

**Sherwood High School**  
Annexation Application

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**Site Location:** Property bound by SW Elwert Road on the east, SW Kruger Road on the south, and SW Haide Road on the north.

**Tax Lot(s):** Tax Map 2S236, tax lots 200, 201, 206 & 207

**Site Size:** 84.7 Acres (includes adjacent rights-of-way)  
**Zoning:** AF-20 Agriculture and Forest District - Washington County  
proposed IP Institutional and Public - City of Sherwood

**Summary of Request:** The applicant requests annexation of 84.7 acres of land into the City of Sherwood to construct a new high school.

**Report Date:** February 1, 2018



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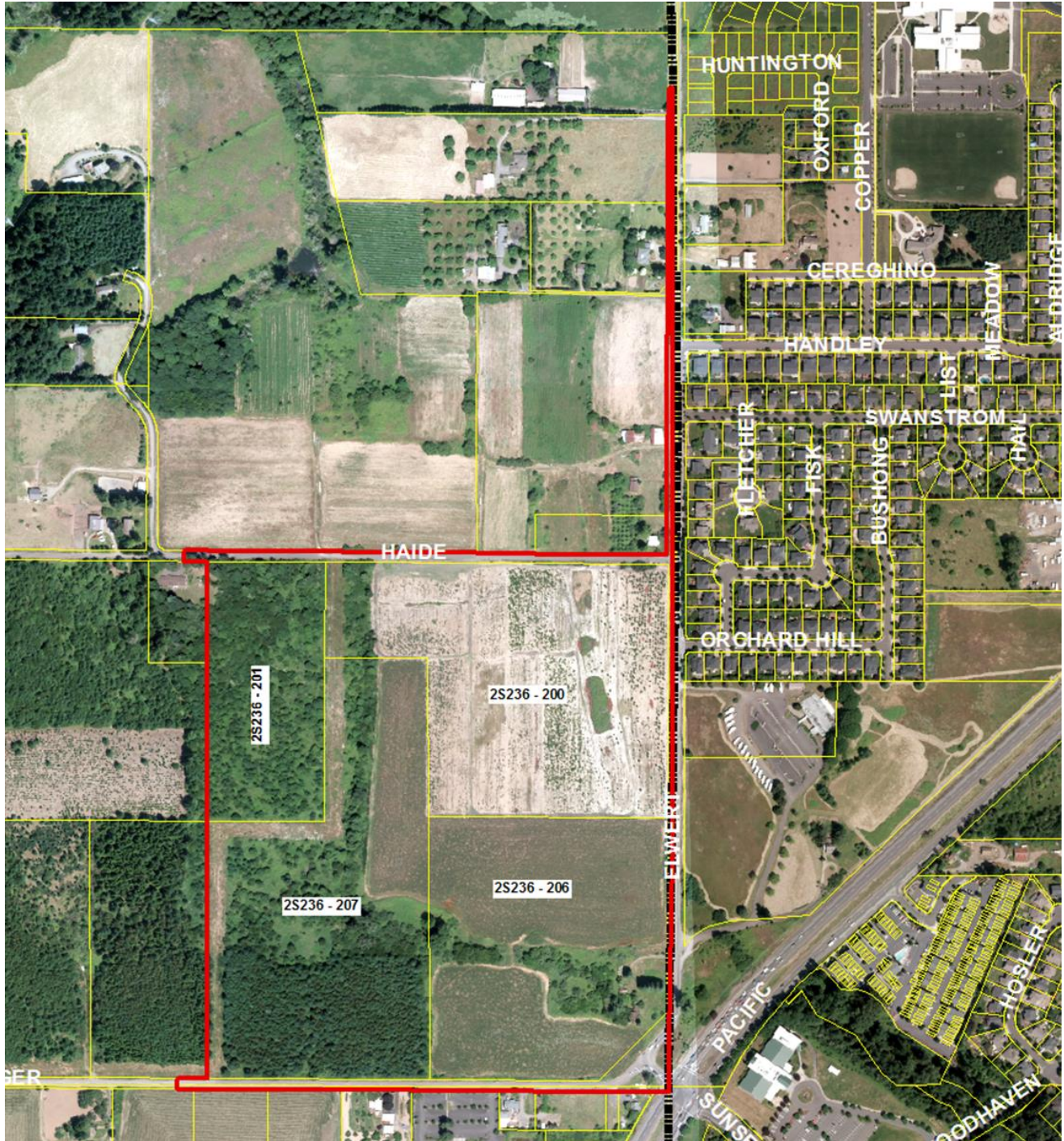
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## I. DESCRIPTION OF PROPOSAL

The applicant proposes to annex four tax lots into the City of Sherwood for the purposes of constructing a new high school. The site totals 84.7 acres including the adjoining right-of-way that is expected to be improved in support of the project. See figure below. This request is being requested under the provisions of SB 1573.





## II. RESPONSE TO APPLICABLE CODE STANDARDS AND APPROVAL CRITERIA

### SENATE BILL 1573



**Response:** The proposed annexation would occur under the provisions of SB 1573 which were codified under the provisions of Oregon Revised Statute 222, sections 222.111 through 222.180. Those provisions are addressed below.

*(1) This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.*

**Response:** The City of Sherwood is a jurisdiction that requires voter approved annexations.

*(2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:*

*(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;*

*(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;*

*(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and*

*(d) The proposal conforms to all other requirements of the city's ordinances.*

**Response:** With the exception of the public rights-of-way, the territory under consideration for this application is owned by the Sherwood School District and the City of Sherwood, and was brought into the UGB on August 17, 2017 by approval of Metro Ord. No. 17-1406 under the Urban Growth Boundary major amendment process in Metro Code Section 3.07.1440. Upon approval of the annexation the territory will be subject to the Sherwood Comprehensive Plan consistent with the approval of the Title 11 concept plan approved by Sherwood Ord. 2017-008. Two of the four parcels proposed to be annexed are separated from the City limits by SW Elwert Road, a public right-of-way. As proposed and discussed throughout this narrative, the proposal conforms to the applicable ordinances of the City of Sherwood as it pertains to annexation. Separate permits for site development would occur in the future should the annexation be approved.

*(3) The territory to be annexed under this section includes any additional territory described in ORS 222.111 (1) that must be annexed in order to locate infrastructure and right of way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing city.*

**Response:** ORS 222.111 allows annexations of areas that are contiguous but separated from the existing city limits by public right of way or a stream, bay, lake or other body of water. The site is contiguous to the existing city limits except for the Elwert Road right-of-way. As proposed, the area proposed to be annexed includes the Elwert Road right of way for the ultimate extension of public services to the site. This criterion is satisfied.

*(4) When the legislative body of the city determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the city by an ordinance that contains a description of the territory annexed.*



**Response:** Noted.

### METRO TITLE 3.09

#### *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.*

**Response:** Noted

*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 identified 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;*
- 2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and*
- 3. The proposed effective date of the boundary change.*

**Response:** This is a notification directive for the staff report. A detailed discussion of how urban services are proposed to be provided to the site is responded to under Section D. below.

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

**Response:** This application and supporting information including certified petitions, legal descriptions, and this narrative have been prepared to ensure that the proposed annexation is compliant with 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.*

**Response:** Sections (D) and (E) of section 3.09.045 (**identified in bold**) state:

- D. To approve a boundary change through an expedited process, the city shall:***
- 1. Find that the change is consistent with expressly applicable provisions in:***
    - a. Any applicable urban service agreement adopted pursuant to ORS 195.065;***
    - b. Any applicable annexation plan adopted pursuant to ORS 195.205;***
    - c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;***
    - d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;***
    - e. Any applicable comprehensive plan;***
    - f. Any applicable concept plan; and***



**Response:** The proposed annexation is located within the Sherwood West Preliminary Concept Plan, and more recently in a refinement plan that specifically focused on this area for a new public high school. That specific concept plan was adopted by the City Council under Ordinance 2017-008. This criterion is satisfied.

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

- a. Promote the timely, orderly and economic provision of public facilities and services;**
- b. Affect the quality and quantity of urban services; and**
- c. Eliminate or avoid unnecessary duplication of facilities or services.**

**Response:** The School District's civil engineer, KPFF, prepared a preliminary utility analysis and layout necessary to serve the site with public utilities. The preliminary layout included review of service for domestic water, sanitary sewer and stormwater drainage. Those services are discussed in detail below:

**Water**

The site is located just east of the 3.0 MG Kruger Reservoir, and is adjacent to the existing 18-inch public water line located in SW Kruger Road, and the existing 12-inch public water line located in SW Elwert Road. The City of Sherwood is requiring an 8-inch public water main extension in SW Haide Road for the entire frontage of the project site as well as an 8-inch public water main in the private north-south roadway along the western edge of the school site. This line would connect to the new main in SW Haide Road and the existing 18-inch main in SW Krueger Road. The costs for the public water mains would be paid for by the Sherwood School District.

**Sanitary Sewer**

Sanitary sewer infrastructure is not currently available to the site. For the Sherwood High School project, it is assumed at this time that the site will be served by a proposed 2100-foot 15-inch sanitary sewer extension in SW Haide Road and SW Elwert Road. The proposed sewer will connect to the existing sanitary sewer manhole in SW Elwert Road, installed for the Daybreak Subdivision project. This sanitary system conveys wastewater to the 24-inch Sherwood Trunk Sewer. The Trunk line flows to the Sherwood Pump Station, owned by Clean Water Services (CWS), which sends sewage to the Durham Advanced Wastewater Treatment Plant via the Upper Tualatin Interceptor, also owned by CWS. The costs for the public sanitary sewer extension in SW Haide and SW Elwert Roads would be paid for by the Sherwood School District.

**Storm Water Drainage**

The stormwater runoff from the site presently flows to the east, continuing through a drainage path offsite. The runoff is conveyed through an existing 36-inch storm drain culvert located under Highway 99W where it discharges to an unnamed stream tributary to Cedar Creek located south of the highway. Storm drainage from Haide Road frontage flows to the north within an unnamed drainage basin that flows to Chicken Creek.

Stormwater detention and water quality are required by Clean Water Services, as well as by the National Marine Fisheries Service (NMFS), based on the Standard Local Operating Procedures for Endangered Species Program (SLOPES V). The current plan for stormwater



management on site is to provide water quality and detention for all impervious areas in two vegetated extended dry basins. Flow control structures will reduce runoff to the predevelopment condition for the required design storms. From the extended dry basins, the runoff is ultimately routed to mimic the existing historic flow paths from the site: one to the north crossing SW Haide Road, and one to the east crossing SW Elwert Road. The existing culverts under these roads will be upsized and improved as needed during the resulting off-site public right-of-way improvements project.

The District will be required to operate and maintain the stormwater management facilities to ensure standards are met without impacting downstream infrastructure, water bodies and habitat. Storm drainage improvements will also be required with the offsite public roadway improvements fronting the project along SW Elwert Road, SW Haide Road and SW Krueger Road. This will include stormwater management planters and/or swales, catch basins and piping that will connect to the existing public drainage infrastructure or to future infrastructure that will be installed by Washington County as a part of the roundabout project. All of the costs for storm drainage improvements for the onsite and offsite frontage improvements will be paid for by the Sherwood School District.

The proposed annexation site is already served by a network of existing county roads. A Transportation analysis for the area was prepared by Scott Mansur, PE, a professional and licensed traffic engineer with DKS Associates. His analysis describes the existing conditions as follows:

### ***Major Streets***

SW Elwert Road from Highway 99W to Scholls-Sherwood Road is currently functioning as a two lane rural arterial. Elwert Road historically was a rural road used primarily for providing transportation access for farm equipment and rural residents. Over time, Elwert Road has become a secondary bypass route for commuter traffic (through trips) traveling between Highway 99W and Scholls-Sherwood Road and Roy Rogers Road, avoiding the intersection signals along the Highway 99W route.

Elwert Road's physical characteristics consist of two 11-foot paved lanes, a straight horizontal alignment, and a vertical alignment consisting of rolling hills that include acute vertical sags and crests. Access points onto Elwert Road include several private driveways and seven street intersections (both local and collector).

Both Kruger and Haide Roads are classified as Local Streets, primarily providing direct access to adjacent land. The streets are paved with narrow lane widths and roadside ditches to provide drainage.

The City of Sherwood's Transportation System Plan (COS TSP) and Washington County's Transportation System Plan (WACO TSP) coordinated the analysis and results for Elwert Road from the intersection of Highway 99W to the Scholls-Sherwood Road intersection. Both plans identify the future build-out condition of Elwert Road as a 3-lane arterial, including sidewalks and bike lanes on both sides of the road.

The Kruger/Elwert/Sunset Blvd/Highway 99W intersection is identified in the Major Streets Transportation Improvement Plan (MSTIP) for reconstruction as a roundabout. This





improvement is intended to alleviate the congestion created by inadequate stacking distance and restricted traffic by-pass flow off Highway 99W towards Scholls-Sherwood Road. The intersection improvements are currently scheduled for construction in 2017-2019.

### ***Pedestrian and Bicycle Facilities***

There are presently no pedestrian or bicycle facilities adjacent to the site. In addition, there are no formal multi-use trails within the Sherwood West area.

As stated above, the City of Sherwood's Transportation System Plan (COS TSP) and Washington County's Transportation System Plan (WACO TSP) identify the future build-out condition of Elwert Road as a 3-lane arterial, including sidewalks and bike lanes on both sides of the road.

### ***Transit***

Limited transit service is provided to the City of Sherwood, and there are existing TriMet bus stops located approximately one mile east of the site. Line 93-Tigard/Sherwood provides local service between Sherwood and Tigard via Pacific Highway seven days a week. Line 94-Pacific Hwy/Sherwood provides local weekday service between Sherwood and Tigard and express service between Tigard and Portland City Center. Line 97-Tualatin-Sherwood Road provides local weekday service between the Tualatin WES Commuter Rail station and the Sherwood Plaza.

TriMet operates the Westside Express Service (WES), which is a commuter rail service with a stop in Tualatin, just east of Sherwood. WES connects Tigard, Tualatin, and Beaverton via morning and evening commutes Monday through Friday.

### **Fire Protection and Emergency Services**

Fire protection and emergency services are provided by Tualatin Valley Fire and Rescue (TVFR). TVFR currently has one operating station (No. 33), located at 15440 SW Oregon St, approximately 2 miles east of the site.

### **Police**

The Sherwood Police Department provides law enforcement services to the City limits. The Police Department office is located 1.5 miles northeast of the site, just north of 99W, at 20495 SW Borchers Drive.

### **Parks and Recreation**

The City of Sherwood has a Public Works Department who is responsible for parks, trails, open space and recreation services.

Adopted in October 2006, the Parks and Recreation Master Plan conducted a comprehensive review of existing recreation facilities and land resources, and developed goals, objectives, and actions to implement long-term strategies for future park development, preservation, design, and funding mechanisms. Key recommendations of the plan include completion of the community trail system and expansion of recreation opportunities such as construction of a skate park. Within the city limits, Sherwood manages over 300 acres of open space including most of the 100-year floodplain along Cedar Creek and portions along Rock Creek.



In total, 6.5 miles of paved multi-use trails are present in the City's existing open space system. Existing hard surface trails terminate at Highway 99W just south of Sunset Boulevard and approximately 600 feet to the north at Highway 99W in the greenway north of the Sherwood YMCA. These are the closest multi-use trail connections to the site.

At this time, there are no formal multi-use trails or parks in Sherwood West. Chicken Creek forms a natural greenway flowing southwest to northeast through the Sherwood West Preliminary Concept Plan study area, eventually draining to the Tualatin River via Cedar Creek. The Cedar Creek greenway through the City connects at Chicken Creek. West Fork Chicken Creek and Goose Creek form smaller natural greenways in the central and southeast portions of the Sherwood West study area, respectively. Upper Chicken Creek, a 38-acre Metro-owned natural area, is located just outside the study area and abuts its western edge south of Kruger Road.

As proposed, it is feasible for the School District to extend the necessary public services when physical development of the property occurs. The provision of these urban services are not duplicative and are not expected to negatively affect the quality or quantity of existing services. A school is recognized as an essential public facility, and the high school that will be proposed on the site is replacing an existing high school to accommodate needed capacity.

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

**Response:** As stated previously, the territory under consideration for this application is owned by the Sherwood School District, and was brought into the UGB on August 17, 2017 by approval of Metro Ord. No. 17-1406 under the Urban Growth Boundary major amendment process in Metro Code Section 3.07.1440. All of the proposed area is located inside the UGB.

## SHERWOOD COMPREHENSIVE PLAN

*City of Sherwood Comprehensive Plan (Chapter 3, section B.2): Policy Goal: To adopt and implement a growth management policy which will accommodate growth consistent with growth limits, desired population densities, land carrying capacity, environmental quality and livability.*

### *Policy Objectives*

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

**Response:** The territory proposed to be annexed is contiguous to the Sherwood city limits. The right-of-way that is between the private properties and city limits is proposed to be annexed as well. Therefore, this application does not require "leap frogging" over developable property. This policy objective is satisfied.

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



**Response:** In considering the need for a new high school, the school district and its bond team identified the following siting criteria:

1. Minimum Size: 50 acres
2. Zoning: Site must be zoned or planned for residential or institutional use that allow schools
3. Location: Site must be in Sherwood or contiguous to Sherwood (The City of Sherwood and mostly western Sherwood is where 90% of the student population resides)
4. Topography: Flat to mostly flat to accommodate ballfields
5. Wetlands and Waterways: No wetlands or minimal wetlands/waterways
6. Water and Sanitary Sewer: Adequate public utilities must be available or within a reasonable distance to be extended to serve the site
7. Stormwater Drainage: Downstream drainage capacity must exist to accommodate new impervious areas
8. Transportation: Site must be located near major streets to allow ease of access for students and limited routing of school traffic and buses through existing or planned residential areas

The district relied on data from the city to inform their decision. For example, the buildable lands inventory conducted by City staff and ECONorthwest in June of 2015 contained a 2014 residential buildable lands inventory map that identified vacant buildable residential land within the City's existing UGB including the Brookman area. The following areas were considered for siting within the existing UGB.

#### Northeast Sherwood (Commercial and Industrial Land)

##### *Sherwood City Limits*

The northwest area of the City of Sherwood is zoned commercial and industrial, zoning that does not allow for school uses. In addition, much of the commercial and industrial land is built-out or contains wetlands and sensitive areas that cannot be developed. The largest vacant developable site in this area is located at the southeast corner of SW Langer Farms Parkway and SW Century Drive and is only 22 acres, too small for a high school.

##### *Tonquin Employment Area*

In 2004, 300 acres of industrial land was added to the Sherwood urban growth boundary in east Sherwood, known as the Tonquin Employment Area. A concept planning document was completed for this area in October of 2010. None of the area has of yet been annexed into the City of Sherwood to allow for urban development. There is an 88 acre parcel that fronts SW Tualatin-Sherwood Road that has potential to accommodate a new high school (12900 SW Tualatin Sherwood Road – 2S128D000100). However, this parcel was added to the UGB for the purpose of providing industrial uses and not for school uses. In addition, this site is located at the far east end of the existing Sherwood city limits and is not close to the student population that predominately resides on the west side of Sherwood. Therefore, locating the school here would result in an inconvenient and isolated high school campus in the midst of industrial uses. Thus, the site was rejected from further consideration.

#### South and West Sherwood (Residential Land)



The southern and western areas of Sherwood are mostly residential. Residential zoning allows for school uses. This is also where most of the School District's student population resides (more than 90% of the student population lives in southern and western Sherwood).

South of the existing city limits and within the urban growth boundary, is the 250-acre Brookman Road Addition Concept Planning Area (Brookman Planning Area). The primarily-residential Brookman Planning Area has a completed concept plan from May of 2009.

Within the existing UGB, the residential buildable lands inventory map identified some available residential land. However, the available land is fragmented and/or constrained with no large developable sites that would accommodate a high school campus of 50 acres. Further there is no opportunity to consolidate this fragmented land in a way that would meet the District's criteria for a high school site. The Sherwood Buildable lands map is shown in the following figure:

### 2014 Sherwood Residential Buildable Lands Inventory Map



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

**Response:** The 84.7 acres of land requested to be annexed in this application was included in the Metro UGB on August 17, 2017 by approval of Metro Ord. No. 17-1406 under the Urban Growth Boundary major amendment process in Metro Code Section 3.07.1440. As discussed earlier in this report, existing services can be extended to the site. This policy is satisfied.



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

**Response:** The 84.7 acres of land included in this annexation application are part of the City's Urban Reserves, and was brought into the UGB on August 17, 2017 by approval of Metro Ord. No. 17-1406. This land has already been designated for urban growth. This policy does not apply to this request.

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

**Response:** This application does not physically alter the land and future development will be subject to City regulations for natural features. Future development of the properties will be subject to City regulations which tend to further preserve sensitive lands and natural features more so than farm and forest uses in the county. This policy will be met at the time of future development. This specific policy does not apply the standards of the City's Development Code and the rules and regulations of Clean Water Services, which regulate the preservation of sensitive lands.

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

**Response:** Future development of the site will be served from existing but improved public services. This specific application does not prevent this policy from being satisfied with future land use decisions.

*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.*

**Response:** The extension of community services and public facilities to serve the area are discussed previously within this narrative. Consistent with Metro Ord. No. 17-1406 and the text that was adopted for Chapter 8 of the Sherwood Comprehensive Plan Part II, by City of Sherwood Ordinance 2017-008 services for the property subject to this request is for the benefit of a new high school and associated facilities. This policy has been previously satisfied for this area with prior planning work.

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

**Response:** This area is within the Sherwood West Preliminary Concept Plan area that was anticipated to be part of an initial phase for expansion of the City of Sherwood. Future development of the subject properties can be developed in an orderly and efficient way that does not burden existing residents in the community. The school district will be paying for the majority of public improvements with the bond that was approved in November of 2016 for this very purpose.



*City of Sherwood Comprehensive Plan (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.*

**Response:** The school district has legally assumed ownership of the properties that are being condemned and is negotiating a purchase and sale agreement with the City for one of the properties. For this petition, 100% of the property owners within the annexation territory have signed the appropriate petitions, which are included in the application materials.

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

**Response:** There is no physical development with this application, however, as discussed previously in this narrative, there are adequate public services to serve the area upon annexation and future development.

## REASONABLENESS OF THE ANNEXATION

The annexation statutes and case law require annexations to be reasonable. Pursuant to case law, what constitutes "reasonable" is a fact-specific inquiry largely controlled by specific legislative and regulatory criteria. See, e.g., *Dept. of Land Conservation v. City of St. Helens*, 191 Or App 149 (2003). The reasonableness test is a low bar, on the order of whether the annexation is arbitrary. In *Morsman v. City of Madras*, the Court of Appeals noted that the "reasonableness" requirement for annexation arose from the due process clause of the Fourteenth Amendment, which "at least insofar as social and economic legislation is concerned, is notoriously lax." 191 Or App 149, 154 (2003). The Court went on to note that compliance with land use laws is the largely controlling component of the reasonableness test. *Morsman*, 191 Or App at 155.

The District's annexation request is reasonable because, as set forth in this narrative, it is consistent with the applicable land use laws. It is also consistent with the purpose of the UGB amendment, which was to provide an area to relocate the District's high school. The UGB amendment itself was determined by Metro to be consistent with all applicable state and local land use laws and criteria. In a previous decision (Ordinance 2017-1406), the City amended its comprehensive plan to designate the property to be annexed "Institutional and Public (IP)." The IP designation will support the new school use and will take effect upon annexation. The annexation is simply the next step in achieving the relocation of the high school as envisioned by the UGB amendment and the comprehensive plan amendment. The annexation will be consistent with the City/County Urban Planning Area Agreement. The annexation is necessary, because the District desires City services for the relocated high school and the City is willing and able to provide those services after the subject property has been annexed.



### III. CONCLUSION

This summary of the request and attachments demonstrate compliance with applicable approval criteria and code. The applicant respectfully requests that the City approve the annexation and designate the 84.7 acre site Institutional and Public on the Comprehensive Plan and Zoning Map.

