



*Home of the Tualatin River National Wildlife Refuge*

## **SPECIAL CITY COUNCIL MEETING**

### **1. CALL TO ORDER**

### **2. PLEDGE OF ALLEGIANCE**

### **3. ROLL CALL**

### **4. NEW BUSINESS**

- A. Resolution 2013-049 a resolution repealing Resolution 2013-048 and calling an election on and approving a Ballot Title, Summary, and Explanatory Statement for the annexation of 12 tax lots comprising 97.5 acres of land in the Brookman Road Plan Area for the November 5, 2013 Election (Brad Kilby, Planning Manager)**

### **5. ADJOURN**

#### **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: [murphys@sherwoodoregon.gov](mailto:murphys@sherwoodoregon.gov)

## **AGENDA**

**SHERWOOD CITY COUNCIL  
August 22, 2013**

**5:30 pm City Council Special Meeting**

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

TO: Sherwood City Council  
FROM: Brad Kilby, Planning Manager  
Through: Tom Pessemier Assistant City Manager, Julia Hajduk, Community Development Director and Chris Crean, City Attorney  
**Subject: Repealing Resolution 2013-048 and Adopting Resolution 2013-049 for the annexation of 97.5 acres in the Brookman Area**

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**Summary:** The attached resolution repeals Resolution 2013-048 and adopts a new resolution in its place that also calls for an election and approves a ballot title, measure summary, and explanatory statement for the proposed annexation of 97.5 acres in the Brookman Concept Plan area (Area 54-55). The new resolution addresses some errors in the summary, explanatory statement and map that were identified at the August 20, 2013 Council meeting. If the Council approves this resolution, the item will be placed on the ballot for the November 5, 2013 election.

**Previous Council Actions:** Council held a public hearing on August 20, 2013 and adopted Resolution 2013-048 that called for an election, and adopted the ballot title, summary, and explanatory statement.

**Background/Problem Discussion:** At the public hearing, a mapping error was raised, and it was brought to staffs attention that although one hundred percent of the properties in the annexation area have property owner signatures wishing to be annexed, one property, a 9.92 acre parcel is owned by three different owners, and only one of the owners signed the petition to be annexed. Because the ballot summary and explanatory statement indicate that all the owners were supportive of the proposed annexation, it was recommended, after the Council had already adopted the Resolution, that the language be amended to state that, "a majority" of the property owners have consented to be annexed as opposed to "all" of the property owners. Attached is a clean version and a track changes version of the resolution for Council to see the changes from the original resolution 2013-048.

**Alternatives:** The Council could choose not to approve the resolution, but the ballot summary and explanatory statement would potentially be inaccurate. The Council could choose not to call for a November 2013 vote on the annexation, and postpone it to the next possible election, which would be March 2014 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. The landowners have paid a deposit of \$7,500 to initiate this annexation. This cost includes staff time, filing fees, mailings, ballot costs, notice costs and professional services for the review of the applicant's submitted items.

**Recommendation and Proposed Motion:** Staff respectfully recommends City Council adopt the attached resolution as it does not change the intent or the rationale behind the request which was approved at the August 20<sup>th</sup> public hearing.

**Attachments:**

- Draft Resolution – clean version
- Draft Resolution – track changes version
- Exhibit 1, August 8, 2013 Staff Report
- Exhibit 2, Map of area

DRAFT



**RESOLUTION 2013-04~~89~~**

**A RESOLUTION REPEALING RESOLUTION 2013-048 AND CALLING AN ELECTION ON AND APPROVING A BALLOT TITLE, SUMMARY, AND EXPLANATORY STATEMENT FOR THE ANNEXATION OF 12 TAX LOTS COMPRISING 97.5 ACRES OF LAND IN THE BROOKMAN ROAD PLAN AREA FOR THE NOVEMBER 5, 2013 ELECTION**

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**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 Ordinance 2009-004; and

**WHEREAS**, the properties proposed to be annexed within the Brookman area are currently in unincorporated Washington County; and

**WHEREAS**, Washington County and the City of Sherwood have entered into an agreement acknowledging that the City of Sherwood should be the ultimate provider of services in the Brookman area; and

**WHEREAS**, these properties must be in the City in order to be developed for the urban uses and densities planned for in the Brookman Concept Plan; and

**WHEREAS** The Holt Group, Inc., on behalf of the owners of 12 tax lots has submitted an application for annexation of the land into the City of Sherwood; and

**WHEREAS**, the property owners initiated this annexation in accordance with ORS 222.170; and

**WHEREAS**, after proper legal notice, a public hearing was held on the proposed annexation by the City Council on August 20, 2013, at which public 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, see staff report; and

**WHEREAS**, ORS 250.035 requires the notice for a ballot measure be prepared by the City and submitted to Washington County Elections Department by September 5, 2013 in order to appear on the ballot for the November 5, 2013 election; and

**WHEREAS**, under Section 3 of the City of Sherwood Charter, annexation to the City takes place only upon voter approval. Approval of the proposed annexation would annex 97.5 acres into the City,

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{00329693; 1 }Resolution 2013-049

August 22, 2013

Page 1 of 4, with [Exhibit 1, Staff Reports August 8, 2013 \(16 pages\)](#) and [Exhibit 2, Map \(1 page\)](#)

Exhibit [42](#), Map (1 pg);

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comprised of 12 tax lots bordered on the north by the existing Sherwood City Limits, and the south by Brookman Road; and

**WHEREAS**, if annexed, the area will be re-zoned consistent with the Comprehensive Plan which was updated via Ordinance 2009-004 to implement the Brookman Concept Plan and will include the following zones: Medium Density Residential Low and Medium Density Residential High, 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; and

**WHEREAS**, the City has prepared a ballot title and explanatory statement to be certified by the City Council and be filed with the Washington County Elections Department for publication for the November 5, 2013 election as provided by state law; and

WHEREAS, on August 20, 2013, in Resolution 2013-048, the City Council approved a ballot title, summary, explanatory statement and map which contained certain errors in the map and explanatory statement that the City Council now wishes to correct.

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

**Section 1.** Resolution 2013-048 is repealed.

**Section 2.** The City Council approves Annexation AN 13-01, based on the staff report to the City Council dated August 8, 2013, and the ~~proposed~~ findings and conclusions, attached as Exhibit 1 contingent upon approval by the electors in the City of Sherwood.

**Section 23.** Subject to voter approval, the City Council approves Annexation 13-01, and will annex the territory described in the attached map; attached as Exhibit 24 to the City of Sherwood.

**Section 34.** A City election on this annexation is called for November 5, 2013.

**Section 45.** The Washington County Elections Department will conduct the election.

**Section 56.** The precincts for the election are all those that include territory included within the corporate limits of the City.

**Section 67.** The ballot title, will read as follows:

**CAPTION:** PROPOSAL TO ANNEX 97.5 ACRES INTO THE CITY OF SHERWOOD

**QUESTION:** Should 97.5 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 97.5 acres to the city, consisting of approximately 12 separate lots and parcels. The request to annex was made on behalf of a majority of the one hundred percent of the property owners in the area to be annexed. 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 Road, included within the Brookman plan area. The area is subject to the

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Page 2 of 4, with Exhibit 1, Staff Reports August 8, 2013 (16 pages) and Exhibit 2, Map (1 page)  
Exhibit 42, Map (1 pg);

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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 residential uses at densities consistent with the Medium Density Residential low and Medium Density Residential High zoning districts. If approved by the voters of Sherwood, the Area will be annexed into the City of Sherwood.

| **Section 78.** The City Recorder will give notice of the election in the manner required by law.

| **Section 89.** The Mayor is authorized to sign, and the City Recorder is authorized to submit, the following explanatory statement for the Washington County voters' pamphlet on behalf of the City. The explanatory statement for this measure will read as follows:

**EXPLANATORY STATEMENT:**

The Sherwood City Charter requires Sherwood voters to approve the annexation of any new territory to the city. This measure proposes annexing 97.5 acres of land located in the Brookman Road Area and was approved by the Sherwood City Council on August 20, 2013.

The proposed annexation consists of 12 separate lots and parcels, totaling approximately 97.5 acres. ~~A majority of All of~~ the property owners have consented to the annexation. The area lies generally south of the current city boundary, north of Brookman Road, east of Highway 99W and west of Ladd Hill. The area was added to the Metro urban growth boundary in 2004.

The area is part of the Brookman Concept Plan that was approved by the City Council in June, 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 residential uses at densities consistent with the Medium Density Residential Low, and Medium Density Residential High zoning classifications.

If approved by the voters of Sherwood, the annexation will become effective upon certification and adoption of the election results by the City Council.

| **Section 910.** The City Recorder will publish the ballot title in compliance with state law.

| **Section 101.** 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 Enhanced Law Enforcement and Urban Road Maintenance effective on the date this annexation takes effect.

| **Section 124.** 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, see staff report [dated August 8, 2013](#), Exhibit C for reference.

| **Section 132.** This Resolution shall take effect immediately upon its passage by the Council and signature by the Mayor.

| **Duly passed by the City Council this 22<sup>nd</sup> day of August 2013.**

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Bill Middleton, Mayor

Attest:

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Sylvia Murphy, CMC, City Recorder

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August 22, 2013

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Exhibit [42](#), Map (1 pg);



**RESOLUTION 2013-049**

**A RESOLUTION REPEALING RESOLUTION 2013-048 AND CALLING AN ELECTION ON AND APPROVING A BALLOT TITLE, SUMMARY, AND EXPLANATORY STATEMENT FOR THE ANNEXATION OF 12 TAX LOTS COMPRISING 97.5 ACRES OF LAND IN THE BROOKMAN ROAD PLAN AREA FOR THE NOVEMBER 5, 2013 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 Ordinance 2009-004; and

**WHEREAS**, the properties proposed to be annexed within the Brookman area are currently in unincorporated Washington County; and

**WHEREAS**, Washington County and the City of Sherwood have entered into an agreement acknowledging that the City of Sherwood should be the ultimate provider of services in the Brookman area; and

**WHEREAS**, these properties must be in the City in order to be developed for the urban uses and densities planned for in the Brookman Concept Plan; and

**WHEREAS** The Holt Group, Inc., on behalf of the owners of 12 tax lots has submitted an application for annexation of the land into the City of Sherwood; and

**WHEREAS**, the property owners initiated this annexation in accordance with ORS 222.170; and

**WHEREAS**, after proper legal notice, a public hearing was held on the proposed annexation by the City Council on August 20, 2013, at which public 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, see staff report; and

**WHEREAS**, ORS 250.035 requires the notice for a ballot measure be prepared by the City and submitted to Washington County Elections Department by September 5, 2013 in order to appear on the ballot for the November 5, 2013 election; and

**WHEREAS**, under Section 3 of the City of Sherwood Charter, annexation to the City takes place only upon voter approval. Approval of the proposed annexation would annex 97.5 acres into the City, comprised of 12 tax lots bordered on the north by the existing Sherwood City Limits, and the south by Brookman Road; and

**WHEREAS**, if annexed, the area will be re-zoned consistent with the Comprehensive Plan which was updated via Ordinance 2009-004 to implement the Brookman Concept Plan and will include the following zones: Medium Density Residential Low and Medium Density Residential High, 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; and

**WHEREAS**, the City has prepared a ballot title and explanatory statement to be certified by the City Council and be filed with the Washington County Elections Department for publication for the November 5, 2013 election as provided by state law; and

**WHEREAS**, on August 20, 2013, in Resolution 2013-048, the City Council approved a ballot title, summary, explanatory statement and map which contained certain errors in the map and explanatory statement that the City Council now wishes to correct.

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

**Section 1.** Resolution 2013-048 is repealed.

**Section 2.** The City Council approves Annexation AN 13-01, based on the staff report to the City Council dated August 8, 2013, and the findings and conclusions, attached as Exhibit 1 contingent upon approval by the electors in the City of Sherwood.

**Section 3.** Subject to voter approval, the City Council approves Annexation 13-01, and will annex the territory described in the attached map, attached as Exhibit 2 to the City of Sherwood.

**Section 4.** A City election on this annexation is called for November 5, 2013.

**Section 5.** The Washington County Elections Department will conduct the election.

**Section 6.** The precincts for the election are all those that include territory included within the corporate limits of the City.

**Section 7.** The ballot title, will read as follows:

**CAPTION:** PROPOSAL TO ANNEX 97.5 ACRES INTO THE CITY OF SHERWOOD

**QUESTION:** Should 97.5 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 97.5 acres to the city, consisting of approximately 12 separate lots and parcels. The request to annex was made on behalf of a majority of the property owners in the area to be annexed. 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 Road, included within the Brookman 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 residential uses at densities consistent with the Medium Density Residential low and Medium Density Residential High zoning



districts. If approved by the voters of Sherwood, the Area will be annexed into the City of Sherwood.

**Section 8.** The City Recorder will give notice of the election in the manner required by law.

**Section 9.** The Mayor is authorized to sign, and the City Recorder is authorized to submit, the following explanatory statement for the Washington County voters' pamphlet on behalf of the City. The explanatory statement for this measure will read as follows:

**EXPLANATORY STATEMENT:**

The Sherwood City Charter requires Sherwood voters to approve the annexation of any new territory to the city. This measure proposes annexing 97.5 acres of land located in the Brookman Road Area and was approved by the Sherwood City Council on August 20, 2013.

The proposed annexation consists of 12 separate lots and parcels, totaling approximately 97.5 acres. A majority of the property owners have consented to the annexation. The area lies generally south of the current city boundary, north of Brookman Road, east of Highway 99W and west of Ladd Hill. The area was added to the Metro urban growth boundary in 2004.

The area is part of the Brookman Concept Plan that was approved by the City Council in June, 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 residential uses at densities consistent with the Medium Density Residential Low, and Medium Density Residential High zoning classifications.

If approved by the voters of Sherwood, the annexation will become effective upon certification and adoption of the election results by the City Council.

**Section 10.** The City Recorder will publish the ballot title in compliance with state law.

**Section 11.** 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 Enhanced Law Enforcement and Urban Road Maintenance effective on the date this annexation takes effect.

**Section 12.** 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, see staff report dated August 8, 2013, Exhibit C for reference.

**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 22<sup>nd</sup> day of August 2013.**

\_\_\_\_\_  
Bill Middleton, Mayor

Attest:

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

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

**August 8, 2013  
File No: AN 13-01**

Signed:

  
\_\_\_\_\_  
**Brad Kilby AICP, Planning Manager**

**Proposal:**

**I. BACKGROUND**

- A. Applicant: **The Holt Group, Inc.  
2601 NE 163<sup>rd</sup> Court  
Vancouver, WA 98687**
- B. Location: South of the existing Sherwood City limits, generally north of Brookman Road, east of Pacific Highway and west of Ladd Hill. A map of the project area is attached as Exhibit B and a list of tax lots, owners, and assessed values within the area to be annexed is included as Exhibit E.
- 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.
- D. Public Notice and Hearing: Notice of the August 20, 2013 City Council hearing on the proposed annexation was provided to affected agencies and service providers, posted in five public locations around town, posted in two locations in the subject vicinity, and mailed to all property owners within the area to be annexed on July 30, 2013. Notice of the hearing was published in The Times on August 8<sup>th</sup> and August 15<sup>th</sup>, 2013.
- 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 within 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 are addressed within this report.
- 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 entire Brookman area is comprised of 66 tax lots and approximately 258 acres. The area was concept planned between 2007-2009. In June 2009, via Ordinance 2009-004 the City approved the concept plan and associated implementing comprehensive plan and map amendments.
- G. Site Characteristics: The proposed annexation area includes 12 tax lots totaling approximately 97.5 acres of land. The area is bisected by the Cedar Creek corridor. A railroad line, cuts through the northwest corner of the area proposed

to be annexed. The area proposed to be annexed is gently to moderately sloped, heavily treed, and contains protected resource areas.

## 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, Kinder Morgan, 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 authorizes and guides the process for annexations of unincorporated and adjacent areas of land into the incorporated boundary of the City. In this particular instance, the property owners of the area are petitioning the City to annex under the triple majority method as allowed by ORS 222.170. Since the City of Sherwood charter requires all annexations to be approved by the electors within the City, 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, developed in 2009 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 have been extended to locations where it is feasible for them to be extended to serve the proposed annexation area.

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 within the area.

Sewer: The Sanitary Sewer Master Plan identifies needed system upgrades including the extension of a 15-inch line to the southern limit of the annexation area, and a 12-inch line west and across Highway 99 to serve future development within the overall Brookman Plan area.

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 identify 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. Developers could construct a regional stormwater facility and create a Local Improvement District (LID) or Reimbursement District to recoup the costs. Otherwise, developments will be required to provide private on-site storm water facilities. It may also be possible to recoup some of the costs through System Development Charges (SDC) credits.

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.

Transportation. The proposed annexation area is within Washington 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 was adopted by Council in 2011 (Resolution 2011-072) 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. The proposed annexation area is within the Washington County Enhanced Sheriff's Patrol District (W41). The City will 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.

**(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 proposed annexation properties are within the Washington County Enhanced Sheriff's Patrol District. It is expected that these areas will be withdrawn from the district upon annexation into the City.

**(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 5, 2013 election. The effective date of annexation will be finalized after the election and Council acceptance of the election results, via resolution, and filing of the approval and election results with the Secretary of State, Department of Revenue, and other affected agencies.

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

The applicant has submitted the petition application along with certified petitions and legal descriptions required to initiate the annexation request. The information that was supportive of an earlier attempt to annex the entire Brookman Road Concept Area, and this staff report demonstrate that the proposed annexation 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), 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 the County 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 also identifies 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. The agreement specifies that the City of Sherwood is the appropriate urban service provider for this area and that Washington County will not oppose annexation. Therefore, the annexation is fully consistent with Washington 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. The proposed annexation area is within the Washington County Enhanced Sherriff Patrol District and Urban Road Maintenance District and is expected to 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 to be annexed will be withdrawn from this 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, 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; however, the discussions and findings in this report also demonstrate that the proposed annexation can feasibly comply with those plans.

**(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 proposed annexation area can be served by extending existing sewer and water services that abut the City limits. Within this specific

area, two potential locations for extending sewer and water have been identified by the applicant and are considered feasible to the City Engineer provided that improvements and upgrades to the system are provided by future development in the area. Franchise utilities and road access are already provided by both Washington County and the respective utility service provider. Upgrades to these utilities will be studied, and if needed, required to be paid for by development. Finally, by annexing the area, the City will be able to collect the SDC's necessary to make infrastructure improvements needed to serve the area 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 proposed 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, and utility extensions and upgrades will be made. Therefore, the annexation positively affects the quality and quantity of urban services.

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

The existing 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. 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 2009-004 designated the zoning for 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. While there may be existing parcels in the city that have not yet developed, there are very few vacant or developable and residentially zoned large parcels in the City. In some cases, the land available for residential development is being actively pursued by developers, and the owners have not demonstrated a willingness to develop. By and large, the majority of land available for residential redevelopment is infill, and will only accommodate small partitions.

The proposed annexation area was included within the UGB in 2002, and has been identified as necessary to meet the local and regional need for residential development over the then 20 year planning horizon. That was over 10 years ago. 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 that were made to allow 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 areas.

**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 connectivity and the possibility to 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 was developed to ensure that the urbanization of this area was orderly and met the needs of the community; therefore the annexation of the proposed 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 has been initiated by an individual corporation on behalf of all of the property owners within the affected area. The owners have all indicated by petition, that they are interested in annexing their properties into the City.

**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, once extended and upgraded, will have adequate capacity to service the area.

**Policy 8 through 10 are not relevant to annexation proposals.**

**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 only specific policy found to be applicable is 5.2 which called for the City to “Develop an 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 Brookman area funding plan, adopted August 16, 2011, by Ordinance 2011-072 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, created to discuss funding for all properties within the Brookman area also acknowledges that some property owners may wish to develop their property prior to a point in time which the City could be expected to have adequate funds to install the infrastructure. In these instances, the responsibility to extend services will be the developers, with the possibility that they might recoup some of their costs through SDC credits or the development of a reimbursement district. This criterion is met.

**IV. RECOMMENDATION**

Based on the analysis and findings in this report Staff recommends Proposal No. AN 13-01 be **approved** for the November 2013 ballot 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. If the annexation is approved by the voters, the area shall be withdrawn from the Enhanced Law Enforcement District and the Urban Roads Maintenance District.
3. The annexation approval resolution 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.
4. The property owners understand that if the annexation is approved by the Sherwood voters, actions must be taken through Clean Water Services, and Metro to extend their boundaries prior to development being proposed or approved by the City.

## V. EXHIBITS

- A. Legal description of area to be annexed
- B. Vicinity map of area to be annexed
- C. Comprehensive zoning map adopted via Ordinance 2009-004
- D. List of tax lots, owners, and assessed values within the area to be annexed

**ENGINEERING PLANNING  
FORESTRY**

13910 S.W. Galbreath Dr., Suite 100  
Sherwood, Oregon 97140  
Phone: (503) 925-8799  
Fax: (503) 925-8969  
AKS Job No. 3591



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**ANNEXATION CERTIFIED**

*[Signature]*

**EXHIBIT A**  
Annexation Parcel

JUN 21 2013

WASHINGTON COUNTY A & T  
CARTOGRAPHY

A tract of land located in the northwest one-quarter and in the northeast one-quarter of Section 6, Township 3 South, Range 1 West, and in the southwest one-quarter of Section 30, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon and being more particularly described as follows:

**Parcel 1:**

Beginning at the northeast corner of said Section 6, being a point on the southerly line of the City of Sherwood city limits; thence along the east line of said section and being on the east line of Washington County, South 01°51'49" West 50.00 feet to a point; thence leaving said county line, along a line parallel to and 50.00 feet southerly of the north line of said Section 6, North 88°45'45" West 766.59 feet to the northwest corner of Deed Book 1182 Page 951; thence along the northerly west line of said Deed, South 01°51'49" West 554.81 feet to a point on the north line of Document Number 87-027469; thence along the north line of said Deed, South 88°45'45" East 107.00 feet to the northeast corner thereof; thence along the east line of said Deed and the southerly extension thereof, South 01°51'49" West 746.00 feet to a point on the southerly right-of-way line of Brookman Road (County Road No. 493) (20.00 feet from centerline); thence along said southerly right-of-way line, North 88°50'38" West 912.80 feet to a point on the southerly extension of the east line of Document Number 99-109559; thence along said southerly extension and the east line of said Deed, North 02°23'45" East 891.20 feet to the northeast corner thereof; thence along the north line of said Deed, North 88°50'38" West 300.00 feet to the northwest corner thereof; thence along the west line of said Deed and the southerly extension thereof, South 02°23'45" West 891.20 feet to a point on said southerly right-of-way line; thence along said southerly right-of-way line, North 88°50'38" West 1095.50 feet to a point on the southerly extension of the east line of Document Number 87-037951; thence along said southerly extension and the east line of said Deed, North 02°23'45" East 459.00 feet to the northeast corner thereof; thence along the north line of said Deed, North 88°50'38" West 208.00 feet to the northwest corner thereof; thence along the west line of said Deed, South 02°23'45" West 459.00 feet to a point on said southerly right-of-way line; thence along said southerly right-of-way line, North 88°50'38" West 882.98 feet to a point on the southerly extension of the west line of Document Number 2011-080743; thence along said southerly extension and the west line of said Deed, North 03°58'43" East 434.07 feet to the northwest corner thereof; thence along the south line of Document Number 2010-044613 North 89°25'18" West 200.20 feet to the northeast corner of Document Number 2012-044756; thence along the east line of said Deed and the southerly extension thereof, South 03°58'43" West 432.05 feet to a point on the southerly right-of-way line of Brookman Road (County Road No. 493) (20.00 feet from centerline); thence along said southerly right-of-way line, North 88°50'38" West 279.82 feet to a point on the southerly extension of the west line of said Deed; thence along said southerly extension and the west line of said Deed, North 03°58'43" East 429.23 feet to a point on the south line of Document Number 2010-044612; thence along the south line of said Deed, North 89°25'18" West 81.97 feet to a point on the southeast right-of-way line of Middleton Road (20.00 feet from centerline); thence along said southeast right-of-way line North 41°02'43" East 49.07 feet to a point; thence along the north line

of Document Number 2010-044612 South 89°52'17" East 143.27 feet to the southwest corner of Lot 7, Block 11 of the Plat of "Middleton"; thence along the west line of said Lot 7 and the west line of Lot 2, Block 11 of said plat and the northerly extension thereof, North 00°07'56" East 244.61 feet to a point on the southeasterly right-of-way line of the Southern Pacific Railroad (30.00 feet from centerline); thence along said southeasterly right-of-way line, North 68°14'32" East 646.65 to a point on the east line of said Plat and referenced as **Point 'A'**; thence continuing along said southeasterly right-of-way line North 68°14'32" East 1260.43 feet to a point on the City of Sherwood city limits; thence along the City of Sherwood city limits, North 66°48'03" East 46.53 feet to the northwest corner of Lot 97 of the Plat of "Abney Revard No. 2", being an angle point of the southerly line of the City of Sherwood city limits; thence along the west line of said Lot 97 and the City of Sherwood city limits, South 01°15'43" West 120.84 feet to the north one-quarter corner of said Section 6; thence along the north line thereof and the City of Sherwood City Limits, South 88°45'45" East 2647.18 feet to the Point of Beginning.

**Parcel 2:**

Beginning at said **Point 'A'**, thence along the east line of the Plat of "Middleton", North 00°07'56" East 64.68 feet to a point on the northwesterly right-of-way line of the Southern Pacific Railroad (30.00 feet from centerline) and the **True Point of Beginning**; thence continuing along said east line, North 00°07'56" East 170.17 feet to the southwest corner of Tract 'U' of the Plat "Woodhaven No. 4", and the City of Sherwood city limits; thence along the southerly line of said Tract 'U' and the City of Sherwood city limits, South 87°19'51" East 381.82 feet to a point on said northwesterly right-of-way line; thence leaving the City of Sherwood city limits along said northwesterly right-of-way line, South 68°14'32" West 411.09 feet to the True Point of Beginning.

**Parcel 3:**

Beginning at said **Point 'A'**, thence along the southeast right-of-way of the Southern Pacific Railroad (30.00 feet from centerline) South 68°14'32" West 193.99 feet to a point; thence along the west line of Block 8 of the plat "Middleton" North 00°07'56" East 64.68 feet to a point on the northwesterly right-of-way line of the Southern Pacific Railroad (30.00 feet from centerline) and the **True Point of Beginning**; thence continuing along said west line, North 00°07'56" East 2.74 feet to a point; thence along the north line of said Block 8 South 89°52'17" East 6.83 feet to a point; thence along the northwesterly right-of-way line of said Southern Pacific Railroad South 68°14'32" West 7.36 feet to the True Point of Beginning.

The above described tracts of land contain 97.49 acres, more or less.

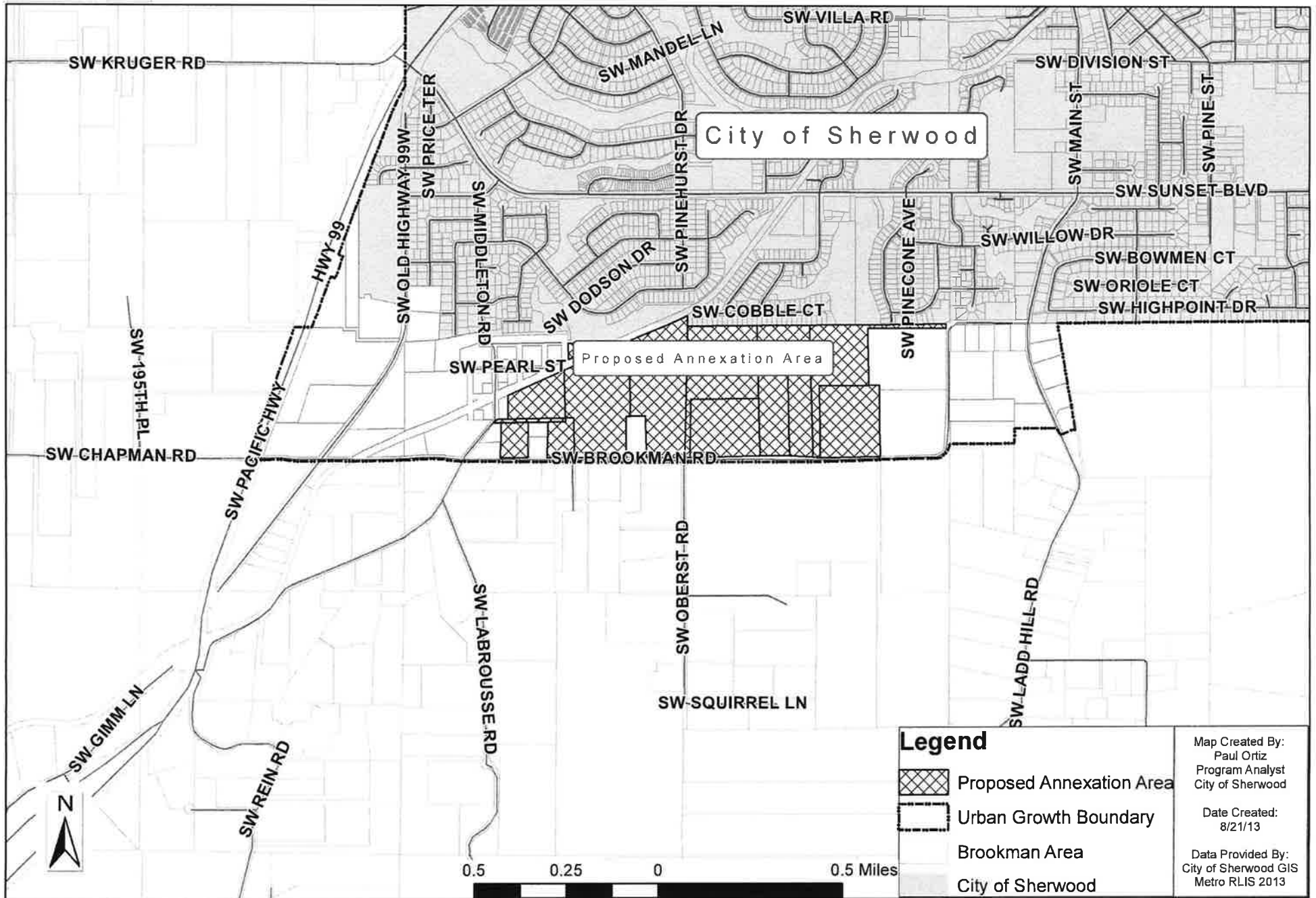


**ANNEXATION CERTIFIED**





BY VF

JUN 21 2013

WASHINGTON COUNTY A & T  
CARTOGRAPHY



**Legend**

-  Proposed Annexation Area
-  Urban Growth Boundary
-  Brookman Area
-  City of Sherwood

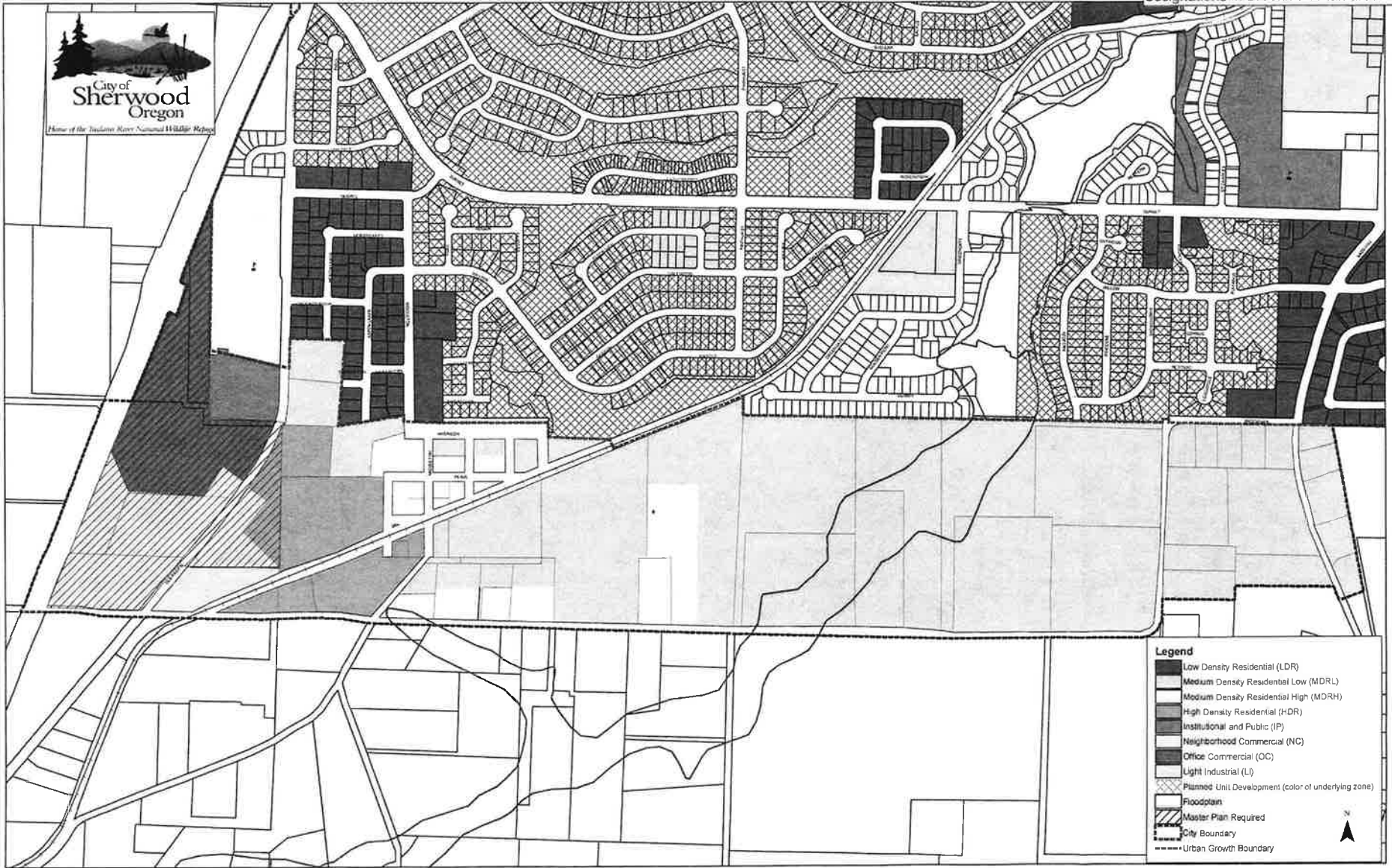
Map Created By:  
Paul Ortiz  
Program Analyst  
City of Sherwood

Date Created:  
8/21/13

Data Provided By:  
City of Sherwood GIS  
Metro RLIS 2013

# Brookman Zoning- 2013

Exhibit C  
Adopted Comprehensive Plan  
designations in Brookman Plan area

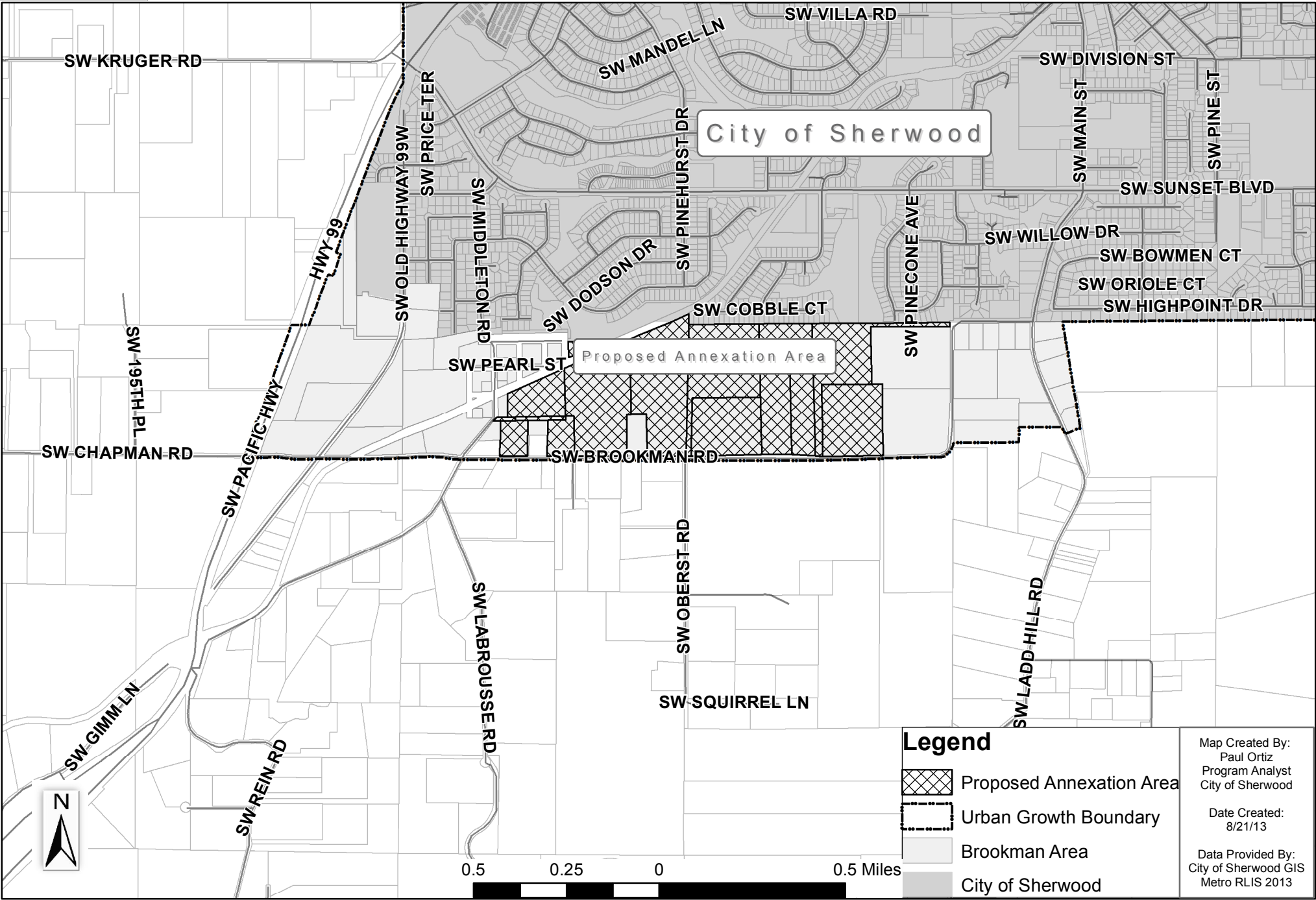




### Brookman Annexation Request 2013

Tax Lot ID	Parcel Size (Ac)*	Assessed Value (\$)	Owners	Signed Petition Y/N
3S106B00200	15.82	\$203,760	George Boyd and Carleen Brewer Revocable Living Trust	Yes
3S106BB1100	4.8	84,840	Joseph Broadhurst	Yes
3S106BB2302	0.2	\$600	Joseph Broadhurst	Yes
3S106BB2590	0.47	\$620	Joseph Broadhurst	Yes
3S106000100	9.9	\$317,900	Gerald and Liz Oullette	Yes
3S106000107	9.92	\$63,990	Wayne and Linda Chronister, Gerald and Liz Oullette, and Rosemary Rubsam	Signed by Oullette
3S106000104	10.47	\$241,450	Linda and Richard Scott	Yes
3S106000102	9.72	\$211,030	Charles and Louise Bissett	Yes
3S106B00100	13.03	\$176,790	Sherwood Land LLC	Yes
3S106000103	13.5	\$435,500	Teresa Jaynes-Lockwood	Yes
3S106BB02502	2.39	\$174,260	Brad Miller	Yes
3S106BB02400	2.48	\$244,140	Dave Sadler	Yes
<b>TOTAL</b>	<b>92.7</b>	<b>\$2,154,880</b>		





\*Actual amount of area to be brought is approximately 97.5 acres with the inclusion of the adjoining Brookman Road right-of-way



City of Sherwood

Proposed Annexation Area

**Legend**

-  Proposed Annexation Area
-  Urban Growth Boundary
-  Brookman Area
-  City of Sherwood

Map Created By:  
Paul Ortiz  
Program Analyst  
City of Sherwood

Date Created:  
8/21/13

Data Provided By:  
City of Sherwood GIS  
Metro RLIS 2013



0.5 0.25 0 0.5 Miles