be if applied at 100%, 50%, 10% and 0% of the City tax rate. The tax amounts shown are based on a \$100,000 assessed value and reflect removal from any applicable County service districts and addition to the local Urban Renewal Agency .

tax code	# of Tax Lots	Existing taxes based on \$100,000 assessed value home (FY11 Tax year)	Approximate Taxes upon annexation at current year assessed values				Maximum difference between existing and City taxes (per \$100,000 assessed value)
			full assessment immediately	Delayed assessment for 5-10 years (0% of the City rate assessed)	10% of the City rate assessed	50% of the City tax rate assessed	
88.14	46	\$1,470	\$1,910	\$1,510	\$1,550	\$1,710	\$440
88.13	2	\$1,510	\$1,910	\$1,510	\$1,550	\$1,710	\$400
88.09	2	\$1,660	\$1,910	\$1,510	\$1,550	\$1,710	\$250
305001 (Clackamas)	15	\$1560	\$1910	\$1510	\$1550	\$1710	\$350
It should be noted that property tax issues are complex and changes create impacts that can only be determined accurately by the County Assessor's Office. The information presented above is provided in order to give Council a relative scale of the probable impact of annexation. This information is not definitive.							

**Recommendation:**

With the understanding that the City Council may want to minimize tax increases and provide financial incentives to property owners and potential developers in the Brookman area and the understanding that development will not occur immediately upon annexation but is likely to be occurring within the next 5-10 years, **staff recommends that Council choose OPTION 4, assessing 50% of the taxes in 5 years and then 10% per year for the next 5 years.**

TO: Sherwood City Council  
FROM: Michelle Miller, AICP, Associate Planner  
Through: Tom Pessemier, Community Development Director  
Subject: Ordinance for Street Renaming "SW Adams Avenue" to  
"SW Langer Farms Parkway"

## EXECUTIVE SUMMARY

**Summary:** The applicant has petitioned the Council to adopt an ordinance to rename SW Adams Avenue to SW Langer Farms Parkway, a north-south street located just south of SW Tualatin Sherwood Road and east of SW Baler Way. (Exhibit 1)

**Previous Council Action:** Council entered into a Development Agreement with the Langer family (Res. 2007-08 and 2010-33) which indicated the Council would consider a name change and hold a hearing if proposed. The agreement did not commit the City to a specific name or acceptance of the proposal.

**Background Discussion:** According to the attached ordinance, "Adams" was named in 1993 as the road between Oregon and Willamette Street. (Exhibit 2) According to the testimony by Yvonne Scheller, the street was named "Adams" in honor of her father, a long-time resident of Sherwood and near the location where the family owned property. (Exhibit 3) The roadway extension northward from Oregon Street was proposed to extend the street name "Adams" with the initiation of the Langer PUD (Ord. 95-997). This showed on the development plans as an extension of the existing roadway and was partially constructed with the development of Sherwood Village (PUD 95-01) and extended to SW Tualatin-Sherwood Rd. with the construction of the Langer Marketplace. (SP 00-21) The portion of the roadway between SW Baler and Oregon Street is currently under construction.

Planning staff received a properly filed petition to change SW Adams Avenue to SW Langer Farms Parkway which included the reason for the name change, the names and addresses of all persons owning any real property abutting the road proposed to be renamed, and signatures the owners of sixty percent of the abutting roadway approving the name change. The Langer Gramor LLC, as the applicant, indicates that they propose to change the name because the "roadway is situated on property once farmed by the family and the Langers have a long history of land ownership and property development in Sherwood."

City staff informed the abutting property owners of the street renaming, posted notice on the street and published notice in the paper as per §16.108.010 of the Zoning and Community Development Code. When the application was received, staff posted the applicant's materials on the web. Staff received several comments from citizens in opposition to the name change which are attached to this summary. (Exhibits 3, 4, 5)

The criteria to change a street name include: maintaining a common name for the entire alignment, historical or local names shall be used; and long names and similar names shall be avoided. Additional criteria include that, "No street shall be given a name that is the same as, similar to, or

pronounced the same as any other street in the City, unless it is an extension of an already-named street.”§ 16.108.010(4) (c).

The City has existing streets named SW Langer Drive and SW Farmers Way, also located within the vicinity south of SW Tualatin-Sherwood Road. Staff contacted Ian Crawford of Washington County Consolidated Communication Agency (WCCCA 9-1-1) in order to confirm whether emergency dispatchers would be able to respond without confusion to an emergency located on any one of these streets. He indicated that although they were similar, the distinction between Parkway and Drive would be sufficient in differentiating between the streets. He also commented that so long as the addressing numbers did not overlap, the correct location could be provided to responders. In the case of SW Langer Farms Parkway, a north/south addressing convention will be used, resulting in a numerical range of approximately 20200-22299 and SW Langer Drive ranges from 15600-16499. (Exhibit 6)

Classifications for naming the suffix of the street are considered to ensure region-wide consistency for emergency responders so they can quickly navigate to the emergency. Because the roadway is a north-south collector designed with extensive landscaping, “Parkway” is considered an appropriate designation.

There are ten businesses that are addressed off of Adams Avenue that would require address changes based on the new street name. The businesses have received notice of the proposal and, if approved, would receive notice of the street name change.

**Alternatives:** The Council could decide to keep the name the same.

**Financial Implications:** The City Engineering Department charges a fee of \$250 for each street sign and \$65 per each address that would need to be changed would generally be costs incurred by the applicant.

**Recommendation:** Staff recommends that the City Council hold a public hearing to determine whether the street name change from SW Adams Avenue to SW Langer Farms Parkway is in the public interest.

**Attachments:**

Ordinance

1. Applicant’s Petition for Street Rename
2. Ordinance naming Adams
3. Email from Yvonne and Don Scheller
4. Letter from Robert Morrison
5. Testimony from Arleen Harvey
6. Email from Ian Crawford, WCCCA 9-1-1



## ORDINANCE 2011-010

### AN ORDINANCE RENAMING SW ADAMS AVENUE TO SW LANGER FARMS PARKWAY

**WHEREAS**, a petition was received from representatives of the Langer Family Trust to rename SW Adams Avenue to SW Langer Farms Parkway; and

**WHEREAS**, the petition proposed the change to SW Langer Farms Parkway in order to recognize the Langers as longtime residents of Sherwood who farmed in the area, and included the names of those property owners abutting the road to be renamed and signatures of owners at least 60% of the land abutting the subject road; and

**WHEREAS**, Section 16.108.010.5, provides that the street names, whenever practicable shall be based on historical factors including naming streets after long-time residents of Sherwood and;

**WHEREAS**, the Council recognizes that the Langers are long-time residents of Sherwood and the roadway is adjacent to the property where the Langer family had farmed for many years; and

**WHEREAS**, although the City has existing streets named SW Langer Drive and SW Farmers Way, emergency dispatchers have indicated that they would be able to respond without confusion to an emergency located on any one of these streets because of the distinction between Parkway and Drive would be sufficient to differentiate the streets and the address numbering would be able to assist in finding the appropriate location; and

**WHEREAS**, Section 16.108.010.4.B. provides the classifications (suffixes) that shall be utilized in the assignment of all street names and "Parkway" is listed as a broad landscaped collector or arterial; and

**WHEREAS**, notice of the public hearing was duly noticed per Section 16.108.010.C.3 by mailing notice to all affected property owners on August 3, 2011, posting on the street on August 4, 2011 and publishing in The Times on August 11, 2011; and

**WHEREAS**, the applicant will be responsible for all costs, City fees and expenses attributed to the renaming of the street; and

**WHEREAS**, the Council held a public hearing on August 16, 2011 and based upon the evidence, findings and testimony presented at the public, the Council finds it is in the public interest of the residents of the City and determined that the proposed street renaming satisfied the Development Code criteria and continued to be consistent with regional and state standards.

**NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

**Section 1. Findings.** After full and due consideration of Executive Summary, the record, findings, and of the evidence presented at the public hearing, the Council finds that the street should be renamed to SW Langer Farms Parkway.

**Section 2. Approval.** The proposed street renaming of SW Langer Farms Parkway is hereby **APPROVED**.

**Section 3. Manager Authorized.** The Planning Department is hereby directed to provide notification of this name change to Washington County Assessment and Taxation and to any other necessary entities.

**Section 4. Effective Date.** This ordinance shall become effective the 30<sup>th</sup> day after its enactment by the City Council and approval by the Mayor.

**Duly passed by the City Council this 16<sup>th</sup> day of August 2011.**

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Clark	_____	_____
Langer	_____	_____
Butterfield	_____	_____
Folsom	_____	_____
Henderson	_____	_____
Grant	_____	_____
Mays	_____	_____



October 19, 2010

Via Hand Delivery

Mayor Keith Mays  
City Council Members  
**City of Sherwood**  
22560 SW Pine Street  
Sherwood, OR 97140

**RE: Request for Street Rename – SW Adams Avenue to SW Langer Farms Parkway**

Dear Mayor Mays and City Council Members:

On behalf of the Langer Family, Langer Gramor LLC, respectfully submits a formal request to rename SW Adams Avenue. This name change is appropriately timed to take place prior to the planned street expansion this coming Spring of 2011.

As you are aware, SW Adams is partially constructed at this point and contains 18 separate abutting property owners. The majority property ownership is comprised of the Langer Family both to the east and west and the Sherwood Langer Farms LLC on the west representing 69 percent of the linear property frontage.

Attached is narrative explaining the details and reasons for the name change request, along with signed property owner petitions.

We look forward to your support for this request.

Regards,  
**Langer Gramor LLC**

A handwritten signature in blue ink that reads "Matt Grady".

Matt Grady, AICP  
Senior Project Manager

MG:kw  
Attachments

Cc: Jim Patterson/ City of Sherwood, City Manager

# Street Renaming Request

City of Sherwood, Oregon

*SW Adams Avenue to SW Langer Farms Parkway*

Petitioners: Langer Family LLC

Applicant: Langer Gramor LLC

October 19, 2010

## **Introduction**

The existing SW Adams Avenue is shown on Exhibit A, and is constructed from the Tualatin Sherwood Road south approximately 2,100 linear feet. Of this constructed distance the first 1,160 linear feet is a full width street construction with a three lane cross section necking down to a two lane cross section. On the western side is a sidewalk with street trees and street lighting. The east side is not improved. The second portion of the street is a half street width, that continues south another 900 linear feet with a sidewalk and street trees on the west side. The east side is unimproved. The road terminates a total distance of approximately 2,100 linear feet from the Tualatin Sherwood Road.

The City has recently completed designs for a southward continuation of SW Adams Avenue to Oregon Street, as well as, additional widening from the Tualatin Sherwood Road. It is anticipated that construction will commence in the Spring of 2011 to facilitate a north-south connection in conformance with the City's Transportation Plan.

## **Reasons for Name Change**

**Adams Avenue runs right through land previously or currently owned by the Langer family.**

The Langer Family has had a long history of land ownership in the City of Sherwood and has invested their time, energy and participation in community. The establishment and implementation of the "Langer Planned Unit Development" in 1995 has provided a well planned expansion of residential and corresponding commercial and industrial services for the community.

**The timing for a name change is opportune with planned roadway expansion set for 2011.** Adams Avenue is only partially constructed and will be expanded to be a complete north-south collector street in the Spring of 2011. Staff have explained that funding is available for construction of this facility and that full construction plans are completed enabling bids to be requested for construction.

**A name change will affect fewer property owners now compared to when the road is extended and subsequent adjacent properties are further developed.** Currently, there are 18 property owners identified on Exhibit B. There are likely to be more in the future as properties change hands and further developed.

**Of the affected property owners, Sherwood Langer Farms LLC has ten (10) commercial suites potentially affected.** This petition contains written authorization by this property owner

in support of the name change. Not all the ten (10) commercial suites are affected, as there are some vacancies with no current tenants.

**The “Development Agreement” between the City and the Langer Family contains an entire section on street renaming.** The Amended and Restated Development Agreement, “The Agreement,” (Resolution 2010-033) involves both the City of Sherwood and Langer Family LLC to provide expansion of public improvements, namely dedication of right-of-way, design and construction of SW Adams Avenue and SW Adams Avenue (North of Tualatin Sherwood Highway). Section G. 1 and 2 of the Agreement describe “Renaming of Adams Drive,” provided a petition is properly filed in accordance with ZCDC 16.108.010.A-C.

**Approvals of 69% of the abutting land owners has been granted by Sherwood Langer Farms LLC and by Langer Family LLC (Exhibits A1 and A2).** Table 1 computes the percentage of abutting landowners that have signed a petition to change the name.

**TABLE 1  
 ABUTTING PROPERTY OWNER’S CALCULATIONS**

Property Abutting Paved SW Adams Avenue	Linear Feet of Property Frontage
East Side of Adams	2,100
West Side of Adams	2,100
Total:	4,200
60% Requirement	2,520
Property Owners Meeting the 60% Requirement	
Langer Family LLC (East side)	2,100
Langer Family LLC (West side)	70
Sherwood Langer Farms LLC (West side)	745
Total: (Percentage Signed: 69.40%)	2,915

**Conclusion**

Given these reasons we believe it to be timely and appropriate to request the name change from SW Adams Road to SW Langer Farms Parkway.

**Exhibits:**

- Exhibit A1 – SW Adams Avenue Abutting Tax lots (Built Road)
- Exhibit A2 – Affected Commercial Suites at Sherwood Langer Farms Property
- Exhibit B – Signed Property Petitions

**EXHIBIT A-1**  
SW ADAMS AVENUE ABUTTING TAX LOTS  
(BUILT ROAD)



Item	Owner Name	Site Address	Taxlot ID	Owner Address	Owner City	State	Owner Zipcode
1	ARBOR TERRACE HOMEOWNERS	15692 SW TUALATIN RD	25129C018400	15414 SW FARMER WAY	SHERWOOD	OR	97140-8519
2	BALDWIN DANIEL J	15514 SW TUALATIN RD	25129C019500	15414 SW FARMER WAY	SHERWOOD	OR	97140-8519
3	CASEY EDWARD J, JR AND DOMINICO JOSEPH M & JENNIFER L	15537 SW THRAASHER WAY	25129C019500	15555 SW THRAASHER WAY	TUALATIN	OR	97062-7199
4	DOMINICO JOSEPH M & JENNIFER L	15537 SW THRAASHER WAY	25129C019500	15555 SW THRAASHER WAY	SHERWOOD	OR	97140-8519
5	EASTON JOHN &	15522 SW FARMER WAY	25129C009600	15522 SW FARMER WAY	SHERWOOD	OR	97140-8519
6	HILL DAVID A &	15559 SW FARMER WAY	25129C009900	15550 SW FARMER WAY	SHERWOOD	OR	97140-8519
7	JOHNSON ARVID I, LIVING TRUST	15549 SW THRAASHER WAY	25129C007100	1480 SE VILLAGE ST	MCKENZIEVILLE	OR	97140-8541
8	KING CAROL D	15580 SW FARMER WAY	25129C009700	15580 SW FARMER WAY	SHERWOOD	OR	97140-8519
9	LAMGER FAMILY LLC	14999 SW TUALATIN SHERWOOD RD	25129C007300	15885 SW TUALATIN SHERWOOD RD	SHERWOOD	OR	97140-8525
10	LAMGER FAMILY LLC	15525 SW THRAASHER WAY	25129C007000	15563 SW THRAASHER WAY	SHERWOOD	OR	97140-8902
11	MALDEN WILLIAM J	15573 SW THRAASHER WAY	25129C006900	15773 SW THRAASHER WAY	SHERWOOD	OR	97140-9933
12	OLIVER VERNON & JOHN DOUGLAS	NO STILLS	25129C002100	11 SW 9TH AVE ST 11B0	PORTLAND	OR	97203-8401
13	SHERWOOD LAMGER FARMS, LLC	15613 SW OREGON ST	25129C012500	15613 SW OREGON ST	PORTLAND	OR	97203-8442
14	SHERWOOD LAMGER FARMS, LLC	NO STILLS	25129C012500	15613 SW OREGON ST	PORTLAND	OR	97203-8442
15	ST FRANCIS CATHOLIC CHURCH	NO STILLS	25129C010000	15542 SW FARMER WAY	SHERWOOD	OR	97140-8519
16	TARGET CORPORATION	15601 SW FARMER WAY	25129C009800	15601 SW THRAASHER WAY	SHERWOOD	OR	97140-8519
17	WEAVER WILLIAM BRUCE	15601 SW FARMER WAY	25129C009700	15601 SW THRAASHER WAY	SHERWOOD	OR	97140-8519
18	WESTFALL GABRY L &	15601 SW THRAASHER WAY	25129C009700	15601 SW THRAASHER WAY	SHERWOOD	OR	97140-8519

\*Existing 1/2 Street Improvements extend south of SW Wheelstone Way to functioning freeways east of SW Adams Avenue to St. Francis Property

**SW Adams Avenue**  
**Abutting Taxlots (Built Road)**

**Legend**  
 abutting\_road\_taxlots

0 50 100 200 300 400 Feet

Data Source: Metro RLIS, May 2010  
 Map Created by: JMW, 6/8/10

N

**EXHIBIT A-2**  
AFFECTED COMMERCIAL SUITES  
AT SHERWOOD LANGER FARMS PROPERTY



Addresses and Sub-Addresses Affected by Streetname Change to SW Adams Avenue

<b>Item</b>	<b>Site Address</b>	<b>Street Name</b>	<b>Address Suffix (i.e. Unit or Suite #)</b>
1	21170 SW Adams Ave	SW Adams Avenue	n/a
2	21300 SW Adams Ave Ste 116	SW Adams Avenue	116
3	21300 SW Adams Ave Ste 112	SW Adams Avenue	112
4	21300 SW Adams Ave Ste 110	SW Adams Avenue	110
5	21300 SW Adams Ave Ste 100	SW Adams Avenue	100
6	21300 SW Adams Ave Ste 102	SW Adams Avenue	102
7	21300 SW Adams Ave Ste 104	SW Adams Avenue	104
8	21300 SW Adams Ave Ste 106	SW Adams Avenue	106
9	21300 SW Adams Ave Ste 108	SW Adams Avenue	108
10	21300 SW Adams Ave Ste 114	SW Adams Avenue	114

## **EXHIBIT B**

### **SIGNED PROPERTY PETITIONS**

July 1, 2010

**PROPOSED STREET RENAMING – City of Sherwood  
SW ADAMS ROAD TO LANGER FARMS PARKWAY**

**Landowners in Support of Name Change Abutting SW Adams Road**

<b>Owner Name (Printed)</b>	<b>Signature</b>	<b>Parcel Identification</b>
Sherwood Langer Farms LLC		2S129CA00900
Langer Family LLC		2S129D000300
Langer Family LLC		2S129CD07300

RECEIVED

AUG 26 2010

15372

July 1, 2010

**PROPOSED STREET RENAMING – City of Sherwood  
SW ADAMS ROAD TO LANGER FARMS PARKWAY**

**Landowners in Support of Name Change Abutting SW Adams Road**

<b>Owner Name (Printed)</b>	<b>Signature</b>	<b>Parcel Identification</b>
Sherwood Langer Farms LLC		2S129CA00900
Langer Family LLC		2S129D000300
Langer Family LLC		2S129CD07300

ORDINANCE 93-956, an ordinance renaming S.E. Highland Street between S.E. Oregon Street and S.E. Willamette Street to S.E. Adams Street.

DATED: January 13, 1993

AFTER RECORDING RETURN TO:

City of Sherwood Recorder's Office  
20 N.W. Washington Street  
Sherwood, Oregon 97140

Washington County, Oregon 2005-052767

05/11/2005 02:45:44 PM

D-NBR Cnt=1 Stn=21 RECORDS1

\$15.00 \$6.00 \$11.00 - Total = \$32.00



00768224200500527670030032

I, Jerry Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

*Jerry Hanson*

Jerry R. Hanson, Director of Assessment and Taxation,  
Ex-Officio County Clerk





**City of Sherwood, Oregon  
Ordinance No. 93-956**

**AN ORDINANCE APPROVING A STREET NAME CHANGE FROM S. E. HIGHLAND STREET BETWEEN WILLAMETTE AND OREGON TO S. E. ADAMS AVENUE, AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, a citizen request has been received to change the name of the existing S. E. Highland Street between S. E. Oregon Street and S. E. Willamette Street to S. E. Adams Avenue, and

**WHEREAS**, there exists within the City a S. E. Highland Drive which is offset approximately one-half block from said S. E. Highland Street, and

**WHEREAS**, there also exists in the City a twenty-foot wide alleyway named S. E. Highland Street between S. E. Willamette Street and S.E. Oregon Street and the City has no present or future plans to expand this alleyway to a street, and

**WHEREAS**, the possible confusion between the existing S. E. Highland Street and S. E. Highland Drive could cause delays in emergency response situations causing undue risk to life and property, and

**WHEREAS**, notice was posted at two (2) locations on Highland Street, was published, and a hearing was held in accordance with Code Section 6.301.03 C, and

**WHEREAS**, a City Staff Report was prepared for this review (File No. SRN 92-1), dated December 8, 1992.

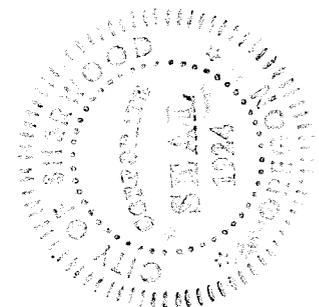
**NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS;**

**Section 1.** That the existing S. E. Highland Street between S. E. Oregon Street and S. E. Willamette Street name be changed to S. E. Adams Avenue.

**Section 2.** That the alleyway named S. E. Highland Street between S. E. Willamette Street and South Pine Street be unnamed.

**Section 3.** A certified copy of this ordinance shall be recorded with the County Clerk, County Assessor and County Surveyor.

**Section 4.** The City shall remove and replace any street name signs which are affected by this ordinance.



*Donna M. Martin, Deputy Recorder for the City of Sherwood. This is a true copy of the original which is part of the official record for the City of Sherwood.*



Section 5. This ordinance shall become effective within thirty (30) days after its passage and approval.

Duly passed by the City Council this 13th day of January, 1993.

Approved by the Mayor this 13th day of January 1993.

Walter Hitchcock  
Walter Hitchcock, Mayor

ATTEST:

Polly Blankenbaker  
Polly Blankenbaker, City Recorder

	<u>AYE</u>	<u>NAY</u>
Boyle	<input checked="" type="checkbox"/>	___
Cottle	<input checked="" type="checkbox"/>	___
Hitchcock	<input checked="" type="checkbox"/>	___
Kennedy	<input checked="" type="checkbox"/>	___
Shannon	<input checked="" type="checkbox"/>	___

## Michelle Miller

---

**From:** Julia Hajduk  
**Sent:** Wednesday, March 09, 2011 8:38 AM  
**To:** Michelle Miller  
**Subject:** FW: Adams Ave. renaming

FYI - this came to me and was in the quarantine folder!

-----Original Message-----

**From:** Yvonne Scheller [mailto:yvones38@frontier.com]  
**Sent:** Tuesday, March 08, 2011 3:12 PM  
**To:** Julia Hajduk  
**Subject:** Adams Ave. renaming

Hello Michelle, to follow up our phone conversation of last week I would like to put in writing what we discussed.

A petition was filed with the city in 1991 to change the name of the short portion of Highland St from Willamette to the fire station to Adams due to inability to receive deliveries to out duplex under construction and Fed Ex Deliveries to the duplex next door. There was confusion with the Highland St. and Highland CT. to the Southwest. The Adams name was selected in honor of my family name out of respect for my father from whom we inherited the property.

Petition was accepted January 13, 1991.

At a later date Adams Avenue was extended for future development from Oregon to Tualatin/Sherwood Road. About 5 years ago the commission changed the portion of the street from Willamette to Oregon St. to the Foundry name without informing any of the owners or residence on the street. Upset, Yes!  
Received an apology from the council which we appreciated.

Now proposals have been made to change the remaining portion of Adams to a name the Langer Family has submitted. This would totally eliminate the Adams Name.

Don and I would like to see the Adams name remain on the Avenue.

RECEIVED

APR 19 11

CITY  
PLANNING DEPT.

## City Of Sherwood Land-Use And Development Applications

### **Street renaming Adams to Langer Farms Parkway - - - Public comment period open**

**I object to the proposal of the change of name Adams to Langer Farms Parkway for the following reason.**

**In and around the Sherwood area there is already a city park that runs from Adams to Sherwood Blvd named Langer Park. There is also a street on the north section of Sherwood name Langer Street.**

**If any future plans of a Langer Family member to run for political office, anyone running against them would have an unreasonable disadvantage of name exposure. Instead of judging the candidate on the merit of their platform, the name Langer would carry a certain amount of bias. Naming yet another street, park or landmark would give a Langer Family member an unfair advantage.**

**At this very time Matt Langer is holding the position of Councilor to the City of Sherwood.**

*Robert Morrison*

#### Public Testimony for Adams Avenue Street Rename

Arleen Harvey, friend of Yvonne Scheller: Wants to keep the name the same because of the family history in Sherwood with the name of Adams. 503-625-6698 The Adams family had been in Sherwood since 1950 and the street was named for the family as they owned property adjacent to the Street.

## Michelle Miller

---

**From:** Ian Crawford <icrawford@wccca.com>  
**Sent:** Tuesday, November 09, 2010 11:06 AM  
**To:** Michelle Miller  
**Subject:** RE: Street Rename in Sherwood

Michelle,

Thank you for contacting me about this proposed street name change. After reading your email and reviewing the document, I don't see an issue with the new proposed name for this street. From an emergency dispatch perspective, it's always ideal for streets to be as dissimilar as possible to avoid confusion between callers and dispatchers. Even though there are similarly named streets in Sherwood, the fact that this street will have a PKWY type will help differentiate it from SW LANGER DR.

The one request that I have is for the addresses assigned to SW LANGER FARMS PKWY to not overlap with those of SW LANGER DR, 15600-16499. If a 911 call came in at, say, 15800 SW LANGER FARMS PKWY, and the dispatcher typed in a shorthand address string like 15800 SW LANGER, our dispatch software would automatically place the call at 15800 SW LANGER DR. If we can avoid overlapping address ranges we can eliminate the chance of something like this taking place.

Let me know if you have any further questions.

Thanks,

Ian

Ian Crawford  
WCCCA 9-1-1  
17911 NW Evergreen Parkway  
Beaverton, OR 97006  
Office (503) 690-4911 Ext. 282  
[icrawford@wccca.com](mailto:icrawford@wccca.com)

---

**From:** Michelle Miller [<mailto:millerm@ci.sherwood.or.us>]  
**Sent:** Monday, November 08, 2010 4:39 PM  
**To:** Ian Crawford  
**Subject:** Street Rename in Sherwood

Good afternoon,

An application has been submitted for a street rename in Sherwood. The process includes a hearing before the City Council to approve the rename. There is a list of Street Name Standards § 16.108.010 (4) in the Development Code that include Similar Names.... should be avoided." In this case the applicant is proposing to name the street "SW Langer Farms Parkway." The current street is named SW Adams Avenue-a north south collector. This street is nearly in the construction phase to extend from 99W south into Old Town and connect with SW Oregon Street.

One of the issues is that there is an existing street in Sherwood named SW Langer Drive. There is also a shorter street nearby called SW Farmers Way. I am looking for an opinion or a comment from an emergency response point of view as to whether the proposed street name is distinctive enough to allow all three to be in the same general vicinity or whether it would cause too much confusion. I have attached the link to the materials on our website for your review.

[http://www.sherwoodoregon.gov/sites/default/files/files/government/departments/planning/Street\\_Rename\\_Adams\\_to\\_Langer\\_Farms/Street%20Rename%20Application%20Materials.pdf](http://www.sherwoodoregon.gov/sites/default/files/files/government/departments/planning/Street_Rename_Adams_to_Langer_Farms/Street%20Rename%20Application%20Materials.pdf)

If you are not the correct person to contact, please let me know. If you have questions about this application or email, please do not hesitate to call.

Thanks for your time!

Michelle Miller  
Associate Planner  
503-625-4242  
[millerm@ci.sherwood.or.us](mailto:millerm@ci.sherwood.or.us)

---

This email may contain confidential information or privileged material and is intended for use solely by the above referenced recipient. Any review, copying, printing, disclosure, distribution, or other use by any other person or entity is strictly prohibited and may be illegal. If you are not the named recipient, or believe you have received this email in error, please immediately notify the City of Sherwood at (503) 625-5522 and delete the copy you received.



**RESOLUTION 2011-075**

**A RESOLUTION OF THE SHERWOOD CITY COUNCIL CERTIFYING THE EXPLANATORY STATEMENT FOR BROOKMAN ANNEXATION TO BE REFERRED TO THE ELECTORS ON THE NOVEMBER 2011 BALLOT**

**WHEREAS**, under the Sherwood City Charter all proposed annexations of territory to the city must be referred to the voters for approval; and

**WHEREAS**, the proposed annexation of the Brookman Road Area was approved by the City Council on August 16, 2011, and referred to the November 2011 ballot; and

**WHEREAS**, under Sherwood Municipal Code (SMC) 2.04.044, the City Council must certify the explanatory statements of all city-referred measures; and

**WHEREAS**, the explanatory statement was drafted by the City Attorney to ensure compliance with state law; and

**WHEREAS**, the City Council has reviewed the Explanatory Statement for the Measure proposing annexation of the Brookman Road Area.

**NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF SHERWOOD RESOLVES:**

**Section 1.** The City Council hereby certifies the explanatory statement attached hereto as Exhibit A for the proposed annexation of the Brookman Road Area consistent with its duty under SMC 2.04.044 and is deemed to have filed the explanatory statement with the City Recorder on August 16, 2011.

**Section 2.** The City Recorder is directed to publish a notice in a newspaper of general circulation in the city upon receipt of the explanatory statement consistent with the terms of SMC 2.04.044(C) and that explanatory statement shall be used with the City's ballot measure for approval by voters at the November 8, 2011 election.

**Section 3.** This resolution is effective upon its adoption by the City Council.

PASSED AND APPROVED this 16<sup>th</sup> day of August, 2011.

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder

## **CITY OF SHERWOOD MEASURE TO ANNEX BROOKMAN ROAD AREA**

### **EXPLANATORY STATEMENT**

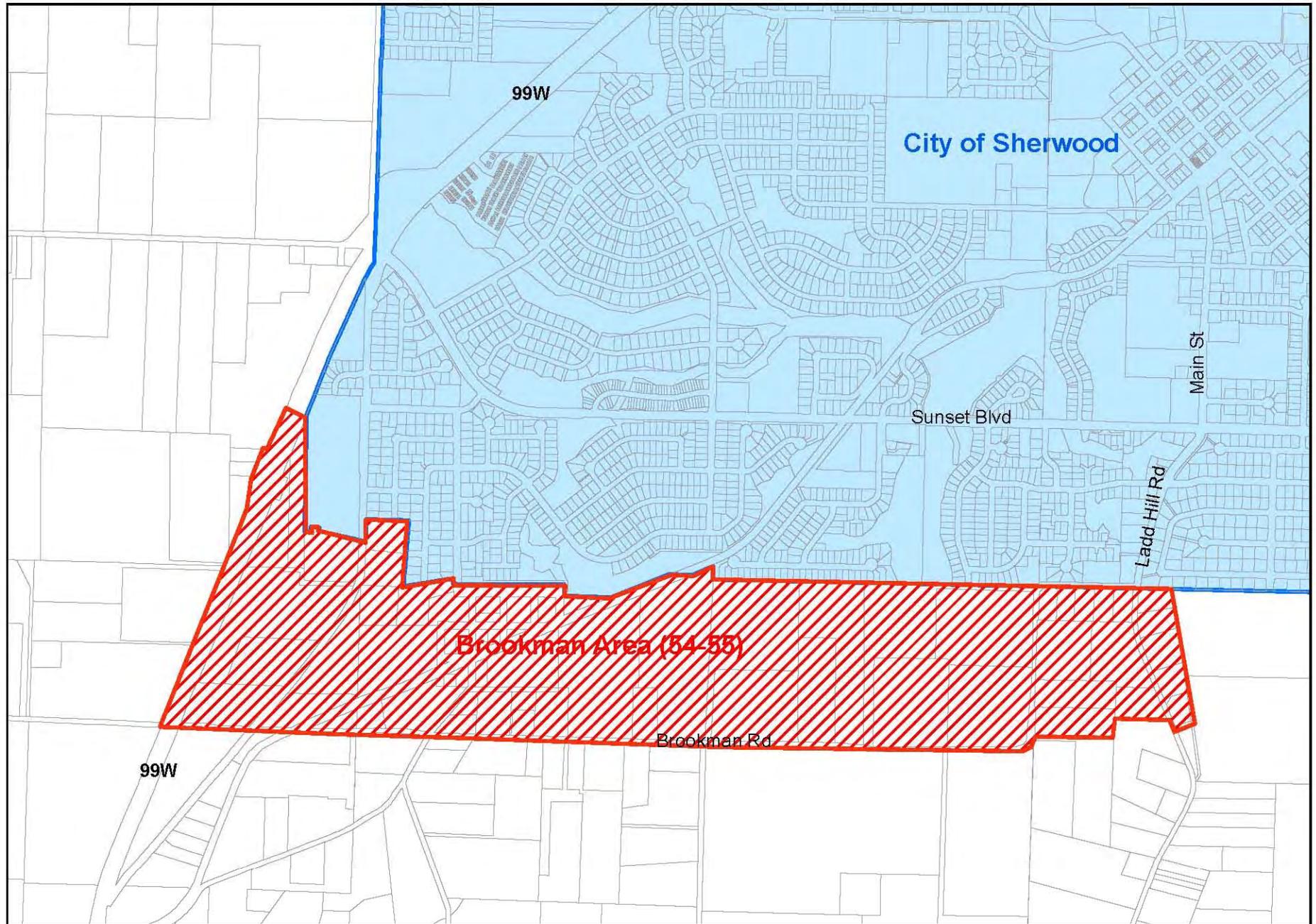
The Oregon Constitution gives city voters the right to adopt a city charter to govern matters of local concern. The current city charter requires Sherwood voters to approve the annexation of any new territory to the city. This measure proposing annexation of the Brookman Road Area was approved by the Sherwood City Council on August 16, 2011, and referred to the ballot for approval by city voters.

The Brookman Road Area consists of approximately 258 acres, including approximately 66 separate lots and parcels. The area lies generally south of the current city boundary, north of Brookman Road, east of Highway 99W and west of Ladd Hill. It also includes five parcels located directly east of Ladd Hill Road. The area was added to the Metro urban growth boundary in 2004.

The area is the subject of the Brookman Concept Plan that was approved by the City Council on June 2, 2009. The Brookman Concept Plan is the result of a five-year public process that included multiple public hearings before the Sherwood Planning Commission and City Council. Under the Concept Plan, the area will be zoned for a mix of uses including Medium Density Residential Low, Medium Density Residential High, High Density Residential, Office Commercial, Neighborhood Commercial, Light Industrial and Institutional Public. It also includes a large area of open space.

Following annexation, city taxes will be phased in over a period of 10 years. This is intended to reflect the expected rate of development in and the extension of city services to the area. If approved by the voters of Sherwood, the Area may be annexed following approval by a majority of voters or property owners in the Brookman Road Area. Accordingly, the annexation will become effective following approval by a majority of Sherwood voters and a majority of voters or property owners in the Brookman Road Area.

# Brookman Area (54-55) Vicinity Map



**Field House**  
**Monthly Report July 2011**

<u>July-11</u>	<u>Jul-11</u>		YTD	
<u>Usage</u>	<u>Count</u>	Est. People <u>Served</u>	<u>Count</u>	Est. People <u>Served</u>
Leagues	3	350	3	350
Rentals	8	200	8	200
Other (Classes)				
[1] Day Use	2	11	2	11
<b>Total Usage</b>		<b>561</b>		<b>561</b>

<b>FY 11-12</b>		
<u>Income</u>	<u>Jul-11</u>	<u>YTD</u>
Rentals	\$605.00	\$605.00
League fees (indoor)	\$580.00	\$580.00
Card fees (indoor)	\$60.00	\$60.00
Day Use	\$21.00	\$21.00
Merchandise		
Snacks	\$120.00	\$120.00
Classes		
<b>Total Income</b>	<b>\$1,386.00</b>	<b>\$1,386.00</b>

Please note this starts the fiscal year 2011-2012.

<b>FY 10-11</b>		
<u>Income</u>	<u>Jul-10</u>	<u>YTD</u>
Rentals	\$4,730.00	\$4,730.00
League fees (indoor)	\$6,945.00	\$6,945.00
Card fees (indoor)	\$250.00	\$250.00
Day Use	\$16.00	\$16.00
Merchandise		
Snacks	\$112.25	\$112.25
Classes		
<b>Total Income</b>	<b>\$12,053.25</b>	<b>\$12,053.25</b>

**Active Rec happenings since the last parks board meeting**

Youth baseball's older kids finished up the season with forty games in the month of July.

The baseball club also hosted the Senior American district tournament at Snyder Park and SMS.

Baseball will be playing a fall schedule at Snyder Park.

The Lake Oswego Nike Cup soccer tournament also rented our two turf fields for 38 games in the month of July.

The High school held their youth football camp the last week of July with over two hundred Sherwood kids participating. Youth football registration is closed.

Youth Volleyball registration is still open.

Youth Cheer registration is closed and they were in the Robin Hood parade and will be practicing outside in the month of August.

Youth soccer's classic teams continue to practice and the Rec teams will start around the second week in August.

I am working closely with P/W to gear up for the fall seasons.

Respectfully Submitted

August 1, 2011

Lance Gilgan

## Sherwood Public Library – July 2011

	<u>Current Yr</u>	<u>Past Yr</u>	<u>% Change</u>
<b>Check out</b>	<b>35,956</b>	<b>34,750</b>	<b>+3% (16% self-check)</b>
<b>Check in</b>	<b>26,661</b>	<b>25,198</b>	<b>+6%</b>

- New Library cards 126
- Volunteer hours 204.25 hours (27 volunteers)

### Monthly Activities

- Twenty-one Baby, Preschool and Toddler Storytimes (455 children/342 adults = 797 total) – Teresa was on vacation one week so storytimes were canceled
- Two Read-to-the-Dogs programs
- Magazine Monday (free magazine giveaway)
- New WCCLS refund policy effective July 1
- Non-Resident fees increase from \$95 to \$100 annually, effective July 1
- “Managing Your Items on Hold” bookmarks inserted in all patron holds from July 1-20
- Summer Reading Program continues (1314 registrations as of 07/13)
- 07/04 Library closed for 4<sup>th</sup> of July Holiday
- 07/05 Summer Reading Program Event – Presto the Magician (200 attendees)
- 07/07 Friends of the Sherwood Library Meeting
- 07/11 WCCLS Envisionware Upgrade

- 07/11 Pam North attended the Cultural Coalition of Washington County Awards Celebration in recognition of Sherwood's grant
- 07/12 Summer Reading Program Event – JuggleMania (225 attendees)
- 07/15-16 Sherwood Robin Hood Festival – The Library participated in the BOOTS (Businesses of Old Town Sherwood) Scavenger Hunt on Saturday
- 07/16 Congressman David Wu and Mayor Keith Mays held open-door hours in the Community Meeting Room
- 07/19 Summer Reading Program Event – Penney's Puppets (100 attendees)
- 07/26 Summer Reading Program Event – Reptile Man (350 attendees)
- 07/28 "Cliffhanger Writing Prompts" Book Launch/Workshop with author and Sherwood's Story Lady, Teresa Klepinger
- Patron survey available online and in hardcopy through early August
- Volunteer recruitment and training continues & new volunteers begin shifts
- Library staff attended various regional, City and WCCLS meetings: WUG, Circulation, Circulation Transactions, Acquisitions, Cataloging, Policy Group, Safety & OLA/Public Library Division Board