



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, September 1, 2020

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

6:00 pm City Council Work Session

7:00 pm City Council Regular Meeting

Pursuant to Executive Order 20-16, this meeting will be conducted electronically and will be live streamed at <https://www.youtube.com/user/CityofSherwood>



Home of the Tualatin River National Wildlife Refuge

6:00 PM WORK SESSION

1. **Diversity, Equity and Inclusion (DEI) Efforts** (Joe Gall, City Manager)

7:00 PM REGULAR SESSION

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. CONSENT AGENDA

- A. Approval of August 18, 2020 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
- B. Resolution 2020-056 Appointing Brian Dorsey to the Police Advisory Board**
(Jeff Groth, Police Chief)
- C. Resolution 2020-057 Authorizing the City Manager to execute a contract with OTAK to update the Sherwood Zoning and Community Development Code to implement House Bill 2001**
(Joy Chang, Senior Planner)
- D. Proclamation, September as National Preparedness Month and September 1-7, 2020 as Home Inventory Week** (Keith Mays, Mayor)

6. CITIZEN COMMENTS

Pursuant to Executive Order 20-16, citizen comments must be submitted in writing to CityRecorder@Sherwoodoregon.gov. To be included in the record for this meeting, the email must clearly state that it is intended as a citizen comment for this meeting and must be received at least 24 hours in advance of the scheduled meeting time. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.

7. PUBLIC HEARINGS

- A. Ordinance 2020-007 Approving annexation into the City of Sherwood and Clean Water Services District of approximately 29.61 acres, comprised of 2 tax lots and adjacent SW Tonquin Avenue right-of-way within the Tonquin Employment Area**
(First reading) (Joy Chang, Senior Planner)

AGENDA

SHERWOOD CITY COUNCIL September 1, 2020

6:00 pm Work Session

7:00 pm Regular City Council Meeting

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B. Ordinance 2020-008 Approving annexation of 10.90 acres to the City of Sherwood and 10.50 acres to Clean Water Services within the Tonquin Employment Area, comprised of one tax lot and the adjacent SW Oregon Street and SW Tonquin Road right-of-way
(*First reading*) (Eric Rutledge, Associate Planner)

8. CITY MANAGER REPORT

9. COUNCIL ANNOUNCEMENTS

10. 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, by the Thursday prior to a Council meeting. Council agendas are also posted at the Sherwood Library/City Hall, the Sherwood YMCA, the Senior Center, and the Sherwood Post Office. Council meeting materials are available at the Sherwood Public Library.

To Schedule a Presentation to the Council: If you would like to schedule a presentation to the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or MurphyS@sherwoodoregon.gov. If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or MurphyS@sherwoodoregon.gov at least 48 hours in advance of the scheduled meeting time.



SHERWOOD CITY COUNCIL MEETING MINUTES

22560 SW Pine St., Sherwood, Or

Pursuant to Executive Order 20-16, this meeting was conducted electronically and live streamed at

<https://www.youtube.com/user/CityofSherwood>

August 18, 2020

WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the work session to order at 6:00 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Renee Brouse, Kim Young, Sean Garland, and Russell Griffin.
3. **STAFF PRESENT:** City Manager Joe Gall, City Attorney Josh Soper, IT Director Brad Crawford, Community Development Director Julia Hajduk, Police Chief Jeff Groth, Finance Director David Bodway, Economic Development Manager Bruce Coleman, Public Works Director Craig Sheldon, HR Manager Christina Jones, and City Recorder Sylvia Murphy.
4. **OTHERS PRESENT:** Chris Bell with Bell and Associates, Kristin Leichner, Eric Anderson, Mike Leichner, and Cindy Leichner with Pride Disposal.
5. **TOPICS**

A. Solid Waste Rate Review

Chris Bell with Bell and Associates presented the “City of Sherwood Solid Waste & Recycling Collection: An Overview of the City’s Current System and Rate Alternatives for Council Direction” PowerPoint presentation (see record, Exhibit A) and stated that the current rates were implemented in January 2020 and explained that the container rates were projected to finish 1.2% lower than in 2019. He explained that the Drop Box increase of 2.8% was due to additional disposal, not additional rates. He recapped that in the 2019 work session they had discussed the potential impact on recycling processing and reported that the actual cost for recycling was \$83 per ton, not \$95.50 per ton they had previously projected. Mr. Bell explained that the ongoing collective bargaining agreement with the Teamsters would continue to have an impact on rates. He reported that disposal rates would increase by \$4 per ton for operational costs and there would also be an increase in taxes. He reported that Metro was planning on introducing a rate increase to the regional system fee starting on October 1st, but the start date of the rate increase was subject to change as the Metro council had not yet met to approve the rate or implementation date. Mr. Bell reviewed the adjusted 2019 results on page 3 of the presentation and explained that the adjusted results for 2019 came in at 7.97%, and reported that the projected results for 2021 would be just under 10%. He explained that they calculated the rate of service increase by reviewing what it would take to get

the allowable expenses to 10%. He reviewed the Drop Box cost of service and explained that they proposed a \$4.87 increase per haul. He outlined that the proposed 2021 commercial rates were calculated using 6/10ths of a percent and were based on the assumption that there would not be an increase in the regional system fee. He explained that Metro was anticipating rate increases over the next three to five years. He reported that Metro was proposing a \$8.85 increase, of which \$3.75 would be passed down to other transfer facilities located throughout the metro region. He reported that most jurisdictions in the metro area were asking that Metro wait until July 1st of 2021 to implement the rate increase instead of the October 2020 start date due to the uncertainty caused by the business shutdown. Mr. Bell reported that Metro was seeking to increase rates to generate revenue for a west side transfer station to be built in Cornelius and cost roughly \$70 million. Mr. Bell remarked that there were already three transfer stations in the immediate west side area and felt that there was no issue getting rid of waste from commercial haulers, but commented that there was a need to address a transfer station for self-haulers. He explained that if a new transfer station was built, it would pull tonnage from the other local transfer stations which would result in rate increases to customers. Mr. Bell explained that if the rate increase from Metro did occur between October 2020 and June 1st there would be a .22 cent increase on 35-gallon cart users per customer per month and an increase of .23 cents per yard collected for commercial customers. He advised that if the Metro rate increase passed, that the rates be adjusted and passed on to the ratepayers. He reviewed the container collection rates with the Metro RSF increase table and recapped next steps and explained that Pride Disposal would submit a rate package for Council to review and vote on in September, with the new rates going into effect in January 2021.

Mayor Mays asked Pride Disposal President Kristin Leichner her main concerns regarding the new transfer station in Cornelius that Metro was proposing. Ms. Leichner said her main concerns were that years ago there was no public facilities on the west side, so Pride and other private companies invested in creating that service and it felt misguided to duplicate those services that had been provided by private facilities for years. She added that there was a demand for a facility further south for residents who did not want to subscribe to a garbage service but wanted to haul their own waste to a facility, as well as a demand for a hazardous waste disposal facility, a service Pride did not provide. She commented that both types of facilities would be much smaller and cost less than the proposed \$70 million facility Metro was proposing. She explained that Metro allocated how much waste each transfer station could accept, which was currently at a minimum of 40% between their two public facilities, and would likely be impacted by the creation of the Cornelius facility. She explained that the change in waste acceptance would impact their customer rates as well as the Community Enhancement Grants that Sherwood granted them because Pride paid a dollar a ton for every ton that went through their facility, and every ton they are not allowed to accept, would reduce that by one dollar. Mayor Mays asked if Metro had created an analysis report to defend a staff recommendation. Ms. Leichner replied that she was unsure if that work was complete. Mr. Bell replied that the City of Hillsboro had been very vocal about wanting supporting documentation about how Metro was arriving at their rate calculations and costs, but Metro had not given that information to the City of Hillsboro staff. He commented that cities on the east side have been adamant about wanting supporting documentation because they had also invested in creating their own infrastructure on the east side and did not want to pay for the construction of a west side transfer station. Council President Rosener asked if Metro had done any public outreach to local haulers. Mr. Bell replied that he believed that Metro had put together an initial task force with some people from Cornelius who would be impacted, but industries and cities who would be impacted were not really represented. Ms. Leichner commented that there was a Regional Waste Advisory Committee that met monthly and had one industry representative on a committee of roughly 13 people. She explained that half of the committee was local governments (the City of Lake Oswego, Clackamas County, and the City of Portland), and the

other half was community members. She stated that the committee did not vote on anything, just shared information amongst each other. Cindy Leichner reported that a group from Metro attended the Washington County Hauler's meeting where Metro gave a presentation about different facilities in the northwest area, but when asked for details about how the new facility would impact other local transfer stations, Metro did not offer an answer. She remarked that the Sherwood City Council could ask for a presentation from Metro and ask them about their plans. Council President Rosener ask Mayor Mays if this topic was on the Metro Mayors Association's radar yet. Mayor Mays replied it was not at this moment, but would be. Mr. Bell remarked that Clark County had spec'd-out a new transfer station that could handle 200,000 tons of material for \$30 million. Mayor Mays commented that government and regional government needed to take into account the impact to the everyday person. City Manager Gall asked what will happen to the rates if there is not a rate increase from Metro in October. Ms. Leichner replied that because the Metro Council was in recess all of August and it was unlikely that there would be a definitive answer from the Metro Council regarding rates by September, she recommended pushing back the submittal of the rate package to the Sherwood City Council to October instead of September because they would have a better general idea of when Metro was going to enact the new rates. Council President Rosener replied he would prefer to wait as well. Mayor Mays voiced that a resolution should be drafted for August or September that voiced Council's concerns and opposition to the construction of a new transfer station in the near term. Ms. Leichner clarified that if there was no Metro rate increase, Pride Disposal proposed a small increase on commercial customers and an increase of \$5 on the haul fees for Drop Boxes, but no increase on residential.

City Manager Gall asked that Ms. Leichner report on what Metro was previously proposing regarding glass recycling that could result in a future change. Ms. Leichner replied that Metro was completing various administrative rules updates, one of which was a mandate that stated that glass had to be picked up at least every other week as of July 2022. She stated this would have an impact on Sherwood, Tigard, and Durham as they were all jurisdictions that had monthly glass pickup. She explained that Pride Disposal began alerting the affected jurisdictions of the upcoming change and contemplating how Pride could make those changes with minimal impact to the ratepayers. She stated that Metro had since pulled back on their mandate to enforce glass pickup every other week, and commented that Pride realized that glass pickup has consistently been a confusing point for their customers. She explained that if Pride determined that they could modify their trucks to accept glass pickups more frequently without an increase in rates, they would look into doing so. She commented that they would have to modify their trucks, make route changes, and send out notices, but felt confident that Pride would be able to make those changes by April 1, 2021. Council President Rosener asked what the reasoning was behind Metro's proposal for increasing the frequency of glass pickup. Ms. Leichner replied that Metro had completed a study that was based on the different frequencies of glass pickup in the region to determine how much recyclables ended up in the garbage or how much garbage ended up in recycling. She explained that based on that study, jurisdictions that had monthly glass pickups had more glass in their garbage which could lead to the determination that not enough pickup services were being provided. Mayor Mays commented that he did not support the notion that Metro had any influence on the level of service in the community and that it was solely a community discussion and evaluation. Ms. Leichner replied that Pride Disposal frequently made that argument to Metro, but Metro rebutted the argument saying that the Metro Regional Waste Plan, which Metro wrote, allows them the authority to dictate minimum service standards. City Manager Gall asked if Council would be supportive of twice monthly glass pickup if it was locally driven and did not have an impact on rates. Mayor Mays replied he was not convinced and commented he was hearing that a fourth bin was being proposed. Ms. Leichner replied that there would not be a new cart, but Pride would be adding a container to the back of their trucks to allow the driver to collect the glass. Council President

Rosener stated that he was not in favor of the idea if it resulted in a rate increase and commented that he had heard from community members that they would prefer to have cardboard pickup go to once a week than glass go to twice a week. Councilor Young asked if the new containers Pride was retrofitting their trucks with required that the driver get out of the truck and physically dump the glass containers themselves. Ms. Leichner replied that was correct and clarified that that was also the current method for collecting the glass pickup containers from customers. Councilor Scott commented that the driver having to get out of the truck every other week instead of monthly would slow down the route. Ms. Leichner replied that was correct but there would be a savings from Pride removing the trucks that only picked up glass from circulation. Mayor Mays thanked Ms. Leichner, Mike Leichner and Cindy Leichner for their time.

6. RECESSED:

Mayor Mays recessed the work session at 6:33 pm and convened an executive session.

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 6:35 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Renee Brouse, Kim Young, Sean Garland, and Russell Griffin.
3. **STAFF PRESENT:** City Manager Joe Gall, City Attorney Josh Soper, IT Director Brad Crawford, Public Works Director Craig Sheldon, and Finance Director David Bodway.
4. **TOPICS**
 - A. **ORS 192.660(2)(f), Exempt Public Records.**

5. ADJOURN:

Mayor Mays adjourned the executive session at 7:01 pm and convened a regular session.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:03 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Renee Brouse, Kim Young, Sean Garland, and Russell Griffin.
3. **STAFF PRESENT:** City Manager Joe Gall, City Attorney Josh Soper, IT Director Brad Crawford, Community Development Director Julia Hajduk, Police Chief Jeff Groth, Finance Director David Bodway, Economic Development Manager Bruce Coleman, Public Works Director Craig Sheldon, HR Manager Christina Jones, and City Recorder Sylvia Murphy.

4. APPROVAL OF AGENDA:

MOTION: FROM COUNCILOR YOUNG TO APPROVE THE AGENDA. SECONDED BY COUNCIL PRESIDENT ROSENER. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

5. CONSENT AGENDA:

- A. Approval of August 4, 2020 City Council Meeting Minutes**
- B. Resolution 2020-051 Reappointing Lana Painter to the Sherwood Budget Committee**
- C. Resolution 2020-052 Reappointing Nancy Taylor to the Sherwood Budget Committee**
- D. Resolution 2020-053 Reappointing Thomas Sherwood to the Sherwood Budget Committee**
- E. Resolution 2020-054 Approving Intergovernmental Agreement between Washington County and City of Sherwood for Cities and Special District Assistance Program**
- F. Resolution 2020-055 Authorizing the City Manager to Execute a Construction Contract with The Saunders Co., Inc. to Construct the Galbreath Sanitary Sewer Extension (411SS)**

MOTION: FROM COUNCILOR BROUSE TO ADOPT THE CONSENT AGENDA. SECONDED BY COUNCILOR GRIFFIN. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

6. CITIZEN COMMENTS:

The City Recorder read aloud the written comments received from Sherwood resident Megan Thornton regarding the recent pro-police rally in Sherwood (see record). Mayor Mays commented that there was a rally in Sherwood which was promoted as an opportunity for citizens to peacefully exercise their First Amendment rights and express their support for the Sherwood Police. He reported that no one who attended was cited or arrested at the rally and that no laws were broken. He stated that, “the City Council supports our police department and the excellent work they do for our community and supports the right to freedom of speech. Just as importantly, the City Council does not condone or support any group or organization or individual from any side of the political spectrum that engages in hate, threatening, criminal or violent behavior of any kind. Those behaviors have no place in this community and are contrary to the values of the City of Sherwood and the Sherwood Police Department.”

7. CITY MANAGER REPORT:

City Manager Joe Gall reported that an additional round of business grants would become available on Monday, August 24th. He explained there were two funding sources. One was a \$35,000 source from the state agency Business Oregon, the other was \$280,000 in federal CARES Act funding from Washington County. He stated that the grants would be made available to businesses that have been affected by the COVID-19 pandemic. Mayor Mays asked Economic Development Manager Bruce Coleman what the general timeline was from the start of the process to when an applicant can expect to be notified of receiving funding. Mr. Coleman replied that applications would become available on Monday, August 24th and would close on Friday, August 28th after which they would begin reviewing the applications. He explained that the process for reviewing applications would be more complex than the last time because

they were not using their own funds to award grants to businesses. He commented that the goal was to be able to award funding roughly two weeks after the application closing date. City Manager Gall reported that the Chamber of Commerce's guest speaker would be Commissioner Roy Rogers.

Mayor Mays addressed the next agenda item.

8. COUNCIL ANNOUNCEMENTS:

Councilor Griffin announced that the Parks and Recreation Board would soon hold interviews for candidates to fill two board vacancies.

Councilor Garland asked City Manager Gall if the application deadline for vacancies on various boards and commissions was extended to August 21st. Mr. Gall replied that only a few of the boards that had vacancies had extended their deadlines as the other boards and commissions had received a sufficient number of applications.

Councilor Young reported that the Police Advisory Board had recently interviewed 11 candidates to fill one vacancy. She reported she was unable to attend the most recent Community Development Block Grant meeting.

Council President Rosener reported he attended the School Board meeting where they discussed reopening plans and the online Cloud Campus for students.

Mayor Mays reported he attended the virtual Oregon Mayors Association annual conference. He attended the Washington County Coordinating Committee meeting where they received an update on a study of tolling on I-5 and I-205. He reported he would attend the upcoming League of Oregon Cities special board meeting.

9. ADJOURN:

Mayor Mays adjourned the regular session at 7:23 pm and reconvened a work session.

WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the work session to order at 7:24 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Renee Brouse, Kim Young, Sean Garland, and Russell Griffin.
3. **STAFF PRESENT:** City Manager Joe Gall, City Attorney Josh Soper, IT Director Brad Crawford, Community Development Director Julia Hajduk, Police Chief Jeff Groth, Finance Director David Bodway, Economic Development Manager Bruce Coleman, Public Works Director Craig Sheldon, HR Manager Christina Jones, and City Recorder Sylvia Murphy.
4. **Others Present:** Consultants Nick Popenuk with Tiberius Solutions and Elaine Howard with Elaine Howard Consulting.

5. TOPICS

B. URA Boundary Finalization

Community Development Director Julia Hajduk recapped that at the previous work session to discuss the URA boundary, Council had asked for more detail about the proposed boundaries and the option to potentially reduce the existing URA. She explained that consultant Nick Popenuk had worked with Economic Manager Bruce Coleman, Finance Director David Bodway, and herself to review the parcels and to try to strike a balance. Mr. Popenuk presented the “City of Sherwood Urban Renewal Feasibility Study” PowerPoint presentation (see record, Exhibit B) and recapped that in the previous meetings Council had asked him to refine the boundaries so that the two originally proposed boundaries combined with the existing URA boundary would be in compliance with the statutory limits on assessed value and acreage citywide. He explained that the goal was to ensure that the city had the option to adopt either both of the new boundaries (Boundary 1 and 2), or the option to combine Boundary 1 and Boundary 2 into a consolidated URA that was connected via cherry stem, while avoiding removing significant acreage from the potential new Urban Renewal Areas. He reported that there were two key limits they were reviewing. The first limit was to maintain the existing financial capacity in the existing URA, with the plan to pay off the debt in fiscal year ending in 2023. He explained that this required that the existing Urban Renewal Area needed to bring in roughly \$2.6 million worth of revenue over the next few years on an annual basis. He remarked that when he was reviewing revisions to the boundary, his goal was to create a plan that would bring in more than \$2.6 million annually to ensure the financial security of the area and to protect the city in the event of a decrease in property values or a company going out of business. He explained that he used a 1.25 coverage ratio to secure that the area would bring in \$3.25 million each year to ensure the city could continue to make the scheduled debt service payments of \$2.6 million. He reported that the city could reduce the current URA down to \$240 million in assessed value from the current \$425 million in assessed value and continue to maintain the annual TIF revenue of \$3.25 million per year. He summarized that the city could cut out \$185 million worth of property from the existing URA without sacrificing the ability to make the planned debt service payments. Mr. Popenuk reviewed the updated URA acreage limits on page 4 of the presentation and explained that he had revised the numbers to include the properties that would be shortly annexed into the city. He explained that this would increase the city’s size and acreage limit which resulted in a total of 565 acres needing to be cut from the Urban Renewal Areas to meet the statutory limits on acreage. He outlined the three refined boundary scenarios as: 1.) Reducing the acreage of existing URA as much as possible, while maintaining sufficient financial capacity. 2.) In addition to Scenario 1, retain all properties owned by the URA, and necessary ROW to connect them. 3.) In addition to Scenario 2, connect new boundaries 1 and 2 with a cherry stem, for one contiguous URA boundary. Mayor Mays asked what the argument was for retaining the URA-owned properties in option 2. Mr. Popenuk replied that there was not a tangible benefit to retaining the properties unless the city wanted to use any revenues from the sale of the property to invest back into a URA. He commented that there was not any real benefit from a legal perspective to keep the properties in the Urban Renewal Agency because the area was so close to closing down. Council President Rosener asked how many acres would be freed up if they transferred the properties out of the URA. Mr. Popenuk replied that he did not have the exact figure in front of him. City Manager Gall interjected that his best guess would be roughly 20-30 acres maximum. Mr. Popenuk reviewed the new refined boundary for Scenario 1 on page 7 of the presentation and explained that the smaller pieces of property that had been removed from both of the proposed new URAs were because the properties were tax exempt, utility owned, or vacant land that did not have a near-term development potential. He clarified that the reductions shown in the new URAs were not necessarily permanent, but were removed to hit the statutory limit, and could be re-

added after the existing URA expired in 2023. He reviewed the refined boundary for Scenario 2 and Scenario 3. He reviewed the existing URA Scenario 1 and explained that they focused on what properties had the highest assessed value per acre to help determine what land to keep in the existing URA to free up acreage while retaining assessed value. He reviewed Scenarios 2 and 3 for the existing URA and commented that it appeared that the best course of action would be to transfer Urban Renewal Agency owned properties to city ownership to help free up acreage. Mr. Popenuk outlined that all three scenarios in the existing URA maintained the TIF capacity of 3.25 million per year and removed 432-442 acres which included areas of overlap, rights-of-way, tax exempt properties, and properties with lower value per acre. He reported that if the Urban Renewal Agency transferred ownership of the properties to the city, it would free up 10 acres of land. He explained that if the city was ready to transfer URA-owned properties into city ownership it would make for a cleaner boundary and allow for a more direct cherry stem if Council wanted to proceed with one consolidated URA boundary. Mayor Mays commented he did not see any value in retaining the 10 acres in the URA. Community Development Director Julia Hajduk commented that based on conversations with Mr. Popenuk and City Attorney Josh Soper, it appeared that there were no real legal impacts of having URA-owned property transferred to city-ownership and that Council would retain the ability to influence the direction of how the properties were ultimately disposed of and developed in the future. Council President Rosener asked if it was possible to have IT Director Brad Crawford evaluate the routes of the "pipe stems" that connected areas to determine if there was a need for significant infrastructure for the installation of Sherwood Broadband. City Manager Gall replied yes, that was possible. Mayor Mays asked to ensure that the cherry stem went through Old Town, and commented that he felt there was value in having the cherry stem go down part of 1st Street or Pine Street in the event that Council wanted to expand the district to include the Robin Hood Theater lot. Mayor Mays asked what the acreage was for the proposed new district today and then what amount of acreage could be added in the future by Council if it was to be expanded. Mr. Popenuk replied that Scenario 3 of the refined boundary options had the capacity to be expanded by 120 acres in the future.

Mr. Popenuk reviewed Boundary 1 Scenario 1 on page 13 of the presentation and explained that the majority of the acreage they had removed was utility-owned property, some tax-exempt properties, and land associated with the proposed wastewater treatment facility. Mayor Mays asked which lots were not in the city limits at this time and which lots were not having active conversations about being brought into the city. Community Development Director Hajduk replied most properties not currently in the city limits and were not actively being discussed were in the middle of the Tonquin Employment Area. Mayor Mays asked if property not located within the city limits could be brought into the URA. Ms. Hajduk replied that it was possible to bring in property outside of the city limits into URA, but it required an IGA with Washington County. Elaine Howard stated it was not an IGA that was needed, but the county had to approve the adoption of the Urban Renewal Plan by resolution of their county commission. Ms. Howard commented that Washington County had done that before for cities within their jurisdiction. Mr. Popenuk explained that refining and adjusting could occur during the Urban Renewal Plan process, so the Council could move forward with adopting a new plan and an advisory committee could discuss goals, objectives, and project lists for the boundary. He explained that revisions to the existing URA, including removing as much acreage as possible, would be a minor amendment that would remove the acreage ahead of time and provide the city with the capacity to adopt a new plan and would therefore be more time sensitive. Mr. Popenuk reviewed Boundary 1 Scenarios 2 and 3 and explained that Boundary 1 Scenario 3 would provide the city with the potential to expand the URA by 118.6 acres in the future. He reviewed Boundary 2 Scenarios 1 and 3 and explained that they had removed the YMCA facility from the boundary. Council President Rosener asked if the area needed for the construction of the pedestrian bridge was accounted for in Boundary 2 Scenarios 1 and 2. Ms. Hajduk replied that the area needed for the bridge was located

within the right-of-way and was accounted for in the scenarios. Council President Rosener asked if the Cedar Creek underpass was also included. Ms. Hajduk replied that that was why they had removed some of the ODOT right-of-way but not all of the ODOT right-of-way to make sure that the area needed for the undercrossing was accounted for. Mr. Popenuk recapped that Boundary 2 removed 26.4 acres from the area, with the option to expand the area in the future by 21.1 acres. He summarized the presentation and stated that: substantial reductions to the existing URA was possible without jeopardizing debt service payments, additional cuts to Boundaries 1 and 2 were needed in order to comply with statutory limits, that the cuts that were needed could be achieved with minimal reduction to the frozen base, that there was significant potential for future expansion, and that there was the possibility for one combined URA boundary. He explained that one boundary was more efficient because it required one plan, one budget, one annual audit, and one advisory committee. He advised that the challenge with one boundary versus two boundaries was the need to balance competing needs and stakeholders.

Mayor Mays asked Council if they preferred one combined boundary or two separate boundaries. Council President Rosener, Councilor Young, and Councilor Brouse replied they preferred one boundary. Councilor Griffin commented one boundary would be easier. Mayor Mays asked if URA-owned property should be transferred to city-ownership now or in two years. Councilor Brouse replied that optically it would be better to wait to transfer ownership. Mayor Mays replied that from a process standpoint it would be better to transfer the properties now so a cherry stem would not be necessary to connect them. Community Development Director Hajduk replied that as far as referring to the optics or transferring ownership, city staff did not want to make that decision for Council and wanted it to be a Council decision. Council President Rosener voiced that he preferred to remove the properties now so the cherry stem could capture the infrastructure needed for the expansion of Sherwood Broadband. Council members voiced their agreement with Council President Rosener's statement. Mr. Popenuk asked for Council's comments regarding specific boundary tweaks. Council President Rosener asked how difficult it would be to tweak boundaries later on in the process. Mr. Popenuk replied that if Council was making actual changes to the boundary, it would require an amendment to the plan. He explained that if Council wished to pursue removing acreage from the existing URA, the next step would be a minor amendment to the plan to remove the acreage and ensure that the boundary was right. He explained that for the proposed new boundaries, Council would want to have the boundaries right before it was adopted but commented it would not be particularly difficult to change it in the future. He explained that Council would have plenty of opportunities between now and when the plan was adopted to provide additional comments and make tweaks to the area. Ms. Hajduk asked that once the existing URA was closed and there was additional acreage available to expand the new URA, could Council amend and expand the area multiple times until the maximum acreage was reached. Mr. Popenuk replied that was correct, but amendments to expand the boundary would be substantial plan amendments, not minor plan amendments. Elaine Howard clarified that the way the statute was written stated for a minor amendment, a city may add up to 1% of its acreage, not 1% multiple times. She explained that a substantial amendment required that the boundary go through the entire process again.

Mayor Mays summarized the next steps in the process and confirmed that Council agreed to shrink the existing URA down, and simultaneously adopt the new URA plan(s). Mr. Popenuk explained that the contract for Ms. Howard to prepare the minor amendment was already in place and would be quick to execute. Mr. Popenuk reviewed the recommended next steps and timeline on page 22 of the presentation. Ms. Howard advised that if the Council wanted to transfer ownership of URA properties to the city, they would want to do so at the same time as they completed the minor amendment. She outlined the minor amendment timeline and schedule for the adoption of a new plan. Mayor Mays asked if it had been

determined when a new URA project could be started and have the new district repay the city for the project. Ms. Howard replied that that had not yet been calculated and commented that it was an option for a city to loan a URA the funding needed to complete a project and have the URA pay the city back. Mayor Mays asked if the district had to exist for that to be an option. Ms. Howard replied that the district had to exist before a city could expect to be paid back for the project with URA funds. Mayor Mays commented that with that in mind, he believed moving the timeline up one month was a good idea and asked if task force meetings could be held multiple times a month. Ms. Howard replied that meeting once a month allowed her team to complete the work that was discussed in the task force meetings and then bring the work back to the task force for comment. Mayor Mays commented he hoped to have a finalized plan by April 2021. Mr. Popenuk replied that an April 2021 deadline was feasible if Council wanted to begin the process after the minor amendment to the existing plan was complete. Community Development Director Hajduk asked who typically served on the task force. Ms. Howard replied that the task force was usually comprised of members of the main taxing districts (TVF&R, Washington County, the City of Sherwood, a Planning Commission member, and community stakeholders). Councilor Griffin stated he liked the more aggressive timeline if it was appropriate and feasible. Mayor Mays commented he wanted to have the process complete before there were budget meetings and conversations. Ms. Hajduk asked if the new URA boundary had been adopted but was not yet in effect, could the city loan money to the URA to complete a project. Ms. Howard replied that the area had to be in effect for repaying loans using URA funds. City Attorney Soper replied he agreed with Ms. Howard's assertion. City Manager Gall commented that the goal of having the process completed before budget conversations was a good idea and was achievable. Discussion occurred. Ms. Howard explained that due to the COVID-19 pandemic, an open house for the public to attend was probably not feasible but publishing the content online was an option. She explained that because her team had to produce the material to publish online, it was an additional cost that needed to be considered. She explained that she would provide Council with a menu of options to publish the URA proposal online. Council President Rosener thanked the consultants and city staff for their hard work.

6. ADJOURN:

Mayor Mays adjourned the work session at 8:15 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor

TO: Sherwood City Council

FROM: Jeff Groth, Police Chief
Through: Joseph Gall, ICMA-CM, and City Manager

SUBJECT: Resolution 2020-056, Appointing Brian Dorsey to the Sherwood Police Advisory Board

Issue:

Should the City Council appoint Brian Dorsey to the Sherwood Police Advisory Board?

Background:

A vacancy exists on the Police Advisory Board, position #9, due to a recent resignation. The term of office for this vacancy expires in June 2022. The City advertised the vacancy and received 11 applications. Brian Dorsey submitted an application for consideration of appointment and was interviewed by the interview panel. The interview panel, consisting of City Council Liaison Kim Young, Board Chair Ralph Lohman and Police Chief Jeff Groth, unanimously recommended appointment of Brian Dorsey to fill the vacancy. The Mayor has recommended this appointment to Council. In accordance with City Council Rules of Procedure, all such appointments are subject to the approval of City Council by resolution.

Financial Impacts:

There are no financial impacts from this proposed action.

Recommendation:

Staff respectfully recommends City Council's adoption of Resolution 2020-056, appointing Brian Dorsey to the Sherwood Police Advisory Board.



RESOLUTION 2020-056

APPOINTING BRIAN DORSEY TO THE SHERWOOD POLICE ADVISORY BOARD

WHEREAS, a vacancy exists on the Police Advisory Board, position #9, due to a recent resignation; and

WHEREAS, the term of office for this vacancy expires in June 2022; and

WHEREAS, the City advertised the vacancy on the City website and social media; and

WHEREAS, Brian Dorsey applied to be appointed and was interviewed by the interview panel; and

WHEREAS, the interview panel considered all of the applicants and recommended to the Mayor that Brian Dorsey be appointed to fill the vacancy; and

WHEREAS, the Mayor has recommended to Council that Brian Dorsey be appointed; and

WHEREAS, in accordance with Council Rules of Procedure, all such appointments are subject to the approval of the City Council by resolution.

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

Section 1. The Sherwood City Council hereby appoints Brian Dorsey to the Sherwood Police Advisory Board, position #9, for a term expiring at the end of June 2022.

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

Duly passed by the City Council this 1st day of September, 2020.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Joy Chang, Senior Planner

Through: Julia Hajduk, Community Development Director; Joseph Gall, ICMA-CM, City Manager; and Josh Soper, City Attorney

SUBJECT: Resolution 2020-057, Authorizing the City Manager to execute a contract with Otak to update the Sherwood Zoning and Community Development Code to implement House Bill 2001

Issue:

Shall the City Council authorize the City Manager to execute a contract with Otak to update the Sherwood Zoning and Community Development Code to implement House Bill 2001?

Background:

In 2019, the Oregon legislature passed, and the Governor signed into law, HB 2001 and HB 2003—legislation aimed at increasing the production of needed housing in the state. All cities in the Metro area are required to implement House Bill 2001 by June 30, 2022.

Oregon Department of Land Conservation and Development (DLCD) established a program to provide planning assistance to communities to implement the requirements of HB 2001 and was accepting applications to fund consulting services for planning efforts to complete these projects. The City has identified consulting services as a need to support an update to the Sherwood Zoning and Community Development Code to comply with House Bill 2001.

Last June, the City applied for grant funding to help implement HB 2001 through the Planning Assistance Grant from the DLCD. In July, the City was awarded a \$100,000 Planning Assistance Grant to implement HB 2001.

On July 21, 2020, the City issued a Request for 'Letters of Interest' from Sherwood's on-call planning consultant firms, asking interested firms to submit their qualifications and proposed scope of work. Community Development Staff reviewed the five submitted proposals and unanimously recommended Otak as the most qualified consultant for the project.

Otak and Community Development staff with input from the city's local DLCD representative have prepared and refined a scope of work, schedule, and budget that provides a process and product that reflects the City's needs.

Approval of the resolution will authorize the City Manager to enter into a contract with Otak, not to exceed \$100,000.

Financials:

The funding for the cost of this consultant work is included FY 2020-2021 budget and will be reimbursed through the DLCD planning assistance grant.

Recommendation:

Staff respectfully requests City Council adoption of Resolution 2020-057 authorizing the City Manager to execute and sign a contract with Otak to update the Sherwood Zoning and Community Development Code to implement House Bill 2001.



RESOLUTION 2020-057

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH OTAK TO UPDATE THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE TO IMPLEMENT HOUSE BILL 2001

WHEREAS, the Oregon legislature passed, and the Governor signed into law, HB 2001 and HB 2003 (2019)--legislation aimed at increasing the production of needed housing in the state; and

WHEREAS, all cities in the Metro area are required to implement House Bill 2001 by June 30, 2022; and

WHEREAS, the City applied for grant funding to help implement HB 2001 through the Planning Assistance Grant from the Department of Land Conservation and Development; and

WHEREAS, the City was awarded a \$100,000 Planning Assistance Grant to implement HB 2001; and

WHEREAS, the City issued a Request for 'Letters of Interest' from Sherwood's on-call planning consultant firms, asking interested firms to submit their qualifications and proposed scope of work.; and

WHEREAS, the Community Development Staff reviewed the five submitted proposals and unanimously recommended Otak as the most qualified consultant for the project; and

WHEREAS, Otak, and Community Development staff worked collaboratively to prepare and refine a scope of work, schedule, and budget that provides a process and product that reflects the City's needs, all of which are included in the contract attached hereto as Exhibit A.

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

Section 1. The Sherwood City Council hereby authorizes the City Manager to execute a contract with Otak in a form substantially similar to Exhibit A, attached hereto.

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

Duly passed by the City Council this 1st day of September, 2020.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder



[Insert Division]
 [Insert Department]
 22560 SW Pine St.
 Sherwood, OR 97140
 503-925-2308

CONTRACT FOR PROFESSIONAL SERVICES

PROJECT NAME: Sherwood HB 2001 Code Update

CONTRACT PARTIES: City of Sherwood [hereafter called City] and Otak [hereafter called Consultant]

C.O.S. PROJECT MANAGER: Erika Palmer, Planning Manager

ACCOUNT #:	FUND #:	DEPT:	JOB #:
VENDOR #:	URA RES:	PHASE:	

SCOPE of WORK: Attached as Exhibit A **FEE SCHEDULE:** Attached as Exhibit B

SCHEDULE of WORK: effective date: September 1, 2020 expiration date: June 30, 2020

PAYMENT: City agrees to pay Consultant based on the Fee Schedule an amount not to exceed **\$100,000** for the Scope of Work.

A performance bond in the amount of the maximum contract payment amount set forth immediately above, and a payment bond in the amount of 50% of the performance bond amount, are are not required for this Contract.

CONSULTANT DATA, REGISTRATION, and SIGNATURE

CONSULTANT FIRM: Otak **LIC #:**

ADDRESS: 808 SW Third Avenue, Suite 800
Portland, OR 97204

VOICE: Phone (503) 287-6825 **FAX:** Fax (503) 415-2304

CONTACT: Li Aligood **TITLE:** Senior Planner / Project Manager

I, the undersigned, agree to perform the work outlined in this Contract in accordance with the terms and conditions listed on pages 2-6 and made part of this Contract, and in accordance with the exhibits attached and made part of this Contract. I certify, under penalty of perjury, that I/my business is not in violation of any Oregon tax laws; and certify that I am an independent contractor as defined in ORS 670.600.

CONSULTANT: _____ signature _____ date

CITY OF SHERWOOD APPROVALS (consult the City's Delegation of Contracting Authority policy for requirements)

PROJECT MANAGER: _____ signature _____ date

DEPARTMENT DIRECTOR: _____ signature _____ date

FINANCE DIRECTOR: _____ signature _____ date

CITY MANAGER: _____ signature _____ date

CITY ATTORNEY
Approved as to Form: _____



signature

date

STANDARD CONTRACT PROVISIONS

(These provisions not to be altered without approval of the City Attorney.)

1. Access to Records

The Consultant shall maintain, and the City of Sherwood ("City") and its duly authorized representatives shall have access during normal business hours to the books, documents, papers, and records of the Consultant which are directly pertinent to the specific Contract for the purpose of making audit, examination, excerpts, and transcripts for a period of three years after final payment. Copies of applicable records shall be made available upon reasonable request. Payment for cost of copies is reimbursable by the City.

2. Audits

(a) The City, either directly or through a designated representative, at City's expense except as provided in subsection 2(b), may conduct financial and performance audits of the billings and services specified in this Contract at any time in the course of the Contract and during the three (3) year period established by section 1, **Access to Records**. Audits will be conducted in accordance with generally accepted auditing standards as promulgated in Government Auditing Standards by the Comptroller General of the United States General Accounting Office.

(b) If an audit discloses that payments to the Consultant were in excess of the amount to which the Consultant was entitled, then the Consultant shall repay the amount of the excess to the City. If the payments to the Consultant were in excess of the amount to which the Consultant was entitled by five percent (5%) or more, then Consultant shall additionally repay to the City the reasonable costs of the audit performed under subsection 2(a).

(c) If any audit shows performance of services is not efficient in accordance with Government Auditing Standards, or that the program is not effective in accordance with Government Auditing Standards, the City may pursue remedies provided under section 5, **Early Termination of Contract** and section 7, **Remedies**.

3. Effective Date and Duration

The passage of the Contract expiration date, or early termination of this Contract, shall not extinguish, prejudice, or limit either party's right to enforce this Contract with respect to any default or defect in performance that has not been cured.

4. Payments

City agrees to pay Consultant based on the fee schedule in Exhibit B, attached hereto and incorporated herein by reference, in a total sum not to exceed the amount indicated on the cover page of this Contract, for the scope of work identified in Exhibit A, attached hereto and incorporated herein by reference. Consultant shall submit detailed written invoices to City for work performed, referencing the work performed and the fee schedule in Exhibit B, at a frequency not to exceed one invoice per calendar month, and no later than sixty (60) calendar days after performance of the work referenced in the invoice. Within thirty (30) calendar days of receipt of each invoice, City shall submit payment to Consultant or shall notify Consultant in writing of any dispute with regard to such invoice.

5. Early Termination of Contract

(a) The City and the Consultant, by mutual written agreement, may terminate this Contract at any time.

(b) The City, by written notice to the Consultant, may terminate this Contract for any reason deemed appropriate in its sole discretion, such termination to be effective thirty (30) calendar days after the effective date of such notice or at such later date as specified in such notice.

(c) City may terminate this Contract by written notice to Consultant, such termination to be effective immediately upon the effective date of such notice or at such later date as specified in such notice, upon the occurrence of any of the following events:

(1) City fails to receive funding, or appropriations, limitations, or other expenditure authority at levels sufficient to pay for Consultant's work;

(2) Federal or state laws, regulations, or guidelines are modified or interpreted in such a way that either the work under this Contract is prohibited or City is prohibited from paying for such work from the planned funding source;

(3) Consultant no longer holds any license or certificate that is required to perform the work, or any license or certificate required by statute, rule, regulation, or other law to be held by the Consultant to provide the services required by this Contract is for any reason denied, revoked, suspended, not renewed, or changed in such a way that Consultant no longer meets requirements for such license or certificate.

(4) City determines, in its sole discretion, that Consultant has violated section 25, **Information Technology**.

(d) Either the City or the Consultant may terminate this Contract in the event of a breach of the Contract by the other. Prior to such termination, however, the party seeking the termination shall give to the other party written notice of the breach and of the party's intent to terminate. If the party has not entirely cured the breach within fifteen (15) calendar days of the notice, then the party giving the notice may terminate the Contract at any time thereafter by giving a written notice of termination.

- (e) Upon receiving a written notice of termination of this Contract, Consultant shall immediately cease all activities under this Contract, unless City expressly directs otherwise in such notice. Upon termination of this Contract, Consultant shall deliver to City all documents, information, works in progress, and other property that are or would be deliverables had the Contract been completed.

6. Payment on Early Termination

- (a) In the event of termination under subsection 5(a) or 5(b), **Early Termination of Contract** hereof, the City shall pay the Consultant for work performed in accordance with the Contract prior to the termination date.
- (b) In the event of termination under subsection 5(d), **Early Termination of Contract** hereof, by the Consultant due to a breach by the City, the City shall pay the Consultant as provided in subsection (a) of this section.
- (c) In the event of termination under subsection 5(d), **Early Termination of Contract** hereof, by the City due to a breach by the Consultant, the City shall pay the Consultant as provided in subsection (a) of this section, subject to set off of excess costs, as provided for in section 7(a), **Remedies**.
- (d) In the event of early termination, all of the Consultant's work product will become and remain property of the City.

7. Remedies

- (a) In the event of termination under subsection 5(d), **Early Termination of Contract**, hereof, by the City due to a breach by the Consultant, the City may complete the work itself, by contract with another consultant, or by a combination thereof. In the event the cost of completing the work exceeds the remaining unpaid balance of the total compensation provided under this Contract, then the Consultant shall pay to the City the amount of the reasonable excess.
- (b) The remedies provided to the City under section 5, **Early Termination of Contract** and section 7, **Remedies** for a breach by the Consultant shall not be exclusive. The City also shall be entitled to any other equitable and legal remedies that are available.
- (c) In the event of breach of this Contract by the City, the Consultant's remedy shall be limited to termination of the Contract and receipt of payment as provided in section 5(d), **Early Termination of Contract** and section 6(b), **Payment on Early Termination** hereof.

8. Subcontracts and Assignment

Consultant shall not subcontract, assign or transfer any of the work scheduled under this Contract, without the prior written consent of the City. Notwithstanding City approval of a sub-consultant, the Consultant shall remain obligated for full performance hereunder, and the City shall incur no obligation other than its obligations to the Consultant hereunder. The Consultant agrees that if sub-consultants are employed in the performance of this Contract, the Consultant and its sub-consultants are subject to the requirements and sanctions of ORS Chapter 656, Workers' Compensation. Consultant further agrees that Consultant will be solely responsible for ensuring any sub-consultants fully comply with the terms of this Contract, and that Consultant will be solely liable for actions or omissions of sub-consultants under this Contract.

9. Compliance with Applicable Law

In connection with its activities under this Contract, Consultant shall use the standard of care in its profession to comply with all applicable federal, state and local laws and regulations.

10. Indemnity - Standard of Care

If Consultant's services involve engineering or planning consulting, the standard of care applicable to Consultant's service will be the degree of skill and diligence normally employed by professional engineers or planning consultants performing the same or similar services at the time such services are performed. Consultant will re-perform any services not meeting this standard without additional compensation. Consultant acknowledges responsibility for liability arising out of the performance of this Contract and shall defend, indemnify, and hold harmless City and its officers, agents, volunteers, and employees against any and all liability, settlements, loss, damage, costs, and expenses arising from or in connection with any action, suit, demand, or claim resulting or allegedly resulting from, attributable in whole or in part to, or in any way connected with Consultant's and Consultant's officers', agents', volunteers', and employees' acts, omissions, activities, or services in the course of performing this Contract. Consultant's activities are deemed to include those of subcontractors. This section will survive the termination or revocation of this Contract, regardless of cause.

11. Insurance

Consultant shall obtain at its expense, and maintain for the term of this contract, occurrence form commercial general liability and commercial automobile liability insurance, including coverage for all owned, hired, and non-owned automobiles, for the protection of Consultant, the City, its Councilors, officers, agents, volunteers, and employees. Such coverage shall be primary and non-contributory. Coverage shall include personal injury, bodily injury, including death, and broad form property damage, including loss of use of property, occurring in the course of or in any way related to Consultant's operations, in an amount not less than \$2,000,000 combined single limit per occurrence and \$2,000,000 aggregate. Such insurance shall name the City as an additional insured. Consultant, its subcontractors, if any, and all employers providing work, labor, or materials under this Contract, who are subject employers under the Oregon Workers' Compensation Law, shall comply with ORS 656.017, which requires them to provide workers compensation coverage that satisfies Oregon law for all their subject workers. Out-of-state

employers must provide workers' compensation coverage for their workers that complies with ORS 656.126. Employers' Liability Insurance with coverage limits of not less than \$1,000,000 each accident shall be included. Consultant shall obtain at its expense and maintain for the term of this contract, professional errors and omissions liability insurance for the protection of Consultant and its employees, insuring against bodily injury and property damage and arising out of or resulting from Consultant's errors, negligent acts, omissions, activities or services, in an amount not less than \$2,000,000 combined single limit per occurrence, with an annual aggregate limit not less than \$2,000,000. Such insurance shall be endorsed to include contractual liability. If Consultant obtains professional errors and omissions liability insurance on a claims made form, Consultant shall maintain three (3) years of tail coverage for the three (3) years after the accepted completion of the Contract by the City. All policies will provide for not less than thirty (30) calendar days' written notice to the City before they may be canceled. Prior to commencing work under this Contract, and thereafter upon request, Consultant shall furnish the City certificates of insurance and necessary endorsements evidencing the effective dates, amounts, and types of insurance required by this Contract. Additionally, if Consultant is subject to the professional errors and omissions liability insurance tail coverage requirement under this section, Consultant shall furnish the City, upon the accepted completion of the Contract by the City, a certificate of insurance and necessary endorsements evidencing the effective dates, amounts, and types of insurance meeting said requirement.

12. Ownership of Work Product

All work products of the Consultant, which result from this Contract, are the exclusive property of the City; provided, that Consultant is hereby granted an irrevocable, royalty free, worldwide, perpetual license to use, reproduce, copy, distribute and make derivatives of its work product, regardless of whether Consultant has resigned, this Contract has been terminated, Consultant's scope of services has been modified, or Consultant's services under this Contract have been completed.

13. Nondiscrimination

Consultant agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations. Consultant also shall comply with the Americans With Disabilities Act of 1990 (Pub L. No. 101-336) including Title II of that Act, ORS 659A.142, and all regulations and administrative rules established pursuant to those laws.

14. Successors in Interest

The provisions of this Contract shall be binding upon and shall inure to the benefit of the parties hereto, and their respective successors and approved assigns.

15. Severability

The parties agree that if any term or provision of this Contract is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Contract did not contain the particular term or provision held to be invalid.

16. Waiver

The failure of the City to enforce any provision of this Contract shall not constitute a waiver by the City of that or any other provision.

17. Errors

The Consultant shall perform such additional work as may be necessary to correct errors in the work required under this Contract without undue delays and without additional cost.

18. Governing Law; Forum

The provisions of this Contract shall be construed in accordance with the provisions of the laws of the State of Oregon, without regard to conflicts of law principles. Any action or suits involving any question arising under this Contract must be brought in the appropriate court in Washington County, Oregon or, only if there is no Oregon state court jurisdiction, the United States District Court for the District of Oregon, and each party hereby submits to the exclusive jurisdiction of those courts for purposes of any such proceeding. Any trial will be to the court without a jury.

19. Amendments

The City and the Consultant may amend this Contract at any time only by written amendment executed by the City and the Consultant.

- 20. License**
Prior to beginning work under this Contract, the Consultant shall provide a professional registration number in the space provided on page one of this Contract, if required by the City.
- 21. Payment to Vendors and Sub-consultants**
Consultant must promptly pay any persons supplying services, material, or equipment to Consultant in its performance of the work under this Contract. Consultant shall not take or fail to take any action in a manner that causes the City or any materials that the Consultant provides hereunder to be subject to any claim or lien of any person without the City's prior written consent.
- 22. Exhibits**
Each document that is attached to this Contract as an Exhibit shall be labeled with an Exhibit letter and listed below. Provisions and covenants contained in Exhibits are hereby incorporated by reference and shall become a part of this Contract as if fully set forth herein. If any item in an Exhibit contradicts this Contract, this Contract shall take precedence over the conflicting item in the Exhibit.
- List of Exhibits**
Exhibit A – Scope of Work
Exhibit B – Fee Schedule
- 23. Merger Clause**
This Contract and attached exhibits constitutes the entire agreement between the parties. No waiver, consent, modification, or change of terms of this Contract shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change, if made, shall be effective only in specific instances and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Contract. Consultant, by the signature of its authorized representative, hereby acknowledges that he or she has read this Contract, understands it and agrees to be bound by its terms and conditions.
- 24. Mediation**
- (a) Should any dispute arise between the parties to this Contract it is agreed that such dispute will be submitted to a mediator prior to any litigation and the parties hereby expressly agree that no claim or dispute arising under the terms of this Contract shall be resolved other than first through mediation and only in the event said mediation efforts fail, through litigation.
 - (b) The parties shall exercise good faith efforts to select a mediator who shall be compensated equally by both parties. Mediation will be conducted in Portland, Oregon, unless both parties agree in writing otherwise. Both parties agree to exercise good faith efforts to resolve disputes covered by this section through this mediation process. If a party requests mediation and the other party fails to respond within ten (10) calendar days, or if the parties fail to agree on a mediator within ten (10) calendar days, a mediator shall be appointed by the presiding judge of the Washington County Circuit Court upon the request of either party. The parties shall have any rights at law or in equity with respect to any dispute not covered by this Section.
- 25. Information Technology**
If Consultant access to City's information technology systems is necessary for the performance of this Contract:
- (a) Consultant agrees to sign and be bound by the terms of the City's then-current Contractor Security Policy, as it may be amended by City from time to time during the course of this Contract.
 - (b) Consultant shall use the standard of care in its profession to safeguard any and all usernames, passwords, and other confidential information relating to accessing said systems; will limit access to such information to the smallest number of Consultant's employees and/or subcontractors as is reasonably practical; and will provide City with the names of all such employees and/or subcontractors who will be provided such information;
 - (c) Consultant will not attempt to access any City information technology resources beyond those necessary for performance of this Contract; and
 - (d) Consultant will be solely liable for any damages to City's information technology systems, data breaches, and any other losses or damages relating to Consultant's access to City's information technology systems.
- 26. Notice**
Any notice required to be provided to City under this Contract shall be provided to the City Project Manager specified on the cover page of this Contract at the address for the City specified on the cover page of this Contract. Any notices required to be provided to Consultant under this Contract shall be provided to the Consultant Contact specified on the cover page of this Contract at the address for the Consultant specified on the cover page of this Contract. Notices shall be made by personal service, in which case they are effective on the date of service, or by certified mail, in which case they are effective on the date of delivery, or if delivery is refused, upon the date of delivery refusal. Either party may alter the person designated for receipt of notices under this Contract by written notice to the other party.
- 27. Miscellaneous Terms**

- (a) Consultant Identification. Consultant shall furnish to City Consultant's employer identification number, as designated by the Internal Revenue Service, or, if the Internal Revenue Service has designated no employer identification number, Consultant's Social Security number.
- (b) Duty to Inform. Consultant shall give prompt written notice to City if, at any time during the performance of this Contract, Consultant becomes aware of actual or potential problems, faults, or defects in the project, any nonconformance with the Contract, or with any federal, state, or local law, rule, or regulation, or has any objection to any decision or order made by City. Any delay or failure on the part of City to provide a written response to Consultant shall constitute neither agreement with nor acquiescence in Consultant's statement or claim, and shall not constitute a waiver of any of City's rights.
- (c) Independent Contractor. Consultant is an independent contractor for all purposes and shall be entitled to no compensation other than the compensation expressly provided by this Contract.
- (d) Time is of the Essence. Time is of the essence under this Contract.
- (e) Authority. The parties signing this Contract are authorized to sign and to bind their respective contracting parties to the terms of the Contract.
- (f) Conflict of Interest. Except with City's prior written consent, Consultant shall not engage in any activity, or accept any employment, interest or contribution that would, or would reasonably appear, to compromise Consultant's professional judgment with respect to this Contract, including, without limitation, concurrent employment on any project in direct competition with the subject of this Contract.
- (g) No Third-Party Beneficiaries. City and Consultant are the only parties to this Contract and are the only parties entitled to enforce its terms. Nothing in this Contract gives, is intended to give, or shall be construed to give or provide, any benefit or right, whether directly or indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Contract.

28. **Statutory Provisions**

- (a) As provided by ORS 279B.220, Consultant shall:
 - (1) Make payment promptly, as due, to all persons supplying to Consultant labor or material for the performance of the work provided for in this Contract.
 - (2) Pay all contributions or amounts due the Industrial Accident Fund from the Consultant or subcontractor incurred in the performance of this Contract.
 - (3) Not permit any lien or claim to be filed or prosecuted against the state or a county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished.
 - (4) Pay to the Department of Revenue all sums withheld from employees under ORS 316.167.
- (b) As provided by ORS 279B.230, Consultant shall promptly, as due, make payment to any person, copartnership, association, or corporation furnishing medical, surgical, and hospital care services or other needed care and attention, incident to sickness or injury, to the employees of Consultant, of all sums that Consultant agrees to pay for the services and all moneys and sums that Consultant collected or deducted from the wages of employees under any law, contract, or agreement for the purpose of providing or paying for the services. It is a condition of this Contract that all employers working under this Contract are either subject employers that will comply with ORS 656.017 or employers that are exempt under ORS 656.126.
- (c) As provided by ORS 279A.110, Consultant may not discriminate against a subcontractor in the awarding of a subcontract because the subcontractor is a minority, women, or an emerging small business enterprise certified under ORS 200.055 or a business enterprise that is owned or controlled by or that employs a disabled veteran, as defined in ORS 408.225. If Consultant violates this subsection, City may regard the violation as a breach of contract that permits the City to: (1) terminate this Contract; or (2) exercise any remedies for breach of contract that are reserved in this Contract.
- (d) As required by ORS 279B.235:
 - i. Consultant's employees shall be paid at least time and a half for all overtime worked, except for individuals under personal services contracts who are excluded under ORS 653.010 to 653.261 or under 29 U.S.C. 201 to 209 from receiving overtime. Consultant must give notice in writing to employees who work on this Contract, either at the time of hire or before commencement of work on this Contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the employees may be required to work.
 - ii. Consultant must comply with ORS 652.220 and shall not unlawfully discriminate against any of Consultant's employees in the payment of wages or other compensation for work of comparable character on the basis of an employee's membership in a protected class. Consultant's compliance with this section constitutes a material element of this Contract and a failure to comply constitutes a breach that entitles City to terminate this Contract for cause.
 - iii. Consultant may not prohibit any of Consultant's employees from discussing the employee's rate of wage, salary, benefits, or other compensation with another employee or another person. Consultant may not retaliate against an employee who discusses the employee's rate of wage, salary, benefits, or other compensation with another employee or another person.

[SIGNATURES ON COVER PAGE TO CONTRACT]

Scope of Work – Exhibit A

Task 1: Project Kickoff, Planning and Management

The Otak team will work closely with City staff to understand the context for this work and identify City goals and expectations for specific outcomes, as well as to develop key messages for the project. At the start of the project, Li will schedule a kick-off meeting (via virtual platform) with our team and City staff to establish a mutual understanding of project scope, timeline, key milestones and communication protocols. Li will also prepare a detailed project schedule to help track progress and ensure timeliness of deliverables and reviews throughout.

This task includes project management elements including team coordination, regular communication with City staff, invoicing, and documentation to ensure the project remains on schedule and meets budget expectations.

Task 1 Deliverables

- ✓ Summary of major tasks and action items
- ✓ Detailed project schedule
- ✓ Key messages for the project

Task 2: Review of Existing Conditions (Code Audit) and Initial Outreach

Serah and Li will review existing documents provided by the City, including the Housing Needs Analysis, Comprehensive Plan, Title 16, Municipal Code (Sherwood Zoning and Community Development Code), and any other relevant materials. Using this information, Serah will prepare a brief memo that summarizes the findings, evaluates the City's current level of compliance with HB 2001, and recommends approaches to resolving areas that do not meet HB 2001 requirements.

In coordination with City staff, the Otak team will determine the appropriate stakeholders to interview and/or conduct focus groups with. In addition to the stakeholder groups identified in the Letter of Intent, it may be useful to convene a focus group of middle housing developers to discuss the unique opportunities and challenges middle housing presents, including regulatory pathways.

The Otak team will conduct the interviews and/or focus groups and will share the findings of the code audit with them. These discussions will also provide valuable information about the community's desires and concerns related to middle housing.

Task 2 Deliverables

- ✓ Draft and Final Memorandum: Code Audit

Assumes one round of City review and comment on the draft memo before it is finalized.

- ✓ List of stakeholder interviewees and summary of stakeholder interview/focus group comments and themes

Task 3: Initial Draft Code and Design Standards

In addition to the Code Audit and stakeholder interviews/focus groups occurring in Task 2, the draft development and design standards will be informed by the results of a community survey. Ben and Li will work with City staff to identify images for an online survey or visual preference survey and will provide a summary of the survey results and recommended implementation.

Li and Serah will work closely with City staff to evaluate the Code Audit and stakeholder responses and will prepare recommendations and draft initial development and design code language that will address the form and scale of middle housing types. The Otak team will also provide an evaluation of the consistency of the draft code language with the Community Vision and the results of the housing survey. Serah and Li, with support from Otak's architecture group, will lead creation of new design standards for small lots and multifamily projects. These design standards will focus on providing the appropriate mass and scale for new housing types being introduced to existing neighborhoods and include façade articulation elements for visual interest and compatibility. The draft code will also include a clear and objective path to approval, which Robin will assist with drafting and review for ease of implementation.

Ben will lead the Otak design team in preparing code graphics and design type prototypes to illustrate the design and development standards. These graphics can be included in the code to clarify the City's intent for the standards and can support the public workshop/open house.

Li will work closely with City staff to arrange a public workshop/open house. Due to the current COVID-19 precautions, it is assumed that this workshop/open house will be conducted virtually. The Otak team will prepare an online platform using a GIS story map, graphics, documents, and other information as needed to tell the story of the proposed code. A summary of public input will be prepared for the City.

Task 3 Deliverables

- ✓ Images for online survey/visual preference survey
- ✓ Summary of results from online survey/visual preference survey
- ✓ Draft development and design standards for middle housing

Assumes one round of City review and comment on the draft before it is finalized.

- ✓ Draft objective review and approval standards

Assumes one round of City review and comment on the draft before it is finalized.

- ✓ Design standard graphics

Assumes one round of City review and comment on the draft graphics before they are finalized.

✓ Presentation materials for the public workshop/open house Web-based workshop for community review of the proposal and a method to submit comments and question

- ✓ Summary of comments from public workshop/open house

Task 4: Final Draft Development Code Recommendations and Design Standards

Serah and Li will incorporate input from the public workshop/open house and City staff review into a hearings-ready code amendment package. This package will include development standards for middle housing on small lots; design standards to address the form and scale of these housing types; graphics to illustrate the standards (optional but recommended); and clear and objective review procedures. The code and standards will be reviewed against HB 2001 and the City's documents to confirm consistency between the community's vision and the draft regulations.

Task 4 Deliverables

- ✓ Adoption-ready code package

Project Schedule and Budget

We are prepared to begin work immediately upon receiving a Notice-to-Proceed and signed Professional Service Agreement. We understand that these amendments must be adopted by June 20, 2022. The project schedule and budget in Exhibit B are based on that timeline and the scope of work, and assuming a September 1 notice to proceed.

Our estimated fee is slightly below the City's maximum budget, which allows for additional graphics or consultant support during the adoption process, such as attendance at public hearings, as needed.

Otak Key Staff

Li Alligood, AICP, LEED ND AP, Senior Planner/Project Manager as Project Manager. Li will serve as the day-to-day project manager and Otak contact person. Li has more than 12 years' experience in public and private sector planning, managing projects of various sizes and levels of complexity. Li's experience includes code development and adoption and public-sector development review with the City of Milwaukie, as well as private-sector due diligence and development risk assessment. Li's work with the development community in jurisdictions around the state provides insight into how development and design standards can either support or contravene the types of development envisioned by the community. She will apply that perspective to the draft code to ensure that the proposed standards do not inadvertently discourage the types of middle housing the City is trying to accommodate.

Serah Breakstone, AICP, Senior Planner/Project Manager as Lead Code Analyst. Serah will serve as lead code analyst. Serah has over 14 years of experience helping cities across Oregon evaluate and update their zoning codes to achieve desired outcomes. She has worked in a number of jurisdictions in the Portland Metro area and beyond, and brings a toolbox of best practices to all her code development work. Many of those code update projects involved identifying needed code graphics and working with designers to create illustrative representations of clear and objective standards, particularly for housing. Serah is very familiar with the middle housing regulatory framework in Oregon and recently worked with the Department of Land Conservation and Development on implementing rule language for House Bill 2001.

Ben Bortolazzo, Int'l. AIA Assoc., Director of Planning & Design as Urban Design Lead. Ben will lead the urban design efforts and identification and development of the middle housing form and scale that complements existing neighborhoods and implements the community's vision. Ben is trained as an architect and urban designer and has designed many middle housing types in his career. Ben has experience in bridging the gap between code language and its concrete application through his involvement in private and public development at different scales. Ben is also a member of the Portland Planning and Sustainability Commission which recently drafted the Residential Infill Project, a project that has informed missing middle housing legislation at the State level.

Robin Scholetzky, AICP, LEED ND AP, Land Use Planner as Implementation Reviewer. Robin will apply her extensive experience as an on-call planner for several small jurisdictions to evaluate the draft code and identify potential challenges to staff implementation. The City of Sherwood has a small Planning department and an overly complex review process could be onerous for applicants and reviewers alike. Robin has provided on-call development review services for the City of Tillamook, the City of Astoria, and communities in Washington County. Her role will be to provide suggestions and recommendations for how to strike the appropriate balance between regulations and implementation for the City of Sherwood.

Fee Schedule Exhibit B

Task	Start	Complete	Fee
1: Project Kickoff, Planning & Management	Sept. 2020	June 2020	\$7,000
2a: Code Audit	Sept. 2020	Nov. 2020	\$8,000
<i>City Review</i>	<i>Nov. 2020</i>	<i>Dec. 2020</i>	-
2b: Stakeholder Interviews/Workshops	Jan. 2021	Feb. 2021	\$4,500
3a: Initial Draft Code and Design Standards	Feb. 2021	Apr. 2021	\$60,000
<i>City Review</i>	<i>Apr. 2021</i>	<i>May 2021</i>	-
3b: Public Workshop/Open House	June 2021	June 2021	\$7,000
4: Final Draft Code and Design Standards	May 2021	June 2021	\$12,000
<i>City Review</i>	<i>July 2021</i>	<i>Sept. 2021</i>	-
<i>City Adoption Process</i>	<i>Oct. 2021</i>	<i>June 2022</i>	-
Total Otak Timeline	Sept. 2020	June 2021	\$98,500



Proclamation

September as National Preparedness Month And September 1-7, 2020 as Home Inventory Week

WHEREAS, each September is recognized as National Preparedness Month; and

WHEREAS, Oregonians have witnessed and experienced natural disasters in our own community; and

WHEREAS, every community member can take active steps to protect their families and neighbors from natural and manmade disasters; and

WHEREAS, every family and business in Sherwood, Oregon is encouraged to take active steps to be financially secure after a disaster; and

WHEREAS, every community member is encouraged to make sure they are properly insured against, fire, flood, earthquake and storms; and

WHEREAS, every community member is encouraged to create a home inventory to include as part of their disaster preparedness kit,

NOW THEREFORE I, Keith Mays, Mayor of the City of Sherwood, do hereby declare September as National Preparedness Month and September 1-7, 2020 as

Home Inventory Week

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherwood, Oregon to be affixed this 1st day of September, 2020.

Keith Mays, Mayor

Council Meeting Date: September 1, 2020

Agenda Item: Public Hearing (*First Reading*)

TO: Sherwood City Council

FROM: Joy Chang, Senior Planner, Planning Staff

Through: Josh Soper, City Attorney, Joseph Gall, ICMA-CM, City Manager and Julia Hajduk, Community Development Director

SUBJECT: **Ordinance 2020-007, approving Annexation into the City of Sherwood and Clean Water Services District of approximately 29.61 Acres, Comprised of 2 Tax Lots and Adjacent SW Tonquin Road Right-of-Way within the Tonquin Employment Area** (*First Reading*)

Issue:

Shall the City Council approve the proposed annexation (Case File No. LU 2020-012 AN) of approximately 29.61 acres of land within the Tonquin Employment Area?

Background:

The City of Sherwood approved the concept plan for the Tonquin Employment Area in 2010 via Ordinance 2010-014. The area remains in Washington County and under County jurisdiction until annexation to the City. Under current zoning and agreements, urban development within the area cannot occur until annexation occurs. The applicant, Woodburn Industrial Capital Group, is proposing to annex two (2) parcels of land and the adjacent right-of-way totaling ±29.61 acres into the City of Sherwood under the annexation method detailed in Senate Bill 1573 (2016) and ORS Chapter 222. Under this method, a vote of electors in the City is not required as long as 100% of the owners of the property proposed to be annexed have petitioned the City to be annexed and certain other criteria have been met. However, it should be noted that, prior to the adoption of Senate Bill 1573, in 2012 Sherwood voters authorized annexation of properties in the Tonquin Employment Area into the City subject to Council public hearing and approval, thus a public vote would not be required regardless of the annexation method proposed. Upon annexation, the existing Comprehensive Plan designation of Employment Industrial (EI) will be applied to the property, consistent with the adopted Comprehensive Plan/Zone Map.

Clean Water Services provides sanitary sewer treatment and water quality services to urban areas within Washington County including within the Sherwood city limits. The subject properties are not currently within the Clean Water Services district boundary. ORS 199.510(2)(c) stipulates that when a city receives services from a district, such as Clean Water Services, the territory annexed to the city is also automatically added to the boundaries of the service district. Therefore, approval of the annexation ordinance will result in adding the annexed territory to the Clean Water Services district.

This application has been submitted under SB 1573 and ORS 199.510(2)(c) and the staff report (Exhibit 1) finds that the criteria have been met. The attached staff report reviews the applicable criteria that must be considered for annexations and documents how the application meets the

criteria that make it eligible for annexation under SB 1573. Based on this information and analysis, staff recommends approval of the annexation to the City of Sherwood and Clean Water Services District.

Alternatives:

If the City Council finds that the proposed annexation does not meet the criteria identified in SB 1573 and ORS 199.510(2)(c), it could not approve the Ordinance.

Financial Impacts:

There are upfront and staff costs associated with processing an annexation; however, the applicant is required to pay 100% of costs associated with the annexation, including staff time. The applicant has paid a deposit of \$7,500 to initiate this annexation.

Should the Council approve this application, the property would be in need of City services, the cost of which would be mostly borne by implementing development. The development of the site will require the extension of City services (transportation, water, sewer, etc.); however, impacts and potential mitigations would be addressed by future land use applications.

Recommendation:

Staff respectfully recommends that the City Council hold the first public hearing on Ordinance 2020-007 approving Annexation into the City of Sherwood and Clean Water Services District of approximately 29.61 Acres, Comprised of 2 Tax Lots and adjacent SW Tonquin Road Right-of-Way within the Tonquin Employment Area.

**City of Sherwood
Staff Report for Woodburn Industrial Capital
Group (Kerr) Annexation**

**Staff Report: August 17, 2020
Hearing: September 1, 2020
Case File No: LU 2020-012 AN**

Signed: _____


Joy Chang, Senior Planner

Proposal: The applicant/property owners is seeking approval to annex ±28.17 acres of land, including right-of-way into the City of Sherwood under the annexation method detailed in Senate Bill 1573 and ORS 222. Under this method, 100% of the landowners have petitioned the City to be annexed. The applicant is also requesting annexation into the boundaries of Clean Water Services for the provision of sanitary sewer, storm, and surface water management pursuant to ORS 199.510(2)(c).

I. BACKGROUND

- A. Applicant: Woodburn Industrial Capital Group, LLC
395 Shenandoah Lane NE
Woodburn, OR 97071
Contact: Tim Kerr
Phone: (971) 235-5003

Applicant's Rep.: Read Stapleton, AICP, DOWL
720 SW Washington Street, Suite 750
Portland, Oregon 97205
Phone: (971) 280-8641 rstapleton@dowl.com

- B. Location: The subject property is composed of tax lots 2S133BB00100 and 2S1330000400, located on the east side of SW Tonquin Road, approximately 350-foot south of Oregon Street. The site is located within the Tonquin Employment Area. A map of the project area is attached as Exhibit A.
- C. Review Type: The City Charter requires a vote on annexation if approved by the City Council. However, Senate Bill 1573 includes language that supersedes the City's Charter, requiring the City Council to take action on an annexation petition of land submitted by all owners without submitting the proposal to the electors if the criteria outlined in Section 2(2)(a)-(d) are met. Senate Bill 1573 provides specific criteria that the City Council must consider and act upon. Consequently, this application is being processed as a quasi-judicial action. The applicant is also requesting annexation into the boundaries of Clean Water Services for the provision of sanitary sewer, storm, and surface water management pursuant to

ORS 199.510(2)(c).

- D. Public Notice and Hearing: Notice of the September 1, 2020, and tentative September 15, 2020, City Council hearing on the proposed annexation was posted in five public locations around town on August 12, 2020, and provided to affected agencies and service providers on July 27, 2020. Notice was posted on the subject properties on August 12, 2020. While ORS only requires mailed notice within 250 feet, the City mailed notice to all property owners within 1,000 feet of the area proposed to be annexed on August 12, 2020, in accordance with Sherwood land use public hearing notice standards. Notice of the hearing was also provided on the August 13, 2020 and August 27, 2020 edition of The Times, a local newspaper.
- E. Review Criteria: There are three levels of criteria and requirements, State, Regional and City. For the State, Oregon Revised Statutes (ORS 222) guide the process for annexations. Senate Bill 1573 was added to and made a part of ORS 222.111 to 222.180 and provides specific criteria for deciding city boundary changes. ORS 199.510(2)(c) guides the process for annexing to Clean Water Services Service district. For the regional level, Metro, the regional government for this area, has criteria for reviewing annexations (Metro Code 3.09). In addition, the City of Sherwood Comprehensive Plan policies, including the Conceptual Plan for the Tonquin Employment Area (which includes the subject site), which are applicable and are addressed within this report.
- F. History: The project site is 28.17 acres of private properties plus 1.44 acres of right-of-way for a total of 29.61 acres and is within the Tonquin Employment Area (TEA) Concept Plan.

The Tonquin Employment Area (previously referred to as Study Area 48) was brought into the Sherwood Urban Growth Boundary in 2004 via Metro Ordinance 04-1040B to provide for needed industrial land. The entire TEA is comprised of approximately 300 acres. In October 2010, the City approved the concept plan and associated implementing Comprehensive Plan and Map Amendments via Ordinance 2010-014.

Even though the TEA was not in the City of Sherwood boundary, in 2012 under Measure No. 34-202, residents of Sherwood voted to support annexation when property owners choose to submit requests to the City Council.

A TEA market analysis, business recruitment strategy and implementation plan were completed in June 2015 and formally accepted by the City Council under Resolution 2015-051. The implementation plan provides an in-depth analysis of issues and opportunities along with specific recommendations that the City could consider to help provide incentives or remove obstacles to encourage development in the area.

In 2016, Senate Bill 1573 changed the requirements for areas where 100% of the

owners petition the City. Public votes are no longer required or permitted in the annexation requests assuming certain criteria laid out in SB1573 are satisfied.

- G. Site Characteristics and Existing Zoning: The proposed annexation area includes approximately 29.61 acres of land, including right-of-way (extending to the west line of SW Tonquin Road and the Section 33 line to the north). The site is currently vacant and undeveloped. The properties north, east, and south of the site are in Unincorporated Washington County. The parcel to the west of the site is within the city boundary with a zoning designation of Medium Density Residential High.

Currently, the properties are zoned Future Development 20-Acre District (FD-20) by Washington County. According to Washington County's code, the FD-20 District applies to the unincorporated urban lands added to the urban growth boundary by Metro through a Major or Legislative Amendment process after 1998. The FD-20 District recognizes the desirability of encouraging and retaining limited interim uses until the comprehensive planning for future urban development of these areas is complete.

The subject site is within the Tonquin Employment Area, which is reflected in the City's Comprehensive Plan. The City zoning for the site has already been adopted with the approved Concept Plan and becomes effective upon annexation. The adopted City zoning for the site is Employment Industrial (EI). The EI zoning district provides employment areas that are suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the City's economic development strategy as important to the state and local economy. The following are preferred industry sectors for areas zoned EI: Clean Technology, Technology and Advanced Manufacturing, and Outdoor Gear and Active Wear.

Land zoned EI shall provide for large and medium-sized parcels for industrial campuses and other industrial sites that can accommodate a variety of industrial companies and related businesses. Areas zoned EI are also intended to provide the opportunity for flex building space within small and medium-sized industrial campuses and business parks to accommodate research and development companies, incubator/emerging technology businesses, related materials and equipment suppliers, and/or spin-off companies and other businesses that derive from or are extensions of, larger campus users and developments. Retail and commercial uses are allowed only when directly supporting area employers and employees.

Industrial establishments and support services shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Hearing Authority. Any future development would not be approved unless an applicant submits a formal land use proposal to develop the site that is consistent with the Sherwood Zoning and Community Development Code.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies

Notice was provided to the following agencies on July 27, 2020: Tri-Met, NW Natural Gas, Sherwood Broadband, Bonneville Power Administration (BPA), City of Sherwood Public Works, City of Sherwood Police Department, Tualatin Valley Fire and Rescue (TVFR), Sherwood School District, Oregon Department of Transportation (ODOT), Oregon Department of State Lands, Pride Disposal, Allied Waste, Waste Management, City of Sherwood Engineering, City of Sherwood Economic Development, Kinder Morgan, Raindrops2Refuge, Portland Gas and Electric (PGE), Washington County, Portland Western Railroad, Metro, and Clean Water Services (CWS).

At the time this staff report was drafted, the Planning Department had heard back from three agencies/departments: BPA, ODOT Outdoor Advertising Sign Program, and Sherwood Engineering. BPA and ODOT Outdoor Advertising Sign Program had no comments.

Sherwood Engineering Department – Bob Galati, City of Sherwood Engineer, provided the following comments with regard to the proposed annexation (Exhibit E):

Generally speaking, the site (Tax Lot 100 and Tax Lot 400) currently has access to SW Tonquin Road, which is a public WACO transportation facility and meets the criteria for annexation.

Generally speaking, the site currently has access to public sanitary sewer due to the ability to extend public sanitary mainlines within public rights-of-ways, and meets the criteria for annexation.

Generally speaking, the site currently has the ability to access an existing public wetland and stream corridor for discharge of storm water runoff, via crossing of public right-of-way, and meet the criteria for annexation.

Generally speaking, the site currently has access to public water systems due to the ability to extend public water system mainlines within public right-of-way, and meets the criteria for annexation.

Public Notice and Comments

At the time the staff report was published, August 17, 2020, staff did not receive any comments from the public.

III. REQUIRED CRITERIA AND FINDINGS FOR ANNEXATION AND BOUNDARY CHANGE

A. State Standards

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, Woodburn Industrial Capital Group (Tim Kerr as authorized signee), are petitioning the City to annex under the annexation provisions outlined in Senate Bill 1573, which was added to ORS 222.111 to 222.180. Senate Bill 1573, Subsection 2(4) states that when the legislative body (City Council) determines that the annexation petition meets the criteria described in subsection (2), the territory is to be annexed to the City by ordinance. Assuming the City Council determines that the annexation petition meets the prescribed criteria, an ordinance annexing the territory and forwarding notification to the Secretary of State, Department of Revenue and affected agencies and districts will be prepared for Council approval.

Senate Bill 1573, Section 2.

- (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.**
- (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:**

The annexation petition is proposed by Woodburn Industrial Capital, representing 100% of the property owners within the ±28.17 acre territory proposed for annexation. Tim Kerr is an authorized signee on behalf of Woodburn Industrial Capital Group LLC has signed the annexation petition.

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

The territory proposed for annexation is located within the Urban Growth Boundary, in what is known as the Tonquin Employment Area Concept Plan. The Tonquin Employment Area was brought into the Sherwood Urban Growth Boundary in 2004 via Metro Ordinance 04-1040B to provide for needed industrial land.

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

The entire Tonquin Employment area is comprised of approximately 300 acres. In October 2010, the City approved the concept plan and associated implementing Comprehensive Plan and Zone Map Amendments via

Ordinance 2010-014. Thus, the Comprehensive Plan applies and the established zoning for the properties will take effect upon adoption of the Ordinance for the annexation.

- (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 body of water; and**

The western boundary of the site is separated from Sherwood city limits by right-of-way (SW Tonquin Road). The parcel west of the site (across SW Tonquin Road) is Open Space land with City land use designation of Medium Density Residential High and served by the City.

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

The annexation petition was prepared in accordance with the City's requirements, and all information required in the City's "Checklist for Annexation Request to the City of Sherwood" has been submitted. Additional review of the City Comprehensive Plan is shown below.

- (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.**

Because the subject site abuts the City boundary (SW Tonquin Road right-of-way) and various services are available to serve the properties, it is not necessary that any other property be annexed or other offsite works involved to serve the site besides the 1.44 acres of right-of-way required.

- (4) When the legislative body of the 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.**

As discussed above, the criteria described in subsection (2) apply to the territory proposed for annexation.

Oregon Revised Statue Chapter 199.510 - Clean Water Services Boundary

Oregon Revised Statute Chapter 199.510 Financial effects of transfer or withdrawal; exceptions

(2)(c) When a city receives services from a district and is part of that district, any territory thereafter annexed to the city shall be included in the boundaries of the district and shall be subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district.

Clean Water Services provides sanitary sewer treatment and water quality services to urban areas within Washington County, including within the Sherwood city limits. The subject properties are not currently within the Clean Water Services district boundary. Oregon Revised States Chapter 199.510(2)(c) stipulates that when a city receives services from a district, such as Clean Water Services, the territory annexed to the City is also automatically added to the boundaries of the service district. Therefore, approval of the annexation ordinance will result in adding the annexed territory to the Clean Water Services district.

B. Regional Standards

In addition to the specific criteria for deciding city boundary changes within Senate Bill 1573, the Legislature has directed Metro to establish criteria, which must be used by all cities within the Metro boundary. This area is both within the Urban Growth Boundary and within Metro's Boundary. The site and the entire Tonquin Employment Area are within the Metro Boundary. As such, below is a review of 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 application is not an expedited decision pursuant to Metro rules. The Tonquin Employment Area Concept Plan, adopted in 2010, 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 Tonquin Employment area, and upgrades needed to serve the TEA are already programmed.

Water Per City Engineering Department, Tax Lot 100 fronts directly onto SW

Tonquin Road and is located approximately 365' south of the nearest public sanitary sewer system infrastructure. Tax Lot 400 abuts Tax Lot 100 along its east property line. An easement over the entirety of Tax Lot 100 for the benefit of Tax Lot 400 has been recorded (Recording No. 2020-071205) for access to public utilities. Provision of public water system facilities can be obtained by extension of the public water system within the public right-of-way of Oregon Street and Tonquin Road.

Sewer Per City Engineering Department, Tax Lot 100 fronts directly onto SW Tonquin Road and is located approximately 365' south of the nearest public sanitary sewer system infrastructure. Tax Lot 400 abuts Tax Lot 100 along its east property line. An easement over the entirety of Tax Lot 100 for the benefit of Tax Lot 400 has been recorded for access to public utilities (Recording No. 2020-071205). The provision of public sanitary sewer facilities, can be obtained by extension of the public sanitary sewer system within the public right-of-way of Oregon Street and Tonquin Road.

The project site is not within the Clean Water Services County Service District. ORS 199.510(2)(c) stipulates that when a city receives services from a district, such as Clean Water Services, the territory annexed to the City is also automatically added to the boundaries of the service district.

Storm Drainage Per City Engineering Department, Tax Lot 100 fronts directly onto SW Tonquin Road and is located east of and adjacent to the Rock Creek wetland and stream corridor. Tax Lot 400 abuts Tax Lot 100 along its east property line. The site will have the ability to discharge stormwater to the Rock Creek wetland and stream corridor by extension of public storm water mains across public right-of-way (Tonquin Road).

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. Dedication and construction of new parks and trails generally occurs with development or with system development charges required of new development. Maintenance and operations of the parks and open space system is funded out of the General Fund. An annexation alone does not trigger any park requirements. At the time development is proposed, likely with a Site Plan application, the applicant will be required to comply with park requirements, including any required System Development Charges (SDC's).

Transportation Per City Engineering Department, a high-level transportation analysis was performed as part of the Tonquin Employment Area (TEA) Concept Plan, which dates back more than 9-years to 2010. As stated in the Concept Plan Report, the transportation portion of the plan was not forecasted to develop as an urban industrial area in the year 2020 forecasts that were utilized to develop the Sherwood and Washington County TSPs. The land use

forecasts were used to develop the 2030 and 2035 forecasts for Metro RTP updates.

Tax Lot 400 abuts Tax Lot 100 along its east property line. An easement over the entirety of Tax Lot 100 for the benefit of Tax Lot 400 has been recorded (Recording No. 2020-071204) for access to public transportation facilities.

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 According to online County records, the proposed property to be annexed is within the Washington County Enhanced Sheriff's Patrol District (ESPD). If it is subsequently found that the property is within Washington County ESPD, the City will withdraw the territory from the District upon annexation in accordance with 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, the properties proposed to be annexed are within the Washington County Enhanced Sheriff's Patrol District. If the County's records are correct, it is expected that the parcels will be withdrawn from the district upon annexation into the City.

3. The proposed effective date of the boundary change.

The effective date of annexation will be finalized after Council adoption of the ordinance annexing the territory and filing of the approval 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 annexation application and narrative explaining how the project meets all criteria. The applicant has submitted certified petitions and legal descriptions required to initiate the request. This staff report evaluates the applicant's materials, the Tonquin Employment Area Concept Plan and applicable standards to determine whether the applicable criteria have been met.

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.

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 section of ORS code provided for a vote to be taken by the electorate. This provision has now been superseded by Senate Bill 1573 and the City Council now votes to provide for the annexation of properties to the City.

Furthermore, in 2012 under Measure No. 34-202, residents of Sherwood voted to support annexation when property owners choose to submit requests to the City Council.

This criterion is not applicable.

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

ORS 195.020(2) explains that the City must enter into cooperative agreements with all urban services providers. In the case of the subject parcel, the land is within the boundaries of all required urban services. The City has agreements with all providers.

The City is inside the Clean Water Services District and the site will be in CWS Service District once annexed into the city boundary. 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 Enhanced Sheriff Patrol 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 all County districts as the City of Sherwood provides these services and the County special district services are no longer necessary. 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

The Sherwood City Council reviewed and adopted the Tonquin Employment Area Concept Plan in October 2010. The Tonquin Employment Area 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, applicable master plans and all State Planning Goals and found that these were met/satisfied; 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.

f. Any applicable concept plan.

Compliance with the Tonquin Employment Area Concept 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 within the public rights-of-way that abut the properties at the current City limits. Franchise utilities and road access are already provided by the City, Washington County, and the respective utility service provider. Upgrades to these utilities will be studied in more detail when a development application is submitted, and if needed, required to be paid for by the development. Adjacent lands to the subject site were developed under the City standards along with various service utilities. The extension of these facilities will provide for the development of the site as anticipated by the land use zoning per the City's Comprehensive Plan. Finally, by annexing the area, the City will be able to collect the System Development Charges (SDC) necessary to make infrastructure improvements needed to serve the area consistent with the applicable master plans.

Provision of public facilities and services in this area can occur in a timely and orderly manner concurrent with proposed development applications. The proposed annexation represents a logical step in the growth of the area with road frontage and existing access off SW Tonquin Road. As such, the services can be provided for future development. Any necessary upgrades to existing facilities have already been identified in existing plans, including the Tonquin Employment Area Concept Plan and it has been determined that funding is reasonably likely which is a necessary finding in order to meet state Transportation Planning Rule requirements.

b. Affect the quality and quantity of urban services; and

The Metro Code defines urban services as "sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit."

Currently there are no urban infrastructure 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 in good condition. Annexation will not immediately affect these positively or negatively, however as development occurs, road improvements will likely be required, and utility connections and possible upgrades will be made. Other urban infrastructure is expected to be provided at the expense of the developer when mitigation is required for impacts resulting from subsequent development of the area. Further, upon development of the area, SDCs will be collected to assist in the construction of identified needs or improvements to City services to offset impacts to existing City and County facilities.

TVF&R, the fire protection provider for the area, did not provide any comments.

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. Given the zoning for the site will be Employment Industrial, parks and open spaces will be minimally impacted.

Mass transit will not be directly affected by the annexation; however, with additional individuals/employees comes additional demand on the transit system and increased opportunities for better transit service to serve the existing and future populations.

While development in the area will increase the number of individuals utilizing urban services, as discussed above, it is unlikely that the quantity of urban services will be diminished by the addition of this parcel and the anticipated employees. In addition, these new employment industrial developments will be assessed taxes which will contribute to schools, fire department, transit providers and the City which will off-set the additional impacts of serving this area. In other words, the quality of services provided are not expected to decrease because the new developments will be contributing to the tax base which funds 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 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.

Metro Criteria § 3.09.045 (E)

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

The proposed annexation territory lies entirely within the UGB.

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 Tonquin Employment Area Concept Plan, including amendments to the Comprehensive Plan to implement the concept plan. Ordinance 2010-014 designated zoning on 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

applicable policy objectives which are reviewed below.

Chapter 3. Section B.2

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

The subject properties are immediately east of existing fully built out development inside the City limits.

Per applicant's narrative, "it is anticipated that significant amounts of earthwork will occur on the site over a two to five-year period to create developable employment sites on the property. It is anticipated that this site preparatory work will occur in concert with planned industrial developments to the north and east, resulting in a cohesive delivery of industrial infrastructure in the immediate area."

Any proposed development within the area is contiguous to existing urban development, and does not "leap frog" vacant land, therefore this policy is addressed.

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

The proposed annexation area was included within the UGB in 2004 and has been identified as necessary to meet the local and regional need for industrial development over the then 20-year planning horizon. In the 15 years since, no development has occurred in the Tonquin Employment Area. The annexation of these parcels will not significantly affect the ability for existing parcels inside the City limits to develop when and if they are ready to develop. This proposal will provide additional opportunities for development of employment industrial land.

As discussed above, it is staff's assessment that the addition of this area would be consistent with this policy.

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 a criterion that Metro considered in its decision to expand the UGB. Any lands 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 area for agricultural use.

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 apply to development in and near natural areas. Per Clean Water Service, applicant's Exhibit O, it appears that Sensitive Areas do not exist on-site or within 200-feet from the project. The proposed annexation will not impact natural resources. This policy objective will be satisfied when development is proposed.

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

Transportation and circulation improvements needed to serve the future development of the annexation area have been identified in the City Transportation System Plans and Tonquin Employment Area Concept Plan. Actual transportation improvement needs will be evaluated at the development stage.

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 Tonquin Employment Area Concept Plan. New growth is encouraged within the Urban Growth Boundary.

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

The proposed site is a logical progression of employment industrial development in this area. The Tonquin Employment Area 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 as outlined above. Existing infrastructure and services have been planned and designed for extension into the Tonquin Employment Area to ensure an orderly transition from rural to suburban/urban uses; however, development will be evaluated as future land use applications assuring they comply with industrial standards.

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 individuals, property owners, within the affected area.

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

The project has been transmitted to the County for review, in accordance with the City of Sherwood/Washington County Urban Planning Area Agreement.

Policy 7 requires all new development to have access to adequate urban public sewer and water service.

As discussed previously, the area will be in the Clean Water Services District Boundary once annexed into the City and the subject area will have access to public sewer and water. Services, once connected and upgraded, will have adequate capacity to service the area.

Specific requirements of the Tonquin Employment Area Concept Plan include:

Sherwood Comprehensive Plan, Part 2

Chapter 8, Urban Growth Boundary Additions

D.4 Area 48 – Tonquin Employment Area

Implementation

1. The City of Sherwood shall amend the Zoning and Community Development Code to include an Employment Industrial zone that implements the goals and policies in this section.

The City of Sherwood amended the Zoning and Community Development Code to include an Employment Industrial (EI) zone through Ordinance 2010-014.

2. The Employment Industrial zone may be applied only to those properties within city limits, or upon their annexation to the city.

Once the site is annexed into the City of Sherwood boundary, the parcel will be zoned Employment Industrial.

IV. RECOMMENDATION

This staff report provides a review and analysis of the existing criteria for annexation. It is staff's recommendation, based on the criteria in Senate Bill 1573, ORS 199.510(2)(c), Metro annexation criteria and the City's policies in the Comprehensive Plan and Tonquin Employment Area Concept Plan, that the Woodburn Industrial Capital Group annexation petition, LU 2020-012 AN, be approved.

V. EXHIBITS

- A. Map of Project Area
- B. Legal description of area to be annexed
- C. Comprehensive zoning map and Zoning map adopted via Ord. 2010-014
- D. Exhibits to legal description
- E. Sherwood Engineering Department Comment Letter
- F. Applicant's Submittal with narrative and supporting documents
- G. Recorded Access Easement 2020-071204
- H. Recorded Utility Easement 2020-071205

OREGON

DAHLKE

2S133BB00100
8.17 AC

Unincorporated Washington County

City of Sherwood

TONQUIN

2S1330000400
20 AC

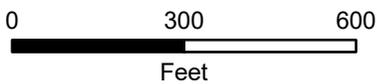
FAIROA

Legend

-  Subject Site
-  Incorporated to City of Sherwood
-  Taxlots



Exhibit A



Date: 8/7/2020

Map data provided by METRO and the City of Sherwood. The City of Sherwood's infrastructure records, drawings, and other documents have been gathered over many years, using many different formats and standards. While the data provided is generally believed to be accurate, occasionally it proves to be

EXHIBIT 'A'

Exhibit B, 1 of 2

ANNEXATION TO CLEAN WATER SERVICES AND INTO THE CITY OF SHERWOOD
LOCATED IN THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 33,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
COUNTY OF WASHINGTON, STATE OF OREGON

THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENT NO. 2017-083736, THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2017-083748, THE TRACT OF LAND DEDICATED TO THE PUBLIC IN BOOK 804 PAGE 898 (AND IN BOOK 926 PAGE 721 RECORDED ON MAY 25, 1973), A PORTION OF LAND CONVEYED IN DEDICATION DEED NO. 2002-116985 RECORDED OCTOBER 7, 2002, AND THAT PORTION OF S.W. TONQUIN ROAD LOCATED IN THE NORTH HALF OF THE NORTHWEST 1/4 OF SECTION 33 TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, STATE OF OREGON, AS SHOWN ON EXHIBIT 'B' ATTACHED HERETO AND BY THIS REFERENCE MADE A PART THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 33 MARKED BY A 2-INCH BRASS DISK IN A MONUMENT BOX MARKED "T2S R1W 29 28 32 33 WASH. CO. SURVEYOR";

THENCE SOUTH 88°49'57"E 651.27 FEET ALONG THE NORTH LINE OF SAID SECTION 33 TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF S.W. TONQUIN ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE SOUTHEASTERLY ALONG THE WEST RIGHT-OF-WAY LINE OF S.W. TONQUIN ROAD, BEING A NON-TANGENT CURVE TO THE RIGHT WITH A RADIAL BEARING SOUTH 50°35'57" WEST, CHORD BEARING SOUTH 28°36'59" EAST, CHORD LENGTH 528.05 FEET, DELTA OF 21°32'53", LENGTH 531.17 FEET, AND RADIUS OF 1412.39 FEET;

THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY SOUTH 17°50'33" EAST 154.07 FEET;

THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY BEING A TANGENT CURVE TO THE LEFT WITH A CHORD BEARING SOUTH 20°13'03" EAST, CHORD LENGTH 239.09 FEET, DELTA OF 4°45'00", LENGTH 239.16 FEET, AND RADIUS OF 2884.79 FEET;

THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY SOUTH 22°35'33" EAST 526.48 FEET;

THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY BEING A TANGENT CURVE TO THE LEFT WITH CHORD BEARING SOUTH 22°51'07" EAST, CHORD LENGTH 4.50 FEET, DELTA OF 00°31'07", LENGTH 4.50 FEET, AND RADIUS OF 497.46 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST 1/4 OF SAID SECTION 33;

THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE SOUTH 88°47'01" EAST 1360.96 FEET ALONG SAID SOUTH LINE TO A 1-INCH IRON PIPE ON THE EAST LINE OF THE NW 1/4;

THENCE NORTH 00°49'01" EAST 655.24 FEET ALONG SAID EAST LINE TO A 1-INCH IRON PIPE ON THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4;

THENCE NORTH 88°46'21" WEST 1310.69 FEET ALONG SAID NORTH LINE TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4;

THENCE NORTH 01°00'30" EAST 657.12 FEET ALONG SAID WEST LINE TO A 5/8-INCH REBAR ON THE NORTH LINE OF SAID SECTION 33;

THENCE NORTH 88°49'57" WEST 658.06 FEET ALONG SAID NORTH LINE TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID S.W. TONQUIN ROAD, SAID POINT BEING SAID TRUE POINT OF BEGINNING.

CONTAINING 29.61 ACRES MORE OR LESS.

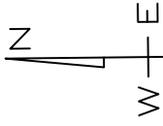
REGISTERED
PROFESSIONAL LAND
SURVEYOR



OREGON
MAY 26, 2015
SAMANTHA KAY TANNER
90079

EXHIBIT 'B'

ANNEXATION TO CLEAN WATER SERVICES AND INTO THE CITY OF SHERWOOD
LOCATED IN THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 33,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
COUNTY OF WASHINGTON, STATE OF OREGON



**POINT OF COMMENCEMENT
NW CORNER OF SEC. 33**
FD 2" BRASS DISK "T2S
R1W 29 28 32 33 WASH.
CO. SURVEYOR" IN MON.
BOX, SET IN USBT
2011-039

TRUE POINT OF BEGINNING
NORTH LINE OF SECTION 33
N88°49'57"W 658.06'

PORTION OF DEDICATION
DOC. NO. 2002-116985

L=531.17'
R=1412.39'
Δ=21°32'53"
CHB=S28°36'59"E
CHL=528.05'

DOC. NO.
2017-083736

NORTH 1/2 OF THE
NW 1/4 OF THE NW
1/4

REGISTERED
PROFESSIONAL LAND
SURVEYOR
Samantha Kay Tanner
OREGON
MAY 26, 2015
SAMANTHA KAY TANNER
90079
RENEWES 6/30/2022

WEST 1/4 SEC.33
FD. 2" BRASS CAP "T2S R1W 32 33
1989 WASH. CO. SURVEYOR" IN
MONUMENT BOX PER USBT
2002-062, SET IN USBT BK.5 ENTRY
152, PG. 491, HELD

SCALE 1" = 300'
ON AN 8.5"X11" SHEET

FD 5/8" REBAR, NO CAP, HELD

NORTH 1/4 OF SEC.33
FD. 3" BRASS CAP
"WASH CTY 28 33 2S1 1975"
IN CONCRETE, SET IN USBT
2-104

NW 1/4 OF THE NE
1/4 OF THE NW 1/4

WEST LINE OF THE
NE 1/4 OF THE NW 1/4
N01°00'30"E 657.12'

NORTH LINE OF THE SOUTH 1/2 OF THE NE 1/4 OF THE NW 1/4
N88°46'21"W 1310.69'

FD. 5/8" REBAR, NO CAP,
41.28' NORTH ON LINE

SOUTH 1/2 OF THE NE 1/4 OF THE NW 1/4
DOC. NO. 2017-083748

SOUTH LINE OF THE NORTH 1/2 OF THE NW 1/4
S88°47'01"E 1360.96'

FD. 1" IRON PIPE
SET IN SN 10069, HELD

SOUTH 1/2 OF THE NW 1/4

EAST LINE OF THE NW 1/4
N00°49'01"E 655.24'

FD. 1" IRON PIPE, HELD

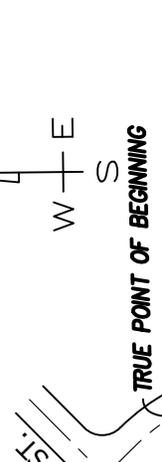
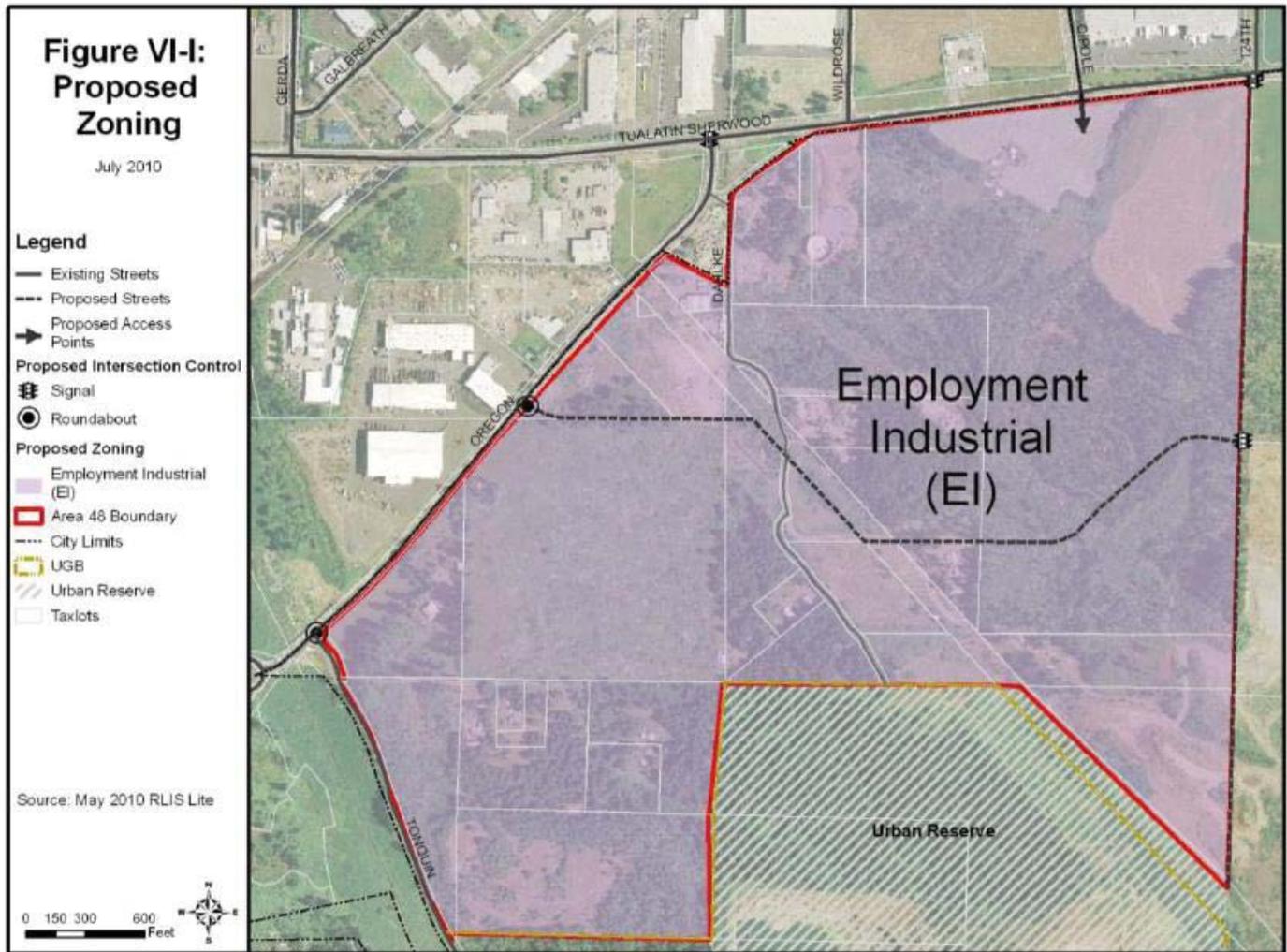


Exhibit C



Boundary Change Preliminary Review



Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
fax 503-945-8737
boundary.changes@oregon.gov

City of Sherwood
Comm. Dev. Div.--Planning Dept.
22560 SW Pine St
Sherwood OR 97140

July 21, 2020

Documents received: 7/1/2020
From: Joy Chang

This letter is to inform you that the Description and Map for your planned Annex to City of Sherwood (2020-012 AN (SW Tonquin Rd--South)) in Washington County have been reviewed per your request. They MEET the requirements of ORS 308.225 for use with an Order, Ordinance, or Resolution which must be submitted to the Washington County Assessor and the Department of Revenue in final approved form before March 31 of the year in which the change will become effective.

--On the surveyor's annexation map, fix the label for the "North 1/2 NW1/4 NW1/4".

--The most easterly line and it's bearing and distance label of the annexation boundary is fuzzy on the surveyor's annexation map. Make sure the copy of this map is legible and clear in the Final packet.

Preliminary Review

If you have any questions please contact Elise Bruch, Elise.A.Bruch@oregon.gov

THIS SECTION IS TO BE COMPLETED BY WASHINGTON COUNTY ASSESSOR'S OFFICE

CERTIFICATION OF LEGAL DESCRIPTION AND MAP
(All Methods)

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 25133 + 25133BB) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME TED FOSTER
TITLE GIS Tech
DEPARTMENT CARTOGRAPHY
COUNTY OF WASHINGTON
DATE 6/22/20

ANNEXATION CERTIFIED

BY TF

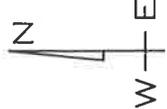
JUN 22 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY

Exhibit D Page 4 of 6

EXHIBIT 'B'

ANNEXATION TO CLEAN WATER SERVICES AND INTO THE CITY OF SHERWOOD
 LOCATED IN THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 33,
 TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
 COUNTY OF WASHINGTON, STATE OF OREGON



**POINT OF COMMENCEMENT
 NW CORNER OF SEC. 33**
 FD 2" BRASS DISK "T2S
 RTW 29 28 32 33 WASH.
 CO. SURVEYOR" IN MON.
 BOX, SET IN USBT
 2011-039

S88°49'57"E 651.27'

PORTION OF DEDICATION
 DOC. NO. 2002-116985

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 R=1412.39'
 Δ=21°32'53"
 CHB=S28°36'59"E
 CHL=528.05'

NORTH 1/2 OF THE
 NE 1/4 OF THE NW
 1/4

655.75'

NORTH LINE OF SECTION 33
 N88°49'57"W 658.06'

25' PERMANENT PUBLIC ROAD
 DEDICATION BK.804 PG.898
 AND BK. 926 PG. 721

DOC. NO.
 2017-083736

WEST LINE OF THE
 NE 1/4 OF THE NW 1/4
 N01°00'30"E 657.12'

FD 5/8" REBAR, NO CAP, HELD

NW 1/4 OF THE NE
 1/4 OF THE NW 1/4

NORTH LINE OF THE SOUTH 1/2 OF THE NE 1/4 OF THE NW 1/4
 N88°46'21"W 1310.69'

FD. 5/8" REBAR, NO CAP,
 41.28' NORTH ON LINE

SOUTH 1/2 OF THE NE 1/4 OF THE NW 1/4

DOC. NO. 2017-083748

SOUTH LINE OF THE NORTH 1/2 OF THE NW 1/4
 S88°47'01"E 1360.96'

FD. 1" IRON PIPE
 SET IN SN 10069, HELD

SOUTH 1/2 OF THE NW 1/4

EAST LINE OF THE NW 1/4
 N00°49'01"E 655.24'

FD. 1" IRON PIPE, HELD

S00°58'58"W 2622.99'

SOUTH 1/2 OF THE NW
 1/4 OF THE NW 1/4

WEST 1/4 SEC.33

FD. 2" BRASS CAP "T2S RTW 32 33
 1989 WASH. CO. SURVEYOR" IN
 MONUMENT BOX PER USBT
 2002-062, SET IN USBT BK.5 ENTRY
 152, PG. 491, HELD

SCALE 1" = 300'
 ON AN 8.5"x11" SHEET

ANNEXATION CERTIFIED

BY

PLOT DATE:6/19/2020
 FILE NAME:20009_ANNEXATION.DWG
 BY 45TH PARALLEL GEOMATICS, LLC

JUN 22 2020

PAGE 1 OF 1

WASHINGTON COUNTY A & T
 CARTOGRAPHY

2 S 1 33
SHERWOOD

Exhibit D Page 5 of 6

SECTION 33 T2S RIW WM.

WASHINGTON COUNTY OREGON

SCALE 1"=400'

CANCELLED TAX LOTS
1700, 1400, 1500, 1801, 1600,
1601, 1602, 1603, 1604, 1900,
1901, 1902, 1903, 1904, 1905,
2000, 2001, 1600, 1600, 1700,
1802.

SEE MAP
2S 1 28D

SEE MAP
2S 1 28C

SEE MAP
2S 1 32AA

SEE MAP
2S 1 32AD

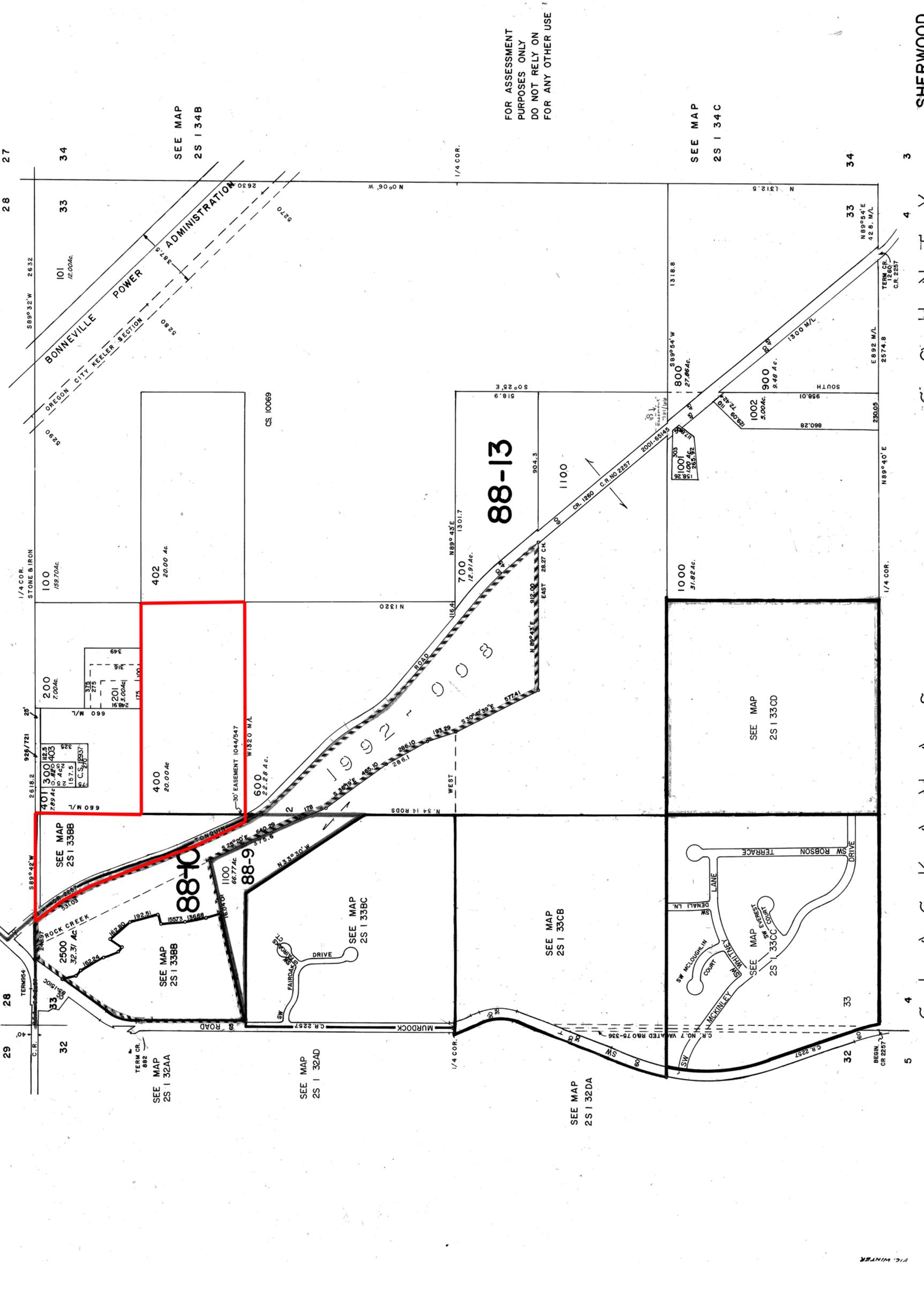
SEE MAP
2S 1 32DA

SEE MAP
2S 1 33CB

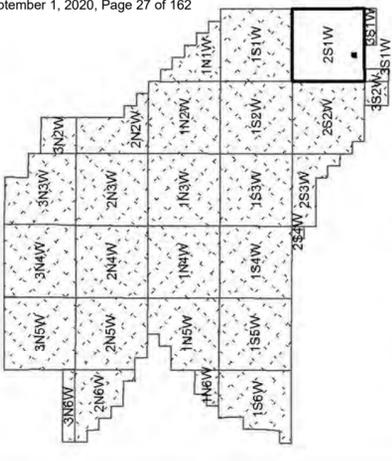
SEE MAP
2S 1 33CC

SEE MAP
2S 1 33CD

SEE MAP
2S 1 33CB



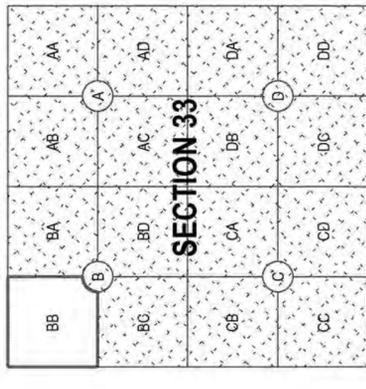
C L A C K A M A S
C O U N T Y
SHERWOOD
2S 1 33



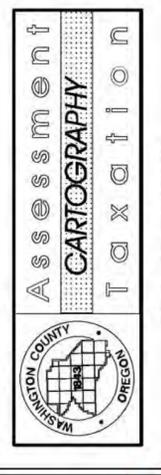
WASHINGTON COUNTY OREGON
NW 1/4 NW 1/4 SECTION 33 T2S R1W W.M.
SCALE 1" = 100'

36	31	32	33	34	35	36	31	6
1	6	5	4	3	2	1	6	1
12	7	8	9	10	11	12	7	1
13	18	17	16	15	14	13	18	1
24	19	20	21	22	23	24	19	1
25	30	29	28	27	26	25	30	1
36	31	32	33	34	35	36	31	1
1	6	5	4	3	2	1	6	1

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us

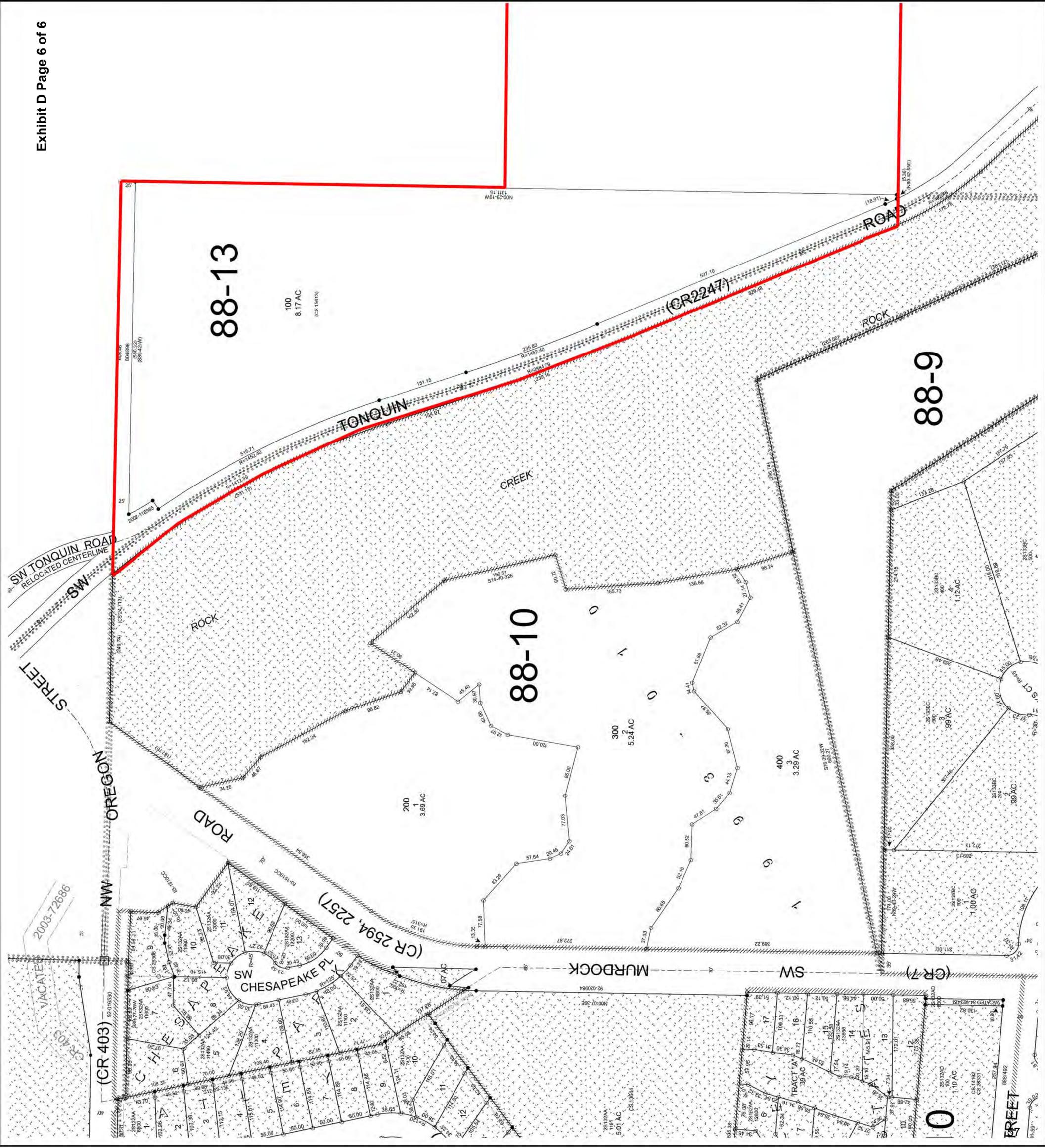


Cancelled Taxlots For: 2S133BB
None



PLOT DATE: 8/10/2018
Rotation: 0
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not be made for measurement property boundaries. Please consult the appropriate map for the most current information.



Engineering Annexation Application Comments



Home of the Tualatin River National Wildlife Refuge

To: Joy Chang, Senior Planner
 From: Bob Galati P.E., City Engineer
 Project: Kerr Site Annexation (LU 2020-012 AN)
 Date: July 30, 2020

Engineering staff has reviewed the information provided for the above referenced private development project. Final construction plans will need to meet the standards established by the City of Sherwood Engineering Department and Public Works Department, Clean Water Services (CWS) and Tualatin Valley Fire & Rescue (TVF&R), in addition to requirements established by other jurisdictional agencies providing land use comments. City of Sherwood Engineering Department comments are as follows:

Transportation

A high level transportation analysis was performed as part of the Tonquin Employment Area (TEA) Concept Plan, which dates back more than 9-years to 2010. As stated in the Concept Plan Report, the transportation portion of the plan was not forecasted to develop as an urban industrial area in the year 2020 forecasts that were utilized to develop the Sherwood and Washington County TSPs. The land use forecasts were used to develop the 2030 and 2035 forecasts for Metro RTP updates.

TL#400 abuts along TL#100 along its east property line. An easement over the entirety of TL#100 for the benefit of TL#400 has been recorded for access to public transportation facilities.

Conclusion: *Generally speaking, the site (LT#100 and TL#400) currently has access to SW Tonquin Road which is a public WACO transportation facility, and meets the criteria for annexation.*

Sanitary Sewer

TL#100 fronts directly onto SW Tonquin Road and is located approximately 365' south of the nearest public sanitary sewer system infrastructure. TL#400 abuts along TL#100 along its east property line. An easement over the entirety of TL#100 for the benefit of TL#400 has been recorded for access to public utilities. Provision of public sanitary sewer facilities can be obtained by extension of the public sanitary sewer system within the public right-of-way of Oregon Street and Tonquin Road.

Conclusion: *Generally speaking, the site currently has access to public sanitary sewer due to the ability to extend public sanitary mainlines within public right-of-way, and meets the criteria for annexation.*

Storm Sewer

TL#100 fronts directly onto SW Tonquin Road and is located east of and adjacent to the Rock Creek wetland and stream corridor. TL#400 abuts along TL#100 along its east property line. The site will have the ability to discharge stormwater to the Rock Creek wetland and stream corridor by extension of public storm water mains across public right-of-way (Tonquin Road).

Conclusion: *Generally speaking, the site currently has the ability to access an existing public wetland and stream corridor for discharge of storm water runoff, via crossing of public right-of-way., and meet the criteria for annexation.*

Water

TL#100 fronts directly onto SW Tonquin Road and is located approximately 365' south of the nearest public sanitary sewer system infrastructure. TL#400 abuts along TL#100 along its east property line. An easement over the entirety of TL#100 for the benefit of TL#400 has been recorded for access to public utilities. Provision of public water system facilities can be obtained by extension of the public water system within the public right-of-way of Oregon Street and Tonquin Road.

Conclusion: *Generally speaking, the site currently has access to public water systems due to the ability to extend public water system mainlines within public right-of-way, and meets the criteria for annexation.*



Case No. LU 2020-012 AN
Deposit \$7,500
Receipt #172674
Date June 26, 2020
TYPE Annexation

City of Sherwood
Application for Land Use Action

Type of Land Use Action Requested: (check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Conditional Use |
| <input type="checkbox"/> Plan Amendment (Proposed Zone _____) | <input type="checkbox"/> Partition (# of lots _____) |
| <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Subdivision (# of lots _____) |
| <input type="checkbox"/> Site Plan (square footage of building and parking area) | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Variance (list standards to be varied in description) | |

By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at www.sherwoodoregon.gov. Click on Government/Finance/Fee Schedule.

Owner/Applicant Information:

Applicant: _____	Phone: _____
Applicant Address: _____	Email: _____
Owner: _____	Phone: _____
Owner Address: _____	Email: _____
Contact for Additional Information: _____	

Property Information:

Street Location: _____

Tax Lot and Map No: _____

Existing Structures/Use: _____

Existing Plan/Zone Designation: _____

Size of Property(ies) _____

Proposed Action:

Purpose and Description of Proposed Action: _____

Proposed Use: _____

Proposed No. of Phases (one year each): _____

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Applicant's Signature

Jim Kerr

Owner's Signature

Date

6/11/20

Date

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

- 3 Copies of Application Form*** completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- Copy of Deed** to verify ownership, easements, etc.
- At least 3 folded** sets of plans*
- At least 3 copies** of narrative addressing application criteria*
- Fee** (along with calculations utilized to determine fee if applicable)
- Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

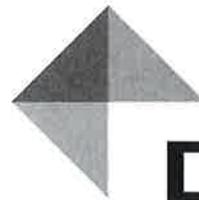
TONQUIN ROAD ANNEXATION SHERWOOD, OREGON

An Application For:
City of Sherwood Annexation
Clean Water Services Annexation

June 2020

Applicant:
Woodburn Industrial Capital Group, LLC
395 Shenandoah Lane NE
Woodburn, OR 97071
Contact: Tim Kerr
Phone: (971) 235-5003

Applicant's Representative:
DOWL
720 SW Washington Street, Suite 750
Portland, Oregon 97205
Contact: Read Stapleton, AICP
Phone: (971) 280-8641



DOWL

RECEIVED
JUN 26 2020

City of Sherwood 62
Planning Dept.

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Exhibits

- A. Petition for Annexation to City of Sherwood
- B. Land Use Application Form
- C. Ownership Information
- D. Checklist for Annexation Request
- E. Certification of Property Ownership
- F. Certification of Legal Description and Map
- G. Boundary Change Data Sheet
- H. Annexation Questionnaire
- I. Worksheet for Annexation
- J. Pre-Application Conference Notes (PAC 2020-03)
- K. Mailing Labels & Map
- L. List of All Property Owners & Registered Voters
- M. Utility Availability Exhibits
- N. Washington County Assessor's Map
- O. CWS SPL

Figures

- 1. Jurisdictional Map
- 2. Vicinity Map
- 3. Zoning Map

I. INTRODUCTION

General Information

Applicant/Contact Person: **Woodburn Industrial Capital Group, LLC**
395 Shenandoah Lane NE
Woodburn, OR 97071
Contact: Tim Kerr
Phone: (971) 235-5003

Prepared By: **DOWL**
720 SW Washington Street, Suite 750
Portland, Oregon 97205
Contact: Read Stapleton, AICP
Phone: (971) 280-8641
rstapleton@dowl.com

Property Owner: **Woodburn Industrial Capital Group, LLC**
395 Shenandoah Lane NE
Woodburn, OR 97071
Contact: Tim Kerr
Phone: (971) 235-5003

Project Location: No Site Address, Sherwood, OR 97140

Parcel Information: Tax Lot 2S133BB00100, 8.17 acres; Tax Lot 2S1330000400, 20.00 acres

Existing Land Use Designation: Employment Industrial (EI) upon Annexation

II. PROJECT DESCRIPTION

Annexation into the City of Sherwood

Woodburn Industrial Capital Group, LLC (the "Applicant") is requesting annexation approval for approximately 28.17 acres of land. The subject property is composed of tax lots 2S133BB00100 and 2S1330000400, located on the east side of SW Tonquin Road (the "Proposed Annexation Property"). The site is located within the Tonquin Employment Area (TEA). The TEA was brought into the Urban Growth Boundary (UGB) in 2004 by Metro for the purposes of urbanization. The TEA Concept Plan was adopted by the City of Sherwood in 2010 with the intent of future industrial employment development within the TEA. It is anticipated that, following site grading and preparation activities, the site will be developed with industrial employment uses. This request is for annexation of the Proposed Annexation Property to enable future site development applications to be processed by the City. In addition to the Proposed Annexation Property, portions of rights-of-way extending to the west line of SW Tonquin Road and the Section 33 line to the north will be annexed into the City of Sherwood, encompassing the "Proposed Annexation Area."

Annexation into Clean Water Services District

The City of Sherwood receives services within city limits from Clean Water Services (CWS). Pursuant to ORS 199.510(2)(c), the Proposed Annexation Area is also being annexed, concurrent with this City of Sherwood application, into the boundaries of Clean Water Services for the provision of sanitary sewer, storm and surface water management. In addition to Proposed Annexation Property, portions of rights-of-way to the west line of SW Tonquin Road and the Section 33 line to the north will be annexed into CWS.

City of Sherwood and CWS annexation areas are identical and are shown in the legal descriptions included in Exhibit F.

Figure 1. Jurisdictional Map



Existing Conditions

Site Zoning

The site is currently within unincorporated Washington County, zoned Future Development 20 Acre (FD-20). Upon annexation into the City of Sherwood, the area will be designated Employment Industrial (EI).

Table 2. Surrounding Uses

	Zoning	Use
North	Washington County, FD-20	Undeveloped and storage uses
South	Washington County, FD-20	Undeveloped
East	Washington County, FD-20 / EFC	Rural Residential / Undeveloped
West	City of Sherwood, MDRH	Open space

Figure 2. Vicinity Map

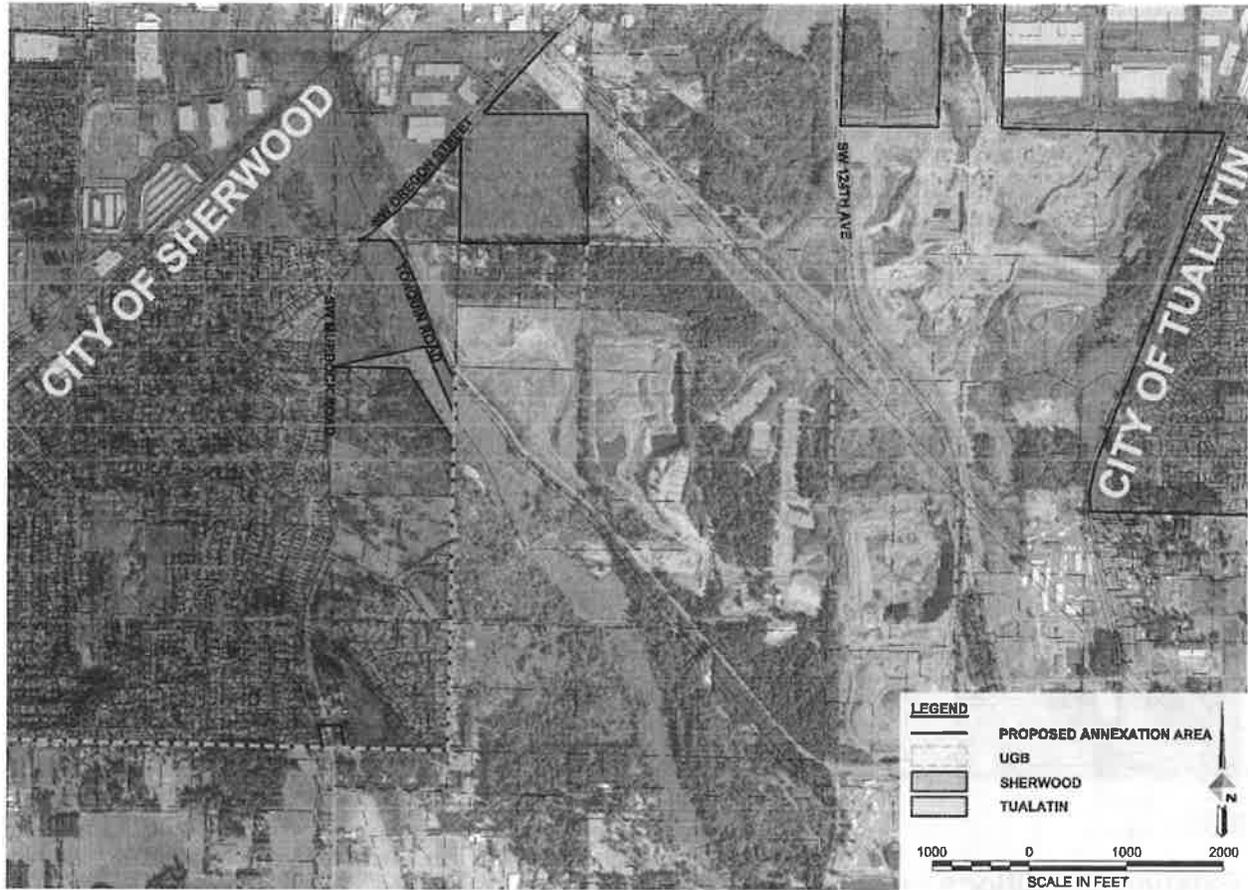
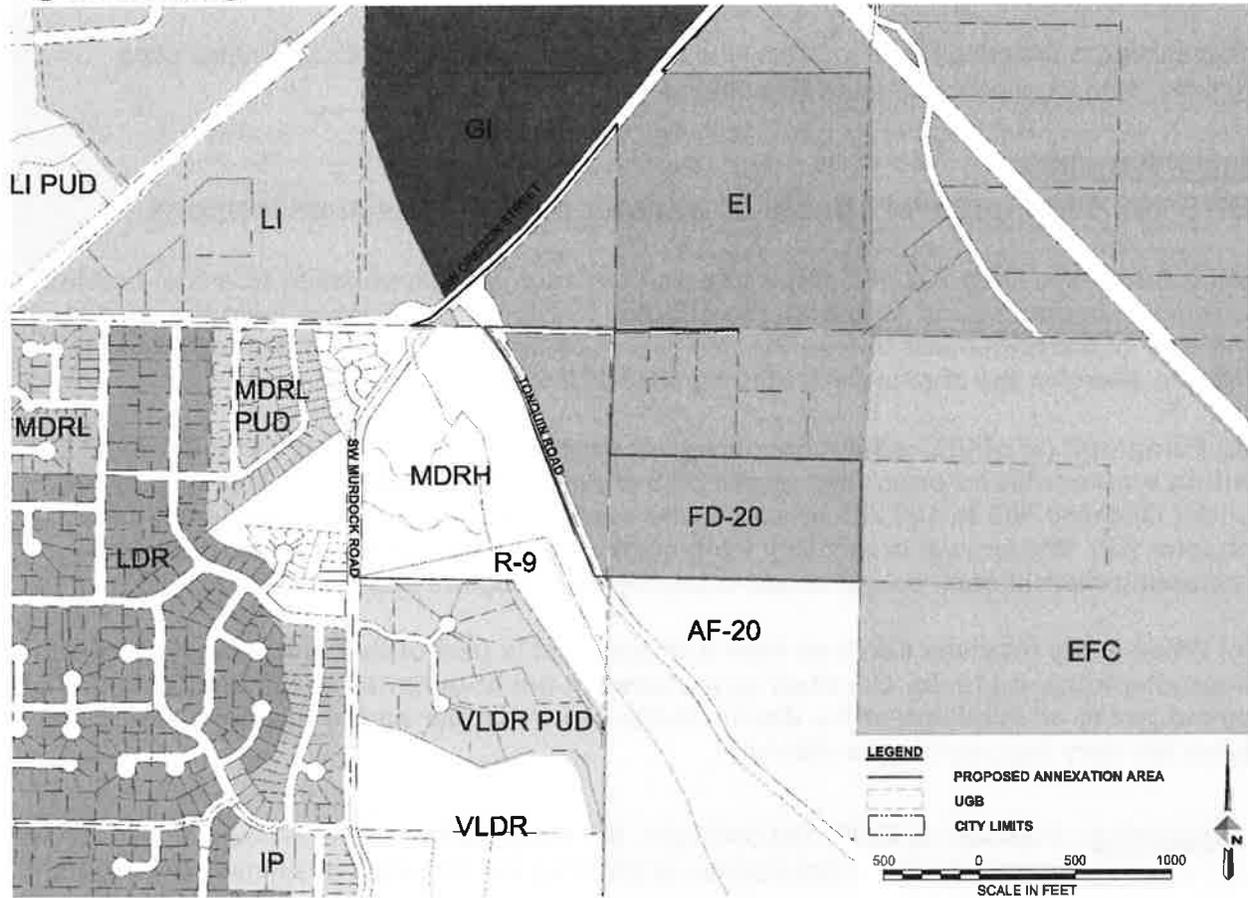


Figure 3. Zoning Map



Natural Resources

The applicant obtained a CWS Service Provide Letter (SPL) that concludes no sensitive areas exist on site. The CWS SPL is included as Exhibit O.

Access

Per applicant discussions with Washington County staff, the county will allow access to the Proposed Annexation Property from SW Tonquin Road, a 2-lane arterial as classified by Washington County.

II. APPLICABLE REVIEW CRITERIA

This section is provided to demonstrate the proposal's consistency with applicable state, regional, and local policies and review criteria.

State Standards

ORS 199.510 Financial effects of transfer or withdrawal; exceptions.

(2)(a) Subject to ORS 222.465, if the affected territory is to be annexed to a city, and lies within the boundaries of a district, the affected territory is withdrawn from the district on the date of the final order unless the city is part of the district. The city shall have the right to exercise the choice permitted by ORS 222.520 (2).

(b) Paragraph (a) of this subsection does not apply when the territory to be annexed lies within a water district organized under ORS chapter 264, a sanitary district organized under ORS 450.005 to 450.245 or a park and recreation district organized under ORS chapter 266. Withdrawal of territory from such a water, sanitary district or park and recreation district shall be governed solely by ORS 222.465 and 222.520 to 222.575.

(c) When a city receives services from a district and is part of that district, any territory thereafter annexed to the city shall be included in the boundaries of the district and shall be subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district.

Response: Pursuant to ORS 199.510(2)(c), the Proposed Annexation Area is also being annexed into the boundaries of CWS for the provision of sanitary sewer, storm and surface water management.

ORS 222.127 Annexation without election notwithstanding contrary city law upon petition of all owners of land

(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.

(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 (Definitions for ORS chapters 195, 196, 197 and ORS 197A.300 to 197A.325);

Response: The Proposed Annexation Property is located within the UGB adopted by Metro. The property has one owner, Woodburn Industrial Capital Group, LLC. The property owner has consented to the submittal of this annexation request, as required by ORS 222.127(2).

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

Response: The Proposed Annexation Property is located within the Tonquin Employment Area (TEA), which received final concept plan approval from the City of Sherwood City Council on October 5, 2010. Upon annexation, the properties will be zoned Employment Industrial (EI), consistent with the City's Comprehensive Plan.

(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

Response: The Proposed Annexation Property is contiguous to the city limits, as Tax Lot 100 is only separated from the city limits by SW Tonquin Road.

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

Response: As demonstrated throughout this narrative and in associated documents, the applicant's request for annexation is consistent with the applicable City of Sherwood ordinances.

(3) The territory to be annexed under this section includes any additional territory described in ORS 222.111 (Authority and procedure for annexation) (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: The territory to be annexed is adjacent to the city limits, which includes the public right-of-way containing SW Tonquin Road. The territory is accessible from SW Tonquin Road, and services necessary for development can be connected to the site as shown on the Utility Availability Exhibits included in Exhibit M. Approximately 365 feet north, within SW Oregon Road, a 12-inch water mainline is available for connection. Within the intersection of SW Oregon Street and SW Tonquin Road, a 12-inch sanitary sewer mainline is available for connection.

(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. [2016 c.51 §2]

Response: As described in the findings above, the annexation application is consistent with the approval criteria of Oregon Revised Statutes (ORS) 222.127, subsections (2) and (3). A legal description of the Proposed Annexation Area from a professional land surveyor is provided and a certification of the legal description and map from Washinton County is provided in Exhibit F.

Regional Standards**Metro Code 3.09 – Local Government Boundary Changes****3.09.45 Expedited Decisions**

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;**

Response: The City of Sherwood and Washington County have an Urban Planning Area Agreement (UPAA) (BCC17-1260). Per the UPPA, the City is responsible for comprehensive planning and public facilities planning in areas within the UGB, surrounding the city limits. As such, the area to be annexed is located with the UPAA urban planning area. Therefore, the annexation proposal is consistent with the UPAA.

- b. Any applicable annexation plan adopted pursuant to ORS 195.205;**

Response: The applicant is initiating this annexation request, as opposed to the City. Therefore, this ORS provision does not apply.

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

Response: Per City of Sherwood Ordinance 2016-014, sanitary sewer facilities are operated through an intergovernmental agreement with CWS. CWS is also responsible for wastewater treatment. Pursuant to ORS 199.510(c), the Proposed Annexation Property is also being annexed into the boundaries of CWS for the provision of sanitary sewer, storm, and surface water management. The territory to be annexed is currently within the district of Tualatin Valley Fire and Rescue (TVFR), who will remain the fire and emergency services provider for the site.

- d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;**

Response: The Proposed Annexation Property is consistent with the TEA Concept Plan, September 2010, which includes an infrastructure analysis based on the Sanitary System Master Plan for the City of Sherwood, July 2007, prepared by Murray, Smith, and Associates. According to the infrastructure analysis, sanitary sewer service can be provided to annexation area via an extension of the 15-inch sanitary line along SW Oregon Street with adequate capacity to serve the TEA planning area as shown on TEA Concept Plan Figure II-6.

The Proposed Annexation Property is consistent with the TEA Concept Plan, September 2010, which includes an infrastructure analysis based on the Water

System Master Plan for the City of Sherwood, August 2005, prepared by Murray, Smith, and Associates. According to the infrastructure analysis, water service can be provided to the annexation area via a connection with the 12-inch water line within SW Oregon Street as shown on TEA Concept Plan Figure IV-7.

The Proposed Annexation Property is consistent with the TEA Concept Plan, September 2010, which includes an infrastructure analysis based on the Stormwater Master Plan for the City of Sherwood, June 2007, and the CWS Design and Construction Standards, June 2007. According to the infrastructure analysis, a 24-inch storm sewer can service the annexation area as shown on the TEA Concept Plan Figure IV-8. As shown on the Utility Availability Exhibits included in Exhibit M, existing culverts across SW Tonquin Road are available to convey stormwater to Rock Creek. More specific utility plans to serve the site will be developed and submitted for City review after the completion of the annexation process.

e. Any applicable comprehensive plan;

Response: As provided in response to applicable City of Sherwood Comprehensive Plan Goals and Policies, found in this narrative under local policies, the proposed annexation is consistent with the applicable comprehensive plan.

f. Any applicable concept plan; and

Response: The proposed annexation territory is within the TEA concept planning area. The TEA planning area includes 300 acres, which were added to the UGB in 2004 by Metro for the purposes of future industrial growth in Sherwood. Before industrial uses can develop within the planning area, annexation must occur. The proposed annexation implements the TEA concept plan, and EI zoning will be applied to the site pursuant to the TEA concept plan to facilitate future employment industrial uses. Therefore, the proposed annexation is consistent with the TEA concept plan.

2. Consider whether the boundary change would:

a. Promote the timely, orderly and economic provision of public facilities and services;

Response: As stated in the Engineering Pre-Application Comments by the City Engineer, dated February 6, 2020, included in the Pre-Application Conference Notes, Exhibit J, the Proposed Annexation Property can be adequately served by existing public infrastructure, or by the feasible extension of nearby existing public infrastructure.

b. Affect the quality and quantity of urban services; and

Response: *Transportation*

The Proposed Annexation Property is accessible from SW Tonquin Road, which is classified as an arterial by Washington County's Transportation System Plan. Transportation access from SW Tonquin Road will be proposed as permitted by the Washington County Department of Land Use and Transportation. Per discussions with Washington County staff, an access is feasible along SW Tonquin Road.

Sanitary Sewer, Water, and Stormwater

As shown on the Utility Availability Exhibits, included in Exhibit M, there is a 12-inch sanitary sewer mainline located within the intersection at SW Tonquin Road and SW Oregon Street, approximately 365 feet north of the site. Extension of this line to the site is feasible, as stated in the Engineering Pre-Application Comments by the City Engineer, dated February 6, 2020, included in Exhibit J. There are also 12-inch public water mainlines within SW Oregon Street, which has capacity to serve the site, as stated in the Engineering Pre-Application Comments by the City Engineer, dated February 6, 2020, included in Exhibit J. Existing culverts within SW Tonquin Road available for connection to the site. Pursuant to ORS 199.510(c), the Proposed Annexation Property is also being annexed into the boundaries of CWS for the provision of sanitary sewer, storm, and surface water management.

Fire Protection

The Proposed Annexation Property is currently within and will remain within the TVFR service district. TVFR Station 33, located at 15440 SW Oregon Street, is located approximately .8 mile west of the site.

Parks, Open Space, and Recreation

The City of Sherwood manages over 300 acres of open space. The City of Sherwood adopted the Parks and Recreation Master Plan in October 2006. The area to be annexed is not identified as a future acquisition site in the City of Sherwood Parks Master Plan and, as a future industrial site is not anticipated to have a significant impact on demand for parks and recreational facilities. The Washington County Transportation System Plan identifies a Regional Trail alignment for the Ice Age Tonquin Trail on or along the site. Per staff discussions with Metro and the City of Sherwood staff, the trail alignment can run along the right-of-way for the length of the site. Future site development will determine the necessary alignment of the trail.

c. *Eliminate or avoid unnecessary duplication of facilities of services.***Response:**

The proposed annexation territory is within the TEA concept planning area. The TEA planning area includes 300 acres, which were added to the UGB in 2004 by Metro for the purposes of future industrial growth in Sherwood. Before industrial uses can develop within the planning area, annexation must occur. The proposed annexation implements the TEA concept plan, and EI zoning will be applied to the site pursuant to the TEA concept plan to facilitate future employment industrial uses. Metro and the City of Sherwood have completed extensive, coordinated planning for the siting of new industrial uses. The TEA concept plan encourages future industrial facilities. Therefore, unnecessary duplication of facilities will not occur as a result of this annexation.

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: The area proposed for annexation lies within the UGB.

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 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: City of Sherwood planning staff will produce a staff report in advance of the public hearing that addresses Metro Code 3.09.050.B criteria. A detailed discussion of the availability of urban services is provided in response to 3.09.45.D.b.

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

Response: As evidenced by this narrative and in the associated documents, the applicant's request for annexation is consistent with the applicable state, regional, and local policies and 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: As provided in this narrative in response to 3.09.045(D) and (E), the Proposed Annexation Property is consistent with applicable long-range planning agreements and master plans, and is within the UGB.

Local Policies

City of Sherwood Comprehensive Plan Goals and Policies

Chapter 3 – Growth Management

B. POLICY GOALS AND OBJECTIVES

1. POLICY OBJECTIVES

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

Response: The proposed annexation territory is adjacent to the Sherwood city limits, only separated by the public right-of-way of SW Tonquin Road. The site is developable for employment and industrial uses as stated in the TEA Concept Plan. Furthermore, it is anticipated that significant amounts of earthwork will occur on the site over a two to five year period to create developable employment sites on the property. It is anticipated that this site preparatory work will occur in concert with planned industrial developments to the north and east, resulting in a cohesive delivery of industrial infrastructure in the immediate area. Therefore, "leap frogging" will not occur, and this policy objective is satisfied.

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

Response: The proposed annexation territory is within the TEA concept planning area. Per the TEA Concept Plan, dated September 2010, the TEA planning area includes 300 acres, which were added to the Urban Growth Boundary in 2004 by Metro with the express intent of increasing the inventory of land available for industrial employment uses. The City of Sherwood strongly supports the development of this area consistent with the TEA vision. The TEA was projected to accommodate 1,909 industrial employment jobs between 2010 and 2030. This projection assumes 225 acres of net area for industrial employment uses. Before industrial and employment uses can develop within the planning area, annexation must occur. The proposed annexation implements the TEA Concept Plan, which encourages the annexation of land outside the city limits for industrial employment uses.

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

Response: The Proposed Annexation Property lies within the UGB. Services are available as demonstrated in response to Metro Code 3.09.45.D.b.

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

Response: The Proposed Annexation Property is within the UGB and has already been designated for urban growth. Therefore, this policy objective does not apply.

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

Response: The proposed annexation will not impact natural resources. A preliminary natural

resource assessment has been conducted for the for the site and reviewed by CWS. Per the CWS SPL, included as Exhibit O, no sensitive areas exist on site. Therefore, preservation of natural features will be achieved, and this policy objective will be satisfied when development is proposed.

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

Response: The area to be annexed will be served from SW Tonquin Road. Future development of the site will be served from existing and improved public infrastructure including the extension of Tonquin Court into the Proposed Annexation Property, as shown on Figure 17 of the TEA Implementation Plan. This request for annexation will not preclude this policy objective 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: This land has already been designated for urban growth through the TEA concept plan and other long range planning efforts at the local and regional level. The TEA concept plan contains policies regarding the provision of concurrent urban facilities and services. Public facilities are available to serve the site and can be extended to serve future development, as explained in response to 3.09.45.D.b.

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

Response: The Proposed Annexation Property is within the TEA and will be designated with EI zoning upon annexation. The proposal is consistent with the TEA Concept Plan, which guides future development of the area in an orderly manner.

F. GROWTH MANAGEMENT POLICY

The following policies and strategies are established for the management of urban growth in the Planning Area.

1. GROWTH AREAS

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 proposed annexation request has been initiated by the property owner.

Policy 6 - The City will coordinate with Washington County policies and procedures governing the conversion of urbanizable land to urban land. Such policies shall be included in the Washington County-Sherwood Urban Planning Area Agreement (UPAA). Specifically, the City will consider whether proposals to annex to the City include lands which meet one or more of the following criteria:

- 1) Land contiguous to the City limits needed to extend facilities or services to areas within the City limits.**
- 2) Lands where urban services are available or are programmed for the immediate future.**
- 3) Conservation of a needed amount of open space.**
- 4) Land where existing man-made conditions indicate a pre-existing commitment to urban development.**

Response: The guidelines above have been included in the Washington County-Sherwood Urban Planning Area Agreement (UPAA). The proposed annexation is in accordance with the UPAA, as demonstrated by the availability of urban services and the mutual commitment of the site for urban development. Therefore, this policy is satisfied.

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

Response: New development is not proposed at this time. However, public water and sewer are accessible to the area to be annexed. As shown on the Utility Availability Exhibits, included in Exhibit M, there is a 12-inch sanitary sewer mainline located within the intersection at SW Tonquin Road and SW Oregon Street, approximately 365 feet north of the site. Extension of this line to the site is feasible as stated in the Engineering Pre-Application Comments by the City Engineer, dated February 6, 2020, included in Exhibit J. There are also 12-inch public water mainlines within SW Oregon Street, which has capacity to serve the site as stated by the City Engineer in Exhibit J. Therefore, this policy is satisfied.

Chapter 8 – Urban Growth Boundary Additions

D. 4. Area 48- Tonquin Employment Area Implementation

- 1. The City of Sherwood shall amend the Zoning and Community Development Code to include an Employment Industrial zone that implements the goals and policies in this section.**

Response: The Proposed Annexation Property is within the TEA, and will be zoned EI upon annexation. The proposal is consistent with the TEA Concept Plan. Annexation of the Proposed Annexation Property will further implement the TEA Concept Plan and its goals.

- 2. The Employment Industrial zone may be applied only to those properties within city limits, or upon their annexation to the city.**

Response: The Proposed Annexation Property is within the TEA, and will be zoned EI upon annexation.

III. CONCLUSION

As demonstrated throughout this narrative and in associated documents, the applicant's request for annexation into the City of Sherwood and CWS is consistent with the applicable local, regional, and state policies and regulations governing the allowance of the requested actions. Therefore, the applicant respectfully requests City of Sherwood's approval of this application.

Exhibit A. Petition for Annexation to City of Sherwood



Home of the Tualatin River National Wildlife Refuge

Case No. _____
Fee _____
Receipt # _____
Date _____
TYPE _____

**City of Sherwood
Application for Land Use Action**

Type of Land Use Action Requested: (check all that apply)

- Annexation
- Plan Amendment (Proposed Zone _____)
- Planned Unit Development
- Site Plan (square footage of building and parking area)
- Variance (list standards to be varied in description)
- Conditional Use
- Partition (# of lots _____)
- Subdivision (# of lots _____)
- Other: _____

By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at www.sherwoodoregon.gov. Click on Government/Finance/Fee Schedule.

Owner/Applicant Information:

Applicant: Tim Kerr Phone: 971-235-5003
 Applicant Address: 395 Shenandoah Lane N.E., Woodburn, OR 97071 Email: tkerr@kerrcontractors.com
 Owner: Woodburn Industrial Capital Group, LLC Phone: 971-235-5003
 Owner Address: 395 Shenandoah Lane N.E., Woodburn, OR 97071 Email: tkerr@kerrcontractors.com
 Contact for Additional Information: Read Stapleton, DOWL (971) 280-8648

Property Information:

Street Location: No Site Address, Sherwood, OR 97140
 Tax Lot and Map No: 2S133BB00100 & 2S1330000400
 Existing Structures/Use: No structures / vacant
 Existing Plan/Zone Designation: Employment Industrial (EI) / FD-20 (County)
 Size of Property(ies) Approximately 28.17 acres

Proposed Action:

Purpose and Description of Proposed Action:
 The applicant is proposing to annex an approximately 28.17-acre territory plus adjacent ROW into the City of Sherwood and into the Clean Water Services District. Mass grading is proposed with a Type II Fast Track Site Plan Review.

Proposed Use: Employment Industrial (EI) uses once annexed into the City boundary

Proposed No. of Phases (one year each): Site development is not proposed at this time

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Applicant's Signature

John Kerr

Owner's Signature

Date

6/11/20

Date

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

- 3 Copies of Application Form*** completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- Copy of Deed** to verify ownership, easements, etc.
- At least 3 folded sets of plans***
- At least 3 copies** of narrative addressing application criteria*
- Fee** (along with calculations utilized to determine fee if applicable)
- Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

Exhibit C. Ownership Information

Woodburn Industrial Capital Group, LLC

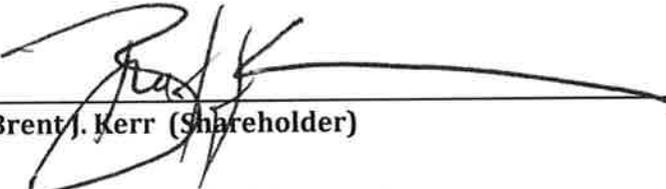
P.O. Box 1060 Woodburn, OR 97071 | 971-216-0050 | tkerr@kerrcontractors.com

June 24, 2020

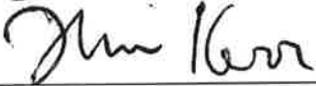
Attention:

The founding, current, and only members of Woodburn Industrial Capital Group, LLC consist of Brent J. Kerr, Timothy J. Kerr, and Alan W. Aplin. Said members grant Timothy Kerr the ability to Grant Easements for property owned along Tonquin Road in Washington County Oregon or both from the date referenced above until September 1, 2020, and as this has been approved by all Shareholders.

Sincerely,



Brent J. Kerr (Shareholder)



Timothy J. Kerr (Shareholder)



Alan W. Aplin (Shareholder)

Washington County, Oregon **2002-116985**
10/07/2002 11:16:11 AM
D-DD Cnt=1 Stn=21 RECORDS1
\$25.00 \$6.00 \$11.00 - Total=\$42.00



00176443200201169850050051

I, Jerry Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, 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



After recording, please return to:

Washington County
LUT, Right-of-Way Section
1400 SW. Walnut St. Mail Stop #18
Hillsboro, OR 97124-5625

DEDICATION DEED

ARTHUR R. BRIDGES, Grantor, grants to WASHINGTON COUNTY, a political subdivision of the State of Oregon, Grantee, on behalf of the public, for the use of the public forever, the following easements in that certain real property situated in the County of Washington and State of Oregon, described on the attached Exhibit "A," and shown on the attached Exhibit "B."

The true consideration for this conveyance is \$3,425.00.

PARCEL 1 - DEDICATION OF RIGHT-OF-WAY

Including the right to construct, operate, and maintain a public road, all customary associated uses, and appurtenant facilities;

PARCEL 2 – PERMANENT SLOPE EASEMENT

Including the right to construct and maintain slopes necessitated by the construction, operation, and maintenance of the public road, all public facilities, and improvements in the adjacent right-of-way. Grantee shall never be required to remove the slope materials placed by it on said property, nor shall Grantee be subject to any damages to Grantor(s) by reasons of any change of grade of the roadway abutting on said property.

AND - PERMANENT PUBLIC UTILITIES EASEMENT

Including the right to install, maintain, and repair public utilities over, under, and across the property described;

This document is intended to grant easements on the property described, not to convey fee title or any interest in the underlying property except as expressly stated herein. The easements granted shall not prevent Grantors from the use of said property provided, however, that such use shall not be permitted to interfere with the rights herein granted. Grantor shall not be permitted to endanger the lateral support of any facilities constructed within the easements granted herein.

Grantors hereby covenant to and with Grantee that they are the owner of said property, which is free from all encumbrances, except for easements, conditions and restrictions of record, and will warrant and defend the easement rights herein granted from all lawful claims whatsoever, except as stated herein.

IN WITNESS WHEREOF, the above named Grantors, have caused this instrument to be signed.

DATED this 4th day of October, 2002 ^{ARB}

Arthur R. Bridges
Arthur R. Bridges

STATE OF OREGON)
) ss.
County of Washington)

This instrument was acknowledged before me this 4th day of October, 2002, by ^{KAH}
Arthur R. Bridges.



Clifford A Hamby
Notary Public

Accepted on behalf of Washington County, Oregon.

By: Michael

Title: County Engineer

Dated this 7th day of Oct., 2001

Approved As To Form

Loretta S. Skurdahl
Sr. Assistant County Counsel
Dated & Signed: October 29, 1998





EXHIBIT A

N. E. Oregon Street
Washington County, Oregon
April 17, 2001
Parcels 1 & 2

Project No. 2551
File No. 05
Tax Map No: 2S133BB 100

PARCEL 1 (DEDICATION)

A parcel of land in the northwest one-quarter of Section 33 in Township 2 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon and being a portion of that property described in a bargain and sale contract to Arthur R. Bridges and Mauric C. Albin, recorded February 6, 1986 as Document No. 86005781, Washington County Book of Records; the said parcel being that portion of said property included in a strip of land 11.278 meters in width, and lying on the Easterly side of the relocated centerline of S. W. Tonquin Road and located between lines at right angles to said centerline at the following Engineer's Station 1+888.489 and 1+920, which centerline is described below:

CENTERLINE DESCRIPTION OF A PORTION OF S.W. Tonquin ROAD (County Road No. 2257)

A road centerline situated within the northwest one-quarter of Section 33 and the southwest one-quarter of Section 28 in Township 2 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

Beginning at a point on the centerline of S.W. Tonquin Road (County Road no. 2257), said point being South 64° 40' 06" East 316.003 meters from the section corner common to Sections 28, 29, 32, and 33, Township 2 South, Range 1 West, W.M., and being the point of tangency (71+56.08) as shown on the survey of C.R. 2257 said point also being at Station 1+763.329 for the purposes of this project; thence along the arc of a 436.592 meter radius curve to the left along said centerline, through a central angle of 16° 25' 31", an arc distance of 125.160 meters (the long chord bears North 27° 45' 24" West 124.732 meters) to a point of reverse curvature at Station 1+888.489 and leaving said centerline; thence along the arc of a 92 meter radius curve to the right, through a central angle of 23° 31' 10", an arc distance of 37.765 meters (the long chord bears North 24° 12' 34" West 37.501 meters) to a point of reverse curvature at Station 1+926.255; thence along the arc of a 92 meter radius curve to the left, through a central angle of 32° 27' 19", an arc distance of 52.114 meters (the long chord bears North 28° 40' 39" West 51.420 meters) to a point of tangency at Station 1+978.368; thence North 44° 54' 18" West 21.632 meters to Station 2+000 and the intersection with the centerline of N.E. Oregon Street at Station 1+123.770 as described above and the terminus of this centerline description.

The parcel of land to which this description applies contains 174.9 square meters (1,882 square feet), more or less.



PARCEL 2 (SLOPE AND UTILITY EASEMENT)

A parcel of land in the northwest one-quarter of Section 33 in Township 2 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon and being a portion of that property described in a bargain and sale contract to Arthur R. Bridges and Mauric C. Albin, recorded February 6, 1986 as Document No. 86005781, Washington County Book of Records; the said parcel being that portion of said property included in a strip of land variable in width, and lying on the Easterly side of the relocated centerline of S. W. Tonquin Road and located between lines at right angles to said centerline at the following Engineer's Station 1+845 and 1+920, which centerline is described above:

The widths in meters of the strip of land above referred to are as follows:

Station to	Station	Width on the Easterly side of Centerline
1+845	1+920	6.500 in a straight line to 13.475

Except therefrom Parcel 1 and that portion of said parcel lying within the existing right-of-way of County Road No. 2257 (S. W. Tonquin Road).

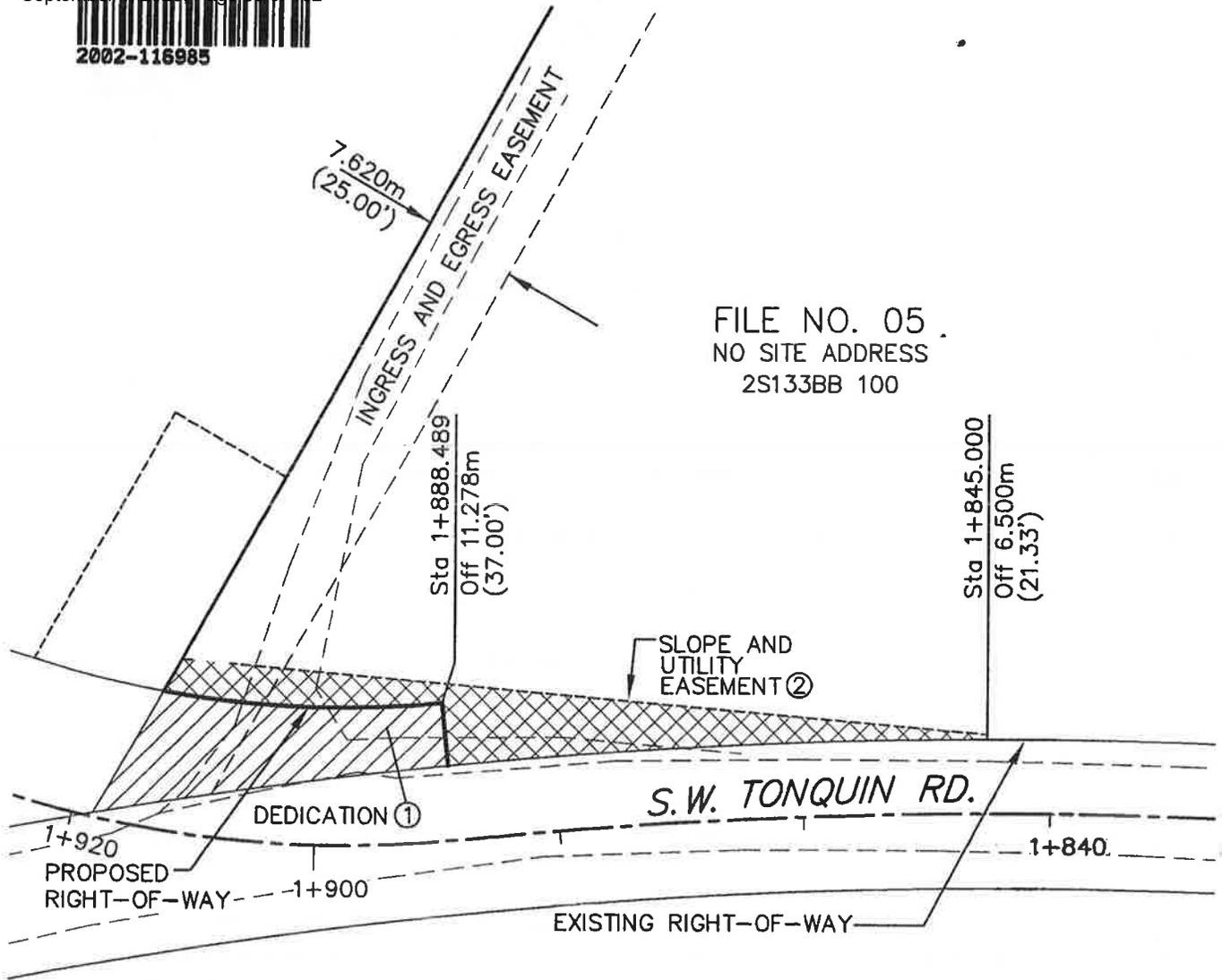
The parcel of land to which this description applies contains 154.9 square meters (1,667 square feet), more or less.

The bearings of this description are based on the bearing between monuments numbered 740 and 741 which is South 38° 27' 29" West as shown in Record of Survey No. 22,598 as recorded at the Washington County Surveyor's Office. This project is on a local datum. Metric conversion factor: 1 meter = 39.37 inches.

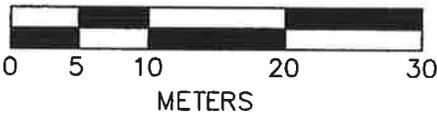


PNS,DEA Inc.
4/17/01
PNS:ljj

o:\project\w\surv\wpw84\2551-05.doc



FILE NO. 05
NO SITE ADDRESS
2S133BB 100



LEGEND		
	DEDICATION	① 174.9± SQ. M. 1,882± SQ. FT.
	SLOPE AND UTILITY EASEMENT	② 154.9± SQ. M. 1,667± SQ. FT.



PROJECT

S.W. TONQUIN ROAD

SHEET

EXHIBIT B

Washington County Project No. 2551

**1
of
1**

DWG. REF. WPW84SEM51-05	DEA PROJECT NO. WPWX0000-0084	AMENDMENT NO. 0
DRAWN BY JHL	DESIGN BY PNS	APPROVED BY PNS
		DATE 04/17/01

WFG Title 17-115013 Comm

File No.: 17-115013

Grantor
The Estate of Arthur Raymond Bridges
Grantee
WOODBURN INDUSTRIAL CAPITAL GROUP PO Box 1060 Woodburn, OR 97071
After recording return to
WOODBURN INDUSTRIAL CAPITAL GROUP PO Box 1060 Woodburn, OR 97071
Until requested, all tax statements shall be sent to
WOODBURN INDUSTRIAL CAPITAL GROUP PO Box 1060 Woodburn, OR 97071
Tax Acct No(s): R558042

Washington County, Oregon **2017-083736**
 D-DPR
 Stn=0 A STROM **10/23/2017 01:26:59 PM**
 \$10.00 \$11.00 \$5.00 \$20.00 \$600.00 **\$646.00**

I, Richard Hobernicht, 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.

Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio

Reserved for Recorder's Use

PERSONAL REPRESENTATIVE DEED

Billy D. Barnes, Personal Representative of the Estate of Arthur Raymond Bridges, Washington County Circuit Court Case No. 17PB04176, Grantor, conveys to WOODBURN INDUSTRIAL CAPITAL GROUP, LLC, an Oregon limited liability company, Grantee, the following real property described in the attached Exhibit A.

The true consideration for this conveyance is **\$600,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Executed this 18 day of October, 2017

The Estate of Arthur Raymond Bridges, Washington County Circuit Court Case No. 17PB04176

By: [Signature]
 Name: Billy D. Barnes
 Its: Personal Representative

STATE OF ARIZONA
 COUNTY OF MARICOPA

This instrument was acknowledged before me this 18 day of October, 2017 by Billy D. Barnes, as Personal Representative of The Estate of Arthur Raymond Bridges, Washington County Circuit Court Case No. 17PB04176, on behalf of the Estate.

[Signature]
 Print Name: Jeffrey Scott Prairie
 Notary Public for the State of: ARIZONA
 My Commission Expires: 11-30-2019

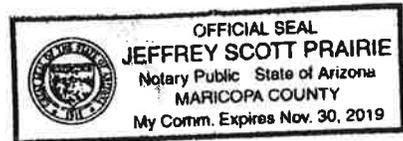


EXHIBIT "A"
LEGAL DESCRIPTION

All of that certain tract of land in the Northwest one-quarter of the Northwest one-quarter of Section 33, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon, lying Easterly and Northerly of the center line of County Road No. 1260, also known as S.W. Tonquin Road.

EXCEPTING THEREFROM that portion dedicated to the public recorded January 26, 1971 in Book 804, page 898, Records of Washington County, Oregon.

FURTHER EXCEPTING THEREFROM that portion conveyed to Washington County, a political subdivision of the State of Oregon for public roadway by Dedication Deed recorded October 7, 2002, Recording No. 2002-116985.

File No.: 17-105687

Washington County, Oregon	2017-083748
D-DW	10/23/2017 01:40:55 PM
Stn=0 A STROM	
\$25.00 \$11.00 \$5.00 \$20.00 \$900.00	\$961.00

I, Richard Hobernicht, 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.

Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio

Grantor
Stiller Marital Trust and SHERWOOD 20A, LLC
Grantee
WOODBURN INDUSTRIAL CAPITAL GROUP 395 Shenandoah Lane Woodburn, OR 97071
After recording return to
WOODBURN INDUSTRIAL CAPITAL GROUP 395 Shenandoah Lane Woodburn, OR 97071
Until requested, all tax statements shall be sent to
WOODBURN INDUSTRIAL CAPITAL GROUP, LLC 395 Shenandoah Lane Woodburn, OR 97071
Tax Acct No(s): R558006

Reserved for Recorder's Use

WFG Title 17-105687 Comm

STATUTORY WARRANTY DEED

John T Strohecker, Successor Trustee of the Stiller Marital Trust and SHERWOOD 20A, LLC, an Oregon limited liability company, Grantor(s) convey and warrant to WOODBURN INDUSTRIAL CAPITAL GROUP, LLC, an Oregon limited liability company, Grantee(s), the real property described in the attached Exhibit A, subject only to those liens and encumbrances set forth on the attached Exhibit B.

The true consideration for this conveyance is **\$900,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Executed this 20 day of October, 2017

Stiller Marital Trust

By: [Signature]
Name: John T Strohecker
Its: Successor Trustee

SHERWOOD 20A, LLC, an Oregon limited liability company

By: _____
Name: Roxce Stavney
Its: Manager

STATE OF Oregon
COUNTY OF Multnomah

This instrument was acknowledged before me this 20th day of October, 2017 by John T Stohecker, as Successor Trustee, of Stiller Marital Trust, on behalf of the Trust.

[Signature]
Print Name: Karen Hagele Duns
Notary Public for the State of: Oregon
My Commission Expires: 1/18/20



STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me this _____ day of October, 2017 by , as , of SHERWOOD 20A, LLC, an Oregon limited liability company, on behalf of the company.

Print Name:
Notary Public for the State of:
My Commission Expires:

Executed this 20th day of October, 2017

Stiller Marital Trust

By: _____
Name: John T Strohecker
Its: Successor Trustee

SHERWOOD 20A, LLC, an Oregon limited liability company

By: Roxce Stavney
Name: Roxce Stavney
Its: Manager

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me this _____ day of October, 2017 by John T Stohecker, as Successor Trustee, of Stiller Marital Trust, on behalf of the Trust.

Print Name:
Notary Public for the State of:
My Commission Expires:

STATE OF Oregon
COUNTY OF Lincoln

This instrument was acknowledged before me this 20th day of October, 2017 by , as , of SHERWOOD 20A, LLC, an Oregon limited liability company, on behalf of the company.

Roxce Stavney
as Manager

Diane C. Dupont
Print Name: Diane C. Dupont
Notary Public for the State of: Oregon
My Commission Expires: 10-23-18

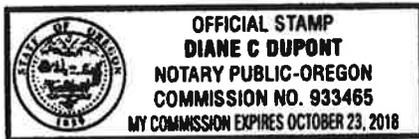


EXHIBIT "A"
LEGAL DESCRIPTION

The South one-half of the Northeast one-quarter of the Northwest one-quarter of Section 33, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington and State of Oregon.

TOGETHER with Easement for ingress and egress recorded September 17, 1975 in Book 1044, page 547, Records of Washington County Oregon.

EXHIBIT "B"
Exceptions

1. Mineral Reservation, other than col or iron, including terms and provisions thereof:
 - Reserved by : Oregon and California Railroad Company, an Oregon corporation
 - Recorded : December 22, 1988
 - Recording No(s) : (book) Z (page) 311

2. Terms and provisions of Easement Agreement, subject to Maintenance rights per ORS 105.175 statute:
 - For : ingress and egress
 - Granted to : Frank F. and Edna May Stiller and Charles O. and Reval L. Stiller, known as Stiller Bros.
 - Recorded : September 17, 1975
 - Recording No(s) : (book) 1044 (page) 547
 - Affects : appurtenant rights insured herein

8870
DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS

That A. S. and E. S. Peterson

does (do) hereby dedicate to the use of the public as a public way forever, the following described real property in Washington County, Oregon: (Legal description)

Begin at a stone at the N. W. corner of the N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of Section 33, T. 2 S., R. 11 W. of the Willamette Meridian; thence Westerly along Section line 606.46 feet to a 5/8" iron rod on the Easterly right-of-way line of Tonquin County Road No. 1260; thence Southeasterly along said right-of-way 32.08 feet to a 5/8" iron rod; thence Easterly and 25 feet distant from the Northerly line described above, 586.32 feet to a 5/8" iron rod on the West line of that tract of land described in Deed Book 429, Page 692, Washington County Deed Records; thence Northerly along West line of said tract 25.00 feet to the place of beginning.

That (I am) (we are) lawfully seized in fee simple of the above described premises, free from all encumbrances, and will warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever;

TO HAVE AND TO HOLD the above described and dedicated premises unto said public forever.

IN WITNESS WHEREOF, the grantor(s) above named (has) (have) hereunto set hand and seal this 22nd day of January, 19 71.

A.S. Peterson (SEAL)
E.S. Peterson (SEAL)

STATE OF OREGON) ss.
County of Washington)

BE IT REMEMBERED that on this 22nd day of January, 19 71, before me, the undersigned, a notary public in and for said County and State, personally appeared the within named A. S. Peterson and E. S. Peterson, known to me to be the identical individual(s) described in and who executed the within instrument and acknowledged to me that same was executed freely and voluntarily.

IN TESTIMONY WHEREOF, I have herunto set my hand and seal the day and year last above written.

Edna D. Fox
Notary Public for Oregon
My Commission expires 1-20-73



BOOK 804 PAGE 898

Filed for record 1-26 19 71 at 836
ROGER THOMSEN, Director of Records & Elections
By DLG

TITLE INSURANCE COMPANY

5488

3244730

DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, do hereby dedicate to the use of the public as a public way forever, the following described real property in Washington County, Oregon:

A tract of land in the Northwest quarter of Section 33, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the intersection of the North line of said Section 33 and the Easterly line of Tonquin Road; thence Southeasterly along the Easterly line of said Tonquin Road to a point which bears Southerly 25 feet and at right angles to the North line of said Section 33; thence North 89°42' East along a line parallel to and 25 feet Southerly from the North line of said Section 33, 1240 feet, more or less, to a point on the Westerly line of that tract described in deed to Roy H. Montgomery et ux, in Book 535, page 108, said County Film Records; thence North along the West line of said Montgomery tract 25 feet to a point on the North line of said Section 33; thence South 89°42' West along the North line of said Section 33, 1250 feet, more or less, to the true point of beginning.

That we are lawfully seized in fee simple of the above described premises, free from all encumbrances, and will warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever;

TO HAVE AND TO HOLD the above described and dedicated premises unto said public forever.

IN WITNESS WHEREOF, the Grantors above named have hereunto set hand and seal this 16th day of May, 1973.

Beatrice G. Reed
Adrian C. Reed

James A. Howard
John J. Howard Jr.

GLENN WALKER
ATTORNEY AT LAW
8883 S.W. CENTER COURT
TIGARD, OREGON 97133

BOOK 926 PAGE 721

5438

STATE OF OREGON)
) ss.
County of Washington)

BE IT REMEMBERED that on this 18th day of May, 1973, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named JOHN J. GOULD, JR., JEANETTE A. GOULD, IVAN C. REED, and BEATRICE G. REED, known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that same was executed freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.



Lawrence C. Klug
NOTARY PUBLIC FOR OREGON
My Commission Expires: 11/15/76

STATE OF OREGON)
County of Washington) ss.

I, Roger Thomssen, Director of Records and Elections and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records No. _____ of said County

Witness my hand and seal affixed,
ROGER THOMSEN, Director of Records & Elections

R. Clinton
Deputy

MAY 25 3 14 PM '73

*2/2
71*

GLENN WALKER
ATTORNEY AT LAW
8882 S.W. CENTER COURT
TIGARD, OREGON 97123

BOOK 926 PAGE 722

Exhibit D. Checklist for Annexation



CHECKLIST FOR ANNEXATION REQUEST TO THE CITY OF SHERWOOD

Submit the following to the City of Sherwood Planning Department, 22560 SW Pine Street, Sherwood, OR 97140: (503) 625-5522.

- Fee- \$7,500.** Applicants are required to pay the \$7,500 filing fee which will be applied to all costs related to processing the annexation application. Money not used for costs will be returned to the applicant.
- An original and one copy of the enclosed packet titled **Annexations to City of Sherwood.**
- Mailing labels:** Submit two (2) sets of mailing labels for property owners within 1000 feet of the outside edge of the territory to be annexed. Mailing labels can be obtained from a private title insurance company.
- Additionally, you must submit a list of all property owners and registered voters in the area to be annexed regardless of whether they signed the annexation petition or not.

Annexations to the City of Sherwood

There are generally four methods of owner initiated annexation. These methods are described below, and the information needed to initiate either method is covered in this application. It should be noted that a vote of the citizens of the City of Sherwood are required in three of the four methods.

Double Majority- An annexation where the majority of electors and a majority of the landowners in the proposed annexation area have agreed to annex into the City. In this instance, a majority of the landowners, and at least 51% of the registered voters within the area to be annexed must support the annexation. This method requires a vote of the citizens of the City of Sherwood.

Triple Majority- An annexation method that requires consent from a majority of the land owners who own a majority of real property and a majority of the assessed value of land within the area that is to be annexed. This method does not require that 51% of the registered voters in the area to be annexed support the application. This method requires a vote of the citizens of the City of Sherwood.

Exhibit E. Certification of Property Ownership

*To be completed by County Assessor with Exhibit F
upon receipt of legal description

THIS SECTION IS TO BE COMPLETED BY WASHINGTON COUNTY ASSESSOR'S OFFICE

CERTIFICATION OF PROPERTY OWNERSHIP

(All Methods)

I hereby certify that the attached petition for a proposed boundary change (annexation) of the territory described in Attachment A of the petition contains the names of the owners* of at least one-half of the land area within the annexation area described, as shown on the last available complete assessment roll.

NAME: TED FOSTER

TITLE: GIS TECH

DEPARTMENT: CARTOGRAPHY

COUNTY OF: WASHINGTON

DATE: 6/22/20

* "Owner" means the legal owner of record or, where there is a recorded a land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

ANNEXATION CERTIFIED

BY VF

JUN 22 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY

Exhibit F. Certification of Legal Description and Map

*To be completed by County Assessor upon receipt of legal description

THIS SECTION IS TO BE COMPLETED BY WASHINGTON COUNTY ASSESSOR'S OFFICE

CERTIFICATION OF LEGAL DESCRIPTION AND MAP
(All Methods)

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 25133 + 25133BB) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME TED FOSTER
TITLE GIS Tech
DEPARTMENT CARTOGRAPHY
COUNTY OF WASHINGTON
DATE 6/22/20

ANNEXATION CERTIFIED

BY TF

JUN 22 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY

EXHIBIT 'A'

ANNEXATION TO CLEAN WATER SERVICES AND INTO THE CITY OF SHERWOOD
LOCATED IN THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 33,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
COUNTY OF WASHINGTON, STATE OF OREGON

THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENT NO. 2017-083736, THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2017-083748, THE TRACT OF LAND DEDICATED TO THE PUBLIC IN BOOK 804 PAGE 898 (AND IN BOOK 926 PAGE 721 RECORDED ON MAY 25, 1973), A PORTION OF LAND CONVEYED IN DEDICATION DEED NO. 2002-116985 RECORDED OCTOBER 7, 2002, AND THAT PORTION OF S.W. TONQUIN ROAD LOCATED IN THE NORTH HALF OF THE NORTHWEST 1/4 OF SECTION 33 TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, STATE OF OREGON, AS SHOWN ON EXHIBIT 'B' ATTACHED HERETO AND BY THIS REFERENCE MADE A PART THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 33 MARKED BY A 2-INCH BRASS DISK IN A MONUMENT BOX MARKED "T2S R1W 29 28 32 33 WASH. CO. SURVEYOR";

THENCE SOUTH 88°49'57"E 651.27 FEET ALONG THE NORTH LINE OF SAID SECTION 33 TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF S.W. TONQUIN ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE SOUTHEASTERLY ALONG THE WEST RIGHT-OF-WAY LINE OF S.W. TONQUIN ROAD, BEING A NON-TANGENT CURVE TO THE RIGHT WITH A RADIAL BEARING SOUTH 50°35'57" WEST, CHORD BEARING SOUTH 28°36'59" EAST, CHORD LENGTH 528.05 FEET, DELTA OF 21°32'53", LENGTH 531.17 FEET, AND RADIUS OF 1412.39 FEET;

THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY SOUTH 17°50'33" EAST 154.07 FEET;

THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY BEING A TANGENT CURVE TO THE LEFT WITH A CHORD BEARING SOUTH 20°13'03" EAST, CHORD LENGTH 239.09 FEET, DELTA OF 4°45'00", LENGTH 239.16 FEET, AND RADIUS OF 2884.79 FEET;

THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY SOUTH 22°35'33" EAST 526.48 FEET;

THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY BEING A TANGENT CURVE TO THE LEFT WITH CHORD BEARING SOUTH 22°51'07" EAST, CHORD LENGTH 4.50 FEET, DELTA OF 00°31'07", LENGTH 4.50 FEET, AND RADIUS OF 497.46 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST 1/4 OF SAID SECTION 33;

THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE SOUTH 88°47'01" EAST 1360.96 FEET ALONG SAID SOUTH LINE TO A 1-INCH IRON PIPE ON THE EAST LINE OF THE NW 1/4;

THENCE NORTH 00°49'01" EAST 655.24 FEET ALONG SAID EAST LINE TO A 1-INCH IRON PIPE ON THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4;

THENCE NORTH 88°46'21" WEST 1310.69 FEET ALONG SAID NORTH LINE TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4;

THENCE NORTH 01°00'30" EAST 657.12 FEET ALONG SAID WEST LINE TO A 5/8-INCH REBAR ON THE NORTH LINE OF SAID SECTION 33;

THENCE NORTH 88°49'57" WEST 658.06 FEET ALONG SAID NORTH LINE TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID S.W. TONQUIN ROAD, SAID POINT BEING SAID TRUE POINT OF BEGINNING.

CONTAINING 29.61 ACRES MORE OR LESS.

ANNEXATION CERTIFIED

BY TF

JUN 22 2020

WASHINGTON COUNTY A & I
CARTOGRAPHY

PAGE 1 OF 1

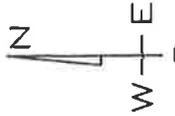
REGISTERED
PROFESSIONAL LAND
SURVEYOR

Samantha Kay Tanner
OREGON
MAY 26, 2015
SAMANTHA KAY TANNER
90079

RENEWS 6/30/2022

EXHIBIT 'B'

ANNEXATION TO CLEAN WATER SERVICES AND INTO THE CITY OF SHERWOOD LOCATED IN THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, COUNTY OF WASHINGTON, STATE OF OREGON



**POINT OF COMMENCEMENT
NW CORNER OF SEC. 33**
FD 2" BRASS DISK "T2S
R1W 29 28 32 33 WASH.
CO. SURVEYOR" IN MON.
BOX, SET IN USBT
2011-039

TRUE POINT OF BEGINNING

NORTH LINE OF SECTION 33
N88°49'57"W 658.06'

FD 5/8" REBAR, NO CAP, HELD

PORTION OF DEDICATION
DOC. NO. 2002-116985

25' PERMANENT PUBLIC ROAD
DEDICATION BK.804 PG.898
AND BK. 926 PG. 721

L=531.17'
R=1412.39'
Δ=21°32'53"
CHB=S28°36'59"E
CHL=528.05'

DOC. NO.
2017-083736

NORTH 1/2 OF THE
NE 1/4 OF THE NW
1/4

REGISTERED
PROFESSIONAL LAND
SURVEYOR

Samantha Kay Tanner

OREGON
MAY 26, 2015
SAMANTHA KAY TANNER
90079

RENEWES 6/30/2022

SOUTH 1/2 OF THE NW
1/4 OF THE NW 1/4

WEST 1/4 SEC.33
FD. 2" BRASS CAP "T2S R1W 32 33
1989 WASH. CO. SURVEYOR" IN
MONUMENT BOX PER USBT
2002-062, SET IN USBT BK.5 ENTRY
152, PG. 491, HELD

SCALE 1" = 300'
ON AN 8.5"X11" SHEET

NORTH 1/4 OF SEC.33
FD. 3" BRASS CAP
"WASH CTY 28 33 2S1 1975"
IN CONCRETE, SET IN USBT
2-104

NW 1/4 OF THE NE
1/4 OF THE NW 1/4

WEST LINE OF THE
NE 1/4 OF THE NW 1/4
N01°00'30"E 657.12'

NORTH LINE OF THE SOUTH 1/2 OF THE NE 1/4 OF THE NW 1/4
N88°46'21"W 1310.69'

FD. 5/8" REBAR, NO CAP,
41.28' NORTH ON LINE

FD. 1" IRON PIPE, HELD

SOUTH 1/2 OF THE NE 1/4 OF THE NW 1/4

DOC. NO. 2017-083748

SOUTH LINE OF THE NORTH 1/2 OF THE NW 1/4
S88°47'01"E 1360.96'

ANNEXATION CERTIFIED
BY SET IN SN 10069, HELD

SOUTH 1/2 OF THE NW 1/4

PLOT DATE:6/19/2020
FILE NAME:20009_ANNE KATION.DWG
BY 45TH PARALLEL GEOMATICS, LLC

JUN 22 2020

PAGE 1 OF 1

WASHINGTON COUNTY A & T
CARTOGRAPHY

Exhibit G. Boundary Change Data Sheet

BOUNDARY CHANGE DATA SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED OR WITHDRAWN

A. General location: SW Tonquin Rd., approx. 350' south of Oregon St.

B. Land Area: Acres 28.17 or Square Miles .04

C. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal.)
The site slopes east to west with steeper grades near the west property line.
The site is vacant with an existing grassy condition and near-surface rock. A
CWS SPL did not identify any sensitive areas on the site.

D. Describe Land uses on surrounding parcels. Use tax lots as reference points.
North: Undeveloped / storage uses; 2S128C000500; Washington County (FD-20)

East: Rural residential / Undeveloped; 2S1330000401, 2S1330000402;
Washington County (FD-20, EFC)

South: Undeveloped; 2S1330000600; Washington County (AF-20)

West: Open space; 2S1330002500; City of Sherwood (MDRH)

E. Existing Land Use:

Number of single-family units 0 Number of multi-family units 0

Number of commercial structures 0 Number of industrial structures 0

Public facilities or other uses 0

What is the current use the land proposed to be annexed: _____
The current use is vacant and undeveloped.

F. Total current year Assessed Valuation: \$ ^{417,240} _____

G. Total existing population: 0

II. REASON FOR BOUNDARY CHANGE

- A. The Metro Code spells out criteria for consideration (Metro Code 3.09.050). Considering these criteria, please provide the reasons the proposed boundary change should be made. Please be very specific. Use additional pages if necessary.

A narrative is provided with this application addressing applicable Metro Code 3.09.050 criteria. The proposed annexation area is consistent with applicable long-range planning agreements and master plans, and is within the UGB.

- B. If the property to be served is entirely or substantially undeveloped, what are the plans for future development? Be specific. Describe type (residential, industrial, commercial, etc.), density, etc.

Consistent with the Tonquin Employment Area (TEA) plan, the site is planned for future employment/industrial use.

III. LAND USE AND PLANNING

- A. Is the subject territory inside or outside of the Metro Regional Urban Growth Boundary?
The subject territory is inside the UGB.

- B. What is the applicable County Planning Designation? FD-20
Or City Planning Designation? EI upon annexation

Does the proposed development comply with applicable regional, county or city comprehensive plans? Please describe.

A narrative is provided with this application demonstrating compliance with applicable regional, county, and city policies.

- C. What is the zoning on the territory to be served?
FD-20 in Washington County. The territory will be zoned EI upon annexation.

- D. Can the proposed development be accomplished under current county zoning?

Yes No N/A; Site development is not proposed at this time

If No, has a zone change been sought from the county either formally or informally?

Yes No

Please describe outcome of zone change request if answer to previous questions was Yes.

E. Please indicate all permits and/or approvals from a City, County or Regional Government which will be needed for the proposed development. If already granted, please indicate date of approval and identifying number:

APPROVAL	PROJECT FILE NO.	DATE OF APPROVAL	FUTURE REQUIREMENT
Metro UGB Amendment			
City of County Plan Amendment			
Pre-Application Hearing (City or County)	PAC 20-03	N/A	N/A
Preliminary Subdivision Approval			
Final Plat Approval			
Land Partition			
Conditional Use			
Variance			
Sub-Surface Sewage Disposal			
Building Permit			

Please submit copies of proceedings relating to any of the above permits or approvals which are pertinent to the annexation.

F. If a city and/or county-sanctioned citizens' group exists in the area of the annexation, please list its name and address of a contact person.

IV. SERVICES AND UTILITIES

A. Please indicate the following:

1. Location and size of nearest water line that can serve the subject area.
 12-inch water mainlines are available for connection at the intersection

 of SW Tonquin Road and SW Oregon Street

2. Location and size of nearest sewer line which can serve the subject area.
 A 12-inch sanitary sewer mainline is available for connection within the

 intersection at SW Oregon Street and SW Tonquin Road.

3. Proximity of other facilities (storm drains, fire engine companies, etc.) which can serve the subject area.
 Existing culverts across SW Tonquin Road to convey storm to Rock Creek.

 Tualatin Valley Fire & Rescue Station 33 is located .8 mile from the site.

4. The time at which services can be reasonably provided by the city or district.
Immediately upon site development

5. The estimated cost of extending such facilities and/or services and what is to be the method of financing. (Attach any supporting documents.)

Approx. \$32,850 for sewer and \$43,800 for water. Funding is private w/ applicable SDC credits

6. Availability of desired service from any other unit of local government. (Please indicate the government.)

Pursuant to ORS 199.510(2)(c), the property is also being annexed
 concurrently into the boundaries of the CWS district.

B. If the territory described in the proposal is presently included within the boundaries of or being served extraterritorially or contractually by, any of the following types of governmental units please so indicate by stating the name or names of the governmental units involved.

City	<u>N/A</u>	Rural Fire Dist.	<u>TVFR</u>
County Service Dist.	<u>N/A</u>	Sanitary District	<u>N/A</u>
Hwy. Lighting Dist.	<u>N/A</u>	Water District	<u>N/A</u>
Grade School Dist.	<u>N/A</u>	Drainage District	<u>N/A</u>
High School Dist.	<u>N/A</u>	Diking District	<u>N/A</u>
Library Dist.	<u>N/A</u>	Park & Rec. Dist.	<u>N/A</u>
Special Road Dist.	<u>N/A</u>	Other District Supplying Water Service	<u>N/A</u>

C. If any of the above units are presently servicing the territory (for instance, are residents in the territory hooked up to a public sewer or water system), please so describe.

There are no residents within the proposed annexation property.

V. APPLICANT INFORMATION

APPLICANT'S NAME Tim Kerr

MAILING ADDRESS 395 Shenandoah Lane NE
Woodburn, Oregon 97071

TELEPHONE NUMBER 971-235-5003 (Work)
 (Res.)

REPRESENTING Woodburn Industrial Capital Group LLC

DATE

Exhibit H. Annexation Questionnaire

ANNEXATION QUESTIONNAIRE

It is the applicant's responsibility to obtain the information requested on the attached annexation questionnaire. The information is used by the Center for Population Research and Census (CPRC) at Portland State University to update the estimate of the population for the City of Sherwood after annexations.

The information collected is confidential and is used for no other purpose. Please obtain the information prior to submitting the annexation petition. It is your responsibility to update this information if changes are made between the original application filing and the effective date of the application.

Fill out one sheet per property that is being annexed.

Address: No Site Address, Sherwood, OR 97140

Housing type: N/A

- Single-family home
- Multi-family residence
- Manufactured home

Occupancy: N/A

- Owner occupied
- Renter occupied
- Vacant
- Seasonal

Resident Information:

LAST NAME	FIRST NAME	SEX	AGE
N/A	N/A	N/A	N/A

Exhibit I. Worksheet for Annexation

Exhibit J. PAC 2020-003 Notes



Home of the Tualatin River National Wildlife Refuge

Pre-Application Conference Notes

PAC 2020-003

Meeting Date: January 23, 2020

Planning Staff Contact: Joy L. Chang

503-625-4214 or changj@sherwoodoregon.gov

Annexation / Conditional Use Permit / Site Plan Review

PLEASE NOTE: The conference and notes cannot cover all Code requirements and aspects related to site planning that should apply to the development of your proposal. Failure of the staff to provide information required by the Code shall not constitute a waiver of the applicable standards or requirements. It is recommended that a prospective applicant either obtain and read the Community Development Code or ask any questions of City staff relative to Code requirements prior to submitting an application.

Proposed project name: Kerr – Annexation and Contractor's Establishment

PROPOSAL DESCRIPTION: The applicant is proposing annexation of a ±28.17 acre site into the City. The applicant is also pursuing a contractors' establishment on the site.

APPLICANT: Mike Towle, DOWL
720 SW Washington Street, Suite 750
Portland OR 97205

OWNER: Woodburn Industrial Capital Group LLC
PO BOX 1060, Woodburn OR 97071

PROPERTY LOCATION: Approximately 280 feet south of SW Oregon Street and on the east side of SW Tonquin Road

TAX LOT ID: 2S1330000400 and 2S133BB00100

LAND USE DESIGNATION: Employment Industrial (EI) once annexed into the City boundary

IDENTIFIED POTENTIAL CONSTRAINTS/ISSUES: Extension of City Services to Tax Lot 400, Tonquin Employment Area (Employment Industrial Zoning, Conditional Use, Constrained Land)

Based on the information provided, NECESSARY APPLICATIONS:

- Type V Annexation
- Type IV Site Plan Review – Site Plans greater than 40,000 square feet of floor area, parking or seating capacity.
- Type III Conditional Use Permit

STAFF COMMENTS

The following comments are based on staff's review of the information provided on the Pre-Application Form and accompanying attachments.

1. **Annexation** – There are four methods of annexation to the City of Sherwood. Three of the four methods requires a vote of the citizens of the City of Sherwood. **SB1573 Method** does not - 100% of the property owners file a petition to be annexed, and if all criteria outlined in SB1573 are satisfied, then the requirement from the City Charter for a mandated City wide vote is exempted. The City Council becomes the acting authority and no vote of the public is required or permitted.

See all requirements identified in the "Checklist for Annexation Request" packet.

One criterion for annexation approval is feasibility of public services (sewer, water, stormwater, etc.). Tax Lot 400 is land locked and does not have direct access to utilities. One option is to complete a lot consolidation, combining TL 100 with TL 400. The other option is to provide a public throughway through TL 100 that benefit TL 400.

2. Once annexed, the property will be zoned **Employment Industrial**. Allowed uses and dimensional requirements are reflected in Chapter 16.31. Contractors' storage and equipment yards use is shown on the table below.

16.31.020 - Uses

A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88.

B. Uses listed in other sections of this Code, but not within this specific table are prohibited.

C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.

D. Additional limitations for specific uses are identified in the footnotes of this table.

<i>Uses</i>	<i>EI¹</i>
INDUSTRIAL	
<ul style="list-style-type: none"> • <i>Contractors' storage and equipment yards</i> 	<i>C⁴</i>

⁴*On constrained land where structures would not otherwise be permitted, provided that no natural resources such as wetland or floodplains are impacted.*

A. Generally

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84 (Variances and Adjustments).

B. Development Standards

Except as otherwise provided, required minimum lot areas and dimensions and setbacks shall be:

Development Standards by Zone	EI
Lot area - Industrial Uses:	3 acres ⁹
Lot area - Commercial Uses (subject to Section 16.31.050):	10,000 SF
Lot width at front property line:	100 feet
Lot width at building line:	100 feet
Front yard setback ¹¹	20 feet
Side yard setback ¹⁰	None
Rear yard setback ¹¹	None
Corner lot street side ¹¹	20 feet
Height ¹¹	50 feet

⁹ Lots within the EI zone that were legal lots of record prior to October 5, 2010 and smaller than the minimum lot size required in the table below may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies.

¹⁰ When a yard is abutting a residential zone or public park, there shall be a minimum setback of forty (40) feet provided for properties zoned Employment Industrial and Light Industrial Zones, and a minimum setback of fifty (50) feet provided for properties zoned General Industrial.

¹¹ Structures located within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.

16.31.040 - Employment Industrial (EI) Restrictions

A. Use Restrictions

- Retail and professional services that cater to daily customers, such as restaurants and financial, insurance, real estate, legal, medical and dental offices, shall be limited in the EI zone.

- a. *New buildings for stores, branches, agencies or other retail uses and services shall not occupy more than five thousand (5,000) square feet of sales or service area in a single outlet and no more than twenty thousand (20,000) square feet of sales or service area in multiple outlets in the same development project, and*
 - b. *New buildings for stores, branches, agencies or other retail uses and services shall not be located on lots or parcels smaller than five (5) acres in size. A "development project" includes all improvements proposed through a site plan application.*
2. *Notwithstanding the provisions of Section 16.31.050 "Commercial Nodes Use Restrictions," commercial development permitted under 16.31.050(1)(a) may only be proposed concurrent with or after industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel.*
- B. Land Division Restrictions*
1. *Lots of record prior to October 5, 2010 that are smaller than the minimum lot size required in the EI zone may be developed if found consistent with other applicable requirements of Chapter 16.31 and this code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies.*
 2. *Lots or parcels larger than fifty (50) acres may be divided into smaller lots and parcels pursuant to a Planned Unit Development approved by the city so long as the resulting division yields at least one (1) lot or parcel of at least 50 acres in size.*
 3. *Lots or parcels fifty (50) acres or larger, including those created pursuant to subsection (2) above, may be divided into any number of smaller lots or parcels pursuant to a Planned Unit Development approved by the city so long as at least forty (40) percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.*

16.31.050 - Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

- A. Within the Tonquin Employment Area (TEA), only commercial uses that directly support industrial uses located within the TEA are permitted as conditional uses.*
- B. Commercial development, not to exceed a total of five (5) contiguous acres in size, may be permitted.*
- C. Commercial development may not be located within three hundred (300) feet of SW 124th Avenue or SW Oregon Street, and must be adjacent to the proposed east-west collector street.*

Based on the Tonquin Employment Area Concept Plan, the intent of the proposed EI zone is highlighted below.

development objectives may result in short-term employment gains but future land uses that hinder or preclude the identified desired industries. The intent of the proposed EI zone is to provide a unique place for emerging technologies and for the possibility of synergistic clusterings of similar uses, while at the same time allowing for more traditional light industrial uses that could be sited in, or compatibly among, industrial park or campus developments.

Consistent with the zone's purpose statement, uses associated with the three identified key industries are permitted outright. Through a conditional use permit process, uses that can be shown to be "consistent with, or a variation of" target industry uses will also be permitted. No other new uses have been included in the EI zone, but many LI permitted uses have been modified to better meet the objectives of the new employment area(s). Some uses that are

The **Sherwood Comprehensive Plan Part 2, Environmental Resource** section defines constrained lands as reflected below:

4. Limit land development in areas with known natural hazards, special topographic soil, or drainage characteristics according to the kind and degree of hazard or characteristic present.
 - a. Restrict the nature and intensity of development in:
 - 1) 100-year floodplains
 - 2) Areas with slopes which have slide or erosion potential.
 - 3) Areas with weak foundation soils.
 - 4) Wetlands
 - b. Natural hazards such as runoff from paving and soil slippage due to weak foundation soils that could result from new developments should be considered.

Environmentally Constrained Land is also defined under §16.10.020 Definitions- Any portion of land located within the floodway, one hundred-year floodplain, wetlands and/or vegetated corridor as defined by Clean Water Services.

3. The applicant is considering a Contractor's Storage and Equipment Yard in the Employment Industrial Designation. The site is zoned Employment Industrial and Contractor's Storage and Equipment Yard use are permitted with a Condition Use Permit with additional limitations for specific uses. See footnote 4 of EI Uses Table. **Conditional Use Permit (CUP)** provisions are delineated in Chapter 16.82 of the Zoning and Community Development Code (ZCDC).

16.82.020 - Permit Approval

A. Hearing Authority Action

1. *The Hearings Authority shall conduct a public hearing pursuant to Chapter 16.72 and take action to approve, approve with conditions, or deny the application. Conditions may be imposed by the Hearings Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan, or the Code. The decision shall include appropriate findings of fact as required by this Section, and an effective date.*
2. *Conditional uses may be approved at the hearing for a larger development (i.e. business campus or industrial park), to include future tenants of such development, if the range of uses allowed as conditional uses are considered, and specifically approved, at the time of original application.*

B. Final Site Plan

Upon approval of a conditional use by the Hearing Authority, the applicant shall prepare a final site plan for review and approval pursuant to Section 16.90. The final site plan shall include any revisions or other features or conditions required by the Hearing Authority at the time of the approval of the conditional use.

C. Use Criteria

No conditional use shall be granted unless each of the following is found:

- 1. All public facilities and services to the proposed use, including but not limited to sanitary sewers, water, transportation facilities, and services, storm drains, electrical distribution, park and open space and public safety are adequate; or that the construction of improvements needed to provide adequate services and facilities is guaranteed by binding agreement between the applicant and the City.*
- 2. Proposed use conforms to other standards of the applicable zone and is compatible with abutting land uses in regard to noise generation and public safety.*
- 3. The granting of the proposal will provide for a facility or use that meets the overall needs of the community and achievement of the goals and/or policies of the Comprehensive Plan, the adopted City of Sherwood Transportation System Plan and this Code.*
- 4. Surrounding property will not be adversely affected by the use, or that the adverse effects of the use on the surrounding uses, the neighborhood, or the City as a whole are sufficiently mitigated by the conditions proposed.*
- 5. The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography and natural features.*
- 6. The use as proposed does not pose likely significant adverse impacts to sensitive wildlife species or the natural environment.*

...

D. Additional Conditions

In permitting a conditional use or modification of an existing conditional use, additional conditions may be applied to protect the best interests of the surrounding properties and neighborhoods, the City as a whole, and the intent of this Chapter. These conditions may include but are not limited to the following:

- 1. Mitigation of air, land, or water degradation, noise, glare, heat, vibration, or other conditions which may be injurious to public health, safety or welfare in accordance with environmental performance standards.*
- 2. Provisions for improvement of public facilities including sanitary sewers, storm drainage, water lines, fire hydrants, street improvements, including curb and sidewalks, and other above and underground utilities.*
- 3. Increased required lot sizes, yard dimensions, street widths, and off-street parking and loading facilities.*
- 4. Requirements for the location, number, type, size or area of vehicular access points, signs, lighting, landscaping, fencing or screening, building height and coverage, and building security.*
- 5. Submittal of final site plans, land dedications or money-in-lieu of parks or other improvements, and suitable security guaranteeing conditional use requirements.*
- 6. Limiting the number, size, location, height and lighting of signs.*

7. *Requirements for the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.*
8. *Requirements for design features which minimize potentially harmful environmental impacts such as noise, vibration, air pollution, glare, odor and dust.*

E. Time Limits

Unless approved under Section 16.82.020.A.2 for a larger development to include future tenants of such development, authorization of a conditional use shall be void after two (2) years or such lesser time as the approval may specify unless substantial construction, in the City's determination, has taken place. The Hearing Authority may extend authorization for an additional period, not to exceed one (1) year, upon a written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010.

F. Revocation

Any departure from approved plans not authorized by the Hearing Authority shall be cause for revocation of applicable building and occupancy permits. Furthermore, if, in the City's determination, a condition or conditions of CUP approval are not or cannot be satisfied, the CUP approval, or building and occupancy permits, shall be revoked.

4. The approval criteria for **Site Plan Reviews are delineated in the Sherwood Zoning and Community Development Code (SZCDC) Section 16.90.**

16.90.020.D Required Findings

No site plan approval will be granted unless each of the following is found:

1. *The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.*
2. *The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.*
3. *Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.*
4. *The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.*
5. *For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant must provide adequate information, such as a traffic impact analysis (TIA) or traffic counts, to demonstrate the level of impact to the surrounding transportation system. The developer is required to mitigate for impacts attributable to the project, pursuant to TIA requirements in Section 16.106.080 and rough proportionality requirements in Section 16.106.090. The determination of impact or effect and the scope of the impact study must be coordinated with the provider of the affected transportation facility.*
6. *The proposed commercial, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards include the following:*
 - a. *Primary, front entrances are located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional*

entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.

- b. Buildings are located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.*
- c. The architecture of buildings are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding are prohibited. Street facing elevations have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.*
- d. As an alternative to the standards in Section 16.90.020.D.6.a—c, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.a—c. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.*
- e. As an alternative to the standards in Sections 16.90.020.D.6.a—c, the Old Town Design Standards (Chapter 16.162) may be applied to achieve this performance measure.*
- f. As an alternative to the standards in Sections 16.90.020.D.6.a.—e, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the objectives in Section 16.90.010.B of this Code. This design review hearing will be processed as a Type IV review with public notice and a public hearing.*

The Commercial Design Review Matrix is not applicable to this proposal. The applicant must meet the Industrial Design Standards (16.90.030.D.7 a or b) stated below.

- 7. Industrial developments provide employment opportunities for citizens of Sherwood and the region as a whole. The proposed industrial development is designed to enhance areas visible from arterial and collector streets by reducing the "bulk" appearance of large buildings. Industrial design standards include the following:*
 - a. Portions of the proposed industrial development within 200 feet of an arterial or collector street and visible to the arterial or collector (i.e. not behind another building) must meet **any four of the following six design criteria:***
 - (1) A minimum 15% window glazing for all frontages facing an arterial or collector.*
 - (2) A minimum of two (2) building materials used to break up vertical facade street facing frontages (no T-111 or aluminum siding).*
 - (3) Maximum thirty-five (35) foot setback for all parts of the building from the property line separating the site from all arterial or collector streets (required visual corridor falls within this maximum setback area).*
 - (4) Parking is located to the side or rear of the building when viewed from the arterial or collector.*
 - (5) Loading areas are located to the side or rear of the building when viewed from the arterial or collector. If a loading area is visible from an arterial or collector, it must be screened with vegetation or a screen made of materials matching the building materials.*
 - (6) All roof-mounted equipment is screened with materials complimentary to the building design materials.*
 - b. As an alternative to Section 16.90.020.D.7.a, an applicant may opt to have a design review hearing before the*

Planning Commission to demonstrate how the proposed development meets or exceeds the applicable industrial design objectives below (this design review hearing will be processed as a Type IV review):

- (1) Provide high-value industrial projects that result in benefits to the community, consumers and developers.*
 - (2) Provide diversified and innovative working environments that take into consideration community needs and activity patterns.*
 - (3) Support the City's goals of economic development.*
 - (4) Complement and enhance projects previously developed under the industrial design standards identified in Section 16.90.020.D.7.*
 - (5) Enhance the appearance of industrial developments visible from arterials and collectors, particularly those considered "entrances" to Sherwood, including but not limited to: Highway 99W, Tualatin-Sherwood Road and Oregon Street.*
 - (6) Reduce the "bulk" appearance of large industrial buildings as viewed from the public street by applying exterior features such as architectural articulation, windows and landscaping.*
 - (7) Protect natural resources and encourage integration of natural resources into site design (including access to natural resources and open space amenities by the employees of the site and the community as a whole).*
8. *Driveways that are more than twenty-four (24) feet in width shall align with existing streets or planned streets as shown in the Local Street Connectivity Map in the adopted Transportation System Plan (Figure 17), except where prevented by topography, rail lines, freeways, pre-existing development, or leases, easements, or covenants.*

E. Approvals

The application is reviewed pursuant to Chapter 16.72 and action taken to approve, approve with conditions, or deny the application for site plan review. Conditions may be imposed by the Review Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action must include appropriate findings of fact as required by Section 16.90.020. The action may be appealed to the Council in accordance with Chapter 16.76.

F. Time Limits

Site plan approvals are void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010. A site plan approval granted on or after January 1, 2007 through December 31, 2009, is extended until December 31, 2013.

7. **Visual Corridor (Section 16.142.040)** - The subject property is located adjacent to SW Tonquin Road that is classified as an Arterial rights-of-way on the City's Street Functional Classification Map. A landscaped visual corridor is required along all collectors and arterials (as designated by the Transportation System Plan [TSP]) as well as Highway 99W. The required width of the corridor for collectors is ten (10) feet, arterials is fifteen (15) feet and Highway 99W is twenty-five (25) feet. **Any new formal development permits will require the developer to provide a landscaped visual corridor.** In all other developments (not residential), the visual corridor shall be on private property adjacent to the right-of-way. The site affects the following visual corridor roadways:

SW Tonquin Road is designated as Arterial roadway on the TSP and a 15-foot landscaped visual corridor will be required along their frontage.

8. **Landscaping**, particularly visual corridors, perimeter buffer, and parking area landscaping will be

required in accordance with **Chapter 16.92**.

9. **Off-Street Parking** (Chapter 16.94) and **On Site Circulation** (Chapter 16.96) – the proposed development must comply with the requirements. Parking counts were reflected on the site plan, but building use was not identified and staff could not determine if off-street parking requirements are satisfied.
10. **Solid Waste and Recycling Storage** (Section 16.98.020) – The preliminary plans must identify all storage and address the required criteria. Staff recommends early coordination with Pride Disposal regarding their specific requirements/standards that must also be satisfied. See Pride Waste Disposal / Enclosure Requirements handout.
11. The development will need to comply with **Chapter 16.142, Parks, Trees, and Open Space**. New developments are required to achieve minimum canopy requirements, and may be required to inventory any existing trees. **Industrial development has a 30% tree canopy requirement.**
12. The development must comply with **Chapter 16.132, Environmental Resources**. The applicant will need to contact Clean Water Services (CWS) and obtain a Service Provider Letter.
13. The development must comply with **Chapter 16.144, Wetlands, Habitat, and Natural Areas**. Our mapping system identified several natural resources on site. The applicant must comply with Chapter 16.144 along with Clean Water Services requirements.

The Code allows flexibility in development standards in exchange for the protection of sensitive lands as outlined in this Chapter. For example, qualifying developments may be allowed to reduce lot sizes up to 10% and reduce setbacks up to 30% (see Section 16.144.030). These provisions can be utilized when an equal amount of inventoried resource above and beyond that already required to be protected is held in a public or private open space tract or otherwise protected from further development.

14. Please refer to the City of Sherwood (COS) Engineering Comments for information regarding the availability of water, sanitary sewer, stormwater, transportation, and other public facilities (**Division VI. Public Infrastructure**). Below are some key points.
 - CWS Hydromodification
 - Water service for fire protection
 - Sanitary service
 - Abandon both water well and septic system
15. **Washington County, Land Use & Transportation** – SW Tonquin Road is owned and maintained by Washington County. Below are key points identified by Washington County. Contact Naomi Vogel at 503-846-7639 with further questions.
 - ROW dedication – 45 feet from centerline of Tonquin. ROW or public easement needed for Regional Trail.
 - Half-street improvement – pavement, bike lane, gutter/curb, street lighting, planter strip with street trees and sidewalk (per city widths). Regional trail location/width per City.
 - TIA – in addition to City requirements include analysis for access to Tonquin (spacing from Oregon St intersection), sight distance analysis (based on 55 MPH), 10% impact to

intersection(s) within study area, left-turn lane/queuing needs/other lanes (RT decel) and truck turning templates. Refer to R&O 86-95 for report requirements.

- Access will need to request a design exception to the Arterial access standards (refer to TIA requirements). The same requirements as an AMP (County Code).
- Include circulation and access for other parcels to/from Tonquin. Other public street access will be problematic due to the spacing from the intersection with Oregon Street. As Bob noted, Oregon/Tonquin intersection is on the RTP list (#10590).

16. **Building Division and Tualatin Valley Fire & Rescue** reviewed the proposed development and identified the following items:

- The proposed industrial buildings will need **Fire Sprinklers and Fire Alarms**.
- An **enhanced Radio transmitter** will be required for all buildings over 50,000 square feet to assist with radio frequency or pay a fee in lieu.
- Please see Tualatin Valley Fire & Rescue for additional comments.

Since limited structural building information was submitted, the City of Sherwood Building Department has no further comments at this time. Proposed structures must meet current State of Oregon Building Codes.

17. A separate permit is required for all permanent signs per SZCDC **Chapter 16.102- SIGNS**. Sign permits may be applied for through the Sherwood Building Department. Temporary sign permits are issued through the Sherwood Planning Department.
18. Based on the **Ice Age Tonquin Trail Master Plan**, your site has been identified with the Preferred Alignment for the regional trail (see attached Map 13 and Tile 7). The trail will be required as part of any proposed development.

APPLICABLE CODE CRITERIA

(These sections **must** be addressed in the narrative submitted with the land use application)

<input checked="" type="checkbox"/> 16.31 (Division II Zoning District)	<input checked="" type="checkbox"/> 16.92 (Landscaping)	<input type="checkbox"/> 16.122 (Land Partitions)
<input type="checkbox"/> 16.40 (Planned Unit Development)	<input checked="" type="checkbox"/> 16.94 (Off-Street Parking and Loading)	<input type="checkbox"/> 16.124 (Property Line Adjustments and Lot Consolidations)
<input type="checkbox"/> 16.44 (Townhomes)	<input checked="" type="checkbox"/> 16.96 (On-Site Circulation)	<input type="checkbox"/> 16.134 (Flood Plain Overlay)
<input type="checkbox"/> 16.46 (Manufactured Homes)	<input checked="" type="checkbox"/> 16.98 (On-Site Storage)	<input checked="" type="checkbox"/> 16.142 (Parks, trees, and Open Space)
		<input checked="" type="checkbox"/> 16.144 (Wetland, Habitat and Natural Areas)
<input type="checkbox"/> 16.48 (Non-Conforming Uses)	<input type="checkbox"/> 16.102 (Signs)	<input checked="" type="checkbox"/> 16.146 (Noise)
<input type="checkbox"/> 16.50 (Accessory Uses)	<input checked="" type="checkbox"/> 16.106 (Transportation Facilities)	<input checked="" type="checkbox"/> 16.148 (Vibrations)
<input type="checkbox"/> 16.80 (Plan Amendments)	<input type="checkbox"/> 16.106.030(D) (Additional Setbacks)	<input checked="" type="checkbox"/> 16.150 (Air Quality)
<input checked="" type="checkbox"/> 16.82 (Conditional Uses)	<input checked="" type="checkbox"/> 16.108.040.D (Clear Vision Areas)	<input checked="" type="checkbox"/> 16.152 (Odors)
<input type="checkbox"/> 16.86 (Variances)		<input checked="" type="checkbox"/> 16.154 (Heat and Glare/Lighting)

— 16.88 (Interpretation of Similar Uses)
X 16.90 (Site Planning)

X 16.112 (Water Supply)
X 16.114 (Storm Water)
X 16.116 (Fire Protection)
— 16.118 (Private Improvements)
— 16.120 (Subdivisions)

X 16.156 (Energy Conservation)
— 16.162 (Old Town Overlay District)
— 16.166 (Landmark Designation)
— 16.168 (Landmark Alteration)

PROCEDURES

- Annexation, Type V – Hearing authority is the City Council (typically two hearings) with appeal opportunity to the Land Use Board of Appeals.

Once annexation into the city limits is complete, the following reviews can be proceed:

- Site Plan Review, Type IV – Site Plans – greater than 40,000 square feet of floor area, parking or seating capacity. The Planning Commission will conduct the hearing and render the final decision. Any appeals will be heard by the City Council.
- Conditional Use Permit, Type III – the Conditional Use Permit will be processed concurrently with the Site Plan Type IV Review.
- Final Site Plan Review, Type I (once a preliminary land use decision has been rendered).

FEES

Fees from July 1, 2019 (subject to change July 1, 2020)

CONFIRM FEES WITH STAFF PRIOR TO SUBMITTAL. WE WILL HELP YOU TO CALCULATE THE FEES.

- Annexation, Type V - \$7,500 deposit (applicant pays 100% of actual expenses including staff time and any balance owing is due within 30-days from the final annexation invoice date.)

And

- Site Plan Review, Type IV - \$6,577.41 + \$7,650 (additional \$102 for every 10,000 square feet or portion thereof over the first 15,000 square feet of building area) = \$14,227.41 plus
- Conditional Use Permit with concurrent review, Type III - \$2,190.04 plus
 - o Publication/distribution of Type IV Notice \$466
- Final Site Plan Review, Type I - \$699.15

APPLICATION SUBMITTAL PROCESS FOR LAND USE REVIEWS – Note, Annexation Applications have different application submittal requirements.

The following materials must be submitted with your land use application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

3 * copies of Application Form completely filled out and signed by the property owner (or person with authority to make decisions on the property).

Copy of Deed to verify ownership, easements, etc.

CWS Service Provider Letter.

At least 3 * folded sets of plans

At least 3 * sets of narrative addressing application criteria. The narrative provides findings based on the applicable approval standards. Failure to provide a narrative or adequately address criteria would be reason to consider an application incomplete and delay review of the proposal. The applicant should review the code for applicable criteria.

Fee (along with calculations utilized to determine fee if applicable)

Signed checklist verifying submittal includes specific materials necessary for the application process

Neighborhood Meeting Verification including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

PDF Electronic version of all submittal items broken down by item on a disc. Not a single PDF

* **Note** that the required number of copies must be submitted when the application is deemed complete; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, required number of copies and one updated full electronic copy will be required to be submitted.

TIME LINE

The Planning Department will perform a preliminary review of the application and will determine whether an application is complete within 30 days of the counter submittal. Staff will notify the applicant if additional information or additional copies of the submitted materials are required.

The administrative decision or public hearing will typically occur approximately 45 to 60 days after an application is deemed complete by the Planning Department. Applications involving difficult or protracted issues or requiring review by other jurisdictions may take additional time to review. Written recommendations from the Planning staff are issued seven (7) days prior to the public hearing. A 14-day public appeal period follows all land use decisions.

Planning Staff Contact: Joy L. Chang, (503)625-4214 changj@sherwoodoregon.gov

RESPONSES TO QUESTION FROM THE APPLICANT

1. Please confirm if the proposed contractor's establishment use would be considered a contractor's storage and equipment yard and any potential concerns regarding the viability of obtaining a conditional use permit for that use in the EI zoning district. ***This proposal would be considered a Contractor's Storage and Equipment Yard. Potential concerns regarding the viability of obtaining a Conditional Use Permit in the Tonquin Employment Area, Employment Industrial Zone would only be allowed on constrained land. Furthermore, all Conditional Use Permit approval criteria must also be satisfied.***

2. Please identify any and all public infrastructure improvements that will be required on or adjacent to the site and if any of these improvements can be deferred, through an annexation agreement or other means, until such point in time when a long-term industrial employment use is established on the property. **See *Engineering Comments*.**

3. Please confirm if there are any city-mapped natural resource features on the site that would need to be addressed with the site development process and what the process would be to allow impacts, if any. ***The site is within the Tonquin Scabland Geologic Area. The City also relies on Metro Natural Resource mapping and the site shows upland and riparian habitats.***

4. Please confirm the anticipated City review timelines for the annexation. ***Once an application is deemed complete, an annexation decision would typically be rendered within 2-3 months. This would allow for required notification and two City Council hearings.***

5. Please confirm if a site plan review application is required to allow the full extent of grading anticipated in conjunction with the contractor's establishment use. **Yes**

6. Please confirm any special studies that would be required with the annexation and site development applications. ***No special studies are required with the annexation. However, the following are needed for Site Development:***
 - Traffic Impact Analysis
 - Stormwater Report
 - Geotech Report for half-street improvements

7. Please confirm the agency review fees for the applicable applications. ***Noted above, but does not include any building review fees.***

8. Please confirm the system development charges that would apply to the proposed contractor's establishment use. **See *Engineering Comments*.**

Engineering Pre-Application Comments



To: Joy Chang, Senior Planner
From: Bob Galati P.E., City Engineer
Project: Tonquin Road Site Development (PAC 20-03)
Date: February 6, 2020

Engineering staff have reviewed the proposed site development submittal information. All final approved construction plans will need to conform to the design and construction standards established by the City of Sherwood's Engineering and Public Works Departments, Washington County Department of Land Use and Transportation (WACO), Clean Water Services (CWS), Tualatin Valley Fire and Rescue (TVF&R), in addition to other jurisdictional agencies which may provide land use comments. The City of Sherwood Engineering Department review comments are as follows:

General Observations

The proposed site development consists of two tax lots (2S1330000100 and 2S1330000400) located along the east side of SW Tonquin Road approximately 350' south of the intersection of SW Tonquin Road and SW Oregon Street. TL# 2S1330000100 is 8.17 acres in size, and TL# 2S1330000400 is 20.0 acres in size. The total site development area is 28.17 acres.

Transportation Comments

TL#100 fronts SW Tonquin Road. The WACO TSP shows SW Tonquin Road as a 2-lane arterial classification, and the Metro RTP classifying it as a Rural Arterial. WACO ISPIRIT survey information shows SW Tonquin Road within a 40-foot right-of-way.

As SW Tonquin Road is under WACO jurisdictional control, access improvements from the site onto SW Tonquin Road will have to meet WACO design standards for sight distance. WACO review comments are as follows:

1. ROW dedication – 45-feet from centerline of Tonquin ROW or public easement needed for Regional Trail.
2. Half-street improvement – pavement, bike lane, gutter/curb, street lighting, planter strip with street trees, and sidewalks (per City widths). Regional trail location/width per City.
3. TIA – in addition to City requirements include analysis for access to Tonquin (spacing from Oregon Street intersection), sight distance analysis (based on 55 mph), 10% impact to intersection (s) within study area, left-turn lane/queuing needs/other lanes (right-turn deceleration) and truck turning templates. Refer to R&O 86-95 for report requirements.
4. Access will need to request a design exception to the Arterial access standards (refer to TIA requirements). The same requirements as an AMP (WACO Code).
5. Include circulation and access for other parcels to/from Tonquin. The other public street access will be problematic due to the spacing from the intersection with Oregon Street. Oregon/Tonquin intersection is on the RTP list (#10590).

Project: Tonquin Road Site Development (PAC 20-03)
Date: February 6, 2020
Page: 2 of 4

Frontage improvements of the SW Tonquin Road would conform with City of Sherwood Municipal Code Sections 16.106.010 through 16.106.090.

City of Sherwood required frontage improvements for a 2-lane arterial classification roadway include the following items:

1. 64-foot right-of-way, which means a 32-foot right-of-way width from the existing right-of-way centerline. Development may be required to dedicate the difference between the existing and proposed ROW of approximately 12-feet.
2. Pavement width from centerline of the ROW to face of curb would be 18-feet.
3. Planter strip with a width of 5-feet
4. An 8-foot wide sidewalk
5. A 1-foot clear space between back of sidewalk and ROW line..
6. An 8-foot wide PUE measured from ROW line.
7. And a 25-foot wide visual corridor measured from the ROW line.
8. Street lighting along the Tonquin Road frontage would be Cobrahead Street lights at an appropriate spacing.
9. Street trees within planter strip.

TL#400 is an isolated lot which does not have direct connection to Tonquin Road. The application may be required to provide a public residential road section from Tonquin Road to TL#400. The City's standard residential roadway section includes the following requirements:

1. 52-foot wide right-of-way with a 28-foot wide face of curb to face of curb paved width.
2. Two 5-foot wide planter strips
3. Two 6-foot wide sidewalks
4. Two 1-foot clear space between back of sidewalk and ROW line.
5. 8-foot wide PUE as measured from ROW on all public street frontage.
6. Street trees
7. Street lighting, Westbrooke style on residential/local roads.

A TIA may be required to determine impacts to the intersection of Oregon Street and Tonquin Road, and the roundabout of Oregon Street and Murdock Road (MC Section 16.106.080). The following critical data identifies an issue with the intersection of Oregon Street and Tonquin Road, and in the opinion of the City Engineer justifies the request for a TIA.

1. The intersection of Tonquin Road and Oregon Street is listed in the Metro 2035 RTP (Project No. 10674) as a CIP based on limited capacity and safety.
2. The intersection of Tonquin Road and Oregon Street is listed in the City TSP as a CIP based on limited capacity and safety.
3. The intersection of Tonquin Road and Oregon Street is listed in the WACO 2014 TSP Project List (Oregon-Tonquin Roundabout) as a CIP based on capacity and safety.

Per Section 16.106.080.B a TIA may be required to be submitted to the City with a land use application at the request of the City Engineer or if the proposal is expected to involve one or more of the subsections of Section 16.106.080.B (1) through (6).

Project: Tonquin Road Site Development (PAC 20-03)
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The results of the TIA may be used to determine a proportionate share improvement cost of impact to the Oregon Street and Tonquin Road intersection.

Sanitary Sewer System Comments

TL#100 fronts directly onto SW Tonquin Road and is located approximately 365' south of the nearest public sanitary sewer system infrastructure. TL#400 abuts along TL#100 along its east property line. From public records, it does not appear that TL#400 has any direct access to a public corridor, by which extension of the public sanitary sewer systems could be achieved to provide public service.

A public sanitary sewer mainline extension down Tonquin Road and through TL#100 may be required as part of the site development process.

Water System Comments

TL#100 fronts directly onto SW Tonquin Road and is located approximately 365' south of the nearest public water system infrastructure. TL#400 abuts along TL#100 along its east property line. From public records, it does not appear that TL#400 has any direct access to a public corridor, by which extension of the public water systems could be achieved to provide public service.

A public water system mainline extension down Tonquin Road and through TL#100 may be required as part of the site development process.

Stormwater System Comments

TL#100 fronts directly onto SW Tonquin Road and is located east of and adjacent to the Rock Creek wetland and stream corridor. TL#400 abuts along TL#100 along its east property line. From public records, it does not appear that TL#400 has any direct access to a public corridor, by which extension of the public stormwater systems could be achieved to provide public service.

A public stormwater system mainline extension across Tonquin Road and through TL#100 may be required as part of the site development process.

The site development submittal would need to include a stormwater report stamped by a registered civil engineer in the State of Oregon, which provides design data for collection, conveyance, treatment, detention, and discharge of on-site stormwater runoff in conformance with CWS standards.

Since both TL#100 and TL#400 are more than 5 acres in size, and the apparent disturbed area is a significant portion of both sites, it can be anticipated that an DEQ NPDES 1200-C permit, issued by CWS will need to be obtained.

The stormwater report and system design will need to meet the requirement established by CWS for hydromodification.

Other Engineering Miscellaneous Comments

- A. An "As-Built Request" form is available on the City of Sherwood website for obtaining as-built information and documents. A fee is associated with the As-Built Request.
- B. City of Sherwood MC standards require an 8-foot wide Public Utility Easement (PUE) along all dedicated right-of-way.
- C. Site developments which create a surface area impact of 5 or more acres will require obtaining an NPDES 1200-C permit from CWS. For surface area impacts of between 1 and 5

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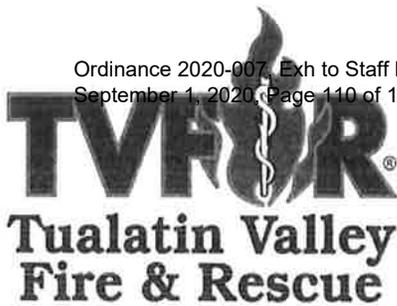
acres, an NPDES 1200-CN permit will need to be obtained through the City of Sherwood. Surface area impacts of less than 1 acre will only require a site grading and erosion control permit issued from the City of Sherwood Building Department.

- D. As part of the Land Use submittal requirements, the applicant must submit a Site Pre-Screening Assessment request to CWS, and provide the City with a copy of the Service Provider Letter (SPL) issued by CWS for the site development. Final site development approval will require a Stormwater Connection Permit being issued from CWS for the proposed site development.
- E. Permits for demolition of any existing structures located on the proposed site development, will be obtained from the City of Sherwood Building Department. Permit fees for the demolition permit will be apply.
- F. City of Sherwood Broadband utilities shall be installed (if not in existence) along the proposed site development frontage along all public street right-of-way, as per requirements set forth in City Ordinances 2005-017 and City Resolution 2005-074.
- G. A draft estimate of City SDCs, CWS SDCs and WACO TDT, has been provided as part of this review, if the application has provided sufficient development information to conduct such estimate. If provided, the estimate will list the assumptions made in the calculations. If certain SDCs have been left undefined it is because there is not sufficient information to provide said estimate amount. NOTE: SDC/TDT estimate amounts are based on assumptions and SDC/TDT rates current at the time the estimate was created. Final authorized SDC/TDT fee amounts will be calculated at the time building permits are issued, and may vary significantly from the estimate amount provided with these review comments.

End of Comments

Disclaimer

The comments provided above are initial in nature and in no way binding as to what the conditions may or may not be imposed on the development due to the City of Sherwood Land Use approval process.



January 24, 2020

Joy Chang
Senior Planner
City of Sherwood
22560 SW Pine Street
Sherwood, Oregon 97140

Re: Tonquin Rd Annexation
Tax Lot I.D: 2S133BB00100, 2S1330000400

Dear Joy,

Thank you for the opportunity to review the proposed site plan surrounding the above-named development project. These notes are provided regarding the pre-application meeting held on January 23, 2020 and are based on the current New Construction Guide version 4.2C. There may be more or less requirements needed based upon the final project design, however, Tualatin Valley Fire & Rescue will endorse this proposal predicated on the following criteria and conditions of approval.

FIRE APPARATUS ACCESS:

1. **FIRE APPARATUS ACCESS ROADS:** Access roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction. **Exception:** Approved agricultural and equine structures complying with ORS 455.315 are not required to have fire apparatus access roads (see New Construction Guide Appendix C). Access roads are not required to be modified for commercial buildings that undergo a change in occupancy, change in use, or conversion from agricultural or equine exempt to non-exempt unless there is a change to the structure's square footage or building footprint. (OFC 503.1.1)
2. **FIRE ACCESS ROAD DISTANCE FROM BUILDINGS:** The access shall extend to within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. (OFC 503.1.1)
3. **DEAD ENDS AND ROADS IN EXCESS OF 150 FEET (TURNAROUNDS):** Dead end fire apparatus access roads or roads in excess of 150 feet in length shall be provided with an approved turnaround. Diagrams of approved turnarounds can be found in the corresponding guide that is located at <http://www.tvfr.com/DocumentCenter/View/1296>. (OFC 503.2.5 & Figure D103.1)
4. **ADDITIONAL ACCESS ROADS – COMMERCIAL/INDUSTRIAL HEIGHT:** Buildings exceeding 30 feet in height or three stories in height shall have at least two separate means of fire apparatus access. (D104.1)

If buildings will exceed 30ft in height this requirement will apply.

5. **AERIAL FIRE APPARATUS ROADS:** Buildings with a vertical distance between the grade plane and the highest roof surface that exceeds 30 feet in height shall be provided with a fire apparatus access road constructed for use by aerial apparatus with an unobstructed driving surface width of not less than 26 feet. For the purposes of this section, the

highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet walls, whichever is greater. Any portion of the building may be used for this measurement, provided that it is accessible to firefighters and is capable of supporting ground ladder placement. (OFC D105.1, D105.2)

If buildings will exceed 30ft in height this requirement will apply.

6. **AERIAL APPARATUS OPERATIONS:** At least one of the required aerial access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial access road is positioned shall be approved by the Fire Marshal. Overhead utility and power lines shall not be located over the aerial access road or between the aerial access road and the building. (D105.3, D105.4)

If buildings will exceed 30ft in height this requirement will apply.

7. **MULTIPLE ACCESS ROADS SEPARATION:** Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the area to be served (as identified by the Fire Marshal), measured in a straight line between accesses. (OFC D104.3)

If buildings will exceed 30ft in height this requirement will apply.

8. **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1)) and an unobstructed vertical clearance of not less than 13 feet 6 inches. (OFC 503.2.1 & D103.1)
9. **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)

May be required in certain areas.

10. **NO PARKING:** Parking on emergency access roads shall be as follows (OFC D103.6.1-2):
1. 20-26 feet road width – no parking on either side of roadway
 2. 26-32 feet road width – parking is allowed on one side
 3. Greater than 32 feet road width – parking is not restricted
- Note:** For specific widths and parking allowances, contact the local municipality.
11. **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red (or as approved) and marked "NO PARKING FIRE LANE" at 25 foot intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background (or as approved). (OFC 503.3)
12. **FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS:** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet and shall extend 20 feet before and after the point of the hydrant. (OFC D103.1)
13. **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested. (OFC 503.2.3)

14. **TURNING RADIUS:** The inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & D103.3)

Indicate turning radius on plans. The use of Auto-Turn is allowed.

15. **ACCESS ROAD GRADE:** Fire apparatus access roadway grades shall not exceed 15%. Alternate methods and materials may be available at the discretion of the Fire Marshal (for grade exceeding 15%).

Indicate grade on plans.

16. **ANGLE OF APPROACH/GRADE FOR INTERSECTIONS:** Intersections shall be level (maximum 5%) with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)

17. **AERIAL APPARATUS OPERATING GRADES:** Portions of aerial apparatus roads that will be used for aerial operations shall be as flat as possible. Front to rear and side to side maximum slope shall not exceed 10%.

18. **GATES:** Gates securing fire apparatus roads shall comply with all of the following (OFC D103.5, and 503.6):

1. Minimum unobstructed width shall be not less than 20 feet (or the required roadway surface width).
2. Gates shall be set back at minimum of 30 feet from the intersecting roadway or as approved.
3. Electric gates shall be equipped with a means for operation by fire department personnel
4. Electric automatic gates shall comply with ASTM F 2200 and UL 325.

19. **ACCESS DURING CONSTRUCTION:** Approved fire apparatus access roadways shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. Temporary address signage shall also be provided during construction. (OFC 3309 and 3310.1)

20. **TRAFFIC CALMING DEVICES:** Shall be prohibited on fire access routes unless approved by the Fire Marshal. (OFC 503.4.1). Traffic calming measures linked here: <http://www.tvfr.com/DocumentCenter/View/1578>

FIREFIGHTING WATER SUPPLIES:

21. **COMMERCIAL BUILDINGS – REQUIRED FIRE FLOW:** The minimum fire flow and flow duration shall be determined in accordance with OFC Table B105.2. The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi residual. (OFC B105.3)

Note: OFC B106, Limiting Fire-Flow is also enforced, except for the following:

- The maximum needed fire flow shall be 3,000 GPM, measured at 20 psi residual pressure.
- Tualatin Valley Fire & Rescue does not adopt Occupancy Hazards Modifiers in section B105.4-B105.4.1

Provide construction type in order to determine required fire flow.

22. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B)

Provide documentation of fire hydrant flow test or modeling.

23. **WATER SUPPLY DURING CONSTRUCTION:** Approved firefighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 3312.1)

FIRE HYDRANTS:

24. **FIRE HYDRANTS – COMMERCIAL BUILDINGS:** Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. (OFC 507.5.1)
- This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system.
 - The number and distribution of fire hydrants required for commercial structure(s) is based on Table C105.1, following any fire-flow reductions allowed by section B105.3.1. Additional fire hydrants may be required due to spacing and/or section 507.5 of the Oregon Fire Code.
25. **FIRE HYDRANT(S) PLACEMENT:** (OFC C104)
- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants. (OFC 507.5.1)
 - Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the Fire Marshal.
 - Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets may be considered when approved by the Fire Marshal.
 - Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the Fire Marshal.
- Indicate on plans the location of proposed fire hydrants.
26. **PRIVATE FIRE HYDRANT IDENTIFICATION:** Private fire hydrants shall be painted red in color. Exception: Private fire hydrants within the City of Tualatin shall be yellow in color. (OFC 507)
- If system will be private and a storage tank is proposed then it will need to be sized and installed as per NFPA 24 and NFPA 22. If connecting tanks to fire hydrants then a fire pump maybe be required in order to achieve adequate pressure.
27. **FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:** Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway unless approved by the Fire Marshal. (OFC C102.1)
28. **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of blue reflective markers. They shall be located adjacent and to the side of the center line of the access roadway that the fire hydrant is located on. In the case that there is no center line, then assume a center line and place the reflectors accordingly. (OFC 507)
29. **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6 & OFC 312)
30. **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)
31. **FIRE DEPARTMENT CONNECTION (FDC) LOCATIONS:** FDCs shall be located within 100 feet of a fire hydrant (or as approved). Hydrants and FDC's shall be located on the same side of the fire apparatus access roadway or drive aisle, fully visible, and recognizable from the street or nearest point of the fire department vehicle access or as otherwise approved. (OFC 912.2.1 & NFPA 13)

- Fire department connections (FDCs) shall normally be located remotely and outside of the fall-line of the building when required. FDCs may be mounted on the building they serve, when approved.
- FDCs shall be plumbed on the system side of the check valve when sprinklers are served by underground lines also serving private fire hydrants.

Indicate on plans location of FDC's.

BUILDING ACCESS AND FIRE SERVICE FEATURES

32. **KNOX BOX:** A Knox Box for building access may be required for structures and gates. See Appendix B for further information and detail on required installations. Order via www.tvfr.com or contact TVF&R for assistance and instructions regarding installation and placement. (OFC 506.1)

A knox box will be required for each building.

33. **FIRE PROTECTION EQUIPMENT IDENTIFICATION:** Rooms containing controls to fire suppression and detection equipment shall be identified as "Fire Control Room." Signage shall have letters with a minimum of 4 inches high with a minimum stroke width of 1/2 inch, and be plainly legible, and contrast with its background. (OFC 509.1)

Label door as indicated above.

34. **PREMISES IDENTIFICATION:** New and existing buildings shall have approved address numbers; building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property, including monument signs. These numbers shall contrast with their background. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. (OFC 505.1)

Provide address sign at main entrance.

If you have questions or need further clarification, please feel free to contact me at 503-259-1419.

Sincerely,



Tom Mooney
Deputy Fire Marshal II

Thomas.mooney@tvfr.com

Cc: File
City of Sherwood

A full copy of the New Construction Fire Code Applications Guide for Commercial and Multi-Family Development is available at <http://www.tvfr.com/DocumentCenter/View/1296>

Tonquin Employment Area Concept Plan: Preferred Concept Plan Report

October 2010

Final Report



9. *Encourage future development designs that are sensitive to the existing natural features of the area and support development proposals that incorporate, preserve, and enhance natural features.*

Implementation

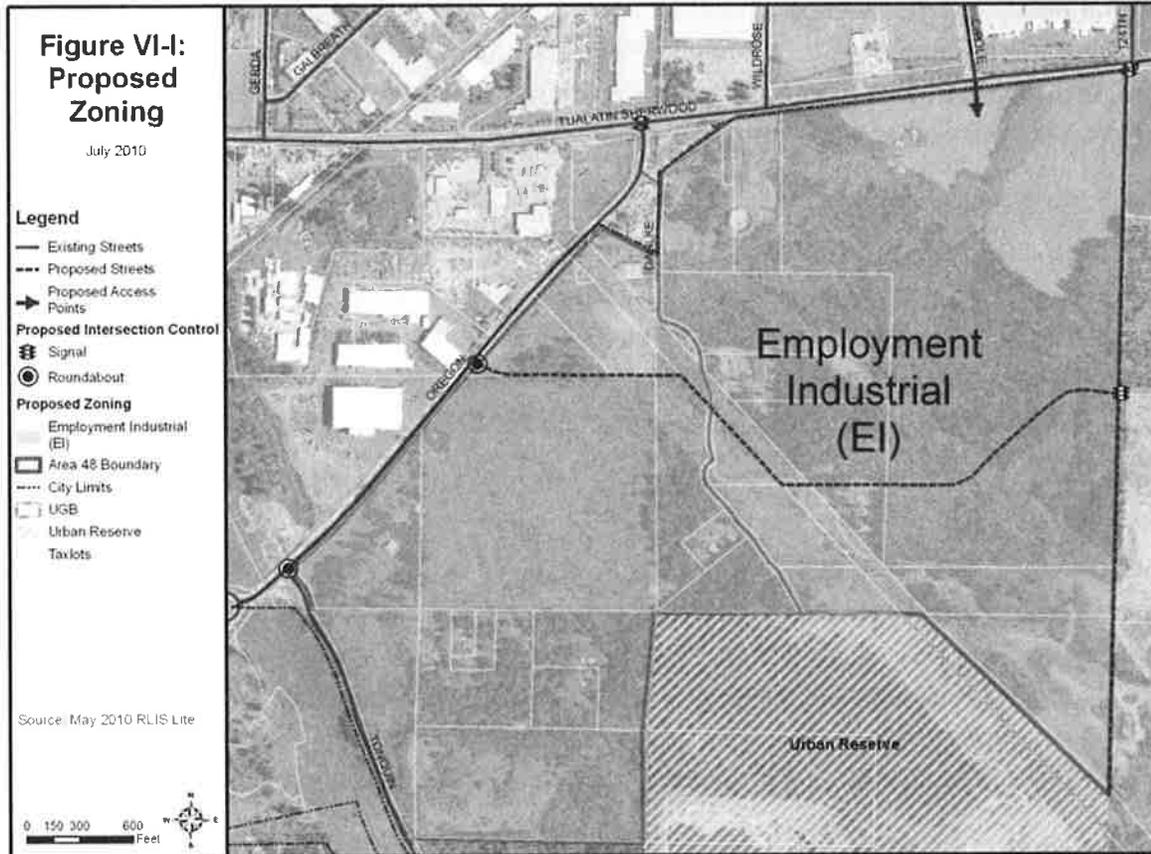
1. *The City of Sherwood shall amend the Zoning and Community Development Code to include an Employment Industrial zone that implements the goals and policies in this section.*
2. *The Employment Industrial zone may be applied only to those properties within city limits, or upon their annexation to the city.*

VI. Zoning Code Requirements

A proposed new chapter for the City of Sherwood Zoning and Development Code has been developed in order to implement the Tonquin Employment Area Preferred Concept Plan. Specifically, the Employment Industrial (EI) zone (Appendix B) is intended to implement the city's development strategies for the Tonquin Employment Area. While supportive of economic growth, the EI zone is targeted to support the type of employment opportunities envisioned for the Tonquin Employment Area when it was included in the Urban Growth Boundary. As described below, the zone is intended to promote preferred industry sectors that the city has targeted in its Economic Development Strategy, as reflected in the proposed Comprehensive Plan policies in Section V.B of this report. At the same time, the zone restricts uses that would impede or be inconsistent with the types of employment uses targeted for the area. The EI zone also implements the land division requirements of Metro's Title 4. Figure VI-1 shows the application of the EI zone to the Tonquin Employment Area.



Figure VI-1: Proposed Zoning



Guidance for the development of the Employment Industrial (EI) zone came from the participants in a Tonquin Employment Area Economic Development Meeting, November 2009, discussing the topic of future employment uses in the area. Participants included key members of the Tonquin Employment Area Concept Plan development team, Tom Nelson, the City's Economic Development Manager, and commercial real estate brokers. Additional input from City staff refined the approach and resulted in the proposed draft EI zone chapter.

The model for the draft Employment Industrial (EI) zone chapter is the city's existing Light Industrial zone. The EI zone is distinguishable from the city's existing LI zone by the new zone's purpose statement, the permitted uses, and dimensional standards addressing the retention of a large (50 acre) parcel. The following purpose statement has been drafted for the EI zone that reflects the proposed policy language and emphasizes that areas with the EI zone designation are intended to be attractive to and suitable for key industries and the businesses that supply them.

Purpose

The EI zoning district provides employment areas that are suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the City's economic development strategy as important to the state and local economy. The following are preferred industry sectors for areas zoned EI: Clean Technology; Technology and Advanced Manufacturing; and Outdoor Gear and Active Wear.

Land zoned EI shall provide for large and medium-sized parcels for industrial campuses and other industrial sites that can accommodate a variety of industrial companies and related businesses. Areas zoned EI are also intended to provide the opportunity for flex building space within small- and medium-sized industrial campuses and business parks to accommodate research and development companies, incubator/emerging technology businesses, related materials and equipment suppliers, and or spin-off companies and other businesses that derive from, or are extensions of, larger campus users and developments. Retail and commercial uses are allowed only when directly supporting area employers and employees.

Industrial establishments and support services shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission.

Reflecting the conversation at the Tonquin Employment Area Economic Development Meeting, the challenge with regulating new employment areas can be characterized as the tension between aspirations, as described in the EI policies and reflected in the purpose statement, and the current, market-driven demand that exists today. In anemic growth periods such as exists today it is politically unpopular to deny permitting any business or industry that brings employment opportunities. However, permitting uses that do not fulfill long-term economic



development objectives may result in short-term employment gains but future land uses that hinder or preclude the identified desired industries. The intent of the proposed EI zone is to provide a unique place for emerging technologies and for the possibility of synergistic clusterings of similar uses, while at the same time allowing for more traditional light industrial uses that could be sited in, or compatibly among, industrial park or campus developments.

Consistent with the zone's purpose statement, uses associated with the three identified key industries are permitted outright. Through a conditional use permit process, uses that can be shown to be "consistent with, or a variation of" target industry uses will also be permitted. No other new uses have been included in the EI zone, but many LI permitted uses have been modified to better meet the objectives of the new employment area(s). Some uses that are permitted in the LI zone are not recommended for the EI zone because they are not closely related to the targeted industries or are uses that have the potential to remove a large amount of buildable land from the available inventory without providing the type of employment envisioned for the EI designated-areas.

The city has recently modified both the Light Industrial (LI) and the General Industrial (GI) zone chapters to include Metro Title 4 limitations on commercial uses in industrial zones. The proposed EI zone also includes these requirements, but they are located in the standards, not the use, section of the chapter. In addition to standards that are identical to the existing LI zone, the EI zone includes provisions that apply to only the Tonquin Employment Area.

Finally, some additional definitions will need to be adopted to describe new terms in the EI zone. Draft definitions have been included at the end of the Employment Industrial (EI) Zone document for convenience, but ultimately should be incorporated into the definitions section of the Zoning and Community Development Code. Proposed definitions have been modified from definitions readily available via dictionary and industry-related internet sites.



ranging from hiking to active team sports. Both private and public lands may provide open space benefits. Privately owned land reduces recreational use pressure on public land. Certain uses of open space land such as the minimization of landslide potential on steep hillsides requires joint efforts by the city and private developer. A city's open space and recreation land resource is composed of both private and public lands which simultaneously serve a number of individual and community objectives.

Energy Sources

There are no developed energy sources within the Sherwood UGB. All fossil and wood fuels, and electricity generated by hydro and nuclear power, come from sources outside the city. There are however, unconventional energy sources available within Sherwood. These include solar and wind energy. Solar energy, in particular, holds promise as an alternative form of energy which could meet a significant amount of the energy demand for domestic space heating and water heating. The technology exists to take advantage of solar energy and wind energy for these purposes, and such use should be encouraged.

The following Table V-I is an inventory of the areas natural resources and open space, wetlands, parks and schools, historic and scenic resources. These areas are also identified on the Natural Resources and Recreation Plan Map, updated in 1990, (Map V-I).

B. ENVIRONMENTAL RESOURCES POLICY GOALS

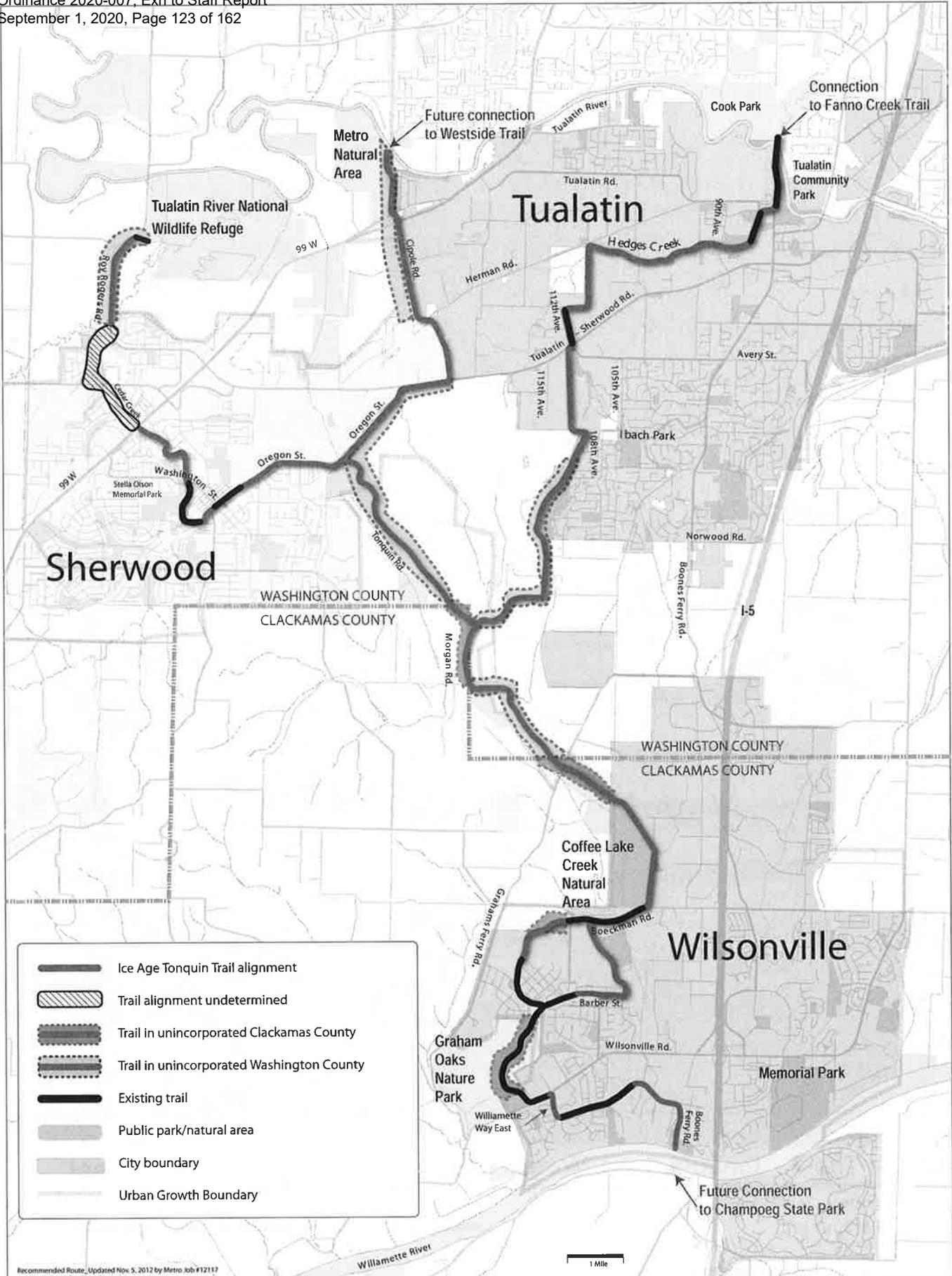
The following policy goals were the result of work by several Sherwood Citizen Planning Advisory Committee (SCPAC) subcommittees. The goals were reviewed and updated in 1989-1990. The goals and policies were further reviewed and updated in 2006 to implement the Tualatin Basin Program, a three year project undertaken by all the jurisdictions on urban Washington County to develop a basin wide approach to natural resource protection. The goals define the direction that resource management should take in the Sherwood Urban Area. The Goals, Policies and Strategies that follow relate to the resources identified on the Natural Resources and Recreation Plan Map and the inventory listed in Table V-1 and the Regionally Significant Fish and Wildlife Habitat Inventory (Map V-2) for properties located inside the Metro Urban Growth Boundary on or before December 28, 2005.

The following are the adopted planning goals for the Environmental Resources of Sherwood.

Planning Goals: Natural Resources and Hazards

1. Actually and potentially productive agricultural and forest land in the planning area should be preserved until the need for its conversion to urban uses can be demonstrated. The following factors should be considered in establishing the need for such conversion.
 - a. A documented need for additional land for the proposed urban use.
 - b. Generally, lands with poorer soils should be converted first.

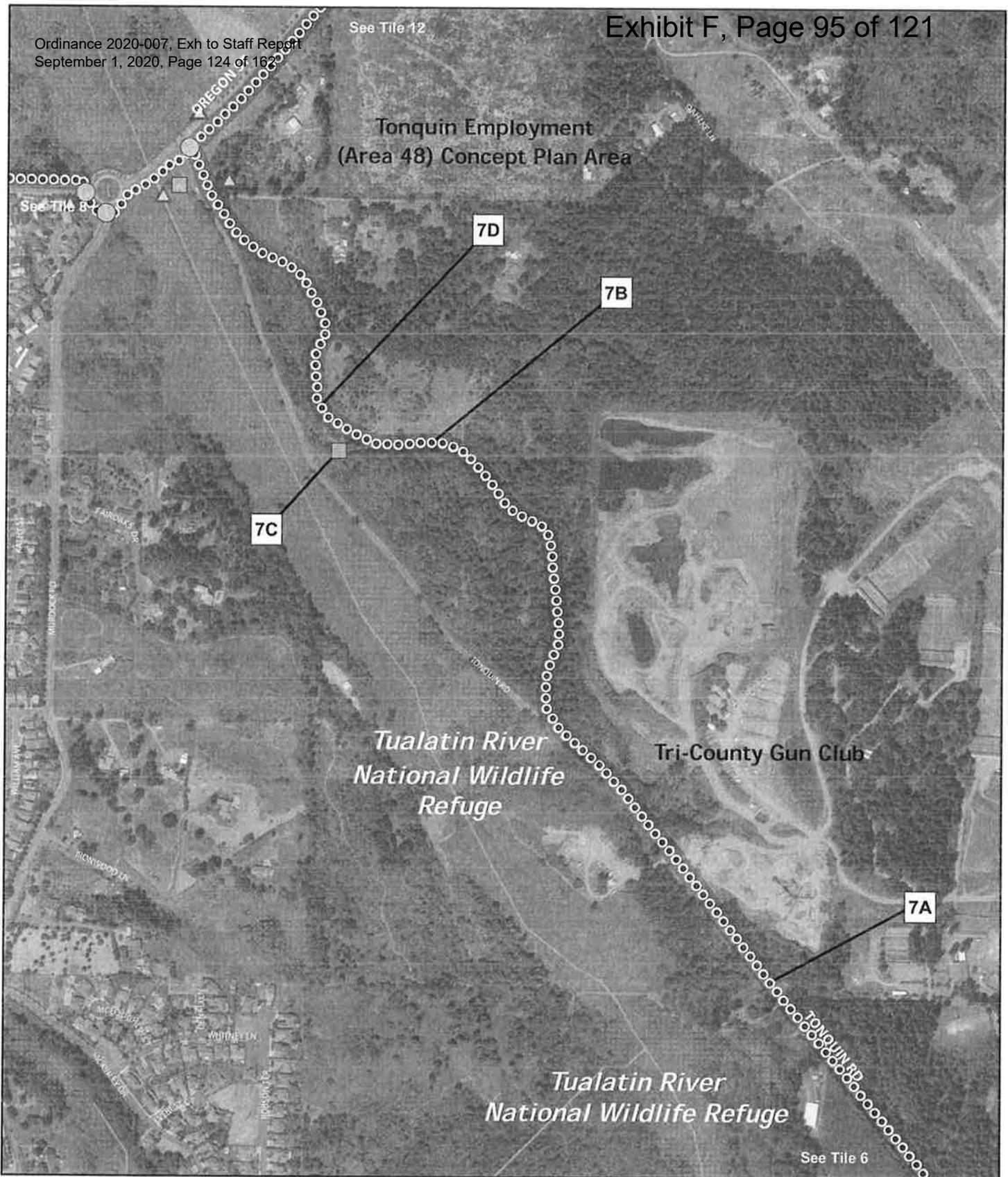
- c. The proposed use is or can be made compatible with adjacent agricultural and forest lands and uses. Low density buffer zones should be used in transition areas.
2. Incentives for the continuation of agricultural and forest uses on lands that are not needed for urban uses should be continued and/or developed.
3. The urban uses of wooded areas should be recognized and encouraged. They include:
 - a. Watershed protection of wildlife and fisheries habitat and recreation.
 - b. The prevention of soil erosion.
 - c. Urban buffers, windbreaks, scenic corridors, and site landscaping.
4. Limit land development in areas with known natural hazards, special topographic soil, or drainage characteristics according to the kind and degree of hazard or characteristic present.
 - a. Restrict the nature and intensity of development in:
 - 1) 100-year floodplains
 - 2) Areas with slopes which have slide or erosion potential.
 - 3) Areas with weak foundation soils.
 - 4) Wetlands
 - b. Natural hazards such as runoff from paving and soil slippage due to weak foundation soils that could result from new developments should be considered.
5. Protect fish and wildlife habitats and significant Natural Areas where feasible.
6. Protect mineral and aggregate sites where feasible and practical.



Map 5: Ice Age Tonquin Trail Route

Ice Age Tonquin Trail Master Plan

Source: Metro Data Resource Center



Map 13: Tile 7 - Tonquin Road/Morgan Road and Vicinity to Oregon Street

Ice Age Tonquin Trail Master Plan

Preferred Alignment

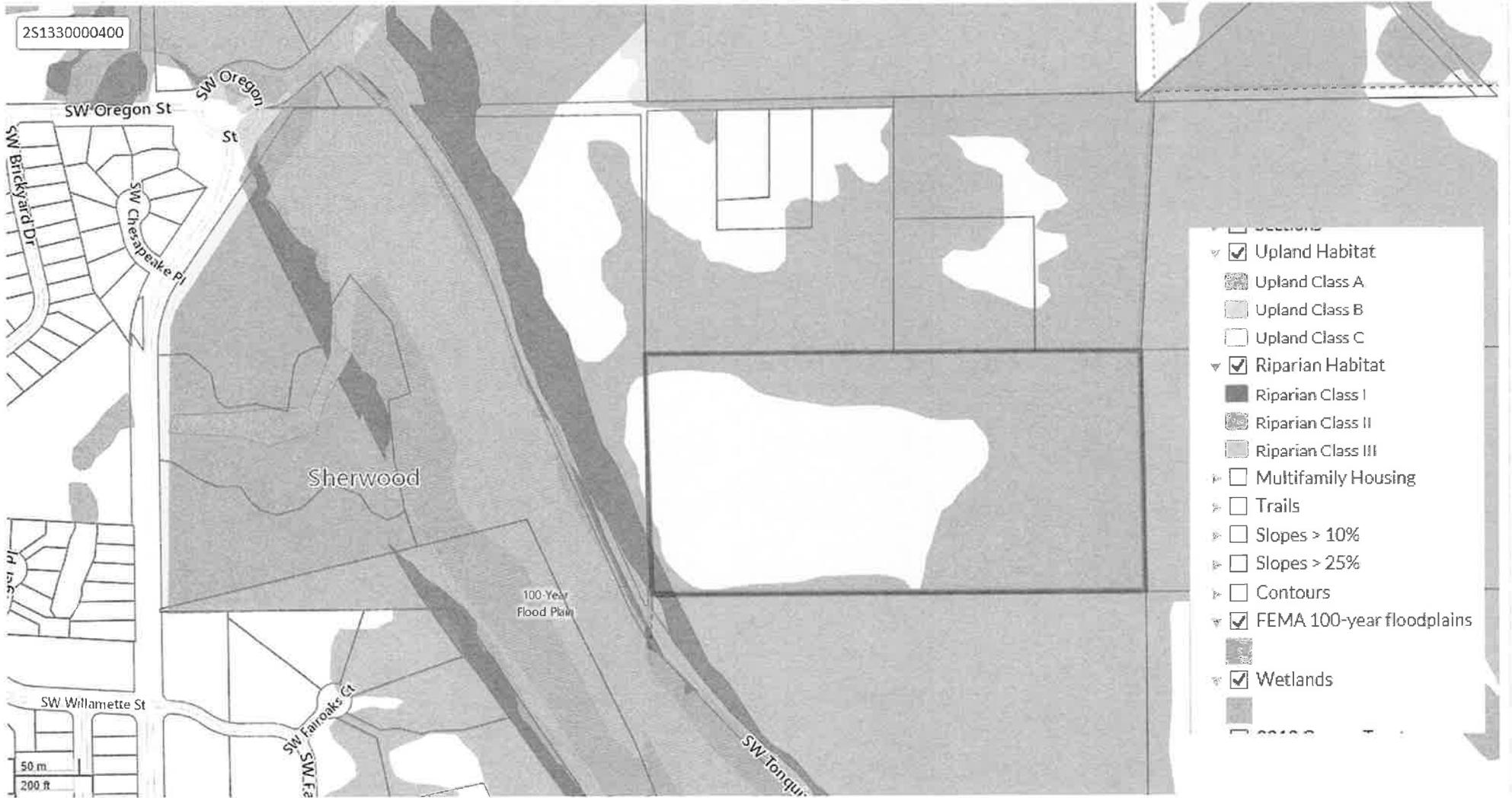
Source: Metro Data Resource Center



- | | | | |
|--|---|---|--|
| <p>Ice Age Tonquin Trail</p> <ul style="list-style-type: none"> — Existing Trail ••• Proposed Bike Lanes/Sidewalks ••• Proposed Boardwalk ••• Proposed Shared Roadway ••• Proposed Shared Use Path | <ul style="list-style-type: none"> □ Alignment Undetermined □ Potential Easement or Acquisition Needed — Existing Neighborhood Connection — Potential Future Connection Wetland Park or Natural Area River/Stream/Drainage Ditch | <ul style="list-style-type: none"> ○ Proposed Grade-Separated Crossing ○ Proposed At-Grade Crossing (Signalized) ○ Proposed At-Grade Crossing (Unsignalized) ▲ Potential Wayfinding Sign Location | <ul style="list-style-type: none"> □ Art, Educational or Interpretive Opportunity TH Proposed Trailhead P Existing Parking or Trailhead |
|--|---|---|--|

Table 8 - Tile 7: Tonquin Road/Morgan Road and Vicinity to Oregon Street

Reference # (see Tile 7 map)	Recommended Improvements and Opportunities
7A	Barrier separation needed between trail and Tonquin Road
7B	Trail alignment to follow bluff above Tonquin Road
7C	Potential Tualatin River National Wildlife Refuge art, educational or interpretive opportunity
7D	Trail alignment could follow existing unimproved roadway; final alignment to be determined in coordination with Sherwood's Tonquin Employment Area Concept Plan (which includes a future east-west road in this area)



Metro
 Data Resource Center
 600 NE Grand Ave, Portland, OR 97232
 503.797.1742 – drc@oregonmetro.gov

This Web site is offered as a public service, integrating various government records into a region-wide mapping system. The property assessment records are a multi-county integration of Clackamas, Multnomah and Washington County records. MetroMap blends each county's records into a common database on a quarterly basis. Therefore, to view each county's official records, go to their respective web sites or offices. The other MetroMap data are derived from city, county, state, federal and Metro sources. The metadata (data about the data) are included on this site, including the sources to be consulted for verification of the information contained herein. It describes some cases where Metro blends city and county records by generalizing the disparities. Metro assumes no legal responsibility for the compilation of multi-source government information displayed by Metro Map.



Waste Disposal / Enclosure Requirements Before Occupancy

- The enclosure must be 10 feet deep by 20 feet wide (2 commercial containers). Measurements given are for the inside walls of the enclosure.
- There should be NO CENTER POST AT ACCESS POINT.
- Gates need to be hinged in *front* of walls not inside the walls. This will allow for the extra 120-150 degrees in opening angle needed.
- Full swing gates required.
- Space between containers in enclosure allows access to glass recycling totes.
- Gates must be able to be pinned in the open and closed positions (lock backs) – to keep the gates from potentially swinging into vehicles.
- There must be 75’ of unobstructed access to the front of the enclosure (no parking island, parked vehicles, light pole, buildings, etc.).
- There must be 25’ of overhead clearance.
- Enclosure location must allow the truck(s) to safely re-enter traffic.

Please Note: This information is to be used for guidelines during the construction of enclosures. These recommendations do not signify our approval of the construction; actual plans must be submitted for approval.

Exhibit K. Mailing Labels & Map



First American Title
Radius Search Disclaimer

Subject: 2S1330000400 & 2S133BB00100_1000 feet

Date of Production: 06.04.20

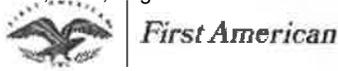
The ownership information enclosed is time sensitive and should be utilized as soon as possible.

This mailing list was produced from third party sources. No liability is assumed for any errors with this report.

Thank you for your business and for choosing First American Title.

**503.219.TRIO (8746)
cs.oregon@firstam.com**





Date of Production: 06/04/2020

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First American Title™

1000 ft Buffer

2S1330000400 & 2S133BB0100

Sherwood, OR 97140

Report Generated: 6/4/2020



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First American Title™

Customer Service Department

Phone: 503.219.8746(TRIO)

Email: cs.oregon@firstam.com

Report Generated: 6/4/2020

Ownership

Legal Owner(s): Woodburn Industrial Capital Grou

Parcel #: 2S13300-00400

Site Address: No Site Address Sherwood, OR 97140

APN: R558006

Mailing Address: 395 Shenandoah Ln NE Woodburn, OR 97071

County: Washington

Property Characteristics

Bedrooms: 0	Year Built: 0	Lot SqFt: 871200
Total Bathrooms: 0	Building SqFt: 0	Lot Acres: 20.00
Full Bathrooms: 0	First Floor SqFt: 0	Roof Type:
Half Bathrooms: 0	Basement Sqft: 0	Roof Shape:
Units: 0	Basment Type:	Porch Type:
Stories:		Building Style:
Fire Place: N		Garage:
Air Conditioning:		Garage SqFt: 0
Heating Type:		Parking Spots: 0
Electric Type:		Pool:

Property Information

Land Use: COMMERCIAL	Zoning: FD-20
Improvement Type: Commercial	School District: Sherwood School
Legal Description: ACRES 20.00	Neighborhood: Sherwood - Tualatin
	Subdivision: Rural Industrial

Assessor & Tax

Market Land: \$280,000	Taxes: \$4,189.44
Market Total: \$280,820	% Improved: 2
Market Structure: \$820	Levy Code: 088.13
Assessed Total: \$272,280	Millage Rate: 15.4475

Sale History

Last Sale Date:	Doc #:	Last Sale Price: \$0
Prior Sale Date:	Prior Doc #:	Prior Sale Price: \$0

Mortgage

1st Mortgage Date:	Doc #:	
1st Mortgage Type:	1st Mortgage Lender:	1st Mortgage: \$0
2nd Mortgage Type:		2nd Mortgage: \$0

The present data and maps are intended for informational purposes only. Some information has been procured from third-party sources and has not been independently verified. Individual parts are owned by their respective copyright owners and not by First American. First American Title Company makes no express or implied warranty respecting the information presented and assumes no responsibility for errors or omissions.



First American Title™

Customer Service Department
 Phone: 503.219.8746(TRIO)
 Email: cs.oregon@firstam.com
 Report Generated: 6/4/2020

Ownership

Legal Owner(s): Woodburn Industrial Capital Grou	Parcel #: 2S133BB-00100
Site Address: No Site Address Sherwood, OR 97140	APN: R558042
Mailing Address: Po Box 1060 Woodburn, OR 97071	County: Washington

Property Characteristics

Bedrooms: 0	Year Built: 0	Lot SqFt: 355885
Total Bathrooms: 0	Building SqFt: 0	Lot Acres: 8.17
Full Bathrooms: 0	First Floor SqFt: 0	Roof Type:
Half Bathrooms: 0	Basement Sqft: 0	Roof Shape:
Units: 0	Basment Type:	Porch Type:
Stories:		Building Style:
Fire Place: N		Garage:
Air Conditioning:		Garage SqFt: 0
Heating Type:		Parking Spots: 0
Electric Type:		Pool:

Property Information

Land Use: VACANT	Zoning: FD-20
Improvement Type: Vacant Land	School District: Sherwood School
Legal Description: ACRES 8.17	Neighborhood: Sherwood - Tualatin
	Subdivision:

Assessor & Tax

Market Land: \$742,960	Taxes: \$2,243.76
Market Total: \$742,960	% Improved: 0
Market Structure: \$0	Levy Code: 088.13
Assessed Total: \$144,960	Millage Rate: 15.4475

Sale History

Last Sale Date:	Doc #:	Last Sale Price: \$0
Prior Sale Date:	Prior Doc #:	Prior Sale Price: \$0

Mortgage

1st Mortgage Date:	Doc #:	
1st Mortgage Type:	1st Mortgage Lender:	1st Mortgage: \$0
2nd Mortgage Type:		2nd Mortgage: \$0

The present data and maps are intended for informational purposes only. Some information has been procured from third-party sources and has not been independently verified. Individual parts are owned by their respective copyright owners and not by First American. First American Title Company makes no express or implied warranty respecting the information presented and assumes no responsibility for errors or omissions.

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September 1, 2020, Page 134 of 162

TAXID	Owner Name	Mailing Address	Mail City	Mail St	Mail Zip	Site Address	Site City	Site St	Site Zip
25128C0-00400	Washington County Facilites Mgmt	169 N 1st Ave # 42	Hillsboro	OR	97124	No Site Address	Sherwood	OR	97140
25128C0-00400	Washington County Facilites Mgmt	169 N 1st Ave # 42	Hillsboro	OR	97124	No Site Address	Sherwood	OR	97140
25128C0-00500	Bruce & Karen Polley	Po Box 1489	Sherwood	OR	97140	21720 SW Oregon St	Sherwood	OR	97140
25128C0-00500	Bruce & Karen Polley	Po Box 1489	Sherwood	OR	97140	21720 SW Oregon St	Sherwood	OR	97140
25128C0-00500	Bruce & Karen Polley	Po Box 1489	Sherwood	OR	97140	21720 SW Oregon St	Sherwood	OR	97140
25128C0-00501	Key Equipment Finance Inc	66 S Pearl St Fl 8	Albany	NY	12207	No Site Address	Sherwood	OR	97140
25128C0-00501	Keybank National Assoc	Po Box 22055	Albany	NY	12201	No Site Address	Sherwood	OR	97140
25128C0-00501	Allied Systems Company	21433 SW Oregon St	Sherwood	OR	97140	21555 SW Oregon St	Sherwood	OR	97140
25128C0-00600	John Niemeyer	15 82nd Dr STE 210	Gladstone	OR	97027	21600 SW Oregon St	Sherwood	OR	97140
25128D0-00600	Don & Corby Morey	21825 SW Dahlke Ln	Sherwood	OR	97140	21825 SW Dahlke Ln	Sherwood	OR	97140
25128D0-00601	Ulido Lizarraga	21905 SW Dahlke Ln	Sherwood	OR	97140	21905 SW Dahlke Ln	Sherwood	OR	97140
25128D0-00602	Munger Douglas S Rev Liv Trust	21775 SW Dahlke Ln	Sherwood	OR	97140	21775 SW Dahlke Ln	Sherwood	OR	97140
25129D0-00600	Washington County Facilites Mgmt	169 N 1st Ave # 42	Hillsboro	OR	97124	14647 SW Oregon St	Sherwood	OR	97140
25132AA-00190	Sherwood City Of	22560 SW Pine St	Sherwood	OR	97140	No Site Address	Sherwood	OR	97140
25132AA-01101	Michael D & Lawrence D Kay Llc	22210 SW Murdock Rd	Sherwood	OR	97140	22210 SW Murdock Rd	Sherwood	OR	97140
25132AA-06500	Keith Beaumont	14602 SW Brickyard Dr	Sherwood	OR	97140	14602 SW Brickyard Dr	Sherwood	OR	97140
25132AA-06600	Jean Almond	14616 SW Brickyard Dr	Sherwood	OR	97140	14616 SW Brickyard Dr	Sherwood	OR	97140
25132AA-06600	Jean Almond	14616 SW Brickyard Dr	Sherwood	OR	97140	14616 SW Brickyard Dr	Sherwood	OR	97140
25132AA-06700	Bonnie Miller	14630 SW Brickyard Dr	Sherwood	OR	97140	14630 SW Brickyard Dr	Sherwood	OR	97140
25132AA-06800	Cindy Nevill	14642 SW Brickyard Dr	Sherwood	OR	97140	14642 SW Brickyard Dr	Sherwood	OR	97140
25132AA-06900	Orfilio & John Naranjo	14650 SW Brickyard Dr	Sherwood	OR	97140	14650 SW Brickyard Dr	Sherwood	OR	97140
25132AA-07000	Audrey O Leary & Dawn Leary	14658 SW Brickyard Dr	Sherwood	OR	97140	14658 SW Brickyard Dr	Sherwood	OR	97140
25132AA-07100	Meghan Jackson	14672 SW Brickyard Dr	Sherwood	OR	97140	14672 SW Brickyard Dr	Sherwood	OR	97140
25132AA-07200	David Krempley	14680 SW Brickyard Dr	Sherwood	OR	97140	14680 SW Brickyard Dr	Sherwood	OR	97140
25132AA-07300	Abdallah Salame	14694 SW Brickyard Dr	Sherwood	OR	97140	14694 SW Brickyard Dr	Sherwood	OR	97140
25132AA-07400	Zeb & Alyssa Menle	14706 SW Brickyard Dr	Sherwood	OR	97140	14706 SW Brickyard Dr	Sherwood	OR	97140
25132AA-11000	Sandra & Richard Miles	22115 SW Chesapeake Pl	Sherwood	OR	97140	22115 SW Chesapeake Pl	Sherwood	OR	97140
25132AA-11100	Thomas & Suzanne Feller	16980 SW Red Rock Way	Beaverton	OR	97007	22105 SW Chesapeake Pl	Sherwood	OR	97140
25132AA-11200	Rebecca Osmond & Jason Berg	22095 SW Chesapeake Pl	Sherwood	OR	97140	22095 SW Chesapeake Pl	Sherwood	OR	97140
25132AA-11300	Samuel & Stesha Powers	22085 SW Chesapeake Pl	Sherwood	OR	97140	22085 SW Chesapeake Pl	Sherwood	OR	97140
25132AA-11400	Rose & Shawn Mcgrady	22075 SW Chesapeake Pl # 22077	Sherwood	OR	97140	22075 SW Chesapeake Pl	Sherwood	OR	97140
25132AA-11500	Robert & Amanda Taylor	14596 SW Oregon St	Sherwood	OR	97140	14596 SW Oregon St	Sherwood	OR	97140
25132AA-11600	Empyrean Real Estate Llc	13751 SW Rock Creek Rd	Sheridan	OR	97378	22050 SW Chesapeake Pl	Sherwood	OR	97140
25132AA-11700	James & Colleen Buckner	59 Margate St	Daly City	CA	94015	22065 SW Chesapeake Pl	Sherwood	OR	97140
25132AA-11800	22060 Chesapeake Place Llc	Po Box 1626	Sherwood	OR	97140	22060 SW Chesapeake Pl	Sherwood	OR	97140
25132AA-11900	Calla Lilly	22070 SW Chesapeake Pl	Sherwood	OR	97140	22070 SW Chesapeake Pl	Sherwood	OR	97140
25132AA-12000	Lisa & James Burton	22080 SW Chesapeake Pl	Sherwood	OR	97140	22080 SW Chesapeake Pl	Sherwood	OR	97140
25132AA-12100	Preston & Rochelle Griffin	22090 SW Chesapeake Pl	Sherwood	OR	97140	22090 SW Chesapeake Pl	Sherwood	OR	97140
25132AA-12200	David Hiser	22100 SW Chesapeake Pl	Sherwood	OR	97140	22100 SW Chesapeake Pl	Sherwood	OR	97140
2513300-00100	Tualatin Valley Sportsmens Club	7430 SW Varns St	Portland	OR	97223	13050 SW Tonquin Rd	Sherwood	OR	97140
2513300-00200	Gertrude Barnard	14260 SW Tonquin Rd	Sherwood	OR	97140	No Site Address	Sherwood	OR	97140
2513300-00201	Gertrude Barnard	14260 SW Tonquin Rd	Sherwood	OR	97140	14260 SW Tonquin Rd	Sherwood	OR	97140
2513300-00300	Wayne & Karen Depriest	14250 SW Tonquin Rd	Sherwood	OR	97140	14250 SW Tonquin Rd	Sherwood	OR	97140
2513300-00400	Woodburn Industrial Capital Grou	395 Shenandoah Ln NE	Woodburn	OR	97071	No Site Address	Sherwood	OR	97140
2513300-00401	Martin & Cynthia Walker	14240 SW Tonquin Rd	Sherwood	OR	97140	14240 SW Tonquin Rd	Sherwood	OR	97140
2513300-00402	Tualatin Valley Sportsmens Club	7430 SW Varns St	Portland	OR	97223	No Site Address	Sherwood	OR	97140
2513300-00403	Wayne & Karen Depriest	14250 SW Tonquin Rd	Sherwood	OR	97140	No Site Address	Sherwood	OR	97140
2513300-00600	Woodburn Industrial Capital Grou	Po Box 1060	Woodburn	OR	97071	No Site Address	Sherwood	OR	97140
2513300-01100	Snyder Llc	10175 SW Marjorie Ln	Beaverton	OR	97008	13335 SW Tonquin Rd	Sherwood	OR	97140
2513300-01100	Snyder Llc	10175 SW Marjorie Ln	Beaverton	OR	97008	13335 SW Tonquin Rd	Sherwood	OR	97140
2513300-02500	United States Of America Dept Of	911 NE 11th Ave	Portland	OR	97232	No Site Address	Sherwood	OR	97140
2513300-02500	United States Of America & Dept Of The Interior Fish & Wildlife Service	911 NE 11th Ave	Portland	OR	97232	No Site Address	Sherwood	OR	97140

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TAXID	Owner Name	Mailing Address	Mail City	Mail St	Mail Zip	Site Address	Site City	Site St	Site Zip
2S133BB-00100	Woodburn Industrial Capital Grou	Po Box 1060	Woodburn	OR	97071	No Site Address	Sherwood	OR	97140
2S133BB-00200	United States Of America Dept Of	911 NE 11th Ave	Portland	OR	97232	No Site Address	Sherwood	OR	97140
2S133BB-00300	Sherwood City Of	22560 SW Pine St	Sherwood	OR	97140	No Site Address	Sherwood	OR	97140
2S133BB-00400	United States Of America Dept Of	911 NE 11th Ave	Portland	OR	97232	No Site Address	Sherwood	OR	97140
2S133BC-00200	Batz J Mark Family Trust	14435 SW Fairoaks Dr	Sherwood	OR	97140	14435 SW Fairoaks Dr	Sherwood	OR	97140
2S133BC-00300	Brooks & Annalisa Bayne	22515 SW Fairoaks Ct	Sherwood	OR	97140	22515 SW Fairoaks Ct	Sherwood	OR	97140
2S133BC-00400	Derek & Monica Conrow	22500 SW Fairoaks Ct	Sherwood	OR	97140	22500 SW Fairoaks Ct	Sherwood	OR	97140
2S133BC-00500	Lindsay & Brian Sparks	22520 SW Fairoaks Ct	Sherwood	OR	97140	22520 SW Fairoaks Ct	Sherwood	OR	97140
2S133BC-00600	Bolliger Michael E Revoc Lt	22550 SW Fairoaks Ct	Sherwood	OR	97140	22550 SW Fairoaks Ct	Sherwood	OR	97140
2S133BC-00700	James & Cynthia Folske	14391 SW Fairoaks Dr	Sherwood	OR	97140	14391 SW Fairoaks Dr	Sherwood	OR	97140
2S133BC-00800	Dressel Fam Rev Trust	8987 SW Greensward Ln	Portland	OR	97224	14345 SW Fairoaks Dr	Sherwood	OR	97140
2S133BC-00900	Christopher & Kimra Corrado	14331 SW Fairoaks Dr	Sherwood	OR	97140	14331 SW Fairoaks Dr	Sherwood	OR	97140
2S133BC-01000	Christopher & Kimra Corrado	14331 SW Fairoaks Dr	Sherwood	OR	97140	14325 SW Fairoaks Dr	Sherwood	OR	97140
2S133BC-01100	David & Susan Brim	14300 SW Fairoaks Dr	Sherwood	OR	97140	14300 SW Fairoaks Dr	Sherwood	OR	97140
2S133BC-01300	Jeff & Lori Fletcher	14410 SW Fairoaks Dr	Sherwood	OR	97140	14410 SW Fairoaks Dr	Sherwood	OR	97140
2S133BC-01600	United States Of America Dept Of	911 NE 11th Ave	Portland	OR	97232	No Site Address	Sherwood	OR	97140
2S133BC-01700	Leroy Moser & Delores Fam T	16121 SW 129th Ter	Portland	OR	97224	22900 SW Murdock Rd	Sherwood	OR	97140

*** All information provided is deemed reliable, but is not guaranteed.

Ordinance 2020-007, Exh to Staff Report
 2S128C0-00400
 September 1, 2020, Page 136 of 162
 Washington County Facilites Mgmt
 169 N 1st Ave # 42
 Hillsboro, OR 97124

2S128C0-00400
 Washington County Facilites Mgmt
 169 N 1st Ave # 42
 Hillsboro, OR 97124

2S128C0-00500
 Bruce & Karen Polley
 Po Box 1489
 Sherwood, OR 97140

2S128C0-00500
 Bruce & Karen Polley
 Po Box 1489
 Sherwood, OR 97140

2S128C0-00500
 Bruce & Karen Polley
 Po Box 1489
 Sherwood, OR 97140

2S128C0-00501
 Key Equipment Finance Inc
 66 S Pearl St FL 8
 Albany, NY 12207

2S128C0-00501
 Keybank National Assoc
 Po Box 22055
 Albany, NY 12201

2S128C0-00501
 Allied Systems Company
 21433 SW Oregon St
 Sherwood, OR 97140

2S128C0-00600
 John Niemeyer
 15 82nd Dr STE 210
 Gladstone, OR 97027

2S128D0-00600
 Don & Corby Morey
 21825 SW Dahlke Ln
 Sherwood, OR 97140

2S128D0-00601
 Ulido Lizarraga
 21905 SW Dahlke Ln
 Sherwood, OR 97140

2S128D0-00602
 Munger Douglas S Rev Liv Trust
 21775 SW Dahlke Ln
 Sherwood, OR 97140

2S129D0-00600
 Washington County Facilites Mgmt
 169 N 1st Ave # 42
 Hillsboro, OR 97124

2S132AA-00190
 Sherwood City Of
 22560 SW Pine St
 Sherwood, OR 97140

2S132AA-01101
 Michael D & Lawrence D Kay Llc
 22210 SW Murdock Rd
 Sherwood, OR 97140

2S132AA-06500
 Keith Beaumont
 14602 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-06600
 Jean Almond
 14616 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-06600
 Jean Almond
 14616 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-06700
 Bonnie Miller
 14630 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-06800
 Cindy Nevill
 14642 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-06900
 Orfilio & John Naranjo
 14650 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-07000
 Audrey O Leary & Dawn Leary
 14658 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-07100
 Meghan Jackson
 14672 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-07200
 David Krempley
 14680 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-07300
 Abdallah Salame
 14694 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-07400
 Zeb & Alyssa Menle
 14706 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-11000
 Sandra & Richard Miles
 22115 SW Chesapeake Pl
 Sherwood, OR 97140

2S132AA-11100
 Thomas & Suzanne Feller
 16980 SW Red Rock Way
 Beaverton, OR 97007

2S132AA-11200
 Rebecca Osmond & Jason Berg
 22095 SW Chesapeake Pl
 Sherwood, OR 97140

2S132AA-11300
 Samuel & Stesha Powers
 22085 SW Chesapeake Pl
 Sherwood, OR 97140

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 2S132AA-11600
 September 1, 2020, Page 137 of 162
 Rose & Shawn Mcgrady
 22075 SW Chesapeake Pl # 22077
 Sherwood, OR 97140

2S132AA-11500
 Robert & Amanda Taylor
 14596 SW Oregon St
 Sherwood, OR 97140

2S132AA-11600
 Empyrean Real Estate Llc
 13751 SW Rock Creek Rd
 Sheridan, OR 97378

2S132AA-11700
 James & Colleen Buckner
 59 Margate St
 Daly City, CA 94015

2S132AA-11800
 22060 Chesapeake Place Llc
 Po Box 1626
 Sherwood, OR 97140

2S132AA-11900
 Calla Lilly
 22070 SW Chesapeake Pl
 Sherwood, OR 97140

2S132AA-12000
 Lisa & James Burton
 22080 SW Chesapeake Pl
 Sherwood, OR 97140

2S132AA-12100
 Preston & Rochelle Griffin
 22090 SW Chesapeake Pl
 Sherwood, OR 97140

2S132AA-12200
 David Hiser
 22100 SW Chesapeake Pl
 Sherwood, OR 97140

2S13300-00100
 Tualatin Valley Sportsmens Club
 7430 SW Varns St
 Portland, OR 97223

2S13300-00200
 Gertrude Barnard
 14260 SW Tonquin Rd
 Sherwood, OR 97140

2S13300-00201
 Gertrude Barnard
 14260 SW Tonquin Rd
 Sherwood, OR 97140

2S13300-00300
 Wayne & Karen Depriest
 14250 SW Tonquin Rd
 Sherwood, OR 97140

2S13300-00400
 Woodburn Industrial Capital Grou
 395 Shenandoah Ln NE
 Woodburn, OR 97071

2S13300-00401
 Martin & Cynthia Walker
 14240 SW Tonquin Rd
 Sherwood, OR 97140

2S13300-00402
 Tualatin Valley Sportsmens Club
 7430 SW Varns St
 Portland, OR 97223

2S13300-00403
 Wayne & Karen Depriest
 14250 SW Tonquin Rd
 Sherwood, OR 97140

2S13300-00600
 Woodburn Industrial Capital Grou
 Po Box 1060
 Woodburn, OR 97071

2S13300-01100
 Snyder Llc
 10175 SW Marjorie Ln
 Beaverton, OR 97008

2S13300-01100
 Snyder Llc
 10175 SW Marjorie Ln
 Beaverton, OR 97008

2S13300-02500
 United States Of America Dept Of
 911 NE 11th Ave
 Portland, OR 97232

2S13300-02500
 United States Of America & Dept Of The
 911 NE 11th Ave
 Portland, OR 97232

2S133BB-00100
 Woodburn Industrial Capital Grou
 Po Box 1060
 Woodburn, OR 97071

2S133BB-00200
 United States Of America Dept Of
 911 NE 11th Ave
 Portland, OR 97232

2S133BB-00300
 Sherwood City Of
 22560 SW Pine St
 Sherwood, OR 97140

2S133BB-00400
 United States Of America Dept Of
 911 NE 11th Ave
 Portland, OR 97232

2S133BC-00200
 Batz J Mark Family Trust
 14435 SW Fair Oaks Dr
 Sherwood, OR 97140

2S133BC-00300
 Brooks & Annalisa Bayne
 22515 SW Fair Oaks Ct
 Sherwood, OR 97140

2S133BC-00400
 Derek & Monica Conrow
 22500 SW Fair Oaks Ct
 Sherwood, OR 97140

2S133BC-00500
 Lindsay & Brian Sparks
 22520 SW Fair Oaks Ct
 Sherwood, OR 97140

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September 1, 2020, Page 138 of 162
2S133BC-00600
Bolliger Michael E Revoc Lt
22550 SW Fair Oaks Ct
Sherwood, OR 97140

2S133BC-00700
James & Cynthia Folske
14391 SW Fair Oaks Dr
Sherwood, OR 97140

2S133BC-00800
Dressel Fam Rev Trust
8987 SW Greensward Ln
Portland, OR 97224

2S133BC-00900
Christopher & Kimra Corrado
14331 SW Fair Oaks Dr
Sherwood, OR 97140

2S133BC-01000
Christopher & Kimra Corrado
14331 SW Fair Oaks Dr
Sherwood, OR 97140

2S133BC-01100
David & Susan Brim
14300 SW Fair Oaks Dr
Sherwood, OR 97140

2S133BC-01300
Jeff & Lori Fletcher
14410 SW Fair Oaks Dr
Sherwood, OR 97140

2S133BC-01600
United States Of America Dept Of
911 NE 11th Ave
Portland, OR 97232

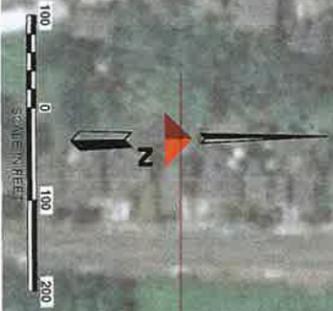
2S133BC-01700
Leroy Moser & Delores Fam T
16121 SW 129th Ter
Portland, OR 97224

Exhibit L. List of All Property Owners and Registered Voters

Property Owner List		
Owner Name	Site Address / Tax Lot	Mailing Address
Woodburn Industrial Capital Group LLC	No Site Address, Sherwood, OR 97140 / 2S133BB00100	395 Shenandoah Lane NE, Woodburn, OR 97071
Woodburn Industrial Capital Group LLC	No Site Address, Sherwood, OR 97140 / 2S1330000400	395 Shenandoah Lane NE, Woodburn, OR 97071

Exhibit M. Utility Availability Exhibits

SANITARY SEWER AVAILABILITY



LEGEND

	EXISTING BOUNDARY/ROW LINE
	PROPOSED SEWER LINE

REVISIONS			
REV	DATE	DESCRIPTION	BY

TONQUIN ROAD GRADING PERMIT
 LAND USE DEVELOPMENT PLANS
TONQUIN PROPOSED ANNEXATION
 NW 1/4 SECTION 33 T2S R1W W.M.
 WASHINGTON COUNTY, OREGON

DOWL
 WWW.DOWL.COM
 720 SW Washington Street, #750
 Portland, Oregon 97205
 971-280-8641

PROJECT	14483.01
DATE	07/09/2019
© DOWL 2019	
SHEET	

WATER SYSTEM AVAILABILITY



LEGEND

---	EXISTING BOUNDARY/ROW LINE
- - -	PROPOSED WATER LINE

REVISIONS			
REV	DATE	DESCRIPTION	BY

TONQUIN ROAD GRADING PERMIT
 LAND USE DEVELOPMENT PLANS
TONQUIN PROPOSED ANNEXATION

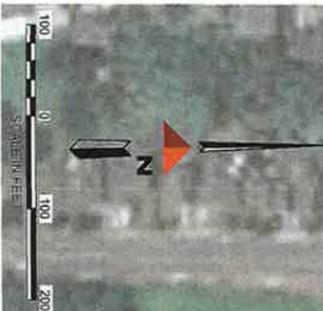


DOWL
 WWW.DOWL.COM
 720 SW Washington Street, #750
 Portland, Oregon 97205
 971-280-8641

NW 1/4 SECTION 33 T2S R1W W.M.
 WASHINGTON COUNTY, OREGON

PROJECT	14483.01
DATE	07/09/2019
© DOWL, 2019	SHEET

STORM DRAINAGE AVAILABILITY



LEGEND

- EXISTING BOUNDARY/ROW LINE
- - - EXISTING ROADSIDE DITCH

REVISIONS			
REV	DATE	DESCRIPTION	BY

TONQUIN ROAD GRADING PERMIT
LAND USE DEVELOPMENT PLANS
TONQUIN PROPOSED ANNEXATION

NW 1/4 SECTION 33 T2S R1W W.M.
WASHINGTON COUNTY, OREGON



DOWL
WWW.DOWL.COM
720 SW Washington Street, #750
Portland, Oregon 97205
971-280-8641

PROJECT	14483.D1
DATE	07/09/2019
DRAWN 2019	
SHEET	

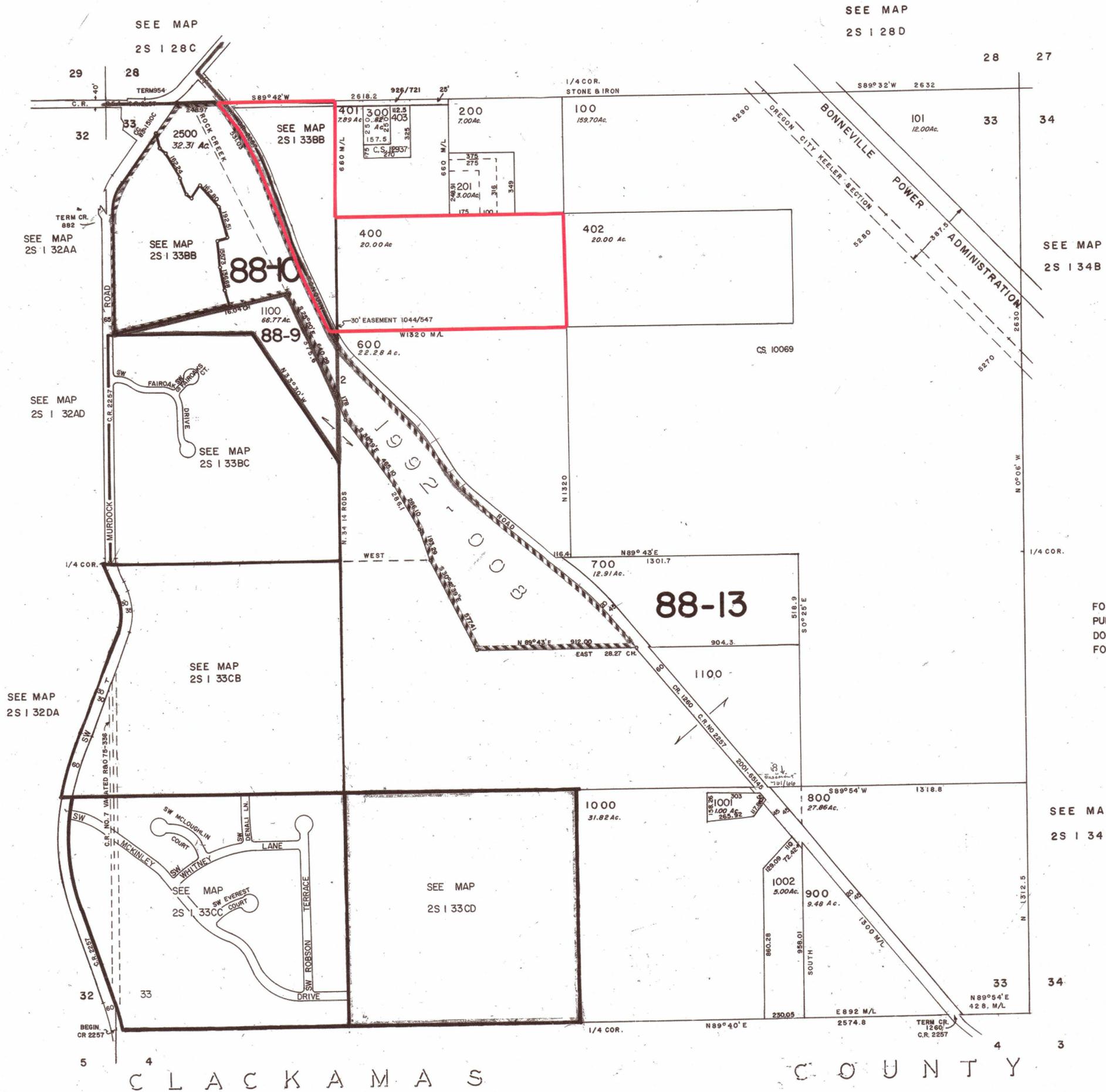
Exhibit N. Washington County Assessor's Maps

SECTION 33 T2S RIW WM.

WASHINGTON COUNTY OREGON

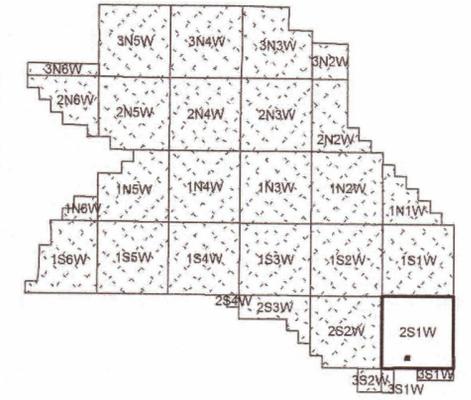
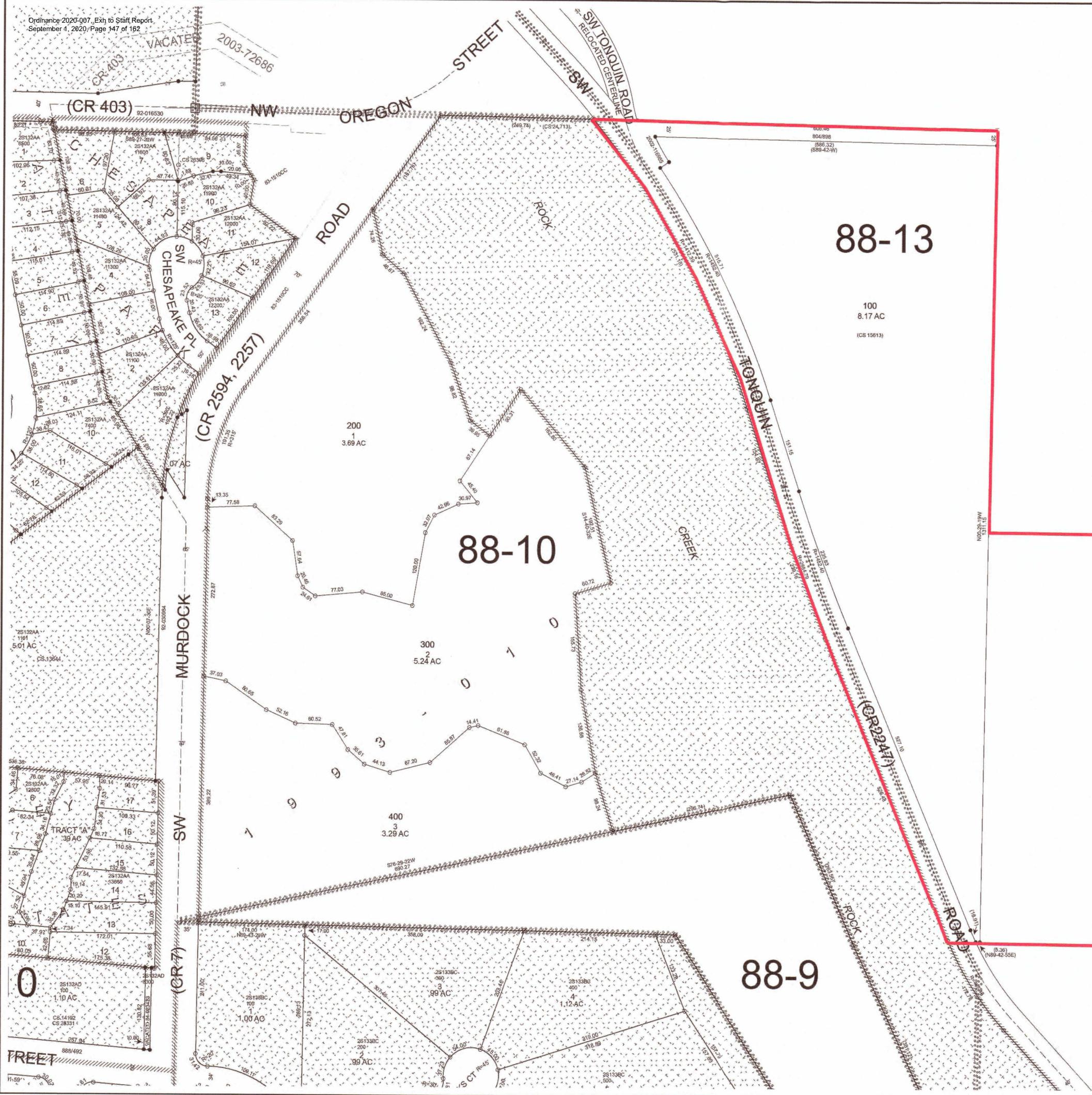
SCALE 1"=400'

CANCELLED TAX LOTS
1700, 1400, 1500, 1801, 1800,
1801, 1802, 1803, 1804, 1800,
2000, 1200, 2300, 500, 2400,
2100, 2200, 1800, 2600, 2700,
1802,



FOR ASSESSMENT
PURPOSES ONLY
DO NOT RELY ON
FOR ANY OTHER USE

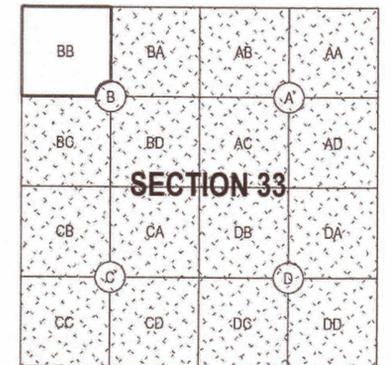
SEE MAP
2S 1 34C



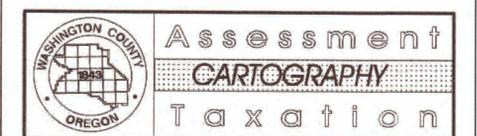
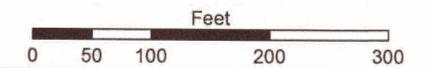
WASHINGTON COUNTY OREGON
NW 1/4 NW 1/4 SECTION 33 T2S R1W W.M.
SCALE 1" = 100'

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us



Cancelled Taxlots For: 2S133BB
None



PLOT DATE: 8/10/2018
Rotation: 0
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

Exhibit O. CWS SPL



June 16, 2020

WOODBURN INDUSTRIAL CAPITAL GROUP
395 SHENANDOAH LN
WOODBURN OR 97071

Re: CWS file 20-001292 (Tax map 2S13300 Tax lot 00400, Tax map 2S133BB Tax lot 00100); SW Tonquin Road

Clean Water Services has reviewed your proposal for the above referenced activity on your site. Staff has conducted a pre-screen review and requested completion of a Sensitive Areas Certification Form. Following review of submitted materials it appears that Sensitive Areas do not exist on-site or within 200' from your project. In light of this result, this document will serve as your Service Provider letter as required by Resolution and Order 19-5, Section 3.02.1, as amended by Resolution and Order 19-22. All required permits and approvals must be obtained and completed under applicable local, state, and federal law.

This concurrence letter does NOT eliminate the need to protect Sensitive Areas if they are subsequently identified on your site.

If you have any questions, please feel free to call me at (503) 681-3667.

Sincerely,

A handwritten signature in cursive script that reads "Stacy Benjamin".

Stacy Benjamin
Environmental Plan Review

Washington County, Oregon	2020-071204
D-E	07/31/2020 11:52:39 AM
Stn=7 C LOUCKS	
\$20.00 \$11.00 \$5.00 \$60.00	\$96.00

I, Margaret Garza, 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.

Margaret Garza, Director of Assessment and Taxation, Ex-Officio County Clerk

PUBLIC ACCESS EASEMENT

RECORDED BY OLD REPUBLIC TITLE AS AN ACCOMMODATION ONLY NO LIABILITY IS ACCEPTED FOR THE CONDITION OF TITLE OR FOR THE VALIDITY, SUFFICIENCY, OR EFFECT OF THIS DOCUMENT.

DATED: June 24, 2020

AFTER RECORDING RETURN TO:

City of Sherwood
Engineering Dept
22560 SW Pine St
Sherwood, OR 97140

**THIS PAGE IS A PART OF THE
OFFICIAL DOCUMENT
PLEASE DO NOT REMOVE**

OLD REPUBLIC TITLE 5514000156 AC

BETWEEN:

Grantors:
Woodburn Industrial Capital Group, LLC
PO Box 1060
Woodburn, OR 97071

Grantee:
City of Sherwood
22560 SW Pine Street
Sherwood, OR. 97140

This easement is made this 24 day of June, 2020, between Woodburn Industrial Capital Group, LLC, GRANTOR(S) and the City of Sherwood, an Oregon Municipal Corporation, GRANTEE.

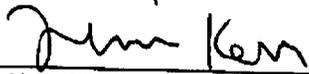
In consideration of the sum of \$0.00 and other good and valuable consideration, the receipt of which is hereby acknowledged by GRANTOR(S), the GRANTOR(S) do grant and convey to GRANTEE, its successors and assigns a public access easement for the construction, operation and maintenance of a vehicle and pedestrian way, including but not limited to an improved or unimproved street, road, sidewalk, nature path or other ways to facilitate vehicular and pedestrian travel upon and across the land and property of the GRANTOR(S) as follows:

1. A legal description is set forth in EXHIBIT "A", attached and incorporated by reference.
2. A map of the above legal description is set forth in EXHIBIT "B", attached and incorporated by reference.

This document establishes a permanent easement on the property described but does not convey fee title or any interest in the underlying property except as expressly stated herein. The easement granted shall not prevent GRANTOR(S) from the use of the property provided, however, that such use shall not interfere with the rights herein granted. Upon annexation to the city of Sherwood and initial improvements, but no later than 5 years, Grantee shall reduce the easement to the area of the public improvement constructed for said easement.

GRANTOR(S) warrants that they are the owner of said property, which is free from all encumbrances, except for easements, conditions and restrictions of record, and will warrant and defend the easement rights herein granted from all lawful claims whatsoever.

SIGNED this 24 day of June, 2020


GRANTOR(S)

PUBLIC ACCESS EASEMENT

RECORDED BY OLD REPUBLIC TITLE AS AN ACCOMMODATION
ONLY NO LIABILITY IS ACCEPTED FOR THE CONDITION OF TITLE OR
FOR THE VALIDITY, SUFFICIENCY, OR EFFECT OF THIS DOCUMENT.

DATED: June 24, 2020

AFTER RECORDING RETURN TO:

City of Sherwood
Engineering Dept
22560 SW Pine St
Sherwood, OR 97140

BETWEEN:

Grantors:
Woodburn Industrial Capital Group, LLC
PO Box 1060
Woodburn, OR 97071

Grantee:
City of Sherwood
22560 SW Pine Street
Sherwood, OR. 97140

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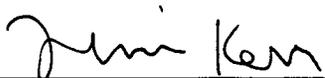
In consideration of the sum of \$0.00 and other good and valuable consideration, the receipt of which is hereby acknowledged by GRANTOR(S), the GRANTOR(S) do grant and convey to GRANTEE, its successors and assigns a public access easement for the construction, operation and maintenance of a vehicle and pedestrian way, including but not limited to an improved or unimproved street, road, sidewalk, nature path or other ways to facilitate vehicular and pedestrian travel upon and across the land and property of the GRANTOR(S) as follows:

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This document establishes a permanent easement on the property described but does not convey fee title or any interest in the underlying property except as expressly stated herein. The easement granted shall not prevent GRANTOR(S) from the use of the property provided, however, that such use shall not interfere with the rights herein granted. Upon annexation to the city of Sherwood and initial improvements, but no later than 5 years, Grantee shall reduce the easement to the area of the public improvement constructed for said easement.

GRANTOR(S) warrants that they are the owner of said property, which is free from all encumbrances, except for easements, conditions and restrictions of record, and will warrant and defend the easement rights herein granted from all lawful claims whatsoever.

SIGNED this 24 day of June, 2020



GRANTOR(S)

OLD REPUBLIC TITLE SS14000156 AC

1. The City of San Diego is hereby...

EXHIBIT 'A'

LOCATED IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 2 SOUTH,
RANGE 1 WEST, WILLAMETTE MERIDIAN, COUNTY OF WASHINGTON, STATE OF OREGON

ALL OF THAT CERTAIN TRACT OF LAND IN THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, LYING EASTERLY AND NORTHERLY OF THE CENTERLINE OF COUNTY ROAD NO. 1260, ALSO KNOWN AS S.W. TONQUIN ROAD.

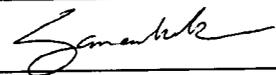
EXCEPTING THEREFROM THAT PORTION DEDICATED TO THE PUBLIC RECORDED JANUARY 26, 1971 IN BOOK 804, PAGE 898, RECORDS OF WASHINGTON COUNTY, OREGON. SAID TRACT ALSO DESCRIBED IN DEDICATION DEED RECORDED MAY 25, 1973 IN BOOK 926, PAGE 721.

FURTHER EXCEPTING THEREFROM THAT PORTION CONVEYED TO WASHINGTON COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF OREGON FOR PUBLIC ROADWAY BY DEDICATION DEED RECORDED OCTOBER 7, 2002, RECORDING NO. 2002-116985.

CONTAINING 8.20 ACRES MORE OR LESS.

LEGAL DESCRIPTION TAKEN FROM DEED DOCUMENT NO. 2017-083736, WASHINGTON COUNTY DEED RECORDS.
REFER TO EXHIBIT 'B' FOR MAP LOCATION.

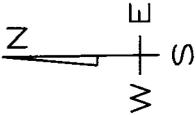
REGISTERED
PROFESSIONAL LAND
SURVEYOR



OREGON
MAY 26, 2015
SAMANTHA KAY TANNER
90079

EXHIBIT 'B'

LOCATED IN THE NORTHWEST 1/4 OF THE
 NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 2 SOUTH,
 RANGE 1 WEST, WILLAMETTE MERIDIAN,
 COUNTY OF WASHINGTON, STATE OF OREGON



**POINT OF COMMENCEMENT
 NW CORNER OF SEC. 33**
 FD 2" BRASS DISK "T2S
 R1W 29 28 32 33 WASH.
 CO. SURVEYOR" IN MON.
 BOX, SET IN USBT
 2011-039

S88°49'57"E 1309.32'
**PORTION OF DEDICATION
 DOC. NO. 2002-116985**

25' PERMANENT PUBLIC
 ROAD DEDICATION BK.804
 PG.898 AND BK. 826 PG.
 721

Doc. No.
 2017-083736

FD. 5/8" REBAR,
 NO CAP, SET
 IN SN 15613
 HELD FOR N-S LINE

THE NORTHWEST 1/4 OF
 THE NORTHWEST 1/4 OF
 SECTION 33

REGISTERED
 PROFESSIONAL LAND
 SURVEYOR

Samantha Kay Tanner
 OREGON
 MAY 26, 2015
 SAMANTHA KAY TANNER
 90079

RENEWS 6/30/2022

WEST 1/4 SEC.33
 FD. 2" BRASS CAP "T2S R1W 32 33
 1989 WASH. CO. SURVEYOR" IN
 MONUMENT BOX PER USBT
 2002-062, SET IN USBT BK.5 ENTRY
 152, PG. 491, HELD

SCALE 1" = 300'
 ON AN 8.5"X11" SHEET

NE CORNER OF NW 1/4 OF THE NE 1/4 OF SEC. 33
 FD 5/8" REBAR, NO CAP, HELD

S88°45'04"E 1308.30'

NORTH 1/4 OF SEC.33
 FD. 3" BRASS CAP
 "WASH CTY 28 33 251 1975"
 IN CONCRETE, SET IN USBT
 2-104

EAST LINE OF THE NW1/4 OF THE NW 1/4

THE NORTHEAST 1/4 OF
 THE NORTHWEST 1/4 OF
 SECTION 33

**SE CORNER OF THE SOUTH 1/2
 OF THE NE 1/4 OF THE NW 1/4**
 FD. 1" IRON PIPE
 SET IN SN 10069, HELD

1310.59'

SOUTH LINE OF THE NORTH 1/2 OF THE NW 1/4 OF SECTION 33

N88°47'01"W 2621.62'

1311.03'

N00°58'58"E 1311.50'

1311.50'

Exhibit H

Washington County, Oregon	2020-071205
D-E	
Stn=7 C LOUCKS	07/31/2020 11:52:39 AM
\$25.00 \$11.00 \$5.00 \$60.00	\$101.00
I, Margaret Garza, 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.	
Margaret Garza, Director of Assessment and Taxation, Ex-Officio County Clerk	

Public Utility Easement

DATED: July 2, 2020

RECORDED BY OLD REPUBLIC TITLE AS AN ACCOMMODATION
ONLY NO LIABILITY IS ACCEPTED FOR THE CONDITION OF TITLE OR
FOR THE VALIDITY, SUFFICIENCY, OR EFFECT OF THIS DOCUMENT.

AFTER RECORDING RETURN TO:

City of Sherwood
Engineering Department
22560 SW Pine Street
Sherwood, OR. 97140

BETWEEN:

Grantors:
Woodburn Industrial Capital Group, LLC
PO Box 1060
Woodburn, OR 97071

Grantee:
City of Sherwood
22560 SW Pine Street
Sherwood, OR. 97140

OLD REPUBLIC TITLE §§ 1400 0156 AC

THIS GRANT OF A PUBLIC UTILITY EASEMENT is made by and between Woodburn Industrial Capital Group, LLC, its successors and assigns (“Grantor”) and the City of Sherwood, an Oregon municipal corporation, its successors and assigns (“Grantee” or “City”) for the consideration hereinafter stated. The public utility easement exists over, under, through, across and along the full width and length of the premises described as follows, (“Easement Area”) to wit:

1. A legal description is set forth in EXHIBIT “A,” attached and incorporated by reference.
2. A map of the above legal description is set forth in EXHIBIT “B,” attached and incorporated by reference.

The true consideration for this conveyance is \$00.00. However, the actual consideration consists of other value given, which value constitutes the whole consideration.

This document is intended to establish a permanent easement on the property described, not to convey fee title or any interest in the underlying property except as expressly stated herein. The easement granted shall not prevent Grantor from the use of said property provided, however, that such use shall not be permitted to interfere with the rights herein granted. Grantor shall not be permitted to endanger the lateral support of any facilities constructed within the easement granted herein.

Grantor hereby covenants to and with Grantee that Grantor is the owner of said property, which is free from all encumbrances, except for easements, conditions and restrictions of record, and that Grantor will warrant and defend the easement rights herein granted from all claims whatsoever.

Grantee (and other public or private entities or persons Grantee deems in its sole discretion as appropriate) shall have the right to use the property for utility purposes, including but not limited to water, wastewater, drainage, electric, fiber optic, telephone and cable and shall have the right to install, construct, operate, maintain, repair, replace and reconstruct said facilities as Grantee may deem necessary over, across, through, in and under the property described in Exhibits “A” and “B.”

City upon the initial installation (as applicable) and upon each and every occasion that the same be repaired, replaced, renewed, added to, or removed, will restore the premises of the Grantors, and any improvements disturbed by the City, to as good condition as they were prior to any such installation work, including, but not limited to, the restoration of any topsoil, lawn and nursery stock of like kind and quality subject to reasonable substitution as may be necessitated by

THE BOARD OF SUPERVISORS HAS REVIEWED THE STAFF REPORT AND THE PROPOSED ORDINANCE AND HAS CONSIDERED THE RECOMMENDATION OF THE STAFF REPORT. THE BOARD OF SUPERVISORS HAS CONSIDERED THE RECOMMENDATION OF THE STAFF REPORT AND HAS CONSIDERED THE RECOMMENDATION OF THE STAFF REPORT.

obstruction of interference with the use granted herein. Upon annexation to the city of Sherwood and initial improvements, but no later than 5 years, Grantee shall reduce the easement to the area of the public improvement constructed for said easement.

IN WITNESS WHEREOF, the undersigned grantor has executed this easement this 24th day of June, 2020.

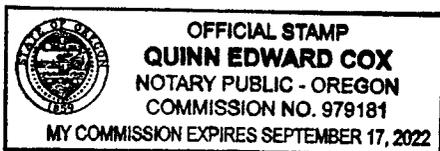
GRANTORS: Tim Kerr

STATE OF OREGON)
)ss
County of Washington)

On this 24th day of JUNE, 2020, before me, a notary public in and for said County and State, personally appeared TIM KERR known to me to be their person whose names subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year above written.

Quinn Edward Cox
NOTARY PUBLIC FOR OREGON
My Commission Expires: SEPT 17, 2022



GRANTEE:

Accepted on behalf of The City of Sherwood.

This 2nd day of July, 2020

Joseph Gall
Joseph Gall, ICMA-CM, City Manager

7/2/2020
Date

[Signature]
Approved as to form: City Attorney

EXHIBIT 'A'

LOCATED IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 2 SOUTH,
RANGE 1 WEST, WILLAMETTE MERIDIAN, COUNTY OF WASHINGTON, STATE OF OREGON

ALL OF THAT CERTAIN TRACT OF LAND IN THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, LYING EASTERLY AND NORTHERLY OF THE CENTERLINE OF COUNTY ROAD NO. 1260, ALSO KNOWN AS S.W. TONQUIN ROAD.

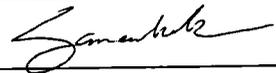
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CONTAINING 8.20 ACRES MORE OR LESS.

LEGAL DESCRIPTION TAKEN FROM DEED DOCUMENT NO. 2017-083736, WASHINGTON COUNTY DEED RECORDS.
REFER TO EXHIBIT 'B' FOR MAP LOCATION.

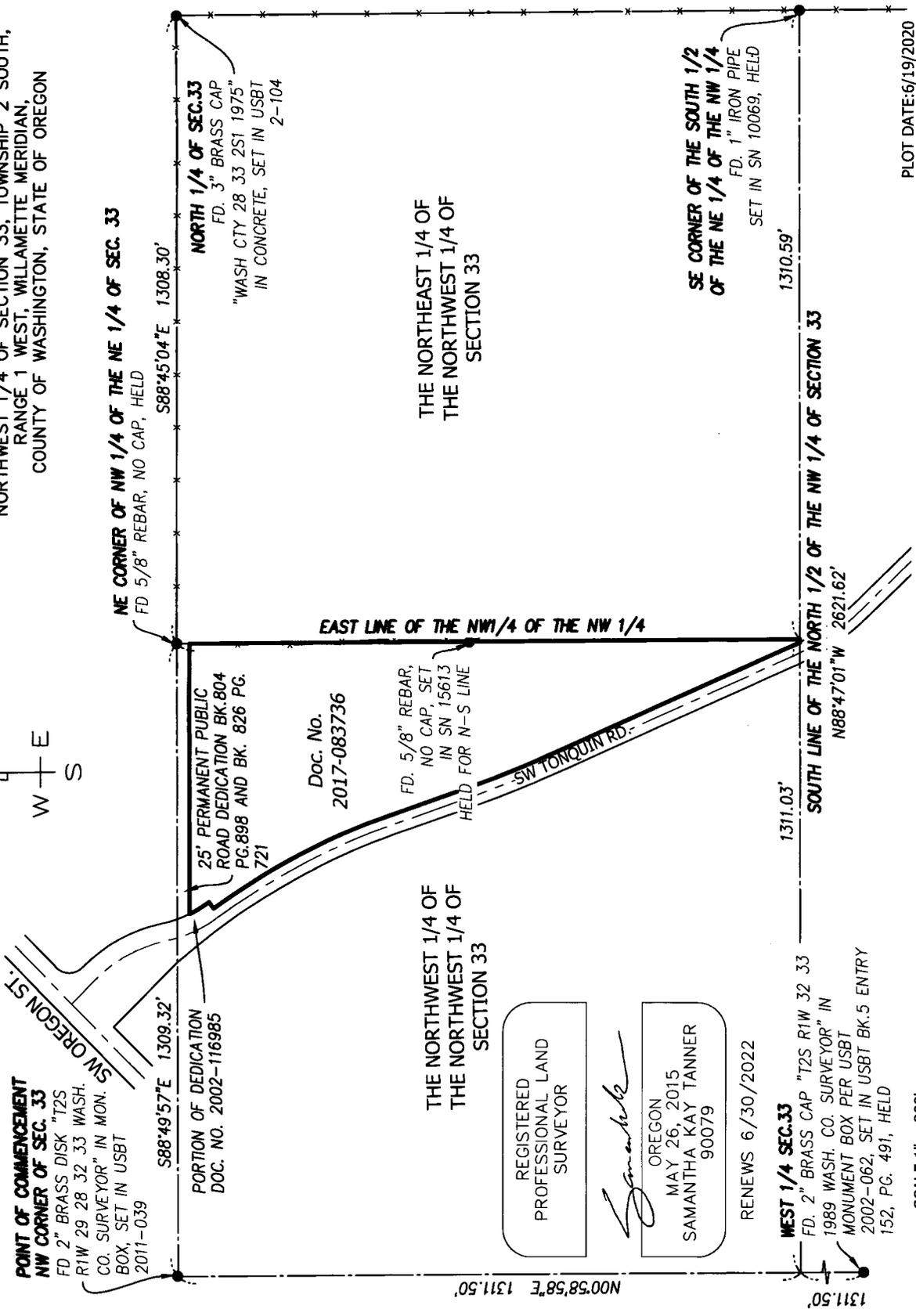
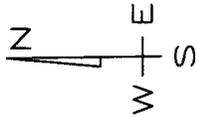
REGISTERED
PROFESSIONAL LAND
SURVEYOR



OREGON
MAY 26, 2015
SAMANTHA KAY TANNER
90079

EXHIBIT 'B'

LOCATED IN THE NORTHWEST 1/4 OF THE
 NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 2 SOUTH,
 RANGE 1 WEST, WILLAMETTE MERIDIAN,
 COUNTY OF WASHINGTON, STATE OF OREGON



**POINT OF COMMENCEMENT
 NW CORNER OF SEC. 33**
 FD 2" BRASS DISK "T2S
 R1W 29 28 32 33 WASH.
 CO. SURVEYOR" IN MON.
 BOX, SET IN USBT
 2011-039

S88°49'57"E 1309.32'
PORTION OF DEDICATION
 DOC. NO. 2002-116985

25' PERMANENT PUBLIC
 ROAD DEDICATION BK.804
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 721

Doc. No.
 2017-083736

FD. 5/8" REBAR,
 NO CAP, SET
 IN SN 15613
 HELD FOR N-S LINE

THE NORTHWEST 1/4 OF
 THE NORTHWEST 1/4 OF
 SECTION 33

REGISTERED
 PROFESSIONAL LAND
 SURVEYOR

Samantha Kay Tanner
 OREGON
 MAY 26, 2015
 SAMANTHA KAY TANNER
 90079

RENEWES 6/30/2022

WEST 1/4 SEC.33
 FD. 2" BRASS CAP "T2S R1W 32 33
 1989 WASH. CO. SURVEYOR" IN
 MONUMENT BOX PER USBT
 2002-062, SET IN USBT BK.5 ENTRY
 152, PG. 491, HELD

SCALE 1" = 300'
 ON AN 8.5"X11" SHEET

PLOT DATE:6/19/2020
 FILE NAME:20009_LOT100E5MT.DWG
 BY 45TH PARALLEL GEOMATICS, LLC



ORDINANCE 2020-007

APPROVING ANNEXATION INTO THE CITY OF SHERWOOD AND CLEAN WATER SERVICES DISTRICT OF APPROXIMATELY 29.61 ACRES, COMPRISED OF 2 TAX LOTS AND ADJACENT SW TONQUIN AVENUE RIGHT-OF-WAY WITHIN THE TONQUIN EMPLOYMENT AREA

WHEREAS, Woodburn Industrial Capital Group, as the applicant and property owners of two tax lots of approximately 28.17 acres, respectively, have submitted an application for annexation of certain land, as described in Exhibits A and B to this Ordinance, to the City of Sherwood; and

WHEREAS, the applicant and property owners initiated this annexation in accordance with ORS Chapter 222 and SB 1573 (2016); and

WHEREAS, SB 1573 requires City approval, without submission to the electors, of annexation requests submitted by all owners of land in the territory proposed to be annexed, regardless of any local charter or ordinance requirements to the contrary, when:

- (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 body of water; and
- (d) The proposal conforms to all other requirements of the city's ordinances; and

WHEREAS, the Tonquin Employment Area, which includes the territory proposed to be annexed, was brought into the Urban Growth Boundary in 2004 by Metro via Ordinance 04-1040B; and

WHEREAS, the City of Sherwood developed a concept plan for that area and adopted the concept plan and implementing ordinances in 2010 via Ordinance 2010-014; and

WHEREAS, the lots (the territory) that is proposed to be annexed is contiguous to the current city limits; and

WHEREAS, the subject territory will be added to the Clean Water Services district boundary upon annexation under the authority of ORS 199.510(2)(c); and

WHEREAS, the annexation of the 28.17 acre property requires 1.44 acres of right of way for SW Tonquin Road adjacent to the property on the west; and

WHEREAS, the City does not presently have any other ordinance requirements applicable to this annexation request; and

WHEREAS, the properties proposed to be annexed are currently in unincorporated Washington County and part of the Washington County Service Districts for Enhanced Law Enforcement; 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 Tonquin Employment Area; and

WHEREAS, these properties must be within the City limits in order to be developed for the urban uses and densities planned for in the Tonquin Employment Area Concept Plan; and

WHEREAS, after proper legal notice, a public hearing was held on the proposed annexation by the City Council on September 1, 2020, at which public comments and testimony were received and considered; and

WHEREAS, the Council reviewed and considered the staff report with proposed findings and conclusions for the decision which is included as Exhibit 1 to the Council staff report.

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

Section 1. The territory proposed to be annexed is specifically identified in the legal description (Exhibit A) and map (Exhibit B) attached to this Ordinance.

Section 2. The territory annexed by this Ordinance and described in Section 1 will be added to the Clean Water Services district under ORS 199.510(2)(c).

Section 3. The applicant has demonstrated that the annexation of the territory proposed to be annexed to the City of Sherwood meets all applicable requirements, as documented in Exhibit 1 to the City Council Staff Report.

Section 4. Upon annexation, the Comprehensive Plan zoning designation of Employment Industrial (EI) adopted via Ordinance 2010-014 implementing the Tonquin Employment Area Concept Plan, will apply to the territory proposed to be annexed.

Section 5. Pursuant to ORS 222.520 and 222.120(5), the City Council declares that upon the effective date of the annexation, the annexed territory will be withdrawn from the Washington County Service Districts for Enhanced Law Enforcement.

Section 6. The territory proposed to be annexed is hereby declared annexed to the City of Sherwood.

Section 7. This Ordinance shall become effective 30 days from its adoption

Duly passed by the City Council this 1st of September, 2020.

Keith Mays, Mayor

Date

Attest:

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Scott	_____	_____
Griffin	_____	_____
Brouse	_____	_____
Young	_____	_____
Garland	_____	_____
Rosener	_____	_____
Mays	_____	_____

EXHIBIT 'A'

ANNEXATION TO CLEAN WATER SERVICES AND INTO THE CITY OF SHERWOOD
LOCATED IN THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 33,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
COUNTY OF WASHINGTON, STATE OF OREGON

THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENT NO. 2017-083736, THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2017-083748, THE TRACT OF LAND DEDICATED TO THE PUBLIC IN BOOK 804 PAGE 898 (AND IN BOOK 926 PAGE 721 RECORDED ON MAY 25, 1973), A PORTION OF LAND CONVEYED IN DEDICATION DEED NO. 2002-116985 RECORDED OCTOBER 7, 2002, AND THAT PORTION OF S.W. TONQUIN ROAD LOCATED IN THE NORTH HALF OF THE NORTHWEST 1/4 OF SECTION 33 TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, STATE OF OREGON, AS SHOWN ON EXHIBIT 'B' ATTACHED HERETO AND BY THIS REFERENCE MADE A PART THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 33 MARKED BY A 2-INCH BRASS DISK IN A MONUMENT BOX MARKED "T2S R1W 29 28 32 33 WASH. CO. SURVEYOR";

THENCE SOUTH 88°49'57"E 651.27 FEET ALONG THE NORTH LINE OF SAID SECTION 33 TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF S.W. TONQUIN ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE SOUTHEASTERLY ALONG THE WEST RIGHT-OF-WAY LINE OF S.W. TONQUIN ROAD, BEING A NON-TANGENT CURVE TO THE RIGHT WITH A RADIAL BEARING SOUTH 50°35'57" WEST, CHORD BEARING SOUTH 28°36'59" EAST, CHORD LENGTH 528.05 FEET, DELTA OF 21°32'53", LENGTH 531.17 FEET, AND RADIUS OF 1412.39 FEET;

THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY SOUTH 17°50'33" EAST 154.07 FEET;

THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY BEING A TANGENT CURVE TO THE LEFT WITH A CHORD BEARING SOUTH 20°13'03" EAST, CHORD LENGTH 239.09 FEET, DELTA OF 4°45'00", LENGTH 239.16 FEET, AND RADIUS OF 2884.79 FEET;

THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY SOUTH 22°35'33" EAST 526.48 FEET;

THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY BEING A TANGENT CURVE TO THE LEFT WITH CHORD BEARING SOUTH 22°51'07" EAST, CHORD LENGTH 4.50 FEET, DELTA OF 00°31'07", LENGTH 4.50 FEET, AND RADIUS OF 497.46 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST 1/4 OF SAID SECTION 33;

THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE SOUTH 88°47'01" EAST 1360.96 FEET ALONG SAID SOUTH LINE TO A 1-INCH IRON PIPE ON THE EAST LINE OF THE NW 1/4;

THENCE NORTH 00°49'01" EAST 655.24 FEET ALONG SAID EAST LINE TO A 1-INCH IRON PIPE ON THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4;

THENCE NORTH 88°46'21" WEST 1310.69 FEET ALONG SAID NORTH LINE TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4;

THENCE NORTH 01°00'30" EAST 657.12 FEET ALONG SAID WEST LINE TO A 5/8-INCH REBAR ON THE NORTH LINE OF SAID SECTION 33;

THENCE NORTH 88°49'57" WEST 658.06 FEET ALONG SAID NORTH LINE TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID S.W. TONQUIN ROAD, SAID POINT BEING SAID TRUE POINT OF BEGINNING.

CONTAINING 29.61 ACRES MORE OR LESS.

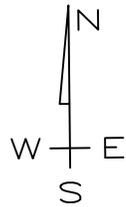
REGISTERED
PROFESSIONAL LAND
SURVEYOR



OREGON
MAY 26, 2015
SAMANTHA KAY TANNER
90079

EXHIBIT 'B'

ANNEXATION TO CLEAN WATER SERVICES AND INTO THE CITY OF SHERWOOD
 LOCATED IN THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 33,
 TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
 COUNTY OF WASHINGTON, STATE OF OREGON



**POINT OF COMMENCEMENT
 NW CORNER OF SEC. 33**
 FD 2" BRASS DISK "T2S
 R1W 29 28 32 33 WASH.
 CO. SURVEYOR" IN MON.
 BOX, SET IN USBT
 2011-039

SW OREGON ST.

TRUE POINT OF BEGINNING

NORTH LINE OF SECTION 33
N88°49'57"W 658.06'

FD 5/8" REBAR, NO CAP, HELD

PORTION OF DEDICATION
 DOC. NO. 2002-116985

25' PERMANENT PUBLIC ROAD
 DEDICATION BK.804 PG.898
 AND BK. 926 PG. 721

NORTH 1/4 OF SEC.33
 FD. 3" BRASS CAP
 "WASH CTY 28 33 2S1 1975"
 IN CONCRETE, SET IN USBT
 2-104

NORTH 1/2 OF THE
 NW 1/4 OF THE NW
 1/4

NW 1/4 OF THE NE
 1/4 OF THE NW 1/4

NE 1/4 OF THE NE
 1/4 OF THE NW 1/4

REGISTERED
 PROFESSIONAL LAND
 SURVEYOR

Samantha Kay Tanner

OREGON
 MAY 26, 2015
 SAMANTHA KAY TANNER
 90079

RENEWS 6/30/2022

SOUTH 1/2 OF THE NW
 1/4 OF THE NW 1/4

NORTH LINE OF THE SOUTH 1/2 OF THE NE 1/4 OF THE NW 1/4
N88°46'21"W 1310.69'

FD. 5/8" REBAR, NO CAP,
 41.28' NORTH ON LINE

FD. 1" IRON PIPE, HELD

SOUTH 1/2 OF THE NE 1/4 OF THE NW 1/4

DOC. NO. 2017-083748

SOUTH LINE OF THE NORTH 1/2 OF THE NW 1/4
S88°47'01"E 1360.96'

FD. 1" IRON PIPE
 SET IN SN 10069, HELD

WEST 1/4 SEC.33

FD. 2" BRASS CAP "T2S R1W 32 33
 1989 WASH. CO. SURVEYOR" IN
 MONUMENT BOX PER USBT
 2002-062, SET IN USBT BK.5 ENTRY
 152, PG. 491, HELD

SCALE 1" = 300'
 ON AN 8.5"X11" SHEET

TO: Sherwood City Council

FROM: Eric Rutledge, Associate Planner, Planning Staff

Through: Josh Soper, City Attorney, Joseph Gall, ICMA-CM, City Manager and Julia Hajduk, Community Development Director

SUBJECT: Ordinance 2020-008, Approving annexation of 10.90 acres to the City of Sherwood and 10.50 acres to Clean Water Services within the Tonquin Employment Area, comprised of one Tax Lot and the adjacent SW Oregon Street and SW Tonquin Road right-of-way (*First Reading*)

Issue:

Shall the City Council approve the proposed annexation (Case File No. LU 2020-010 AN) of 10.90 acres of land within the Tonquin Employment Area?

Background:

The applicant has requested a continuance of this annexation hearing to a date certain of October 6, 2020. The City is currently developing an Access Management Plan for SW Oregon St. between SW Tualatin-Sherwood Road and SW Tonquin Rd. The plan will provide alternatives for future driveway and street intersection locations along the Oregon St. corridor and help developers understand requirements for their site. The continuance will allow the applicant to review the outcomes of the plan and better understand access and street requirements prior to annexation.

The property is part of the Tonquin Employment Area (TEA) and was brought into the Urban Growth Boundary in 2004. The TEA Concept Plan was approved by City Council in 2010 and the TEA Market Analysis, Business Recruitment Strategy, and Implementation Plan was adopted by City Council by resolution in 2015. Land in the TEA remains under Washington County jurisdiction and cannot be developed with urban services until annexation to the City. As such, the City has received an annexation petition for 10.90 acres of land in TEA in preparation for future development. If approved, the annexation will bring 10.90 acres of land into the City of Sherwood and 10.50 acres of land into the Clean Water Services District boundaries.

The site is located along the south side of SW Oregon St. on both sides of SW Tonquin Rd. The property is currently zoned FD-20 under Washington County and is occupied by the applicant's industrial business including an office and shop. If the annexation is approved, the City's Employment Industrial zoning will be applied to the property and future development will conform to the EI zone use and development standards.

With adoption of the TEA Concept Plan in 2010, properties within the TEA became eligible for annexation to the City of Sherwood. To date the City has approved three (3) annexations in the TEA totaling approximately 133 acres. The City currently has two annexation petitions under review, the subject application representing 10.90 acres and the adjacent Kerr Annexation (LU 2020-012) representing 29.61 acres. If both are approved, approximately 173 acres of land in the TEA will have been annexed into the

City of Sherwood, representing approximately 58% of the total land within the designated employment area.

The applicant is seeking approval of the annexation petition under the procedures of Oregon Senate Bill 1573. Under this method, a vote by the City electorate is not required to approve the annexation as long as 100% of the land owners have signed the petition and the application meets the approval criteria in ORS 222.127(2)(a)-(d). The legislative body of the City is responsible for approving or denying such annexation petitions based on the compliance with local, regional, and state criteria. The approval criteria for all levels is summarized below:

- Oregon Revised Statutes (ORS) 222.111 – 222.183
- Metro Code 3.09
- City of Sherwood Comprehensive Plan Chapters 3 and 8

The City of Sherwood receives sanitary sewer treatment and water quality services from Clean Water Services (CWS). If the annexation is approved, 10.50 acres of land will be added to the CWS district boundaries as prescribed in ORS 199.510(2)(c). A portion of the subject site is already within the CWS boundaries which results in a CWS annexation area of 0.40 acres less than the proposed City annexation.

The attached staff report reviews the applicable criteria that must be considered for annexations under the proposed method and provides a discussion of how the application meets the criteria. Based on this analysis and findings in the staff report, staff recommends approval of the annexation to the City of Sherwood and Clean Water Services District.

Alternatives:

If the City Council finds that the proposed annexation does not meet the criteria identified in SB 1573 and ORS 199.510(2)(c), it could not approve the Ordinance.

Financial Impacts:

The applicant is required to pay 100% of costs associated with the annexation application, including staff time. The applicant has paid a deposit of \$7,500 to initiate this annexation.

Should the Council approve this application, the property would be in need of City services, the cost of which would be mostly borne by implementing development. The development of the site will require the extension of City services (transportation, water, sewer, etc.); however, impacts and potential mitigations would be addressed by future land use applications. In addition, once the property is annexed to the City it will be subject to the taxes, bonds, and fees assessed by the City of Sherwood.

Recommendation:

Staff recommends opening the first public hearing on Ordinance 2020-008, and continuing the hearing to a date certain of October 6, 2020 at the request of the applicant.

Exhibits:

1. Staff Report and Exhibits for LU 2020-010 Polley Annexation

City of Sherwood
Staff Report for 21720 SW Oregon St.

Staff Report: August 17, 2020
Hearing: September 1, 2020
Case File No: LU 2020-010 AN

Signed: 
Eric Rutledge, Associate Planner

Proposal: The applicant is seeking approval from the City of Sherwood to annex a 9.53-acre parcel and 1.37 acres of adjacent right-of-way at 21720 SW Oregon Street in unincorporated Washington County, Oregon. The total area proposed for annexation is 10.90 acres to the City of Sherwood and 10.50 acres to Clean Water Services. The applicant is seeking approval of the annexation petition under the procedures of SB 1573 and also requests annexation of the property into Clean Water Services boundary for the provision of sanitary sewer, stormwater, and surface water management pursuant to ORS 199.510(C).

I. BACKGROUND

A. Applicant: Bruce and Karen Polley
PO Box 1489
Sherwood, OR 97140

Applicant's Representative.: Mimi Doukas, AICP
AKS Engineering & Forestry LLC
12965 SW Herman Rd, Suite 100
Tualatin OR 97062

B. Location: The site is located at 21720 SW Oregon Street in Unincorporated Washington County, on the south side of SW Oregon St. and on both sides of SW Tonquin Rd.

C. Review Type: The Sherwood City Charter requires the electorate of the City to approve annexations that are passed by the City Council. However, Senate Bill 1573 provides an exception to the final electorate requirement when the annexation petition is submitted by 100% of the landowners of the property and when certain criteria are met. Consequently, this application is being processed as a quasi-judicial action subject to the approval criteria of ORS 222.127(2)(a)-(d). If the City Council determines that the annexation petition meets the criteria, the territory is to be annexed to the city by ordinance. The applicant has also requested annexation into the boundaries of Clean Water Services for the provision of sanitary sewer, storm and surface water management pursuant to ORS

199.510(2)(c).

- D. Public Notice and Hearing: Notice of the City Council hearing on the annexation was posted on the subject property and in five public locations throughout the City on August 12, 2020. While ORS only requires mailed notice to property owners within 250 ft. of the site, mailed notice was provided to property owners within 1,000 feet of the site on August 12, 2020 in accordance with Sherwood's public hearing notice requirements. Notice of the hearing was also posted in the August 13 and August 27, 2020 edition of The Times, a local newspaper.
- E. Review Criteria: There are three levels of review criteria and requirements for annexations - Local, Regional and State. The Oregon Revised Statutes (ORS 222.111-.183) guide the process for annexations at the state level. The applicant is requesting approval under the SB 1573 method and is subject to the approval criteria of ORS 222.127. Annexations proposed within the Metro boundary are also subject to the approval criteria of Metro Code 3.09. Finally, the annexation must comply with Chapters 3 and 8 of the City of Sherwood Comprehensive Plan. All applicable review criteria are addressed below.
- F. History: The property is part of the Tonquin Employment Area (TEA) and was brought into the Urban Growth Boundary in 2004 via Metro Ordinance 04-1040B. In 2010, the City approved the TEA Concept Plan including the implementing Comprehensive Plan and Map Amendments. In 2015 the TEA Market Analysis, Business Recruitment Strategy and Implementation Plan was approved by the City Council under Resolution 2015-051.

With adoption of the TEA Concept Plan, property within the TEA became eligible for annexation to the City of Sherwood. To date the City has approved three (3) annexations in the TEA totaling approximately 133 acres. The City currently has two annexation petitions under review, the subject application representing 10.90 acres and adjacent Kerr Annexation (LU 2020-012) representing 29.61 acres. If both are approved, approximately 173 acres of land in the TEA will have been annexed into the City of Sherwood, representing approximately 58% of the total land area.

- G. Site Characteristics and Existing Zoning: The site is currently occupied by an industrial business and according to assessment records contains a multipurpose building, machine shed, and detached carport. A manufactured home is also located on the site and is used as the offices for the business. No residents currently live on the site.

The property is approximately 9.23 acres in size and fronts SW Oregon Street and SW Tonquin Road, with a small portion of the overall tax lot (0.2 acres) located on the southwest side of SW Tonquin Road. The 0.2 acres is located entirely within the 100-year floodplain of Rock Creek. The property on the northeast site of SW

Tonquin Rd. is currently in use by the applicant for operation of an industrial business as referenced above. The remainder of the property is covered by grassland and forest, including upland and riparian habitat.

The property is zoned Future Development 20-Acre District (FD-20) by Washington County. The FD-20 District applies to the unincorporated lands added to the urban growth boundary by Metro through a Major or Legislative Amendment process after 1998. The zoning encourages limited interim uses until the comprehensive planning for future urban development of the area is complete.

- H. Future Zoning: The subject site is within the Tonquin Employment Area, which has been incorporated into the City's Comprehensive Plan. Upon annexation to the City of Sherwood, the City's Employment Industrial (EI) zoning will be applied to the site. The EI zone classification was determined to be the most suitable zoning for the area through the TEA Concept Plan and targets the Clean Technology, Technology and Advanced Manufacturing, and Outdoor Gear and Active Wear industries. The EI zone will provide employment areas that are suitable for and attractive to these industries.

II. AFFECTED AGENCY AND PUBLIC COMMENTS

Agencies Comments: Notice was provided to the following agencies on July 27, 2020: NW Natural, Portland General Electric, Clean Water Services, Kinder Morgan, Pride Disposal, Raindrops 2 Refuge, Tualatin River National Wildlife Refuge, Portland Western Railroad, Bonneville Power Administration, Sherwood School District, TriMet, Metro, Oregon Department of Transportation, Washington County Land Use & Transportation, Tualatin Valley Fire & Rescue, Sherwood Police Department, and the United States Postal Service.

Responses were received from City of Sherwood Engineering and Tualatin Valley Fire & Rescue. Summaries are provided below and full comments are included as exhibits to the report. Sherwood Police Department, BPA, and ODOT Outdoor Advertising Sign Program acknowledged the proposal and did not have any comments or concerns.

Sherwood Engineering Department – Bob Galati, City of Sherwood Engineer, provided the following comments with regard to the proposed annexation (Exhibit D):

Transportation - Generally speaking, the site currently has access to SW Oregon Street and SW Tonquin Road and meets annexation requirements for transportation.

Sanitary sewer - Generally speaking, the site currently has access to public sanitary sewer due to the ability to extend public sanitary mainlines within public right-of-way, even though the distance is significant (1,420 feet).

Storm sewer - Generally speaking, the site currently has access to public storm water

systems due to the ability to extend public storm water mainlines within public right-of-way to the Rock Creek stream corridor.

Water - Generally speaking, the site currently has access to public water systems due to the ability to connect to existing public water systems located within public road right-of-way which fronts the site.

Tualatin Valley Fire & Rescue – Tom Mooney, Deputy Fire Marshal, provided comments via email (Exhibit E). The comments affirm the territory is within the boundary of TVF&R and is served by Station 33 located on SW Oregon St. In addition, Station 34 in Tualatin and Station 35 in King City are in proximity to the subject site. Service will not change with annexation.

Public Comments

No public comments were received on the application.

III. REQUIRED CRITERIA AND FINDINGS FOR ANNEXATION AND BOUNDARY CHANGE

A. State Standards

Oregon Revised Statute 222 authorizes and guides the process for annexations of unincorporated and adjacent territories into the City boundaries. The applicant is requesting annexation utilizing the procedures outlined in SB 1573 or ORS 222.127. Under this method, the application is required to comply approval criteria of ORS 222.127(2)(a)-(d). When the legislative body of the City determines that the annexation petition meets the criteria, the territory is to be annexed to the city by ordinance. Assuming the City Council determines that the annexation petition meets the prescribed criteria, the annexation ordinance and required notification to the Oregon Secretary of State, Oregon Department of Revenue and other affected will be prepared for Council approval.

Senate Bill 1573, Section 2 (ORS 222.127)

- (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.**
- (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:**

The annexation petition is proposed by Bruce and Karen Polley, representing 100% of the property owners of the ±9.53-acre property. The signed petition is included in Exhibit G.

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

The territory proposed for annexation is located within the Urban Growth Boundary and the adopted TEA concept planning area. The TEA was brought into the Sherwood Urban Growth Boundary in 2004 via Metro Ordinance 04-1040B to provide for needed industrial land.

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

In 2010 the City approved the TEA Concept Plan and implementing Comprehensive Plan and Zone Map Amendments via Ordinance 2010-014. The 9.53 acre parcel is located within the TEA and subject to the City's Comprehensive Plan and Map.

- (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 body of water; and**

The territory is located contiguous to the city limits along two property lines. The east property line is shared with 21600 SW Oregon St. (Tax ID 2S128C000600) which was annexed into City in 2019. The northwest property line abuts SW Oregon St. and the parcels located across the right-of-way are also located within the City of Sherwood (Exhibit A).

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

The annexation petition was prepared in accordance with the City's requirements and all information required in the City's "Checklist for Annexation Request to the City of Sherwood" has been submitted by the applicant. As demonstrated in this report, the proposal conforms to the applicable ordinances of the City including the City's adopted Comprehensive Plan.

- (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.**

The total land area of the annexation is 10.90 acres which includes the 9.53 acre Polley property and 1.37 acres of the adjacent right-of-way (SW Oregon St. and SW Tonquin Rd.). Local infrastructure and right-of-way access are available and additional territory under this section is not required.

- (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.**

A draft ordinance including a description of the territory has been provided and can be adopted by the City Council if it determines the applicable criteria of the annexation request has been satisfied.

Oregon Revised Statute Chapter 199.510 Financial effects of transfer or withdrawal; exceptions (Clean Water Services Boundary)

- (2)(c) When a city receives services from a district and is part of that district, any territory thereafter annexed to the city shall be included in the boundaries of the district and shall be subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district.**

The City of Sherwood is within the jurisdictional boundary of Clean Water Services, which provides sanitary sewer and water quality services to urban Washington County. Approximately 10.50 acres of the territory is not currently within the CWS boundary but as authorized by state statute above, will also be annexed into the CWS service area upon annexation to the City. The difference between the City annexation and CWS annexation is approximately 0.40 acres, as depicted in the legal descriptions and maps (Exhibit B).

B. Regional Standards

In addition to the state requirements addressed above, the Oregon legislature has directed Metro to establish annexation criteria that must be used by all cities within the Metro boundary. The City of Sherwood and the subject site is in the Metro boundary and subject to the criteria of Metro Code 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;**

Urban services are defined in the Metro Code as “sanitary sewers, water, fire

protection, parks, open space, recreation and streets, roads and mass transit.” All required urban services are available to serve the territory as described in the City of Sherwood Engineering Comments (Exhibit D) and summarized below.

Public improvements that are required to serve the site and the larger TEA have been identified in the TEA Concept Plan and will be constructed before or in conjunction with site development. In addition, the public improvements necessary to accommodate development of the TEA have been assumed in the City’s Water System Master Plan, Storm Water Master Plan, and Sanitary Sewer Master Plan.

Water - Per City Engineering Department, the proposed annexation site has direct access to public water systems in the form of a 12-inch diameter water line located within Oregon Street. It is anticipated that internal public water systems will need to be looped to provide the system redundancy required by the City.

Sewer - Per the City Engineering Department, the nearest public sanitary sewer system is located within the right-of-way of the Oregon Street/Murdock Road roundabout. This point is approximately 380 feet southwest of the major lot nearest site property corner located along Oregon Street. Access to existing public sanitary sewer facilities would require the construction of 1,420 feet of public sanitary sewer mainline along Oregon Street. The additional distance is necessary to meet the “to and through” requirement for providing public facilities to upstream adjacent development lands.

The existing downstream portion of the public sanitary sewer connection point resides in a public utility easement dedicated to the City from Allied Systems Company. Connection to the downstream system would require dedication of another public utility easement from a private entity, which is not in compliance with annexation requirements.

The project site is not within the Clean Water Services County Service District. ORS 199.510(2)(c) stipulates that when a city receives services from a district, such as Clean Water Services, the territory annexed to the city is also automatically added to the boundaries of the service district.

Storm Drainage - Per City Engineering Department, the majority of the site is between elevation 206 and 138. The Oregon Street frontage has elevations of between 206 and 138. The southeast corner of the site sits at elevation 192. Provision of a storm water treatment facility should be placed

at the low end of the site, and would discharge to the Rock Creek stream corridor across SW Tonquin Road.

The nearest existing public storm water system is located within Oregon Street along the northern edge. It is a 12-inch diameter line with flow through catch basins, and is sized to serve the Oregon Street impervious surface area. This line is not sized to provide service to adjacent development areas.

To provide service to the site, a new public storm water trunk line would need to be constructed within the SW Oregon Street and SW Tonquin Road right-of-way, and extended to a discharge point on the Rock Creek stream corridor. This trunk line would need to be sized to provide adequate capacity to serve adjacent downstream and upstream development areas.

The storm water system would need to be designed to meet hydromodification requirements, as specified by CWS.

City GIS information indicates that the lower portion of the site adjacent to SW Tonquin Road/SW Oregon Street intersection is within the 100-year floodplain. Generally, design standards don't allow development of stormwater quality facilities within the 100-year floodplain.

Transportation - Per City Engineering Department, a high-level transportation analysis was performed as part of the Tonquin Employment Area (TEA) Concept Plan, which dates back more than 9-years to 2010. As stated in the Concept Plan Report, the transportation portion of the plan was not forecasted to develop as an urban industrial area in the year 2020 forecasts that were utilized to develop the Sherwood and Washington County TSP's. The land use forecasts were used to develop the 2030 and 2035 forecasts for Metro RTP updates.

The proposed site development plans show that the subject site has access to SW Oregon Street and SW Tonquin Road. As such the site meets the requirements for annexation.

The City's TSP and CIP has identified a roundabout improvement for the intersection of SW Oregon Street and SW Tonquin Road (Project No. D3). Previous traffic studies have shown that the current intersection does not meet mobility targets and is marginal in meeting design safety requirements. It can be anticipated that dedication of right-of-way to accommodate the roundabout CIP will be required.

Site access is shown as being off SW Oregon Street near the northeast corner of the site. Access spacing standards will have to meet WACO requirements for access spacing onto SW Oregon Street. An un-named public road located at the south end of the site is a possible second access point to the site.

Parks and Recreation - The City of Sherwood owns and maintains over 60 acres of parks in addition to 300 acres of greenways and natural areas. Dedication and construction of new parks and trails generally occurs with site development or with system development charges required of new development. Maintenance and operations of the park system is funded out of the General Fund. An annexation alone does not trigger any park dedication requirement; however, future development will be required to comply with applicable park and open space requirements in the City's Comprehensive Plan and development code. Applicable Park SDC's will also be collected at the time of site development.

Fire - The territory is within the boundary of the Tualatin Valley Fire and Rescue District and comments on the application were provided by Tom Mooney, Deputy Fire Marshal. The territory to be annexed is served by Station 33 located on SW Oregon Street. Station 34 in Tualatin and Station 35 in King City are also in close proximity. The existing fire services provided by TVF&R will not be impacted by the annexation.

Police – Based on online County records, the subject site is within the Washington County Enhanced Sheriff's Patrol District (ESPD). Upon annexation to the City of Sherwood, the City will withdraw the territory from the ESPD in accordance with ORS 222.520 and 222.120(5). Once the property is withdrawn, the ESPD's tax levy will no longer apply and the City of Sherwood Police Department will serve the site. Police Chief Groth acknowledged the proposed annexation and did not state any comments or concerns.

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, police jurisdiction for the site is currently with the Washington County ESPD and will be withdrawn from the service district upon annexation to the City. The City of Sherwood Police Department will serve as the new necessary party for police services. The territory is not anticipated to be removed from the service boundary of any other necessary parties.

3. The proposed effective date of the boundary change.

The effective date of annexation will be determined after Council adoption of the ordinance and filing of the boundary change approval 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 provided all of the required information to process the boundary change, including a certified petition and legal descriptions. The applicant's narrative (Exhibit G) provides a discussion of how the proposal meets the applicable criteria. City Council is the local decision authority on the application and will determine whether the approval criteria have been satisfied.

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.

These 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;

Comprehensive planning within the Metro UGB is coordinated between counties and cities through Urban Planning Area Agreements (UPAAs). The subject property is included under the Washington County / Sherwood UPAA which is included as part of Exhibit G. Under the UPAA, the City is responsible for comprehensive planning and public facilities planning for areas outside City limits but inside the UGB. The City is responsible for providing water, sanitary sewer, storm sewer and transportation facilities within the UPAA, except when a facility is provided by another jurisdiction through an intergovernmental agreement. After annexation the territory will be served by City facilities consistent with the TEA Concept Plan and UPAA.

b. Any applicable annexation plan adopted pursuant to ORS 195.205

ORS 195.205 allows for a vote on annexation plans by the electorate. While Sherwood voters have already approved annexations proposed within this area of the UGB under Measure No. 34-202, the application is being processed

under SB 1573. SB 1573 does not require a vote by the electorate under ORS 195.205 and this criterion is not applicable.

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

ORS 195.020(2) requires counties to enter into cooperative agreements with each special district that provides an urban service within the boundaries of the county or metropolitan district. Since the City receives sewer treatment and water quality services from CWS, the property will be served by CWS upon annexation and the existing cooperate agreement between the jurisdictions will not be impacted. The annexation will result in the removal of the property from the Washington County ESPD and incorporation into the Sherwood Police service boundary. The existing mutual aid agreement between Washington County Sheriff and Sherwood Police will not be impacted by the annexation. Finally, the territory is in the TVF&R service district which will not change upon annexation.

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

The TEA Concept Plan incorporated the analysis and assumptions of the City's Transportation System Plan and master water, sanitary sewer, and storm water plans. The concept plan was approved by City Council in 2010 and was found to be consistent the Statewide Planning Goals and applicable public facility plans. After annexation, the property will be served by public facilities consistent with the TEA concept plan and City master plans. The discussions and findings in this report demonstrate the proposed annexation can feasibly comply with applicable plans.

e. Any applicable comprehensive plan; and

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

f. Any applicable concept plan.

Compliance with the Tonquin Employment Area Concept 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;

As described in the agency comments (Exhibits D & E) and in this report, the annexation area is currently served or can be served by the necessary public facilities and services in a timely and orderly manner. The site has frontage on SW Oregon St. and SW Tonquin Rd. with utilities available adjacent to the site or within a short distance from the site. The required public and franchise utilities can be located within the adjacent right-of-way(s) and extended to serve the site. In addition, the necessary upgrades to existing facilities have been identified in adopted plans including the Tonquin Employment Area Concept Plan. Upgrades to these utilities will be studied in more detail when a development application is submitted, and if needed, required to be paid for by the development. Any applicable SDCs will be collected at the time of development. Finally, public services such as police and fire have also been demonstrated to serve the site upon annexation in a timely and orderly way.

b. Affect the quality and quantity of urban services; and

The Metro code defines urban services as sanitary sewer, water, fire protection, parks, open space, recreation, and streets, roads, and mass transit. While the demand on urban services will be increased, the industrial development that follows annexation will pay one-time SDCs and ongoing property taxes and utility fees. Therefore, the annexation is not anticipated to negatively impact the quality and quantity of urban services. Each urban service is discussed in more detail below:

Sanitary sewer and water – As discussed in the Engineering Comments, the site has access to an existing water main located in SW Oregon St. A public sanitary sewer main is located at the SW Oregon St. and SW Murdock Rd. roundabout. An extension of this line will be required to serve the site and those further up Oregon St. to the north.

Streets, roads, and mass transit – The site abuts existing public roads in good condition. Annexation will not immediately impact these areas and road improvements will be required in conformance with City and County standards at the time of development. It is anticipated that upon development of the site, right-of-way dedication to accommodate a new roundabout at SW Oregon St. and SW Tonquin Rd. will be acquired.

Mass transit will not be directly affected by the annexation; however, with additional individuals/employees comes additional demand on the transit system and increased opportunities for better transit service to serve the existing and future populations.

Parks, open space, and recreation – Dedication and construction of new parks and trails generally occurs with site development or with SDCs required of new

development. Park maintenance and operations is funded out of the General Fund.

Once annexed into the City, the site will be required to comply with any applicable park and open space requirements of the Comprehensive Plan and development code. The Ice-Age Tonquin Trail is planned to run along SW Tonquin Rd. and SW Oregon St. along the site frontage.

While it is anticipated that future employees in the TEA will utilize the City's park system, the demand will not negatively impact the quality or quantity of the service. Development of the site may also provide opportunities for new parks and trails such as the Ice-Age Tonquin Trail. By building out the planned park system, existing and future Sherwood residents and employees will benefit.

Fire protection – the property is currently served by TVF&R and will continue to be served by the district after annexation.

c. Eliminate or avoid unnecessary duplication of facilities or services.

The annexed territory will be served by public facilities and services in accordance with the UPAA and City of Sherwood master plans. Upon annexation the property will be removed from the Washington County ESPD and will receive police services from Sherwood Police. No duplication of services will be created as a result of the annexation.

Metro Criteria § 3.09.045 (E)

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

The proposed annexation territory lies entirely within the UGB.

C. Local Standards

Under the Washington County / Sherwood UPAA the City is responsible for comprehensive planning land within the "Urban Planning Area" which includes the subject site. Chapter 8 of the City's Comprehensive Plan addresses Urban Growth Boundary Additions and includes policy and implementation direction for the TEA. Chapter 3 of the City's Comprehensive Plan addresses Growth Management and is also applicable to the site and proposed annexation. As discussed below, the proposal is consistent with Chapters 3 and 8 of the Comprehensive Plan. If the annexation is approved, the EI zoning will be applied to the property. Future development will be reviewed for compliance with the Sherwood Zoning & Community Development code at the time of development.

**City of Sherwood Comprehensive
Chapter 3 Growth Management**

Section B.1 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.

Section B.2 Policy Objectives

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

The subject site located at the western boundary of the TEA at the corner of SW Oregon St. and SW Tonquin Rd. Adjacent lands to the east and north/west (across SW Tonquin Rd.) are currently within city limits. Annexation of the parcel will allow orderly expansion of the city boundary and extension of public services without leap frogging other developable property. Annexation will also allow properties in the interior of the TEA to be eligible for annexation as the city boundary shifts to include the subject site.

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

The subject site was brought into the UGB in 2004 as part of the TEA in order to meet local and regional industrial development needs over a 20-year planning horizon. The TEA was envisioned as a unique employment area in the City with target industries and jobs. Annexation of the parcel will provide new land zoned Employment Industrial while allowing properties zoned Light Industrial and General Industrial to serve businesses suited for those zones elsewhere in the City. Given the need for different types of industrial space, the annexation of this parcel will not significantly affect the ability for existing parcels inside the City limits 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, as described in the agency comments and throughout this report.

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

This is a criterion that Metro considered in its decision to expand the UGB. Any land designated urban reserve and then brought into the UGB has already undergone extensive analysis on the suitability of the soils in comparison to other locations in the region. This criterion

has been met.

e. Achieve the maximum preservation of natural features.

The proposal is for annexation of the property into the City of Sherwood and CWS boundaries. After annexation, preservation of the natural features on the site will be required in accordance with City, CWS, and applicable state and federal regulations. The 0.2 acres of the property on the south/west side of SW Tonquin Rd. is located within the 100-year floodplain of Rock Creek. The property also contains Regionally Significant Fish and Wildlife Habitat as determined classified by Metro. Natural resource protection standards are generally reviewed and approved with site development. The applicant will be required to show compliance with natural resource regulations through a future land use application.

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

The property is located at the corner of SW Oregon St. and SW Tonquin Rd. The TEA Concept Plan and TEA Implementation Plan provide conceptual locations of new transportation facilities. A new street right-of-way (SW Tonquin Ct.) is shown in the vicinity of the site's east property line and is required to provide access to interior lots of the TEA. Final access points and vehicular circulation patterns will be determined at the time of site development and will be required to comply with the City's transportation and engineering design standards.

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 concept planning and public facility planning for new urban areas. This was done concurrent with the TEA Concept Plan. Annexation and development of the site will implement the provision of public facilities as envisioned by these plans.

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

The proposed site is a logical progression of employment industrial development in this area. The TEA Concept Plan was developed to ensure that the urbanization of this area was orderly and met the needs of the community. Annexation of the parcel will represent implementation of the territory's planned transition from a rural to industrial use. As described in this report, public facilities are available to serve the site and will be designed and constructed with site development.

**City of Sherwood Comprehensive
Chapter 3 Growth Management**

Section F Growth Management Policy

The following policies and strategies are established for the management of urban growth in the Planning Area.

Growth Areas

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, the property owners, in conformance with applicable City policies and procedures.

Policy 6 - The City will coordinate with Washington County policies and procedures governing the conversion of urbanizable land to urban land. Such policies shall be included in the Washington County-Sherwood Urban Planning Area Agreement (UPAA). Specifically, the City will consider whether proposals to annex to the City include lands which meet one or more of the following criteria: ...

The property covered by the Washington County / Sherwood UPAA and is designated as part of the "Urban Planning Area". As described in this report, the City is responsible for comprehensive planning and the provision of public services in the area. The application been transmitted to the County for review, in accordance with the Washington County / Sherwood UPAA. No County comments were received on the proposal.

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

Once annexed, the area will be in the City and Clean Water Services district boundaries and will have access to urban public sewer and water. The required extensions of these public facilities will occur after annexation but prior to or with site development. The City's water and sewer master plans have accounted for the demands that will be created by the TEA including the subject site. Adequate service is available or can be achieved through implementation of the plans.

**City of Sherwood Comprehensive
Chapter 8 Urban Growth Boundary Additions
Section D.4 Tonquin Employment Area
Implementation**

1. The City of Sherwood shall amend the Zoning and Community Development Code to include an Employment Industrial zone that implements the goals and policies in this section.

The City of Sherwood has already amended the Zoning and Community Development Code to include an Employment Industrial (EI) zone through Ordinance 2010-014.

2. The Employment Industrial zone may be applied only to those properties within city limits, or upon their annexation to the city.

The property is currently zoned FD-20 under Washington County and once annexed, will be zoned EI under the City of Sherwood.

IV. RECOMMENDATION

This staff report provides a review and analysis of the applicable criteria for annexation. It is staff's recommendation, based on the criteria in Senate Bill 1573, ORS 199.510(2)(c), Metro Code 3.09 and the City's policies in the Comprehensive Plan and Tonquin Employment Area Concept Plan, that the annexation petition (LU 2020-010 AN Polley), be approved by the City Council.

V. EXHIBITS

- A. Map of Project Area
- B. Legal Description of Area to Be Annexed
- C. Comprehensive Plan and Zoning Map adopted via Ord. 2010-014
- D. Sherwood Engineering Department Comment Letter
- E. Tualatin Valley Fire & Rescue Comments
- F. Department of Revenue Preliminary Approval Letter
- G. Applicant's Submittal

City of Sherwood

OREGON

2S128C000500
9.23 AC

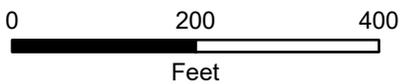
Unincorporated Washington County

RD DOCK

TONQUIN

Legend

-  Subject Site
-  Incorporated to City of Sherwood
-  Taxlots



Date: 8/7/2020

Map data provided by METRO and the City of Sherwood. The City of Sherwood's infrastructure records, drawings, and other documents have been gathered over many years, using many different formats and standards. While the data provided is generally believed to be accurate, occasionally it proves to be



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #7971

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A
Legal Description
City of Sherwood Annexation

A tract of land located in the Southwest One-Quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the southwest corner of said Section 28; thence along the south line of said Southwest One-Quarter of Section 28, South 88°50'36" East 484.43 feet to the southwest corner of Document Number 2008-025922 and the True Point of Beginning; thence along the westerly line of said Deed and the northerly extension thereof, North 24°57'57" West 110.53 feet to the centerline of SW Oregon Street and the City of Sherwood city limits line; thence along said centerline and said city limits line on a non-tangent curve to the left (with radial bearing North 34°03'55" West) with a Radius 236.00 feet, Delta of 09°08'42", Length of 37.67 feet, and a Chord of North 51°21'44" East 37.63 feet; thence continuing along said centerline and said city limits line, North 46°47'23" East 515.84 feet; thence along a curve to the left with a Radius of 1312.33 feet, Delta of 05°31'00", Length of 126.36 feet, and a Chord of North 44°01'53" East 126.31 feet; thence North 41°16'23" East 562.79 feet; thence North 41°05'27" East 8.35 feet; thence leaving said centerline and said city limits line, South 49°05'29" East 37.00 feet to the northeast corner of said Deed on the southeasterly right-of-way line of SW Oregon Street (37.00 feet from centerline); thence along the east line of said Deed, South 01°32'54" West 989.74 feet to the south line of the Southwest One-Quarter of Section 28; thence along said south line, North 88°50'36" West 824.61 feet to the True Point of Beginning.

The above described tract contains 10.9 acres, more or less.

06/09/2020



Michael S. Kalina



ANNEXATION CERTIFIED

BY *MF*

JUN 15 2020

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

Ordinance 2020-008, Exh to Staff Report
September 1, 2020, Page 21 of 127

EXHIBIT B

A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28,
T2S, R1W, W.M., WASHINGTON COUNTY, OREGON

ANNEXATION CERTIFIED

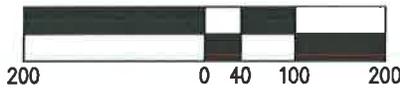
BY VF

JUN 15 2020

**WASHINGTON COUNTY A & T
CARTOGRAPHY**



SCALE: 1" = 200 FEET

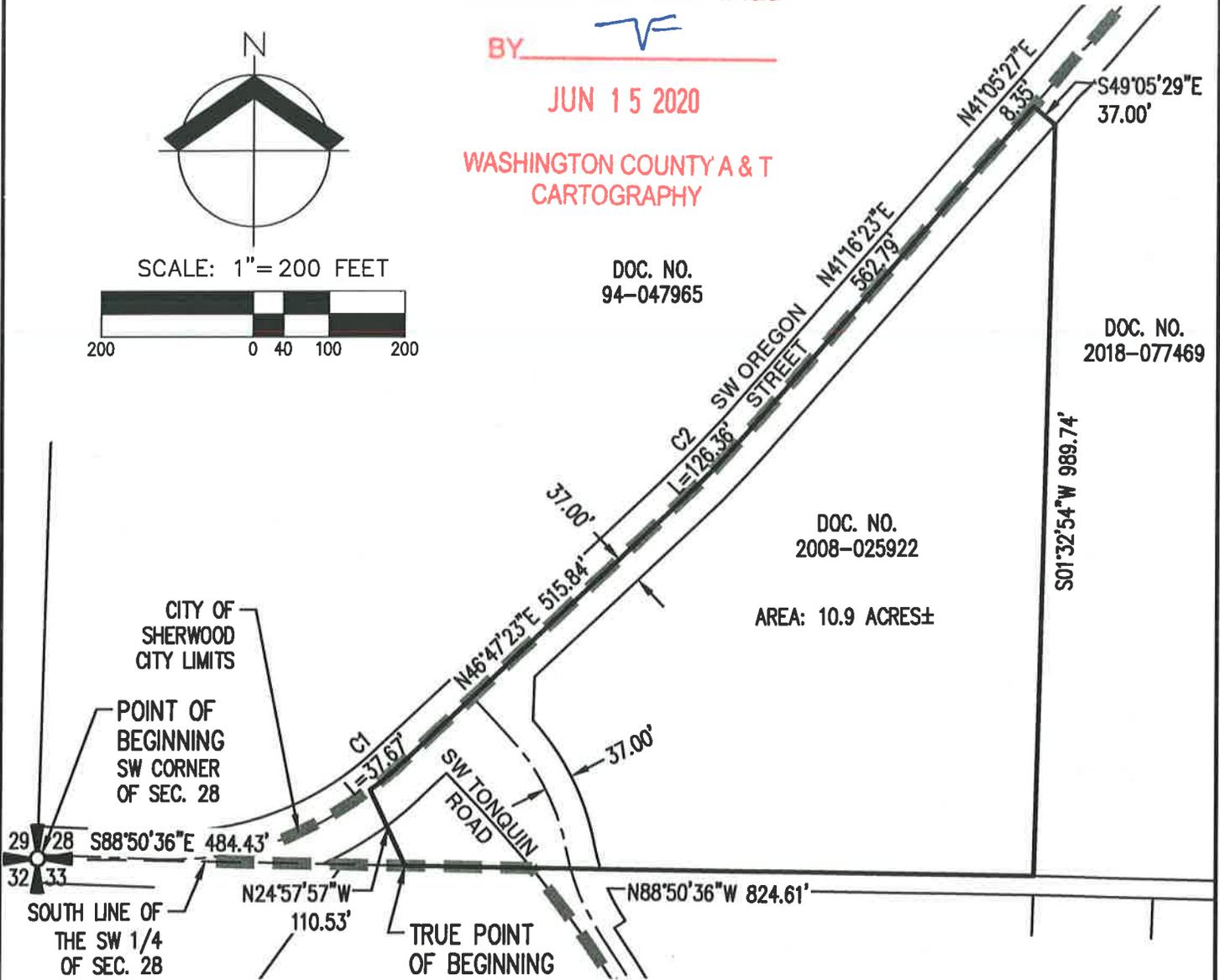


DOC. NO.
94-047965

DOC. NO.
2018-077469

DOC. NO.
2008-025922

AREA: 10.9 ACRES±



06/09/2020

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Michael S. Kalina

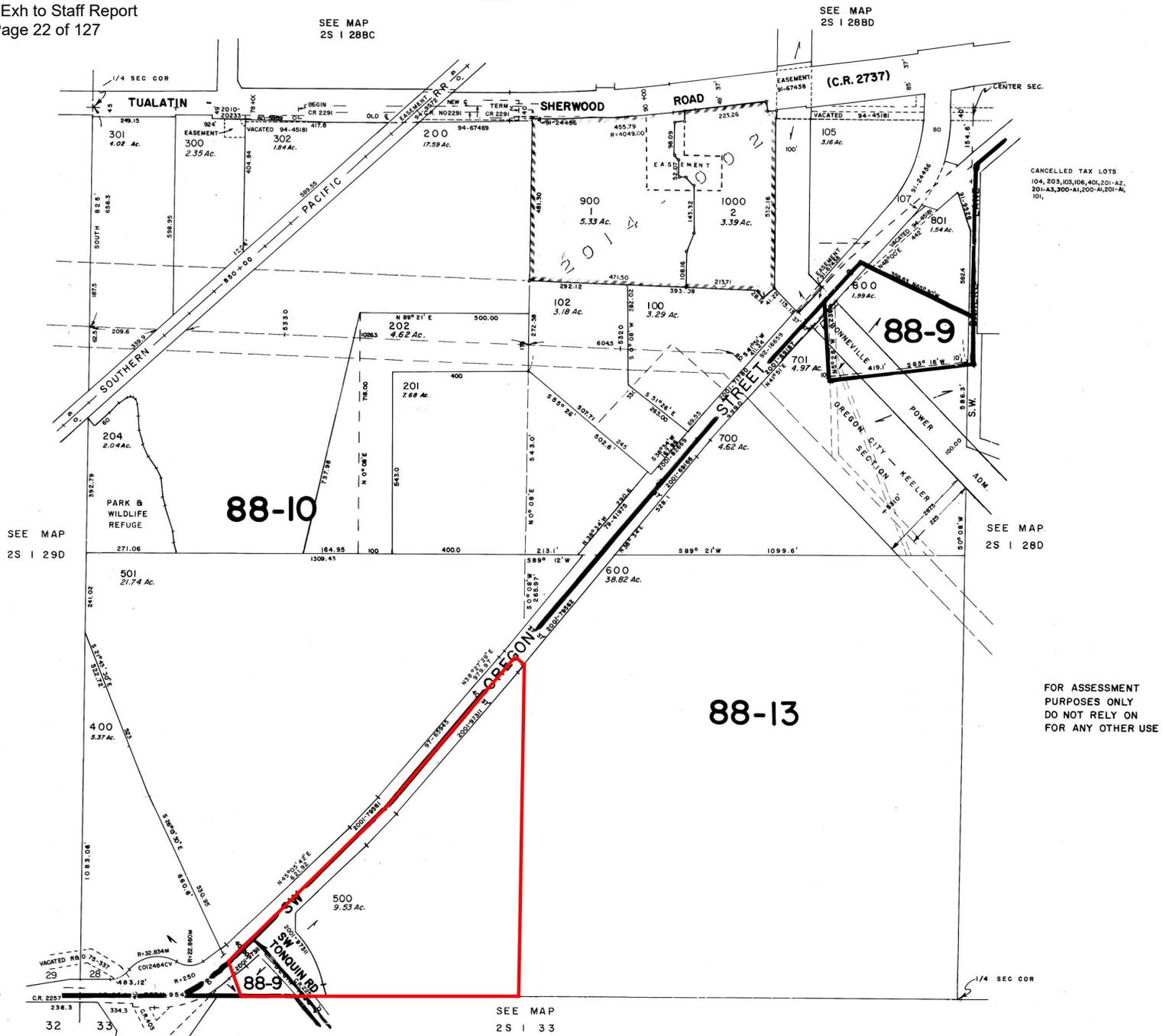
**OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS
RENEWS: 6/30/21**

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	236.00'	9°08'42"	37.67'	N51°21'44"E 37.63'
C2	1312.33'	5°31'00"	126.36'	N44°01'53"E 126.31'

CITY ANNEXATION AREA		EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: MHJ CHKD: MSK AKS JOB: 7971



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AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #7971

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A
Legal Description
Clean Water Services Annexation

A tract of land located in the Southwest One-Quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the southwest corner of said Section 28; thence along the south line of said Southwest One-Quarter of Section 28, South 88°50'36" East 651.35 feet to the southwesterly right-of-way line of SW Tonquin Road (variable width right-of-way) and the Clean Water Services district boundary line and the True Point of Beginning; thence along said boundary line and said southwesterly right-of-way line on a non-tangent curve to the left (radial bearing South 50°32'27" West) with a Radius of 1412.56 feet, Delta of 04°10'05", Length of 102.76 feet, and a Chord of North 41°32'35" West 102.74 feet; thence continuing along said southwesterly right-of-way line and said boundary line and the northwesterly extension thereof, North 43°37'37" West 116.00 feet to the centerline of SW Oregon Street; thence along said centerline and continuing along said boundary line, North 46°47'23" East 466.48 feet; thence continuing along said centerline and said boundary line, along a curve to the left with a Radius of 1312.33 feet, Delta of 05°31'00", Length of 126.36 feet, and a Chord of North 44°01'53" East 126.31 feet; thence North 41°16'23" East 562.79 feet; thence North 41°05'27" East 8.35 feet; thence leaving said centerline and continuing along said boundary line, South 49°05'29" East 37.00 feet to the northeast corner of Document Number 2008-025922; thence along the east line of said Deed, South 01°32'54" West 989.74 feet to the south line of the Southwest One-Quarter of Section 28; thence leaving said boundary line and along said south line, North 88°50'36" West 657.70 feet to the True Point of Beginning.

The above described tract contains 10.5 acres, more or less.

06/09/2020

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael S. Kalina

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

RENEWS: 6/30/21

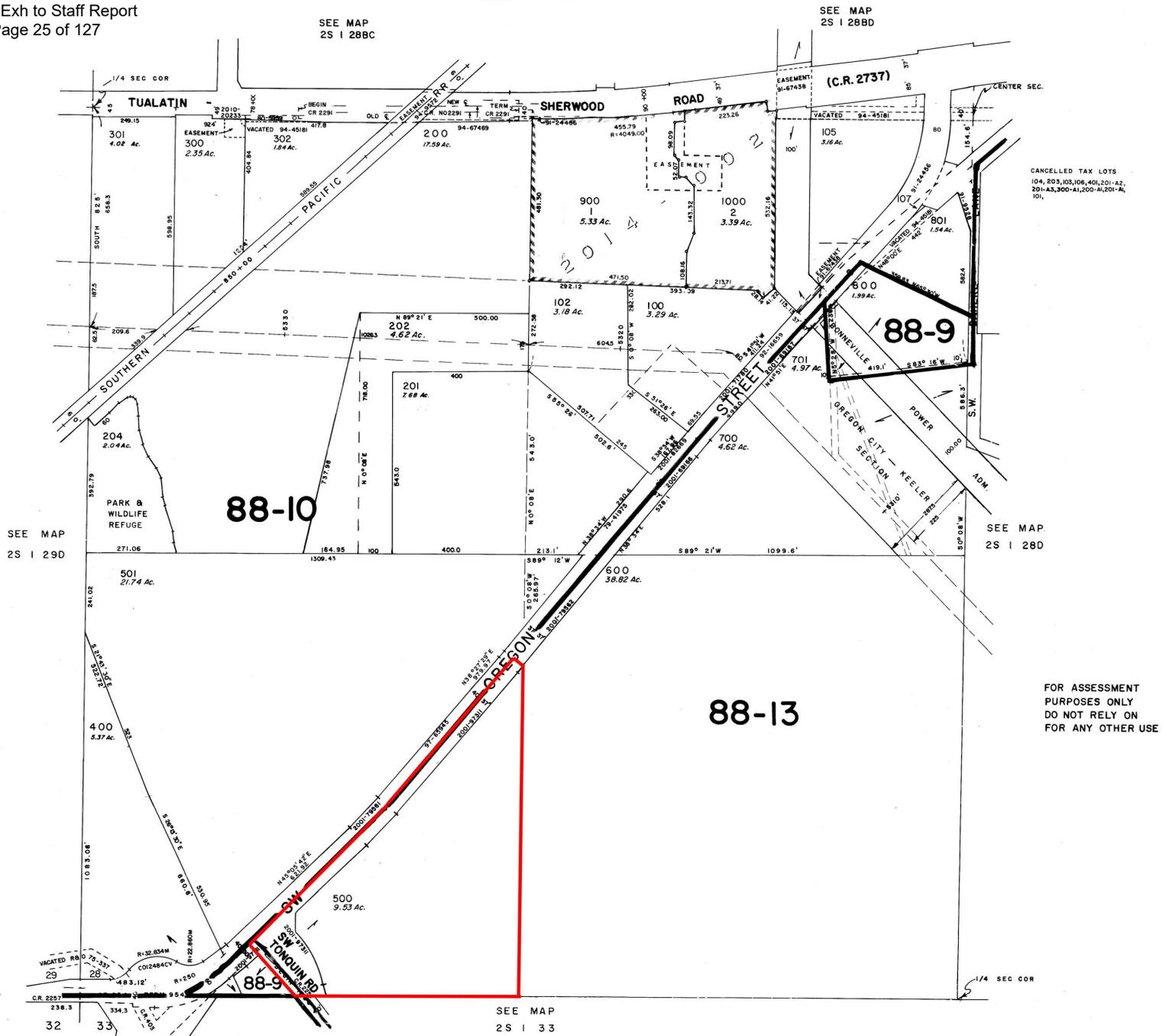
ANNEXATION CERTIFIED

BY *[Signature]*

JUN 15 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY

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SEE MAP
2S | 28BC

SEE MAP
2S | 28BD

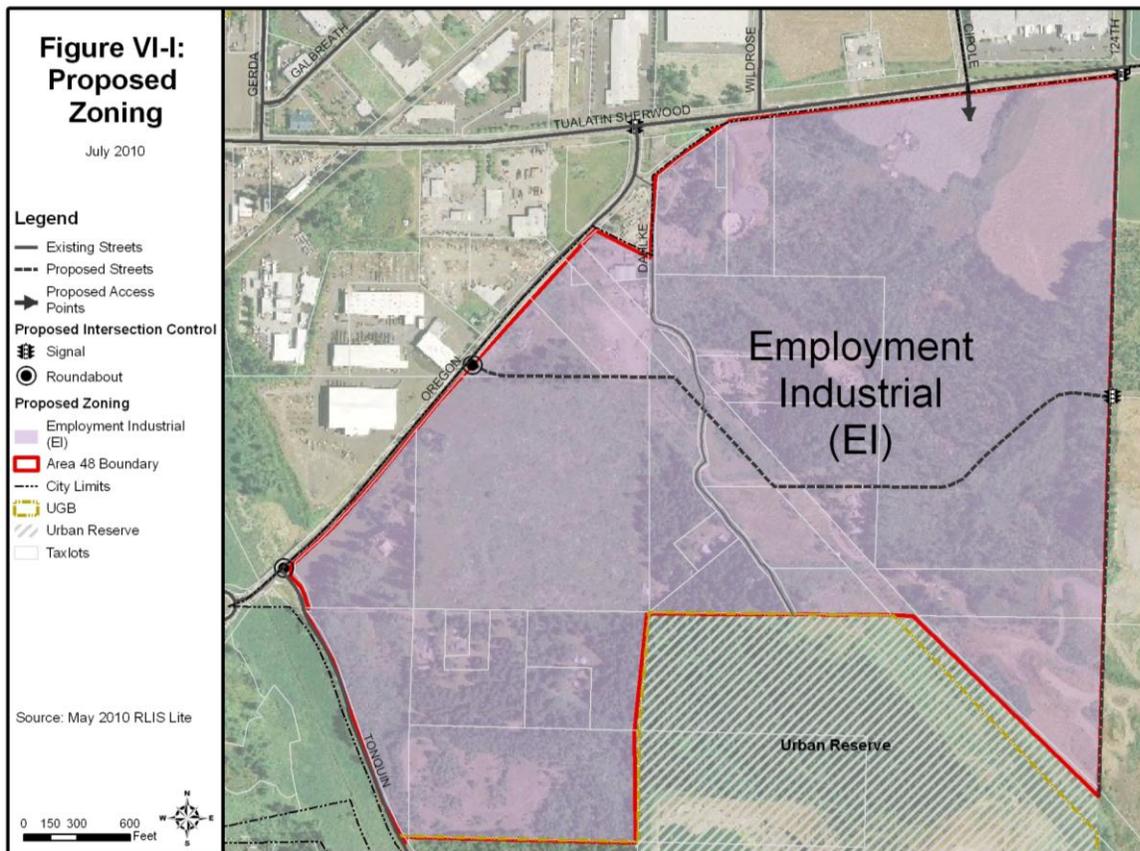
SEE MAP
2S | 29D

SEE MAP
2S | 28D

FOR ASSESSMENT
PURPOSES ONLY
DO NOT RELY ON
FOR ANY OTHER USE

SEE MAP
2S | 33

Figure VI-1: Proposed Zoning



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Engineering Department Land Use - Annexation Review Comments & Conditions



Home of the Tualatin River National Wildlife Refuge

To: Eric Rutledge, Associate Planner
From: Bob Galati P.E., City Engineer
Project: Polley Annexation (LU 2020-010 AN)
Date: July 28, 2020

Engineering staff has reviewed the information provided for the above referenced private development project. Final construction plans will need to meet the standards established by the City of Sherwood Engineering Department and Public Works Department, Clean Water Services (CWS) and Tualatin Valley Fire & Rescue (TVF&R), in addition to requirements established by other jurisdictional agencies providing land use comments. City of Sherwood Engineering Department comments are as follows:

General Observations

The project site (2S128C000500) is located at 21720 SW Oregon Street and is approximately 9.23 acres in size. The lot fronts SW Oregon Street and SW Tonquin Road, with a small portion of the overall tax lot (0.2 acres) bifurcated across SW Tonquin Road.

The proposed site development does not include any improvements shown for this bifurcated portion of the overall site.

Transportation

A high level transportation analysis was performed as part of the Tonquin Employment Area (TEA) Concept Plan, which dates back more than 9-years to 2010. As stated in the Concept Plan Report, the transportation portion of the plan was not forecasted to develop as an urban industrial area in the year 2020 forecasts that were utilized to develop the Sherwood and Washington County TSP's. The land use forecasts were used to develop the 2030 and 2035 forecasts for Metro RTP updates.

The proposed site development plans show that the subject site has access to SW Oregon Street and SW Tonquin Road. As such the site meets the requirements for annexation.

The City's TSP and CIP has identified a roundabout improvement for the intersection of SW Oregon Street and SW Tonquin Road (Project No. D3). Previous traffic studies have shown that the current intersection does not meet mobility targets and is marginal in meeting design safety requirements. It can be anticipated that dedication of right-of-way to accommodate the roundabout CIP will be required.

Site access is shown as being off SW Oregon Street near the northeast corner of the site. Access spacing standards will have to meet WACO requirements for access spacing onto SW Oregon Street. An un-named public road located at the south end of the site is a possible second access point to the site.

Annexation Conclusion: *Generally speaking, the site currently has access to SW Oregon Street and SW Tonquin Road and meets annexation requirements for transportation.*

Sanitary Sewer

The nearest public sanitary sewer system is located with the right-of-way of the Oregon Street/Murdock Road roundabout. This point is approximately 380 feet southwest of the major lot nearest site property corner located along Oregon Street. Access to existing public sanitary

sewer facilities would require the construction of 1,420 feet of public sanitary sewer mainline along Oregon Street. The additional distance is necessary to meet the “to and through” requirement for providing public facilities to upstream adjacent development lands.

The existing downstream portion of the public sanitary sewer connection point resides in a public utility easement dedicated to the City from Allied Systems Company. Connection to the downstream system would require dedication of another public utility easement from a private entity, which is not in compliance with annexation requirements.

Annexation Conclusion: *Generally speaking, the site currently has access to public sanitary sewer due to the ability to extend public sanitary mainlines within public right-of-way, even though the distance is significant (1,420 feet).*

Storm Sewer

The majority of the site is between elevation 206 and 138. The Oregon Street frontage has elevations of between 206 and 138. The southeast corner of the site sits at elevation 192. Provision of a storm water treatment facility should be placed at the low end of the site, and would discharge to the Rock Creek stream corridor across SW Tonquin Road.

The nearest existing public storm water system is located within Oregon Street along the northern edge. It is a 12-inch diameter line with flow through catch basins, and is sized to serve the Oregon Street impervious surface area. This line is not sized to provide service to adjacent development areas.

To provide service to the site, a new public storm water trunk line would need to be constructed within the SW Oregon Street and SW Tonquin Road right-of-way, and extended to a discharge point on the Rock Creek stream corridor. This trunk line would need to be sized to provide adequate capacity to serve adjacent downstream and upstream development areas.

The storm water system would need to be designed to meet hydromodification requirements, as specified by CWS.

City GIS information indicates that the lower portion of the site adjacent to SW Tonquin Road/SW Oregon Street intersection is within the 100-year floodplain. Generally, design standards don't allow development of stormwater quality facilities within the 100-year floodplain.

Annexation Conclusion: *Generally speaking, the site currently has access to public storm water systems due to the ability to extend public storm water mainlines within public right-of-way to the Rock Creek stream corridor.*

Water

The proposed annexation site has direct access to public water systems in the form of a 12-inch diameter water line located within Oregon Street. It is anticipated that internal public water systems will need to be looped to provide the system redundancy required by the City.

Annexation Conclusion: *Generally speaking, the site currently has access to public water systems due to the ability to connect to existing public water systems located within public road right-of-way which fronts the site.*

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From: [Mooney, Thomas A.](#)
To: [Eric Rutledge](#)
Subject: Re: Annexation Notice - Request for Comment (LU 2020-010 AN Polley)
Date: Friday, August 7, 2020 3:04:46 PM
Attachments: [image001.jpg](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Yes that still applies.

Thanks

Tom Mooney, MIAAI-CFI
Deputy Fire Marshal | Tualatin Valley Fire & Rescue
Direct: 503-259-1419
www.tvfr.com

From: Eric Rutledge <RutledgeE@SherwoodOregon.gov>
Sent: Friday, August 7, 2020 3:03:36 PM
To: Mooney, Thomas A. <Thomas.Mooney@tvfr.com>
Subject: RE: Annexation Notice - Request for Comment (LU 2020-010 AN Polley)

*****The sender is from outside TVF&R – Do not click on links or attachments unless you are sure they are safe*****

Hi Tom,

Any comments on this application? Here's what we have for fire from a previous report that likely applies:

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.*

Thanks,

Eric Rutledge
City of Sherwood
Associate Planner
rutledgee@sherwoodoregon.gov
Desk 503.625.4242
Cell 971.979.2315

LU 2020-010 Exhibit E

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City's Planning Department is fully operational, however, with limited face to face contact. We are processing permits via email/phone where possible and by appointment when "in person" interaction is required. Please stay safe and healthy.

From: Eric Rutledge

Sent: Monday, July 27, 2020 8:37 AM

To: Bryan_Robb@co.washington.or.us; d5b@nwnatural.com; r2g@nwnatural.com; henry.english@pgn.com; Travis Smallwood <Travis.Smallwood@pgn.com>; Jose Marquez <Jose.Marquez@pgn.com>; Jackie Humphreys <HumphreysJ@CleanWaterServices.org>; spieringm@CleanWaterServices.org; Rolph, Kevin <Kevin_Rolph@kindermorgan.com>; Kristen Tabscott <kTabscott@pridedisposal.com>; raindrops2refuge@gmail.com; Larry_Klimek@fws.gov; mwerner@gwrr.com; Clark,James L (BPA) - TERR-CHEMAWA <jlclark@bpa.gov>; jerose@sherwood.k12.or.us; pjohanson@sherwood.k12.or.us; tumpj@trimet.org; baldwinb@trimet.org; DevelopmentReview@trimet.org; michaela.skiles@oregonmetro.gov; landusenotifications@oregonmetro.gov; kurt.A.MOHS@odot.state.or.us; HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.state.or.us>; ODOT_R1_DevRev <ODOT_R1_DevRev@odot.state.or.us>; Naomi Vogel <Naomi_Vogel@co.washington.or.us>; stephen_roberts@co.washington.or.us; Theresa Cherniak <Theresa_Cherniak@co.washington.or.us>; Tom Mooney <thomas.mooney@tvfr.com>; Bob Galati <GalatiB@SherwoodOregon.gov>; Brad Crawford <CrawfordB@SherwoodOregon.gov>; Richard Sattler <SattlerR@SherwoodOregon.gov>; Jason Waters <WatersJ@SherwoodOregon.gov>; Craig Christensen <ChristensenC@SherwoodOregon.gov>; Craig Sheldon <SheldonC@SherwoodOregon.gov>; Jo Guediri <GuediriJ@sherwoodoregon.gov>; Andrew Stirling <StirlingA@SherwoodOregon.gov>; Colleen Resch <ReschC@SherwoodOregon.gov>; Scott McKie <McKieS@SherwoodOregon.gov>; Jeff Groth <GrothJ@SherwoodOregon.gov>; Jon Carlson <CarlsonJ@SherwoodOregon.gov>; hoon.choe@USPS.gov

Subject: Annexation Notice - Request for Comment (LU 2020-010 AN Polley)

Hi Agency Partners:

The Sherwood Planning Department is requesting agency comments on the following annexation proposal:

- **Proposal:** The applicant is seeking approval for the City of Sherwood to annex ±9.53 acres of land located at 21720 SW Oregon Street in unincorporated Washington County, Oregon. This property is currently zoned FD-20 and is covered by the Washington County – Sherwood Urban Planning Area Agreement. The property is also within the Tonquin Employment Area and was added to the Urban Growth Boundary (UGB) by the Metro Council in 2004. The annexation is proposed utilizing the SB 1573 method which requires petition from 100% of landowners. The applicant is also requesting annexation of the property into Clean Water Services boundary for the provision of sanitary sewer, stormwater, and surface water management pursuant to ORS 199.510(C). No development is proposed at this time. Please see the application material for a full description of the proposal.
- **Location:** 21720 SW Oregon Street / Tax Lot ID 2S128C000500. Link to property on [WACO](#)

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- **Comment Deadline:** Monday, August 10, 2020 for consideration in the staff report.
- **Hearing Date:** Virtual Hearing before the Sherwood City Council on Tuesday September 1, 2020 at 7pm. A second hearing is tentatively scheduled for September 15, 2020 at 7pm (if required). Agencies impacted by the proposal are welcome to attend online, however, all testimony must be submitted in writing prior to the hearing. All hearings can be viewed at <https://www.youtube.com/user/CityofSherwood>
- **Applicable code criteria:** ORS 222 (includes SB 1573) for City annexation; ORS 199.510(C) for CWS annexation; Metro Code 3.09; City of Sherwood Comprehensive Plan Chapters 3 and 8
- **Application materials:** <https://www.sherwoodoregon.gov/planning/project/polley-annexation>

Eric Rutledge
City of Sherwood
Associate Planner
rutledgee@sherwoodoregon.gov
Desk 503.625.4242
Cell 971.979.2315



Covid-19 Update: The City's Planning Department is fully operational, however, with limited face to face contact. We are processing permits via email/phone where possible and by appointment when "in person" interaction is required. Please stay safe and healthy.

LU 2020-010 Exhibit F
Boundary Change Preliminary Review

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DOR 34-P798-2020



Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
fax 503-945-8737
boundary.changes@oregon.gov

City of Sherwood
Comm. Dev. Div.--Planning Dept.
22560 SW Pine St
Sherwood OR 97140

July 20, 2020

Documents received: 7/1/2020, 7/17/2020
From: Eric Rutledge

This letter is to inform you that the Description and Map for your planned Annex to City of Sherwood (2020-010 AN (SW Tonquin Rd)(Polley)) in Washington County have been reviewed per your request. They MEET the requirements of ORS 308.225 for use with an Order, Ordinance, or Resolution which must be submitted to the Washington County Assessor and the Department of Revenue in final approved form before March 31 of the year in which the change will become effective.

DOR received 2 Revised red-line assessor's maps on 7-17-2020. These should be used in the Final packet with the ordinance along with the surveyor's maps and descriptions. These are for annexations to the city and Clean Water Services.

If you have any questions please contact Elise Bruch, Elise.A.Bruch@oregon.gov

21720 SW Oregon Street Annexation Application

Date: June 2020,
Revised July 2020

Submitted to: City of Sherwood
Planning Department
22560 SW Pine Street
Sherwood, OR 97140

Applicants: Bruce & Karen Polley
PO Box 1489
Sherwood, OR 97140

AKS Job Number: 7971

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Exhibits

- Exhibit A:** City of Sherwood Petition for Annexation and Land Use Application
- Exhibit B:** Washington County Assessor’s Map
- Exhibit C:** Legal Description and Map
- Exhibit D:** Boundary Change Data Sheet
- Exhibit E:** Annexation Questionnaire
- Exhibit F:** Worksheet for Annexation to the City of Sherwood
- Exhibit G:** Certification of Property Ownership
- Exhibit H:** Certification of Legal Description and Map
- Exhibit I:** Ownership Information
- Exhibit J:** Additional Referenced Documents
- Exhibit K:** Washington County-Sherwood Urban Planning Agreement
- Exhibit L:** Public Notice Information

Annexation Application for 21720 SW Oregon Street

Submitted to:	City of Sherwood Planning Department 22560 SW Pine Street Sherwood, OR 97140
Applicants/ Property Owners:	Bruce & Karen Polley PO Box 1489 Sherwood, OR 97140
Applicant's Consultant:	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062 Contact: Mimi Doukas, AICP, RLA Email: mimid@aks-eng.com Phone: (503) 563-6151
Site Location:	21720 SW Oregon Street, Sherwood, OR 97140 Southeast of SW Oregon Street, southwest and northeast of SW Tonquin Road, Sherwood, OR
Assessor's Map:	Washington County Assessor's Map 2S 1 28C Lot 500
Site Size:	±9.53 acres
County Plan Designation:	Future Development, 20 acre (FD-20)
City Zoning Upon Annexation:	Employment Industrial (EI)

I. Executive Summary

The Applicant is seeking approval for the City of Sherwood to annex ±9.53 acres of land located at 21720 SW Oregon Street in unincorporated Washington County, Oregon. This property is located within the Tonquin Employment Area that was added to the Urban Growth Boundary (UGB) by the Metro Council in 2004. In conjunction with Metro adding this area to the UGB, the City of Sherwood undertook extensive planning of the Tonquin Employment Area, including transportation and infrastructure and adopted a Preferred Concept Plan consistent with growth in the Urban Reserve. Annexation of this parcel to the City of Sherwood is the next step in progression and helps to facilitate the City's vision of this area.

Senate Bill 1573 (2016) outlines the process for cities to annex territory without an election by voters. The steps for this process are outlined and addressed below and the proposed annexation meets the requirements of Senate Bill (SB) 1573.

This written narrative, together with the preliminary plans and other documentation included in the application materials, establishes that the application complies with all applicable approval criteria. This documentation provides the basis for the City to recommend approval of the application.

Pursuant to Oregon Revised Statute (ORS) 199.510(c), this application includes a simultaneous annexation of the property into the boundaries of Clean Water Services (CWS) for the provision of sanitary sewer, stormwater, and surface water management.

II. Site Description/Setting

This property is located southeast of SW Oregon Street and is largely vacant with the exception of the applicant's industrial use and business. The subject property is within Washington County jurisdiction and has a Future Development, 20-acre (FD-20) plan designation. The site is identified in Area 48 – Tonquin Employment Area (TEA), and further designated as Employment Industrial (EI) on the Sherwood Comprehensive Plan.

Existing Conditions

The site currently has several structures located on it. These buildings serve the applicant's industrial business on the property. The largest shop building at the center of the property serves an industrial use, while the former single-family residence on the site serves as associated offices for that use. There are several other accessory structures, some of which are in disuse or are also related to the industrial use on the property.

Public Utilities

The property can be served by existing public utilities located adjacent or in close proximity to the site. There is an existing 12-inch water line in SW Oregon Street adjacent to this sites frontage that can provide service to this site. An existing 15-inch public sanitary sewer line is located approximately 380 feet southwest of the site. There is an existing 12-inch storm sewer main located in SW Oregon Street that is available for connection.

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Service	Provider	Size	Location	Distance from Site
Water	City of Sherwood	24 inches	SW Oregon Street	Adjacent
Water	City of Sherwood	12 inches	SW Oregon Street	Adjacent
Sanitary Sewer	City of Sherwood	15 inches	SW Oregon Street Roundabout	±380 feet southwest of site
Storm Sewer	Clean Water Services	12 inches	SW Oregon Street	Adjacent

Transportation

The site is located south of SW Oregon Street and is bisected by SW Tonquin Road. The site has frontage on SW Oregon Street which is under the jurisdiction of Washington County and is classified as an arterial street with three lanes and a posted speed limit of 35 miles per hour. SW Tonquin Road is also classified as an arterial street. SW Tualatin-Sherwood Road is located less than a half mile from the site. The proximity of these two existing arterial streets to the site provides suitable access for this site and other properties within the Tonquin Employment Area. As part of the concept planning when the Tonquin Employment Area was added to the UGB, the City completed a transportation analysis.

III. Applicable Review Criteria

OREGON REVISED STATUTES

Senate Bill 1573:

In response to Senate Bill 1573, which went into effect March 15, 2016, and, “applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city,” the following criteria found in Sections 2 and 3 of Senate Bill 1573 have been addressed.

Section 2.

- (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: Prior to adoption of SB 1573, all territory annexations to the City of Sherwood required approval by electors of the City. The property owners are petitioning the City of Sherwood for annexation via the SB 1573 Method rather than the Double, Triple, or Super Majority Methods, which require a vote by the citizens of the City of Sherwood.

- (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

Response: This annexation involves one property located within the Portland Metropolitan UGB and the Sherwood UGB. The property is within the Tonquin Employment Area, addressed within the Tonquin Employment Area Concept Plan. The area was brought into the Sherwood UGB in 2004 via Metro Ordinance 04-1040B to provide needed industrial land. One hundred percent of the landowners have signed an annexation petition, which is

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included in the application materials as Exhibit A. Additionally, there are no contrary provisions of the City of Sherwood City Charter or existing City ordinances. These criteria are satisfied.

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

Response: The Tonquin Employment Area Concept Plan, which includes a Comprehensive Plan Zoning Map, was adopted by the Sherwood City Council on October 5, 2010. This property is in the Tonquin Employment Area, and upon approval of this annexation application this property will be zoned Employment Industrial (EI), as shown on Figure VI-I, Proposed Zoning of the Tonquin Employment Area Concept Plan Zoning Map, included in the Tonquin Employment Area Concept Plan.

- (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.

Response: As shown on the legal description and map, the property included in this application is contiguous to the City limits along SW Oregon Street. This criterion is met.

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

Response: Required information, forms, and documents found in the "Checklist for Annexation Request to the City of Sherwood" are included in this annexation application. This provision is satisfied.

- (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: The territory to be annexed includes all territories that must be annexed in order to locate infrastructure and right-of-way access for services necessary for development of the territory at a density equal to the average residential density within the annexing City, per the Tonquin Employment Area Concept Plan. Access is available from SW Oregon Street. Sewer is available via an existing sanitary sewer line located southwest of the property and water is available in SW Oregon Street. Annexation and development of this property will permit further infrastructure development by the City of Sherwood at the intersection of SW Oregon Street and SW Tonquin Road. 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: The criteria of subsection (2) of this section are met through information provided in individual responses to each of the criterion. Therefore, a legal description and map for the property planned for annexation prepared by a Professional Land Surveyor is included in the application materials (Exhibit C).

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Section 3

This 2016 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect on its passage.

Response: SB 1573 was signed by the Governor and became effective on March 15, 2016.

ORS 199.510 Financial effects of transfer or withdrawal; exceptions.

199.510 (2)

- (c) When a city receives services from a district and is part of that district, any territory thereafter annexed to the city shall be included in the boundaries of the district and shall be subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district.

Response: The property, after annexation, will receive services from the City of Sherwood but will also continue to receive services from larger districts such as Tualatin Valley Fire & Rescue (TVFR), Sherwood School District, and Washington County Cooperative Library Services. CWS does not currently provide water resources management services to the property; however, a portion of the property is already within the CWS service district. Upon annexation to the City, the remainder of the property will be added to the boundaries of the CWS service district. This criterion is met.

METRO CODE

Chapter 3.09 – Local Government Boundary Changes

3.09.040 Requirements for Petitions

A. A petition for a boundary change must contain the following information:

1. The jurisdiction of the reviewing entity to act on the petition;
2. A map and a legal description of the affected territory in the form prescribed by the reviewing entity;
3. For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; and
4. For boundary changes under ORS 198.855(3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.

B. A city, county and Metro may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter.

Response: The City is the reviewing entity that will act on this petition. Necessary application forms and exhibits, as well as associated review fees, have been submitted with this application. A map and legal description of the affected territory are included in Exhibit C. The names and mailing addresses of persons owning property in the affected territory, per County Tax Assessor and County Clerk records, are included in Exhibit I. Finally, a statement of consent from the requisite owners and electors is included in Exhibit A. The criteria are met.

3.09.045 Expedited Decisions

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- A. The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.
- B. The expedited process must provide for a minimum of 20 days' notice prior to the date set for decision to all necessary parties and other persons entitled to notice by the laws of the city or Metro. The notice shall state that the petition is subject to the expedited process unless a necessary party gives written notice of its objection to the boundary change.
- C. At least seven days prior to the date of decision the city or Metro shall make available to the public a report that includes the following information:
 1. The extent to which urban services are available to serve the affected territory, including any extraterritorial 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 annexation is not an expedited decision and therefore these criteria do not apply.

- 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;

Response: This criterion relates to state statutes requiring local governments and special districts to provide urban services to an area within an urban growth boundary with a population greater than 2,500. Properties within the urban growth boundary of the City of Sherwood are subject to the Washington County/Sherwood Urban Planning Area Agreement. The City of Sherwood, per this agreement, has prepared the appropriate comprehensive plan and public facilities plan updates needed for all areas within the City's UGB. The Tonquin Employment Area Concept Plan was developed to address and plan for annexation within this area with the Urban Planning Area Agreement in mind.

This petition for annexation has considered each of these services and any involved special districts or local governments. This annexation into the boundaries of Sherwood and the CWS service district complies with this criterion.

- b. Any applicable annexation plan adopted pursuant to ORS 195.205;

Response: ORS 195.205 allows for an annexation vote by the electorate, however this method of annexation has been superseded by Senate Bill 1573. The Sherwood City Council will vote on whether to annex this property to the City. Additionally, the citizens of Sherwood have voted to support annexation within this area of the UGB through Measure No. 34-202, passed in 2012. This requirement is met.

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

Response: The City of Sherwood has entered into cooperative planning agreements with all applicable and necessary parties which provide services to the area. The City is part of the CWS service district and the TVFR district. Annexation into the City of Sherwood will also

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annex the property into the CWS service district. The annexation will not affect the provision of fire services, which will continue to be provided by the TVFR upon annexation.

The property is also currently within the Washington County Enhanced Sheriff's Patrol District. Upon annexation, the property will be removed from the district and policing services provided by the Sherwood Police Department.

This application is consistent with the provisions of these planning agreements.

- d. **Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;**

Response: The Tonquin Employment Area Concept Plan was adopted by the City of Sherwood in October 2010 through a public process and is consistent with Statewide Planning Goals, the City's Comprehensive Plan, and applicable master plans. This annexation complies with all applicable master plans of the City of Sherwood, the City's Comprehensive Plan, the Tonquin Employment Area Concept Plan, and the Sherwood Municipal Code.

- e. **Any applicable comprehensive plan;**

Response: Compliance with the City's Comprehensive Plan is addressed later within this narrative. This criterion is met.

- f. **Any applicable concept plan; and**

Response: Compliance with the Tonquin Employment Area Concept Plan is reviewed later within this narrative. This criterion is satisfied.

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

- a. **Promote the timely, orderly and economic provision of public facilities and services;**

Response: Provision of public facilities and services to the annexed territory can occur in a timely and orderly manner. Utilities and street access are available adjacent to the site or within a short distance from the site. Adjacent properties have been annexed to the City of Sherwood or are likely to be within the near future. Annexation of this site was anticipated and is a step towards development and growth of the area. This boundary change meets these requirements.

- b. **Affect the quality and quantity of urban services; and**

Response: The annexation will not affect the quality or quantity of urban services provided by the City of Sherwood or to surrounding properties. Increased urban infrastructure and service provisions will be reviewed as part of future development review. Systems Development Charges and property taxes will be assessed to offset the impact of development of this property. It is not expected that development of this site will have any affect on or decrease in quality or quantity of urban services provided by the City of Sherwood.

- c. **Eliminate or avoid unnecessary duplication of facilities or services.**

Response: There are currently no City services being used by the territory. Annexing the territory to the City and removing it from the Washington County Enhanced Sheriff's Patrol District

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will avoid duplication of policing services. After annexation, the territory will be served by the Sherwood Police Department.

- 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: The territory of proposed annexation is entirely within the Sherwood UGB. This criterion is satisfied.

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: This narrative and accompanying exhibits respond to applicable state and local requirements pertaining to boundary changes. Additionally, Metro Code Section 3.09 and the Sherwood Development Code implement the applicable annexation provisions from ORS Chapters 198, 221, and 222. This narrative demonstrates that the applicable boundary change requirements have been satisfied. The criterion is met.

- 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;

Response: Urban services are or will be made available to serve the affected territory to a level consistent with City and CWS standards per the City's Tonquin Employment Area Concept Plan, Water System Master Plan, Stormwater Master Plan, and Sanitary System Master Plan. Utilities are available to serve the site within the SW Oregon Street right-of-way or within close proximity to the site.

Water and storm sewer utilities are available within the adjacent SW Oregon Street right-of-way. Sanitary sewer is available within the right-of-way of the SW Oregon Street/SW Murdock Road roundabout ±380 feet southwest of the site.

Parks and recreation and transportation planning services will be provided by the City of Sherwood upon annexation. The annexation application does not trigger park requirements. A Transportation Impact Analysis (TIA) will be required with site development. A transportation analysis for the Tonquin Employment Area was completed as part of the Tonquin Employment Area Concept Plan.

Fire and Police services are currently available to the property through the TVFR and the Washington County Enhanced Sheriff's Patrol District. While the area to be annexed will be removed from the Washington County Enhanced Sheriff's Patrol District, the area will continue to be served by TVFR upon annexation. The Sherwood Police Department will provide police services upon annexation.

These requirements are satisfied.

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

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Response: Metro Code Section 3.09.020 defines the following terms: “affected territory” means a territory described in a petition; “necessary party” means any county, city, or district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory, or who provides any urban service to any portion of the affected territory, including Metro, or any other unit of local government, as defined in ORS 190.003, that is a party to any agreement for provision of an urban service to the affected territory. The annexation will add approximately 9.53 acres of land to Sherwood for the provision of urban services but will not withdraw the affected territory from the legal boundary of any party other than the Washington County Enhanced Sheriff’s Patrol District, as outlined above. The legal description of the area is included in Exhibit C.

3. The proposed effective date of the boundary change.

Response: The Applicant anticipates approval of the Annexation application upon adoption by the City of Sherwood City Council, by October 2020. The criterion is met.

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 includes responses demonstrating compliance to applicable boundary change criteria. The criterion is met.

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: Responses to Metro Code Sections 3.09.045 (D) and (E) are included above.

CITY OF SHERWOOD COMPREHENSIVE PLAN

Chapter 3 Growth Management

3.1 Growth Management

B. POLICY GOALS AND OBJECTIVES

1. 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.

2. POLICY OBJECTIVES

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

Response: The property included in this application is contiguous with Sherwood city limits. Therefore, this application does not require “leap frogging” over developable property. This provision is satisfied.

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

Response: This application involves a property that is located within the Tonquin Employment Area and annexation of this property will allow industrial land use to occur within city limits in a location that would be compatible with other nearby industrially-zoned properties. This criterion is met.

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

Response: The property included in this annexation application was brought into the UGB in 2004. Services have been identified in the City's Tonquin Employment Area Concept Plan to be available or available for extension to this area. This criterion is met.

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

Response: The property included in this annexation application is part of the City's Tonquin Employment Area Concept Plan and was brought into the UGB in 2004. By including the subject area within the UGB, both Metro and the City of Sherwood have identified this land as more appropriate for future urbanization than for the conservation of the area for agricultural uses. This provision is satisfied.

e. Achieve the maximum preservation of natural features.

Response: Upon annexation of this property into city limits, the City of Sherwood's regulations for natural features will apply, whereas currently they do not. This includes the City's Zoning and Development Code and the rules and regulations of CWS, which apply to sensitive areas. This criterion is satisfied.

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

Response: Transportation and circulation improvements needed to serve the future development of the annexed area have been identified in the City's Tonquin Employment Area Concept Plan and Transportation System Plan and will further be reviewed at the time of a future development application. This criterion is met.

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: Extending community services and public facilities to serve the Tonquin area was considered concurrently with the Tonquin Employment Area Concept Plan and the services were found to be available or able to be appropriately extended with the future development in the area. These criteria are met.

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

Response: This property is located within the Tonquin Employment Area and is designated as Employment Industrial (EI) on the City's Comprehensive Plan. The Tonquin Employment Area was extensively planned by the City to help guide future development of the area in an orderly fashion. This criterion is met.

F. GROWTH MANAGEMENT POLICY

The following policies and strategies are established for the management of urban growth in the Planning Area.

1. GROWTH AREAS

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: This application request and supporting materials are in conformance with City policies and procedures for annexations. This provision is met.

Policy 7

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

Response: As previously discussed, this site is in close proximity to existing services and can connect to existing public sewer and water services. This criterion is met.

Chapter 8 Urban Growth Boundary Additions

D. 4. Area 48- Tonquin Employment Area

Implementation

The City of Sherwood shall amend the Zoning and Community Development Code to include an Employment Industrial zone that implements the goals and policies in this section.

Response: The City of Sherwood has amended the Zoning and Community Development Code to include an Employment Industrial (EI) zone through Ordinance 2010-014. This provision is satisfied.

2. The Employment Industrial zone may be applied only to those properties within city limits, or upon their annexation to the city.

Response: Upon annexation of this property into the City of Sherwood, this property will be zoned Employment Industrial (EI). This criterion is met.

IV. Conclusion

The submittal requirements have been met and the required findings made for the applicable approval criteria. These findings serve as the basis for the City to approve the application and are supported by substantial evidence in the application materials.

Exhibit A:
City of Sherwood Petition for Annexation
and Land Use Application



CHECKLIST FOR ANNEXATION REQUEST TO THE CITY OF SHERWOOD

Submit the following to the City of Sherwood Planning Department, 22560 SW Pine Street, Sherwood, OR 97140: (503) 625-5522.

- Fee- \$7,500.** Applicants are required to pay the \$7,500 filing fee which will be applied to all costs related to processing the annexation application. Money not used for costs will be returned to the applicant.
- An original and one copy of the enclosed packet titled **Annexations to City of Sherwood.**
- Mailing labels:** Submit two (2) sets of mailing labels for property owners within 1000 feet of the outside edge of the territory to be annexed. Mailing labels can be obtained from a private title insurance company.
- Additionally, you must submit a list of all property owners and registered voters in the area to be annexed regardless of whether they signed the annexation petition or not.

Annexations to the City of Sherwood

There are generally four methods of owner initiated annexation. These methods are described below, and the information needed to initiate either method is covered in this application. It should be noted that a vote of the citizens of the City of Sherwood are required in three of the four methods.

Double Majority- An annexation where the majority of electors and a majority of the landowners in the proposed annexation area have agreed to annex into the City. In this instance, a majority of the landowners, and at least 51% of the registered voters within the area to be annexed must support the annexation. This method requires a vote of the citizens of the City of Sherwood.

Triple Majority- An annexation method that requires consent from a majority of the land owners who own a majority of real property and a majority of the assessed value of land within the area that is to be annexed. This method does not require that 51% of the registered voters in the area to be annexed support the application. This method requires a vote of the citizens of the City of Sherwood.

Super Majority- An annexation method where more than 50% of the registered voters within the affected territory, and 100% of the property owners within the affected territory support annexation. This method requires a vote of the citizens of the City of Sherwood.

SB1573 Method- When 100% of the property owners file a petition to be annexed, and if all criteria outlined in SB1573 are satisfied, then the requirement from the City Charter for a mandated City wide vote is exempted (this is required in all three other methods). The City Council becomes the acting authority and no vote of the public is required or permitted.

I. Application Process for Property Owners and Registered Voters

PLEASE READ ALL INSTRUCTIONS BEFORE FILING A PETITION WITH THE CITY

Step 1. Petition

Please complete the attached Petition form.

Who May Sign: An elector registered to vote in the territory to be annexed; a property owner who is the legal owner of record or, where there is a recorded land contract, the purchaser thereunder. If there is multiple ownership each signer is counted in proportion to the size of their ownership. If a corporation owns land, the corporation is considered the individual owner and the form must be signed by an officer of the corporation who has the right to sign on behalf of the corporation.

Have the County Assessor's Office:

1. Certify the property owner signatures using the attached *Certification of Property Ownership* form (all methods).
2. Certify the assessed value for the properties on the attached *Certification of Assessed Value* form (for the Triple Majority Method only).
3. Buy two ¼ Section Maps showing the property to be annexed (all methods).
4. Certify the map and legal description using the attached *Certification of Assessed Value* form (all methods).
5. Proceed to the County Elections Department and have them certify the signatures of the registered voters by completing the attached *Certification of Registered Voters* form (for the Double Majority and Super Majority Method only). Do this even if the property is vacant. In that case they certify that there are no registered voters in the affected territory.

Step 2. Legal Description

The legal description noted above must be a metes and bounds legal description of the territory to be annexed. This description should be inserted in or attached to the Petition. In addition, one separate copy of the metes and

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bounds description should be submitted to the City along with the application. (A lot, block and subdivision description may be substituted for the metes and bounds description if the area is platted and no metes and bounds description is available, and if this is acceptable to the County Assessor's Office.) If the legal description contains any deed or book and page references, legible copies of these must be submitted with the legal description.

Step 3. Map

As noted above you must submit two copies of the 1/4 Section map. This should be the latest County Assessor's quarter section map (or maps) which indicates the territory to be annexed. Outline the area to be annexed on the maps with a red marker or pencil.

Step 4. Notice List & Labels

You must submit two (2) sets of mailing labels for property owners within 1000 feet of the outside edge of the territory to be annexed. Mailing labels can be obtained from a private title insurance company. Additionally, you must submit a list of all property owners and registered voters in the area to be annexed regardless of whether they signed the annexation petition or not.

Step 5. Information Sheet

Complete the attached *Boundary Change Data Sheet*.

Step 6. Work Sheet

A *Worksheet* is attached. Fill out the worksheet to help verify that all requirements are met.

Step 7. Annexation Questionnaire

Complete the *Annexation Questionnaire*.

Step 8. Draft a Narrative

The application must include a detailed narrative of how the project complies with criteria for approval. There are three levels of criteria/requirements, State, Regional and City. It is the applicant's responsibility to justify the petition.

For the State, Oregon Revised Statutes guide the process for annexations, ORS 222. See:

https://www.oregonlegislature.gov/bills_laws/ors/ors222.html.

For the fourth method outlined above, Senate Bill 1573 was added to, and made a part of, ORS 222.111 to 222.180 and provides specific criteria for deciding city boundary changes. See:

<https://www.oregonlaws.org/ors/222.111>.

For the regional level Metro is governing agency. Metro has criteria for reviewing annexations (Metro Code 3.09). See:

http://www.oregonmetro.gov/sites/default/files/309_eff_071112_final.pdf.

In addition, the City of Sherwood Comprehensive Plan goals and policies, specifically those in Chapter 3 and Chapter 8 are applicable and should be addressed in the narrative. See:

<https://www.sherwoodoregon.gov/planning/page/comprehensive-plan-ii>.

Step 9. Submit Application to City

Submit all materials to City Planning Department.

II. City Review

BELOW IS A SUMMARY OF THE STEPS WHICH WILL BE TAKEN REGARDING ANNEXATIONS INITIATED BY ANY OF THESE FOUR METHODS.

Step 1. Compliance Review

Submitted materials will be checked for compliance with requirements of state statutes and the Metro Code Section 3.09 requirements.

Step 2. Public Hearing Date Set

The proposal will be set for a hearing by the city council at the next hearing date for which all the requirements of the Metro Code and state statutes can be met. The **setting** of the hearing date must occur within 45 days of the day the proposal is judged to be complete pursuant to Metro rules.

Step 3. Public Hearing Notice

Notice of the public hearing will be sent to service providers in the area, to the applicant, to adjacent property owners and to appropriate neighborhood or community organizations. Notice of the hearing will be posted in and around the territory to be annexed. The hearing will also be advertised twice in a newspaper of general circulation in the area

Step 4. Staff Study and Report

A staff report will be prepared. This report will cover all applicable criteria specified in State ORS 222, the Metro Code, and all applicable criteria and goals from the City of Sherwood Comprehensive Plan. This report will be made available to the public 15 days prior to the hearing.

Step 5. Public Hearing

The City Council holds a public hearing. At the hearing the Council will consider applicable criteria. For the SB1573 Method, this is the final decision making body that acts on the petition.

For the other three methods, at the conclusion of the public hearing, if Council supports the annexation, they will forward the issue to the voters at the next available election (usually no less than 60 days).

All annexations, except those that use the SB1573 Method, in Sherwood require a majority approval of the voters. After the election, the Council will accept the certified election results and, if approved, by the voters, proclaim the annexation.

III. Additional Information

1. In order to officially change the boundary, Staff must send the order must be sent to Secretary of State, County Recorder and County Assessor, State Revenue Department, and City Recorder. Other interested parties (such as the utilities) are notified as well. Staff will mail the notice of decision to several local, regional, and State agencies and departments as required by law to complete the annexation.
2. Annexation to the City of Sherwood boundary allows for City Services. Additional service district boundary annexations may be necessary (e.g. Clean Water Services, Metro Regional Boundary, etc.).
3. All annexations fees to the City are deposit based, meaning the City will charge all required time and materials against the funds, and request additional form the applicant should additional funds be required.
4. Metro requires a fee to process city-approved annexations for individual applicants. That fee will be paid by the City as a pass through, and varies depending on the size and type of the annexation. The Metro fee will be taken from the applicants application deposit.



Home of the Tualatin River National Wildlife Refuge

Case No. _____
Fee _____
Receipt # _____
Date _____
TYPE _____

City of Sherwood
Application for Land Use Action

Type of Land Use Action Requested: (check all that apply)

- Annexation
- Plan Amendment (Proposed Zone _____)
- Planned Unit Development
- Site Plan (square footage of building and parking area)
- Variance (list standards to be varied in description)
- Conditional Use
- Partition (# of lots _____)
- Subdivision (# of lots _____)
- Other: _____

By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at www.sherwoodoregon.gov. Click on Government/Finance/Fee Schedule.

Owner/Applicant Information:

Applicant: Mimi Doukas, AICP, RLA Phone: 503-563-6151
 Applicant Address: 12965 SW Herman Road, Suite 100, Tualatin, OR 97062 Email: mimid@aks-eng.com
 Owner: Bruce and Karen Polley Phone: Please contact owner's representative
 Owner Address: PO Box 1489, Sherwood, OR 97140 Email: Please contact owner's representative
 Contact for Additional Information: Mimi Doukas, AICP, RLA - AKS Engineering & Forestry, LLC

Property Information:

Street Location: 21720 SW Oregon Street, Sherwood, OR 97140
 Tax Lot and Map No: Washington County Assessor's Map 2S 1 28C Lot 500
 Existing Structures/Use: Industrial shop and office.
 Existing Plan/Zone Designation: Future Development, 20 acre (FD-20) (Washington County)
 Size of Property(ies) ±9.53 acres

Proposed Action:

Purpose and Description of Proposed Action:

Annexation of ±9.53 acres located at 21720 SW Oregon Street to the City of Sherwood.

Proposed Use: N/A - No change in use is proposed at this time.

Proposed No. of Phases (one year each): N/A

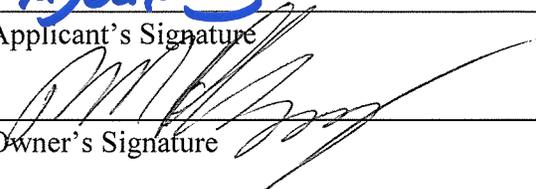
Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.



 Applicant's Signature



 Owner's Signature

7/17/20

 Date

7-15-20

 Date

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

- 3 Copies of Application Form*** completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- Copy of Deed** to verify ownership, easements, etc.
- At least 3 folded** sets of plans*
- At least 3 copies** of narrative addressing application criteria*
- Fee** (along with calculations utilized to determine fee if applicable)
- Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

Exhibit B: Washington County Assessor's Map

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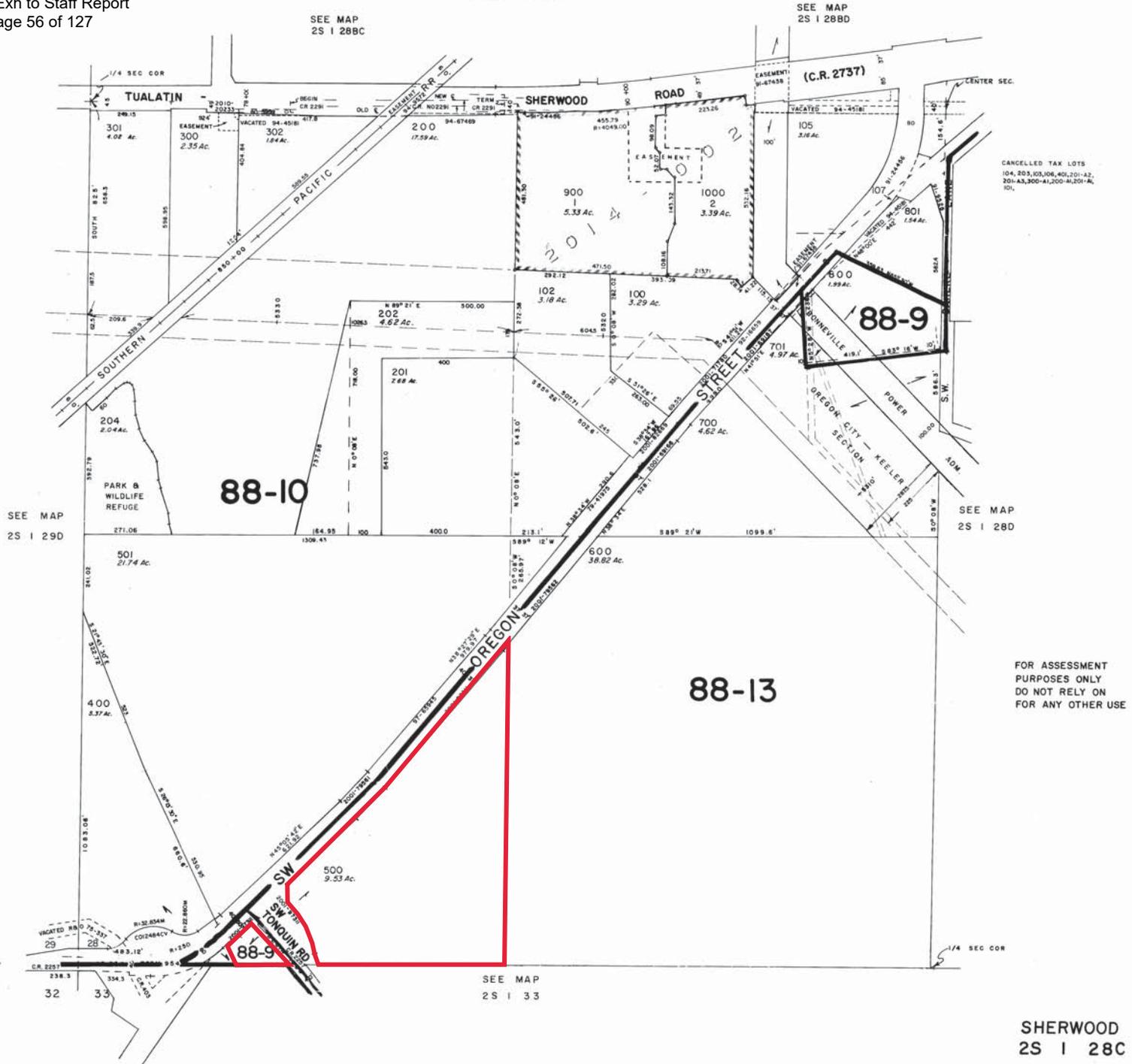


Exhibit C: Legal Description and Map



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #7971

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A
Legal Description
City of Sherwood Annexation

A tract of land located in the Southwest One-Quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the southwest corner of said Section 28; thence along the south line of said Southwest One-Quarter of Section 28, South 88°50'36" East 484.43 feet to the southwest corner of Document Number 2008-025922 and the True Point of Beginning; thence along the westerly line of said Deed and the northerly extension thereof, North 24°57'57" West 110.53 feet to the centerline of SW Oregon Street and the City of Sherwood city limits line; thence along said centerline and said city limits line on a non-tangent curve to the left (with radial bearing North 34°03'55" West) with a Radius 236.00 feet, Delta of 09°08'42", Length of 37.67 feet, and a Chord of North 51°21'44" East 37.63 feet; thence continuing along said centerline and said city limits line, North 46°47'23" East 515.84 feet; thence along a curve to the left with a Radius of 1312.33 feet, Delta of 05°31'00", Length of 126.36 feet, and a Chord of North 44°01'53" East 126.31 feet; thence North 41°16'23" East 562.79 feet; thence North 41°05'27" East 8.35 feet; thence leaving said centerline and said city limits line, South 49°05'29" East 37.00 feet to the northeast corner of said Deed on the southeasterly right-of-way line of SW Oregon Street (37.00 feet from centerline); thence along the east line of said Deed, South 01°32'54" West 989.74 feet to the south line of the Southwest One-Quarter of Section 28; thence along said south line, North 88°50'36" West 824.61 feet to the True Point of Beginning.

The above described tract contains 10.9 acres, more or less.

06/09/2020



Michael S. Kalina

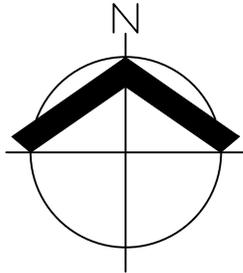


RENEWS: 6/30/21

EXHIBIT B

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A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28, T2S, R1W, W.M., WASHINGTON COUNTY, OREGON



SCALE: 1" = 200 FEET

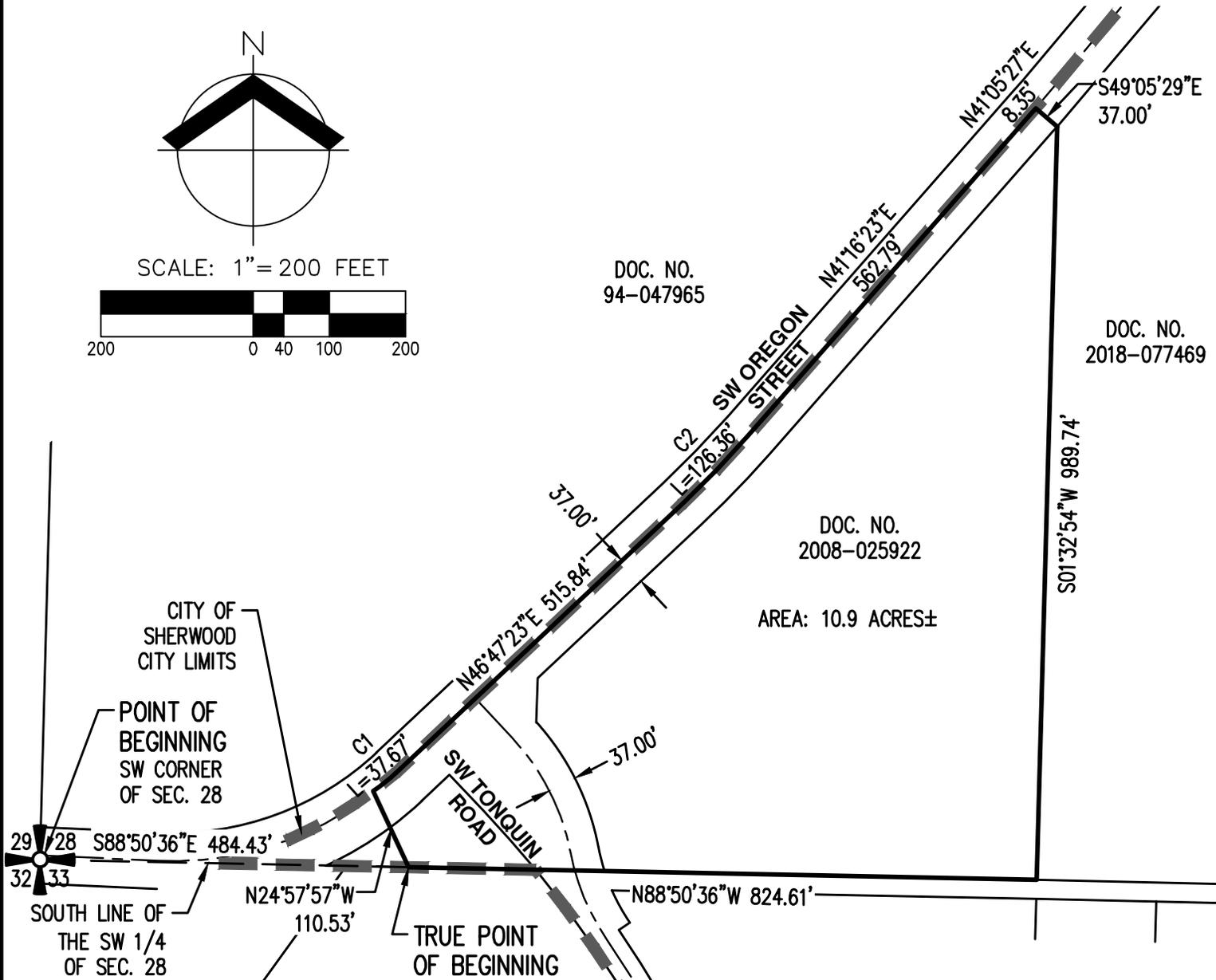


DOC. NO.
94-047965

DOC. NO.
2018-077469

DOC. NO.
2008-025922

AREA: 10.9 ACRES±



06/09/2020

**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

Michael S. Kalina

**OREGON
 JANUARY 12, 2016
 MICHAEL S. KALINA
 89558PLS
 RENEWS: 6/30/21**

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	236.00'	9°08'42"	37.67'	N51°21'44"E 37.63'
C2	1312.33'	5°31'00"	126.36'	N44°01'53"E 126.31'

CITY ANNEXATION AREA

AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD, STE 100
 TUALATIN, OR 97062
 503.563.6151 WWW.AKS-ENG.COM



**EXHIBIT
 B**

DRWN: MHJ
 CHKD: MSK
 AKS JOB:
 25871



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #7971

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A
Legal Description
Clean Water Services Annexation

A tract of land located in the Southwest One-Quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the southwest corner of said Section 28; thence along the south line of said Southwest One-Quarter of Section 28, South 88°50'36" East 651.35 feet to the southwesterly right-of-way line of SW Tonquin Road (variable width right-of-way) and the Clean Water Services district boundary line and the True Point of Beginning; thence along said boundary line and said southwesterly right-of-way line on a non-tangent curve to the left (radial bearing South 50°32'27" West) with a Radius of 1412.56 feet, Delta of 04°10'05", Length of 102.76 feet, and a Chord of North 41°32'35" West 102.74 feet; thence continuing along said southwesterly right-of-way line and said boundary line and the northwesterly extension thereof, North 43°37'37" West 116.00 feet to the centerline of SW Oregon Street; thence along said centerline and continuing along said boundary line, North 46°47'23" East 466.48 feet; thence continuing along said centerline and said boundary line, along a curve to the left with a Radius of 1312.33 feet, Delta of 05°31'00", Length of 126.36 feet, and a Chord of North 44°01'53" East 126.31 feet; thence North 41°16'23" East 562.79 feet; thence North 41°05'27" East 8.35 feet; thence leaving said centerline and continuing along said boundary line, South 49°05'29" East 37.00 feet to the northeast corner of Document Number 2008-025922; thence along the east line of said Deed, South 01°32'54" West 989.74 feet to the south line of the Southwest One-Quarter of Section 28; thence leaving said boundary line and along said south line, North 88°50'36" West 657.70 feet to the True Point of Beginning.

The above described tract contains 10.5 acres, more or less.

06/09/2020



Michael S. Kalina

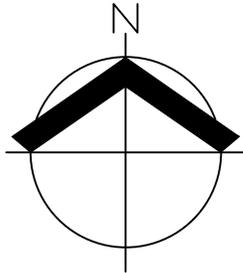


RENEWS: 6/30/21

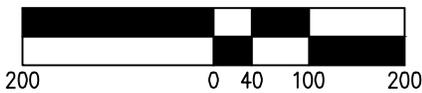
EXHIBIT B

Ordinance 2020-008, Exh to Staff Report
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A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28, T2S, R1W, W.M., WASHINGTON COUNTY, OREGON



SCALE: 1" = 200 FEET

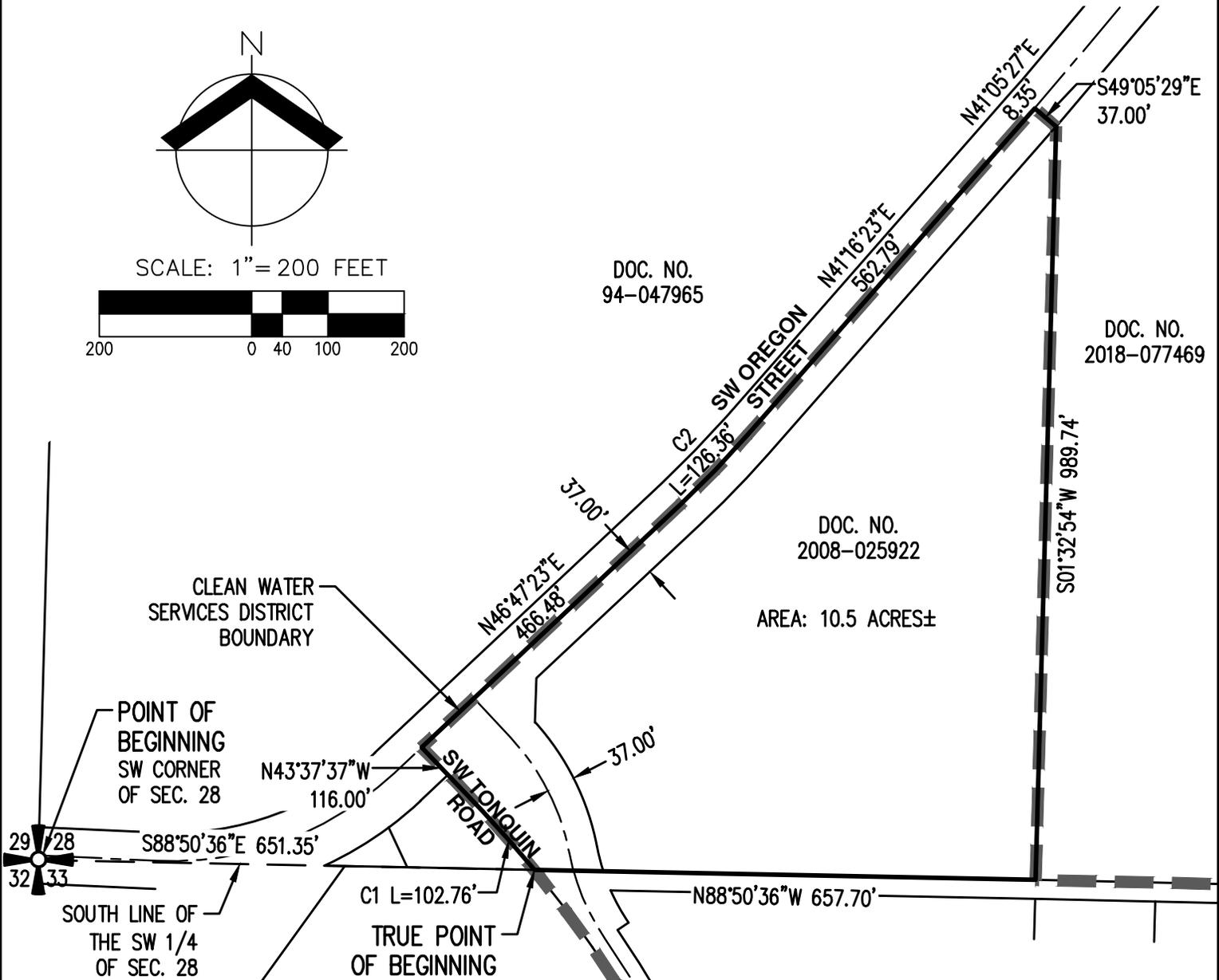


DOC. NO.
94-047965

DOC. NO.
2018-077469

DOC. NO.
2008-025922

AREA: 10.5 ACRES±



06/09/2020

**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

Michael S. Kalina

**OREGON
 JANUARY 12, 2016
 MICHAEL S. KALINA
 89558PLS
 RENEWS: 6/30/21**

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	1412.56'	4°10'05"	102.76'	N41°32'35"W 102.74'
C2	1312.33'	5°31'00"	126.36'	N44°01'53"E 126.31'

CWS ANNEXATION AREA		EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: MHJ CHKD: MSK AKS JOB: 26071



Exhibit D: Boundary Change Data Sheet

BOUNDARY CHANGE DATA SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED OR WITHDRAWN

A. General location: _____

B. Land Area: Acres _____ or Square Miles _____

C. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal.)

D. Describe Land uses on surrounding parcels. Use tax lots as reference points.

North: _____

East: _____

South: _____

West: _____

E. Existing Land Use:

Number of single-family units _____ Number of multi-family units _____

Number of commercial structures _____ Number of industrial structures _____

Public facilities or other uses _____

What is the current use the land proposed to be annexed: _____

F. Total current year Assessed Valuation: \$ _____

G. Total existing population: _____

II. REASON FOR BOUNDARY CHANGE

- A. The Metro Code spells out criteria for consideration (Metro Code 3.09.050). Considering these criteria, please provide the reasons the proposed boundary change should be made. Please be very specific. Use additional pages if necessary.

- B. If the property to be served is entirely or substantially undeveloped, what are the plans for future development? Be specific. Describe type (residential, industrial, commercial, etc.), density, etc.

III. LAND USE AND PLANNING

- A. Is the subject territory inside or outside of the Metro Regional Urban Growth Boundary?

- B. What is the applicable County Planning Designation? _____

Or City Planning Designation? _____

Does the proposed development comply with applicable regional, county or city comprehensive plans? Please describe.

- C. What is the zoning on the territory to be served?

- D. Can the proposed development be accomplished under current county zoning?

_____ Yes _____ No

If No, has a zone change been sought from the county either formally or informally?

_____ Yes _____ No

Please describe outcome of zone change request if answer to previous questions was Yes.

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- E. Please indicate all permits and/or approvals from a City, County or Regional Government which will be needed for the proposed development. If already granted, please indicate date of approval and identifying number:

APPROVAL	PROJECT FILE NO.	DATE OF APPROVAL	FUTURE REQUIREMENT
Metro UGB Amendment			
City of County Plan Amendment			
Pre-Application Hearing (City or County)			
Preliminary Subdivision Approval			
Final Plat Approval			
Land Partition			
Conditional Use			
Variance			
Sub-Surface Sewage Disposal			
Building Permit			

Please submit copies of proceedings relating to any of the above permits or approvals which are pertinent to the annexation.

- F. If a city and/or county-sanctioned citizens' group exists in the area of the annexation, please list its name and address of a contact person.

IV. SERVICES AND UTILITIES

- A. Please indicate the following:

1. Location and size of nearest water line that can serve the subject area.

2. Location and size of nearest sewer line which can serve the subject area.

3. Proximity of other facilities (storm drains, fire engine companies, etc.) which can serve the subject area.

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4. The time at which services can be reasonably provided by the city or district.

5. The estimated cost of extending such facilities and/or services and what is to be the method of financing. (Attach any supporting documents.)

6. Availability of desired service from any other unit of local government. (Please indicate the government.)

B. If the territory described in the proposal is presently included within the boundaries of or being served extraterritorially or contractually by, any of the following types of governmental units please so indicate by stating the name or names of the governmental units involved.

City _____ Rural Fire Dist. _____

County Service Dist. _____ Sanitary District _____

Hwy. Lighting Dist. _____ Water District _____

Grade School Dist. _____ Drainage District _____

High School Dist. _____ Diking District _____

Library Dist. _____ Park & Rec. Dist. _____

Special Road Dist. _____ Other District Supplying
Water Service _____

C. If any of the above units are presently servicing the territory (for instance, are residents in the territory hooked up to a public sewer or water system), please so describe.

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V. APPLICANT INFORMATION

APPLICANT'S NAME _____

MAILING ADDRESS _____

TELEPHONE NUMBER _____ (Work)

_____ (Res.)

Applicant's Consultant
REPRESENTING _____

DATE _____

Phone: 503-563-6151
Fax: 503-563-6152
12965 SW Herman Road, Suite 100
Tualatin, OR 97062

Exhibit E: Annexation Questionnaire

ANNEXATION QUESTIONNAIRE

It is the applicant’s responsibility to obtain the information requested on the attached annexation questionnaire. The information is used by the Center for Population Research and Census (CPRC) at Portland State University to update the estimate of the population for the City of Sherwood after annexations.

The information collected is confidential and is used for no other purpose. Please obtain the information prior to submitting the annexation petition. It is your responsibility to update this information if changes are made between the original application filing and the effective date of the application.

Fill out one sheet per property that is being annexed.

Address: _____

Housing type:

- Single-family home
- Multi-family residence
- Manufactured home - Currently used as office for business onsite.

Occupancy:

- Owner occupied
- Renter occupied
- Vacant
- Seasonal

Resident Information:

LAST NAME	FIRST NAME	SEX	AGE

Exhibit F:
Worksheet for Annexation to the City of Sherwood

WORKSHEET FOR ANNEXATION TO THE CITY OF SHERWOOD

Please list all properties/registered voters included in the proposal. (If needed, use separate sheets for additional listings.)

Property Information (ALL METHODS)

PROPERTY DESIGNATION (Tax Lot Numbers)	NAME OF PROPERTY OWNER	TOTAL ACRES	ASSESSED VALUE OF THE PROPERTY	SIGNED PETITION YES NO	
Totals:					

Registered Voters (DOUBLE MAJORITY METHOD ONLY)

ADDRESS OF REGISTERED VOTER	NAME OF REGISTERED VOTER	SIGNED PETITION YES NO	
Totals:			

Summary

TOTAL NUMBER OF REGISTERED VOTERS IN THE PROPOSAL: _____
 NUMBER OF REGISTERED VOTERS WHO SIGNED PETITION: _____
 PERCENTAGE OF REGISTERED VOTERS WHO SIGNED PETITION: _____
 TOTAL ACREAGE IN THE PROPOSAL: _____
 ACREAGE SIGNED FOR: _____

PERCENTAGE OF ACREAGE SIGNED FOR: _____
 TOTAL NUMBER OF SINGLE-FAMILY UNITS: _____
 TOTAL NUMBER OF MULTI-FAMILY UNITS: _____
 TOTAL NUMBER OF COMMERCIAL STRUCTURES: _____
 TOTAL NUMBER OF INDUSTRIAL STRUCTURES: _____

Exhibit G: Certification of Property Ownership

THIS SECTION IS TO BE COMPLETED BY WASHINGTON COUNTY ASSESSOR'S OFFICE

CERTIFICATION OF PROPERTY OWNERSHIP

(All Methods)

I hereby certify that the attached petition for a proposed boundary change (annexation) of the territory described in Attachment A of the petition contains the names of the owners* of at least one-half of the land area within the annexation area described, as shown on the last available complete assessment roll.

NAME: TED FOSTER

TITLE: GIS TECH

DEPARTMENT: CARTOGRAPHY

COUNTY OF: WASHINGTON

DATE: 6/15/20

* "Owner" means the legal owner of record or, where there is a recorded a land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

ANNEXATION CERTIFIED

BY: VF

JUN 15 2020

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

Exhibit H: Certification of Legal Description and Map

THIS SECTION IS TO BE COMPLETED BY WASHINGTON COUNTY ASSESSOR'S OFFICE

CERTIFICATION OF LEGAL DESCRIPTION AND MAP
(All Methods)

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 2S 1 28 C) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME TED FOSTER
TITLE CIS TECH
DEPARTMENT CARTO GRAPHY
COUNTY OF WASHINGTON
DATE 6/15/20

ANNEXATION CERTIFIED

BY TF

JUN 15 2020

**WASHINGTON COUNTY A & T
CARTOGRAPHY**



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #7971

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A
Legal Description
City of Sherwood Annexation

A tract of land located in the Southwest One-Quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

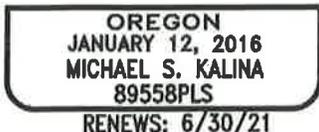
Beginning at the southwest corner of said Section 28; thence along the south line of said Southwest One-Quarter of Section 28, South 88°50'36" East 484.43 feet to the southwest corner of Document Number 2008-025922 and the True Point of Beginning; thence along the westerly line of said Deed and the northerly extension thereof, North 24°57'57" West 110.53 feet to the centerline of SW Oregon Street and the City of Sherwood city limits line; thence along said centerline and said city limits line on a non-tangent curve to the left (with radial bearing North 34°03'55" West) with a Radius 236.00 feet, Delta of 09°08'42", Length of 37.67 feet, and a Chord of North 51°21'44" East 37.63 feet; thence continuing along said centerline and said city limits line, North 46°47'23" East 515.84 feet; thence along a curve to the left with a Radius of 1312.33 feet, Delta of 05°31'00", Length of 126.36 feet, and a Chord of North 44°01'53" East 126.31 feet; thence North 41°16'23" East 562.79 feet; thence North 41°05'27" East 8.35 feet; thence leaving said centerline and said city limits line, South 49°05'29" East 37.00 feet to the northeast corner of said Deed on the southeasterly right-of-way line of SW Oregon Street (37.00 feet from centerline); thence along the east line of said Deed, South 01°32'54" West 989.74 feet to the south line of the Southwest One-Quarter of Section 28; thence along said south line, North 88°50'36" West 824.61 feet to the True Point of Beginning.

The above described tract contains 10.9 acres, more or less.

06/09/2020



Michael S. Kalina



ANNEXATION CERTIFIED

BY *VF*

JUN 15 2020

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

Ordinance 2020-008, Exh to Staff Report
September 1, 2020, Page 78 of 127

EXHIBIT B

A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28,
T2S, R1W, W.M., WASHINGTON COUNTY, OREGON

ANNEXATION CERTIFIED

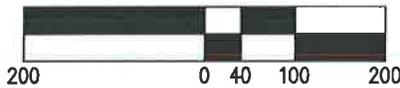
BY VF

JUN 15 2020

**WASHINGTON COUNTY A & T
CARTOGRAPHY**



SCALE: 1" = 200 FEET

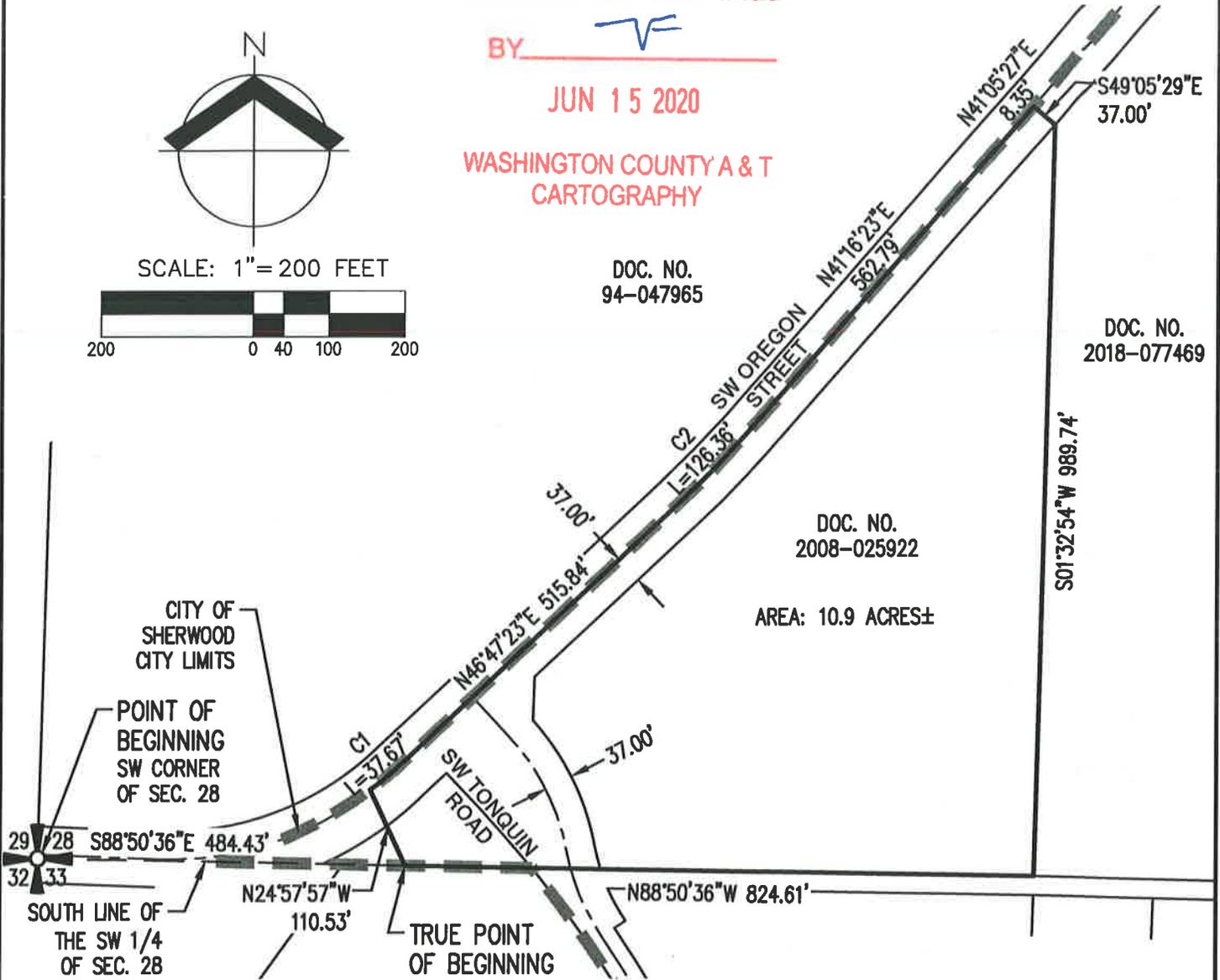


DOC. NO.
94-047965

DOC. NO.
2018-077469

DOC. NO.
2008-025922

AREA: 10.9 ACRES±



CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	236.00'	9°08'42"	37.67'	N51°21'44"E 37.63'
C2	1312.33'	5°31'00"	126.36'	N44°01'53"E 126.31'

06/09/2020

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Michael S. Kalina

**OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS
RENEWS: 6/30/21**

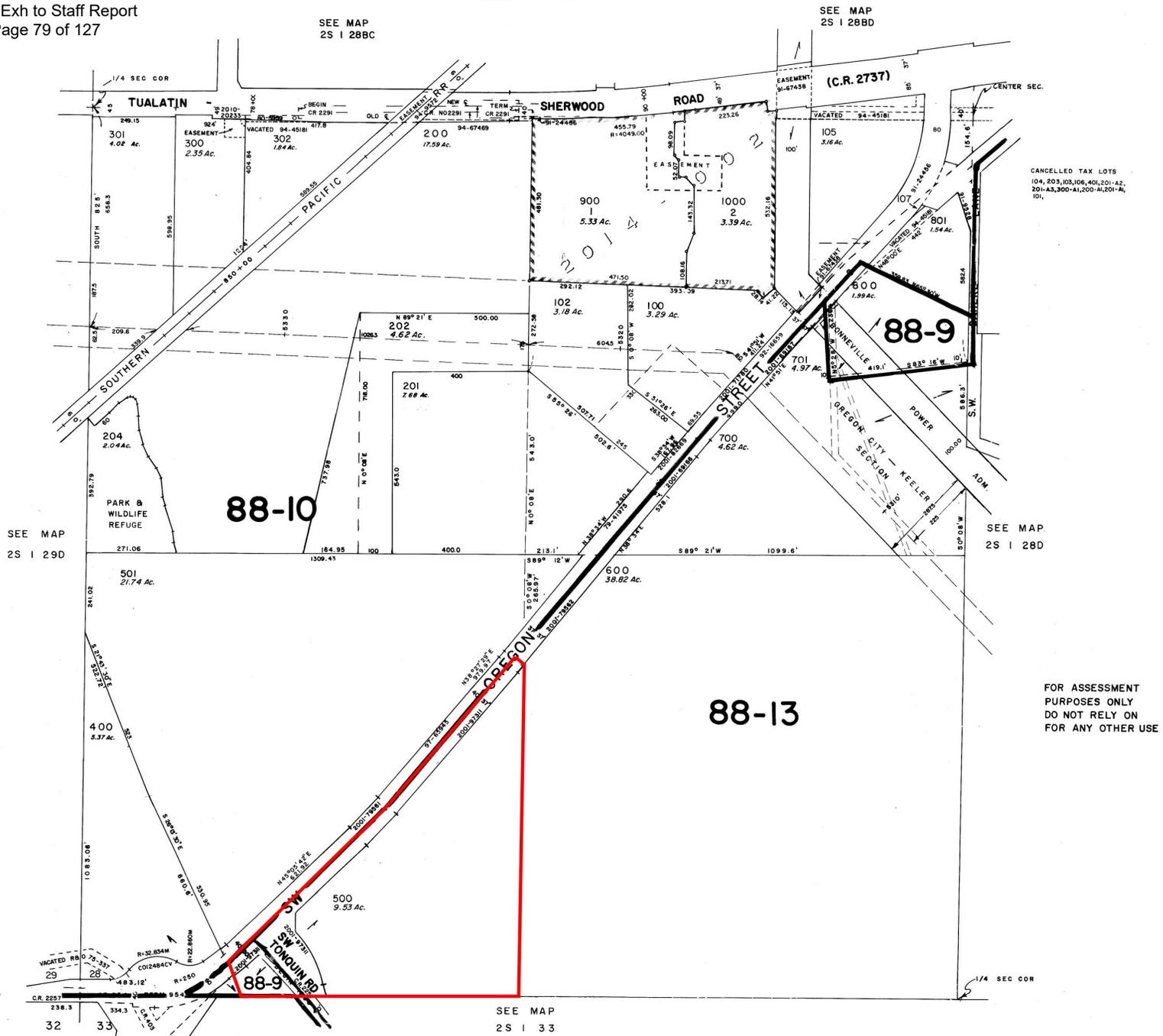
CITY ANNEXATION AREA

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM



**EXHIBIT
B**
DRWN: MHJ
CHKD: MSK
AKS JOB:
7971

Ordinance 2020-008, Exh to Staff Report
September 1, 2020, Page 79 of 127





AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #7971

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A
Legal Description
Clean Water Services Annexation

A tract of land located in the Southwest One-Quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the southwest corner of said Section 28; thence along the south line of said Southwest One-Quarter of Section 28, South 88°50'36" East 651.35 feet to the southwesterly right-of-way line of SW Tonquin Road (variable width right-of-way) and the Clean Water Services district boundary line and the True Point of Beginning; thence along said boundary line and said southwesterly right-of-way line on a non-tangent curve to the left (radial bearing South 50°32'27" West) with a Radius of 1412.56 feet, Delta of 04°10'05", Length of 102.76 feet, and a Chord of North 41°32'35" West 102.74 feet; thence continuing along said southwesterly right-of-way line and said boundary line and the northwesterly extension thereof, North 43°37'37" West 116.00 feet to the centerline of SW Oregon Street; thence along said centerline and continuing along said boundary line, North 46°47'23" East 466.48 feet; thence continuing along said centerline and said boundary line, along a curve to the left with a Radius of 1312.33 feet, Delta of 05°31'00", Length of 126.36 feet, and a Chord of North 44°01'53" East 126.31 feet; thence North 41°16'23" East 562.79 feet; thence North 41°05'27" East 8.35 feet; thence leaving said centerline and continuing along said boundary line, South 49°05'29" East 37.00 feet to the northeast corner of Document Number 2008-025922; thence along the east line of said Deed, South 01°32'54" West 989.74 feet to the south line of the Southwest One-Quarter of Section 28; thence leaving said boundary line and along said south line, North 88°50'36" West 657.70 feet to the True Point of Beginning.

The above described tract contains 10.5 acres, more or less.

06/09/2020

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael S. Kalina

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

RENEWS: 6/30/21

ANNEXATION CERTIFIED

BY *[Signature]*

JUN 15 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY

Ordinance 2020-008, Exh to Staff Report
September 1, 2020, Page 81 of 127

EXHIBIT B

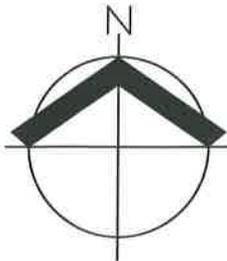
A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28,
T2S, R1W, W.M., WASHINGTON COUNTY, OREGON

ANNEXATION CERTIFIED

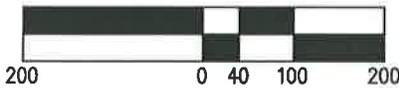
BY VF

JUN 15 2020

**WASHINGTON COUNTY A & T
CARTOGRAPHY**



SCALE: 1" = 200 FEET

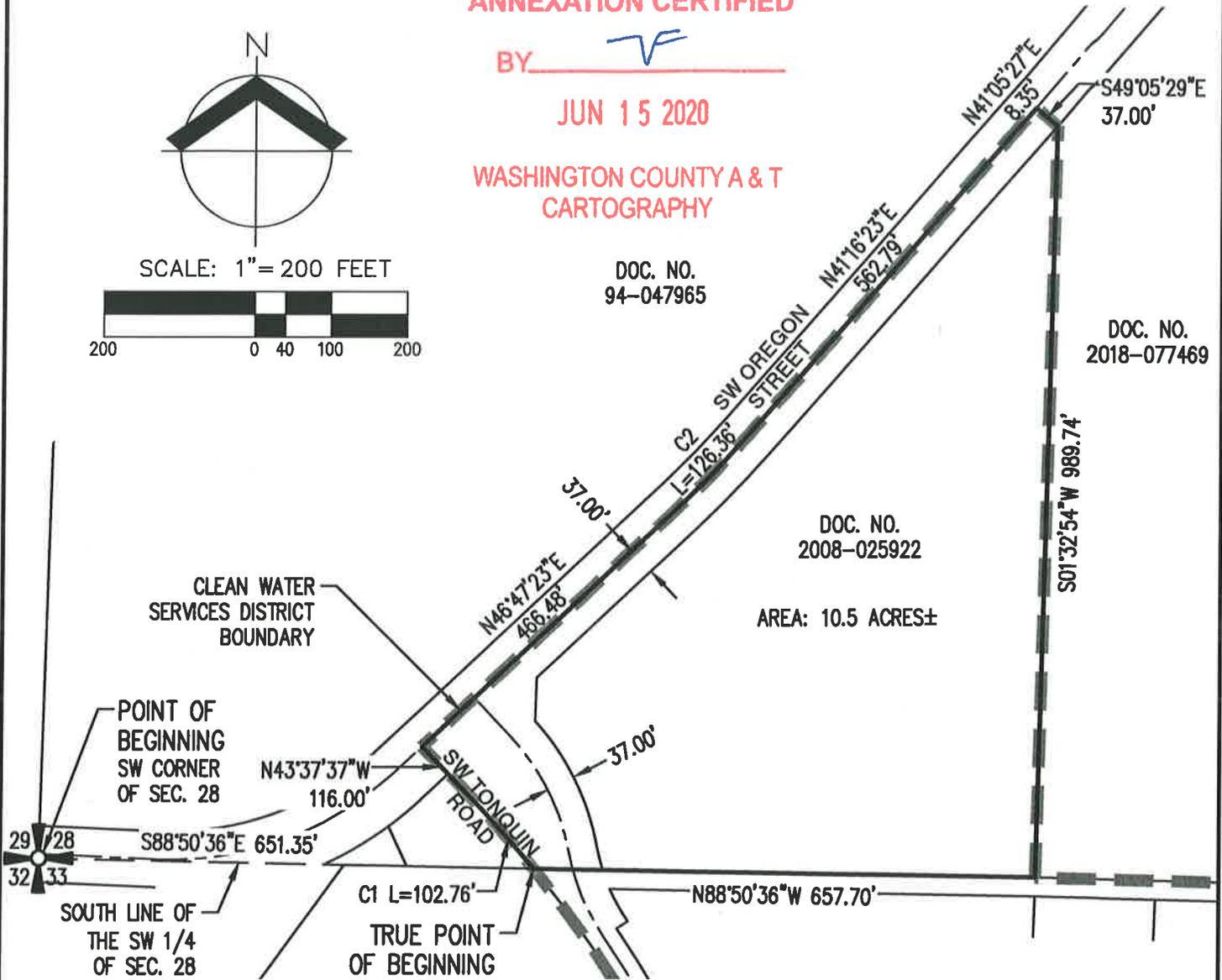


DOC. NO.
94-047965

DOC. NO.
2018-077469

DOC. NO.
2008-025922

AREA: 10.5 ACRES±



06/09/2020

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Michael S. Kalina

**OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS**

RENEWS: 6/30/21

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	1412.56'	4°10'05"	102.76'	N41°32'35"W 102.74'
C2	1312.33'	5°31'00"	126.36'	N44°01'53"E 126.31'

CWS ANNEXATION AREA

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM



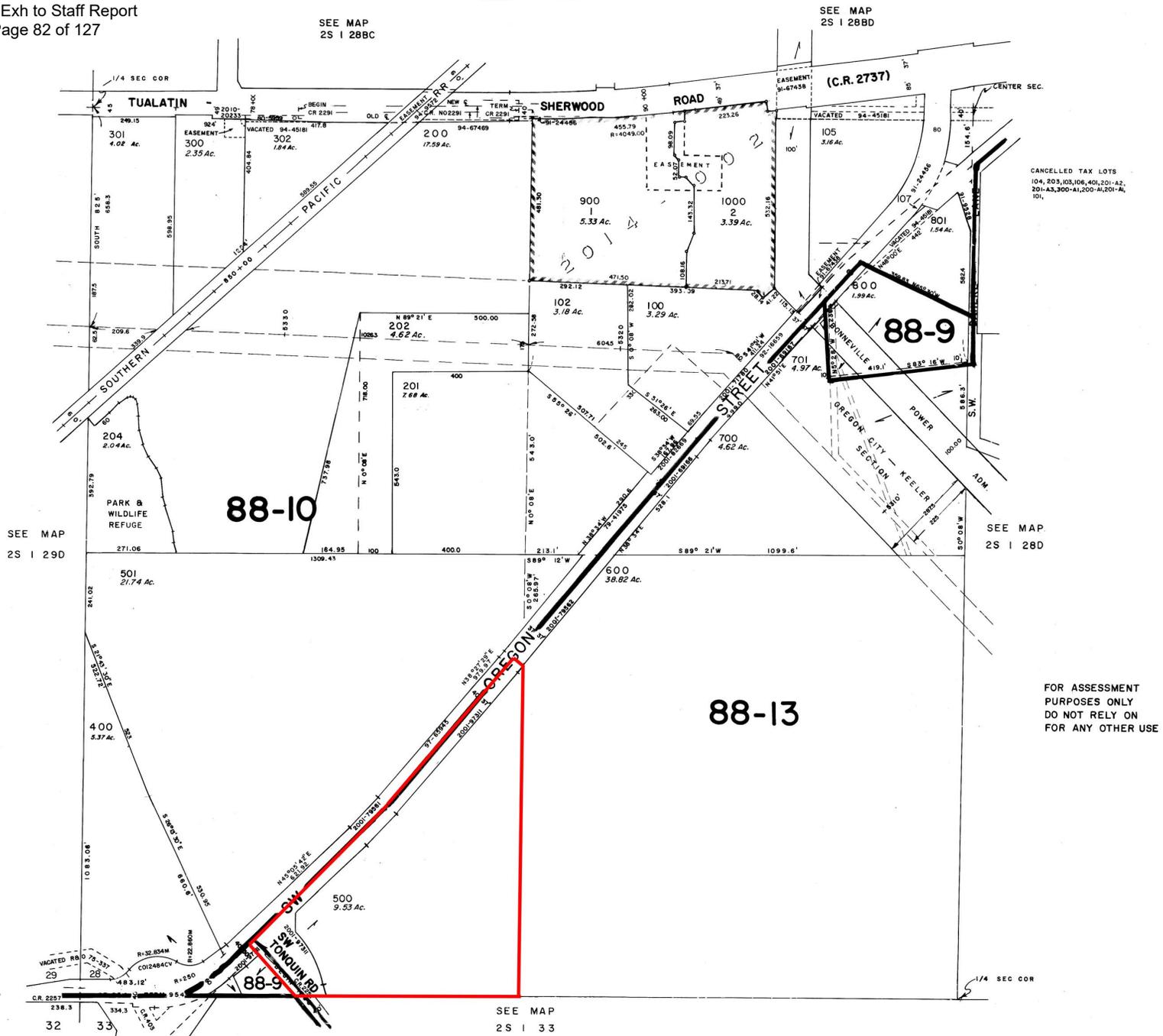
**EXHIBIT
B**

DRWN: MHJ
CHKD: MSK

AKS JOB:

7971
280

Ordinance 2020-008, Exh to Staff Report
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FOR ASSESSMENT
PURPOSES ONLY
DO NOT RELY ON
FOR ANY OTHER USE

Exhibit I: Ownership Information



**PUBLIC RECORD REPORT
FOR NEW SUBDIVISION OR LAND PARTITION**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

AKS Engineering & Forestry LLC
12965 SW Herman RD STE 100
Tualatin, OR 97062
Phone: (503)563-6151
Fax: (503)563-6152

Date Prepared : March 02, 2020
Effective Date : 8:00 A.M on February 21, 2020
Order No. : 7019-3402741
Subdivision :

The information contained in this report is furnished by First American Title Insurance Company (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

REPORT

- A. The Land referred to in this report is located in the County of Washington, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.
- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.
- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof
- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

LU 2020-010 Exhibit G

First American Title Insurance Company
Public Record Report for New Subdivision or Land Partition
Ordinance No. 008, Exhibit No. 8
September 1, 2020, Page 86 of 127

EXHIBIT "B" (Vesting)

Bruce D. Polley and Karen M. Polley, as tenants by the entirety

LU 2020-010 Exhibit G

EXHIBIT "C" (Liens and Encumbrances)

1. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
2. A Potential Additional Tax liability is due in the amount of \$2,896.94 for the tax year 2019-2020 (Affects APN #R1492192)
3. A Potential Additional Tax liability is due in the amount of \$367.19 for the tax year 2019-2020 (Affects APN #R547466)
4. Statutory powers and assessments of Clean Water Services.
5. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
6. Easement, including terms and provisions contained therein:
Recording Information: January 14, 1954 as Book 352, Page 329
In Favor of: Portland General Electric Company, a corporation of Oregon
For: Electrical lines, telephone lines and appurtenances
Affects: Exact location not disclosed
7. Easement, including terms and provisions contained therein:
Recording Information: April 07, 1959 as Book 416, Page 167
In Favor of: Portland General Electric Company, an Oregon corporation
For: Electric power transmission lines
Affects: Exact location not disclosed
8. Unrecorded leases or periodic tenancies, if any.

NOTE: Taxes for the year 2019-2020 PAID IN FULL

Tax Amount:	\$3,575.87
Map No.:	2S128C-00500
Property ID:	R1492192
Tax Code No.:	088.13

NOTE: Taxes for the year 2019-2020 PAID IN FULL

Tax Amount:	\$100.74
Map No.:	2S128C-00500
Property ID:	R547466
Tax Code No.:	088.09

NOTE: This Public Record Report does not include a search for Financing Statements filed in the Office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the Office of the County Clerk covering Crops on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and block.

LU 2020-010 Exhibit G

First American Title Insurance Company
Public Record Report for New Subdivision or Land Partition
Ordinance No. 008, Exhibit No. 1
September 1, 2020, Page 8 of 127

LU 2020-010 Exhibit G

First American Title Insurance Company
Public Record Report for New Subdivision or Partition
Order No. 2020-03027418
September 1, 2020, Page 89 of 127

DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
 - (a) "Customer": The person or persons named or shown as the addressee of this report.
 - (b) "Effective Date": The effective date stated in this report.
 - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
 - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.

2. **Liability of the Company.**
 - (a) THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.
 - (b) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
 - (c) In any event, the Company assumes no liability for loss or damage by reason of the following:
 - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
 - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
 - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
 - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
 - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
 - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
 - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.

3. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.



First American

First American Title Insurance Company

121 SW Morrison Street, Suite 300

Portland, OR 97204

Phone: (503)222-3651 / Fax: (877)242-3513

PR: NWEST

Ofc: 7019 (1011)

Final Invoice

To: AKS Engineering & Forestry LLC
12965 SW Herman RD STE 100
Tualatin, OR 97062

Invoice No.: 1011 - 7019153171

Date: 03/02/2020

Our File No.: 7019-3402741

Title Officer: Dona Lane

Escrow Officer:

Customer ID: 994563

Attention: Michael Kalina

Your Ref.:

Liability Amounts

RE: Property:
21720 SW Oregon Street, Sherwood, OR 97140

Buyers:

Sellers: Bruce Polley, Karen Polley

Description of Charge	Invoice Amount
Guarantee: Subdivision/Plat Certificate	\$275.00

INVOICE TOTAL **\$275.00**

Comments:

Thank you for your business!

To assure proper credit, please send a copy of this Invoice and Payment to:

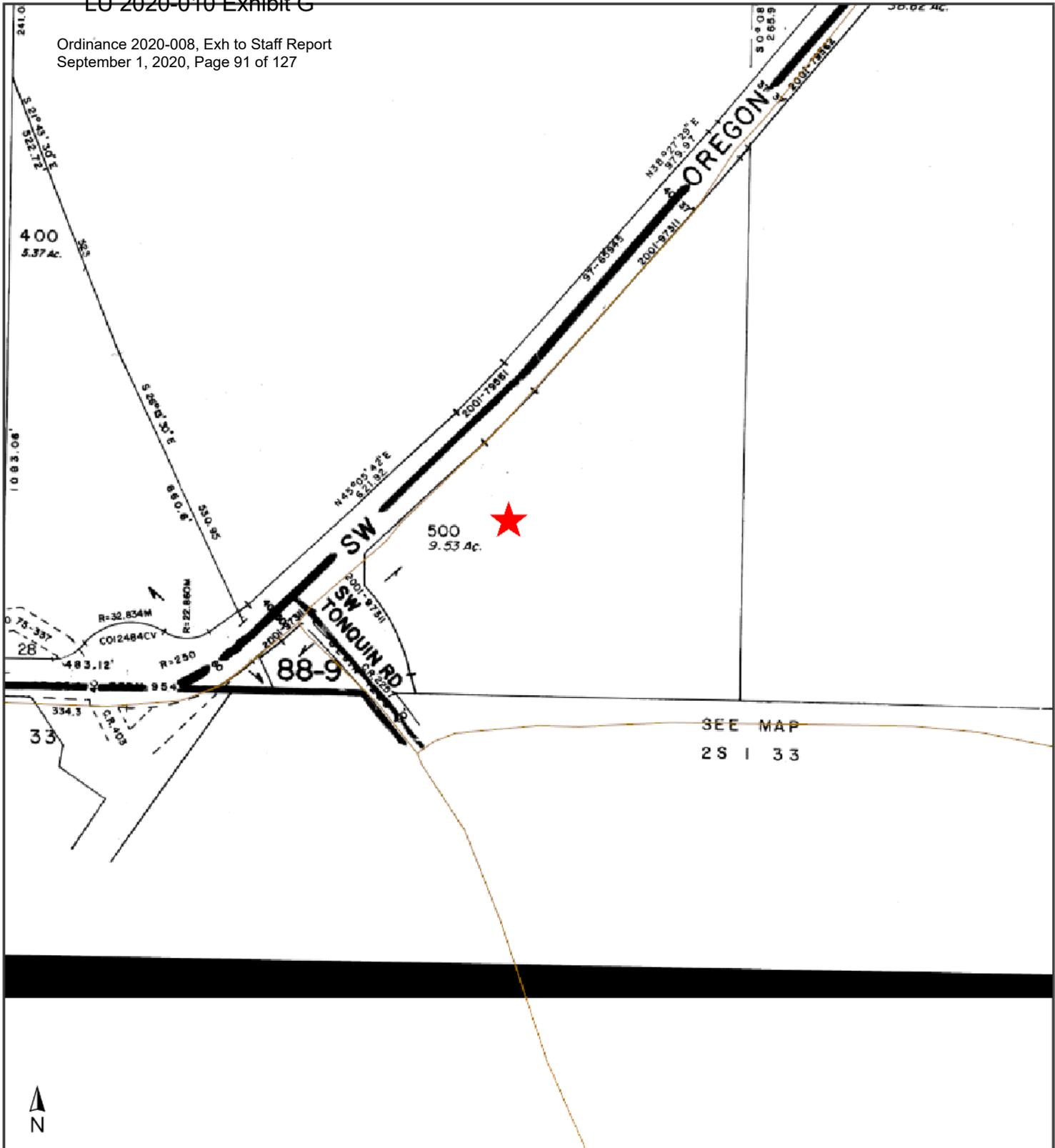
Attention: Accounts Receivable Department

PO Box 31001-2281

Pasadena, CA 91110-2281

LU 2020-010 Exhibit G

Ordinance 2020-008, Exh to Staff Report
September 1, 2020, Page 91 of 127



*First American Title*TM

ParcelID: R1492192
21720 SW Oregon St
Sherwood, OR 97140

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

7798
KNOW ALL MEN BY THESE PRESENTS, that John Caraghino & Gladys Caraghino, husband and wife,

(hereinafter called "the Grantors," whether one or more than one), for and in consideration of the payment of the sum of Two and no/100ths dollars (\$ 10.00), the receipt of which is hereby acknowledged, hereby grant, sell and convey to Portland General Electric Company, an Oregon Corporation, (hereinafter called "the Grantee"), its successors and assigns, a perpetual easement and right of way over, under and across the following described parcel of land situated in Washington County, Oregon, being a strip of land 50 feet in width, extending 18 feet on each the south side and 32 feet on the north side side of a center line more particularly described as follows:

Beginning at a point in the lands of the grantors described in Book 149 on Page 215 and Book 158 on Page 191, Deed Records of Washington County, Oregon, and said lands being situated in Section 28, T2S, R1W, W4, said county, said point being on the west boundary of County Road No. 1260, 18 feet northerly at right angles to the south line of said Section 28; THENCE, from said beginning point, over, under and across the lands of the grantors S 69° 39' 36" W, parallel said section line, a distance of 134.04 feet, more or less, to the easterly boundary of County Road No. 492. The above described centerline is shown-colored red on print of drawing numbered ES 4090 and for purposes of description is attached hereto and made a part hereof.

TO HAVE AND TO HOLD the above described easement and right of way unto the Grantee, its successors and assigns, together with the present and future right to top, limb or fall all growing and dead trees and snags (said trees and snags hereinafter collectively called "danger trees") located on land owned by the Grantors, adjacent to the above described right of way, which danger trees will be determined by the Grantee. The consideration paid for this easement includes the value of all trees on the right of way and all danger trees adjacent to said right of way. The Grantee shall pay the person who is the owner of future danger trees at the date of their cutting (in addition to the purchase price herein agreed to) the market value of said future danger trees at the date of their cutting under authority of the Grantee, such payment to be made within a reasonable period of time after they have been so cut.

Said easement and right of way shall be for the following purposes, namely: the perpetual right to enter upon and to erect, maintain, repair, rebuild, operate and patrol electric power transmission lines, structures and appurtenant signal lines, including the right to erect such poles, towers, transmission structures, wires, cables, guys, supports and appurtenances as are necessary therefor, together with the present and future right to clear said right of way and keep the same clear of brush, timber, structures and fire hazards, provided that fire hazards shall not be interpreted to include any growing crops other than trees.

It is hereby agreed by the Grantors that, (1) title to all brush, timber, or structures existing upon the right of way and to all present danger trees shall vest immediately in the Grantee; (2) all future danger trees cut pursuant to the terms hereof shall remain the property of the owner thereof on the date of their cutting.

The Grantors hereby acknowledge that the purchase price named herein is accepted by the Grantors as full compensation for all damages incidental to the exercise of any of said easements, loss of growing crops on right of way during construction, for guys and anchors extending beyond the right of way and danger trees rights, except payment for any additional danger trees as defined hereinabove which may be cut under authority of the Grantee as provided hereinabove.

If the Grantee, its successors and assigns, shall fail to use said right of way for the purposes above mentioned for a continuous period of five years after construction of said power lines, then and in that event this right of way and easement shall terminate and all rights and privileges granted hereunder shall revert to the Grantors, their heirs and assigns.

The Grantors hereby warrant that they are possessed of a marketable title to the property covered by this easement, and have the right to grant the same.

The Grantors, for themselves and their heirs and assigns, covenant to and with the Grantee, its successors and assigns, that the Grantee, its successors and assigns, shall peaceably enjoy the rights and privileges herein granted.

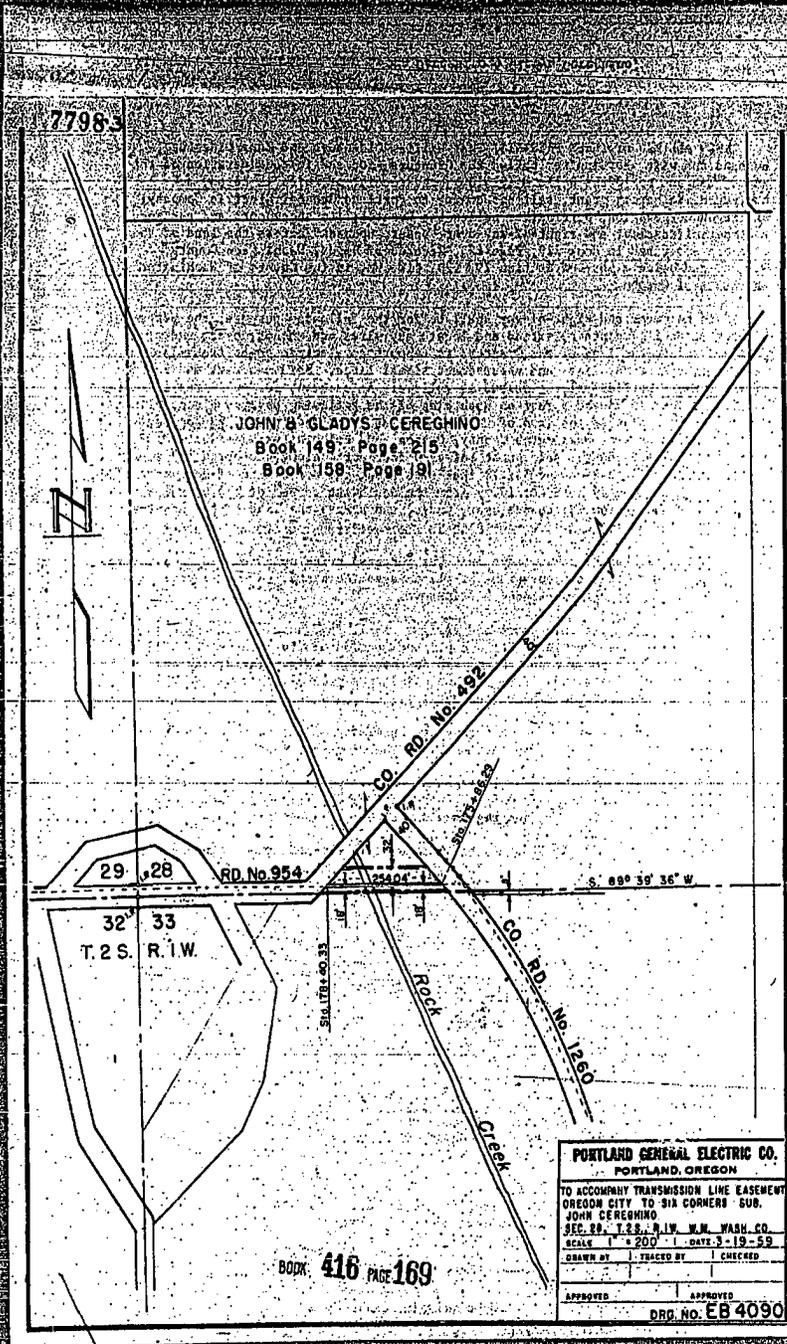
IN WITNESS WHEREOF, the Grantors have caused this agreement to be executed this 3 day of April, 1972.

John Caraghino (SEAL)
Gladys Caraghino (SEAL)

BOOK 416 PAGE 167

LU 2020-010 Exhibit G

Ordinance 2020-008, Exh to Staff Report
September 1, 2020, Page 94 of 127



339

KNOW ALL MEN BY THESE PRESENTS, That JOHN and GLADYS CERECHINO
(husband and wife)

of Washington County, Oregon,

in consideration of One and no/100 (\$1.00) Dollars, and other good and valuable considerations, the receipt of which is hereby acknowledged, unto PORTLAND GENERAL ELECTRIC COMPANY, a corporation of Oregon, its successors and assigns, an easement and/or right-of-way, situated in Washington County, Oregon, of such width not to exceed 10 feet as may be reasonably necessary to accomplish the purposes of this easement at such location as may be determined by the Grantee, over, under and across the following described real property:

Across the lands of the grantors in Section 28, Township 2 South, Range 1 West, W.M. as described in Volume 158, Page 191 of the Washington County Deed Records.

It is understood and agreed that this easement may be used by the Grantee to serve the Grantor, his heirs, successors and assigns, and any other customers of the Grantee owning, occupying or possessing property in the vicinity of the real property herein described.

TO HAVE AND TO HOLD the above described easement and right-of-way unto the said Grantee, its successors and assigns, together with the right of ingress and egress to and from the above described right-of-way, over and across the adjacent land of the Grantor, for the purpose of the erection, maintenance and operation therein, thereon and thereover, of electrical lines, telephone lines, together with such poles, wires, guys, and facilities as may be reasonably connected therewith or appurtenances thereto; provided, that the Grantee shall have the right to cut and/or trim and keep cut and/or trimmed any tree growth upon or adjacent to said right-of-way which may interfere with or menace the construction or operation of said lines; provided, also, that the Grantor, his heirs and assigns, shall always have the right to reasonably use and enjoy said above described right-of-way for all purposes which may not interfere or be inconsistent with the use by the Grantee for the purposes above mentioned; and, provided also, that if the Grantee, its successors and assigns, shall fail to use said right-of-way for the purposes above mentioned, for a continuous period of one year after construction of said pole line, then and in that event this right-of-way and easement shall terminate and all rights and privileges granted hereunder shall revert to the Grantor, his heirs and assigns.

The Grantor, for themselves and their heirs and assigns, covenant to and with the Grantee, its successors and assigns, that the Grantee, its successors and assigns, shall peacefully enjoy the rights and privileges herein granted.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed this 18th day of September, 1953.

Witnesses:

John Cereghino (SEAL)
Gladys Cereghino (SEAL)

Approved: General Mgr. Manager or Sup't. of Distribution

Approved as to description:

Notary

Approved:

Notary Public

STATE OF OREGON.

County of Washington } ss.

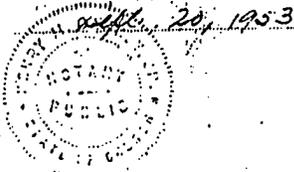
On this 18th day of September, 1953, before me, the undersigned, a Notary Public in and for said County and State, personally appeared JOHN and GLADYS CERBIGHINO (husband and wife)

to me known to be the individuals described in and who executed the foregoing conveyance and acknowledged to me that they executed the same freely and voluntarily for the purposes and uses aforementioned.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this, the day and year in this instrument first written.

James T. Palmer, Jr.
Notary Public for Oregon.

My commission expires



Filed for record, September 10, 1953, 10:10 A.M.
E. N. TOULSON, CLERK
Clerk of the County of Washington

STATE OF OREGON.

County of } ss.

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____

LU 2020-010 Exhibit G

Ordinance 2020-008, Exh to Staff Report
September 1, 2020, Page 97 of 127

Washington County, Oregon **2008-025922**
03/24/2008 02:58:44 PM
D-DW Cnt=1 Str=9 C TOMPKINS
\$15.00 \$5.00 \$11.00 - Total = \$31.00



01230984200800259220030034

I, Richard Hobemicht, 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.

Richard Hobemicht
Richard Hobemicht, Director of Assessment and
Taxation, Ex-Officio County Clerk



NA



Ordinance 2020-008, Exh to Staff Report
September 1, 2020, Page 98 of 127

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That

ALLEN J. CHRISTOPHER AND SHIRLEY M. CHRISTOPHER, husband and wife
hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by
BRUCE D. POLLEY AND KAREN M. POLLEY, husband and wife
hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in WASHINGTON County, State of Oregon, described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the grantee and grantee's heirs, successors and assigns forever.
And grantor hereby covenants to and with grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 225,000.00
However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

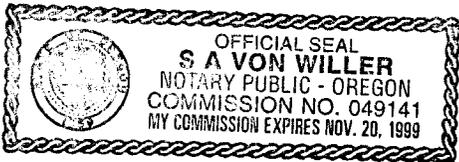
In Witness Whereof, the grantor has executed this instrument this 2ND day of February, 1996; if a corporate grantor, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Allen J. Christopher

Shirley M. Christopher

STATE OF OREGON, County of Grant) ss.
This instrument was acknowledged before me on February 2, 1996,
by Allen J. Christopher and Shirley M. Christopher
This instrument was acknowledged before me on _____, 19____,
by _____
as _____
of _____



S. A. Von Willer
Notary Public for Oregon
My commission expires 11-20-99

Allen J. & Shirley M. Christopher
P.O. BOX 207
Long Creek, OR 97856

Grantor's Name and Address
Bruce D. & Karen M. Polley
9600 S.W. Seely Ave.
Wilsonville, OR 97070

After recording return to (Name, Address, Zip):
Bruce D. & Karen M. Polley
PO Box 1489
SHERWOOD OR 97140

Until requested otherwise send all tax statements to (Name, Address, Zip):
Bruce D. & Karen M. Polley
9600 S.W. Seely Ave.
Wilsonville, OR 97070

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON,) ss.
County of _____

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception No. _____, Record of Deeds of said County.

Witness my hand and seal of County affixed.

By _____, Deputy.

EXHIBIT 'A'

LEGAL DESCRIPTION

The Southwest one-quarter of the Southwest one-quarter of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon.

EXCEPTING THEREFROM that tract conveyed to John Campbell by deed recorded in Book 56, Page 232, Washington County, Oregon, which tract is described as follows:

Part of the Southwest one-quarter of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon. Beginning at the Southwest corner of said Section 28, and thence North on the West section line 16.41 chains to the center of the ditch; thence up said ditch South 21° 1/2" East 7.92 chains and South 26° East 10.01 chains to the South line of said Section 28; thence West on said line 7.32 chains to the point of beginning.

ALSO EXCEPTING THEREFROM part of the Southwest one-quarter of the Southwest one-quarter of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon, described as follows:

Beginning at the Northwest corner of the Southwest one-quarter of the Southwest one-quarter of said Section 28; thence South 0° 08' 14" East along the West line of said Section 28, 241.02 feet to the most Northerly point of that Parcel deeded by P.P. Bailey and wife to John Campbell, recorded by deed dated March 9, 1901, recorded March 26, 1901, in Book 56, Page 232, of Washington County Deed Records, said point also being in the center of a ditch described in said Bailey deed; thence South 21° 43' 30" East following said ditch centerline 523.00 feet (522.72 deed); thence continuing along said ditch centerline South 26° 13' 30" East 530.95 feet to the Northerly right of way line of County Road No. 492; thence North 45° 19' East along said County Road right of way line 664.92 feet; thence continuing along said County Road right of way line North 38° 09' 44" East 723.79 feet to the East line of the Southwest one-quarter of the Southwest one-quarter of said Section 28; thence North 0° 08' 44" West along said East line of the Southwest one-quarter of the Southwest one-quarter of Section 28, 218.67 feet to a stone and the Northeast corner thereof; thence South 89° 52' 44" West along the North line of the Southwest one-quarter of the Southwest one-quarter of said Section 28, 1309.43 feet to the point of beginning.

AND FURTHER EXCEPTING a part of the Southwest one-quarter of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon, described as follows:

Beginning at a stone at the Northwest corner of the Southeast one-quarter of the Southwest one-quarter of said Section 28; thence South 0° 08' 44" East along the West line of the Southeast one-quarter of the Southwest one-quarter of said Section 28, 218.67 feet to the Northerly right of way line of County Road No. 492; thence North 38° 09' 44" East along said County Road right of way 281.47 feet to the North line of the Southeast one-quarter of the Southwest one-quarter of said Section 28; thence South 89° 08' 16" West along the North line of the Southeast one-quarter of said Section 28, 174.49 feet to the point of beginning.

Exhibit J: Additional Referenced Documents

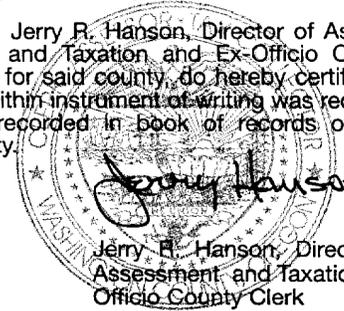
Ordinance 2020-008, Exh to Staff Report
September 1, 2020, Page 101 of 127
After recording, please return to:

Washington County
LUT, Right-of-Way Section
1400 SW. Walnut St. Mail Stop #18
Hillsboro, OR 97124-5625

Bill To

STATE OF OREGON }
County of Washington } SS

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



WASHINGTON COUNTY 2001-097311



DEDICATION DEED

Doc : 2001097311
Inv : 9915 72.00
09/25/2001 03:52:34pm

ALLEN J. CHRISTOPHER AND SHIRLEY M. CHRISTOPHER, as tenants by the entirety, and **Bruce D. Polley and Karen M. Polley**, husband and wife, Grantors, grant to **WASHINGTON COUNTY**, a political subdivision of the State of Oregon, Grantee, on behalf of the public, for the use of the public forever, the following easements in that certain real property situated in the County of Washington and State of Oregon, described on the attached Exhibit "A," and shown on the attached Exhibit "B."

The true consideration for this conveyance is \$ 51,300.00 .

PARCEL 1 - DEDICATION OF RIGHT-OF-WAY

Including the right to construct, operate, and maintain a public road, all customary associated uses, and appurtenant facilities;

PARCEL 2 - PERMANENT SLOPE EASEMENT

Including the right to construct and maintain slopes necessitated by the construction, operation, and maintenance of the public road, all public facilities, and improvements in the adjacent right-of-way. Grantee shall never be required to remove the slope materials placed by it on said property, nor shall Grantee be subject to any damages to Grantor(s) by reasons of any change of grade of the roadway abutting on said property.

AND - PERMANENT PUBLIC UTILITIES EASEMENT

Including the right to install, maintain, and repair public utilities over, under, and across the property described;

PARCEL 3 - CONSERVATION EASEMENT

Grantors shall maintain, preserve, and protect the significant natural resources and wetlands within the easement area. Grantors shall not modify or alter the natural resources or wetlands in any manner, and shall not permit others to do so, without first obtaining all necessary government permits and approvals. Grantors shall not conduct, permit, or allow additional wetland mitigation activities in the easement area, other than those performed by, or specifically authorized by Grantee. No agricultural, commercial, industrial, or residential activity shall be allowed in the easement area.

Ordinance 2020-008, Exh to Staff Report
September 1, 2020, Page 102 of 127

Grantee shall have the right to maintain, preserve, protect and modify wetlands and significant natural resources within the easement area as it determines to be in the public interest and in accordance with all governmental laws, regulations, and permits. Grantee may correct any violations of this easement or damage caused or suffered by Grantors and shall be entitled to recover its costs from Grantors. Grantee shall have no duty to inspect or maintain this easement, and no liability whatsoever for the use and maintenance of this easement by Grantors or any third party, excepting only for actions arising solely from Grantee's own negligence. There shall be no fees charged for use of this easement by Grantee.

For the purposes of this easement, significant natural resources shall be defined as those resources which provide for the identification, protection, enhancement and perpetuation of natural sites, features, objects, and organisms within the County, identified as important for their uniqueness, psychological or scientific value, fish and wildlife habitat, education opportunities or ecological role.

Wetlands are defined as those officially so designated by the federal government, State of Oregon, or Washington County pursuant to duly established laws and regulations of said entities.

This easement does not grant or convey to Grantee any water rights, nor does it grant to the general public the right of access or use of the area described herein.

Nothing in this easement limits, restricts, or preempts the Grantee's exercise of its governmental authority applicable to the easement area.

This agreement shall be a covenant running with the land benefiting Grantee and may be modified or removed only with the authorization of Grantee.

For purposes of this Agreement, Grantors shall include their heirs, successors and assigns; Grantee shall include its successors and public agency assigns. Grantee is not authorized to transfer its right to any private party without the approval of Grantors.

PARCEL 4 - PERMANENT PUBLIC UTILITIES EASEMENT

Including the right to install, maintain, and repair public utilities over, under, and across the property described;

This document is intended to grant easements on the property described, not to convey fee title or any interest in the underlying property except as expressly stated herein. The easements granted shall not prevent Grantors from the use of said property provided, however, that such use shall not be permitted to interfere with the rights herein granted. Grantor shall not be permitted to endanger the lateral support of any facilities constructed within the easements granted herein.

Grantors hereby covenant to and with Grantee that they are the owners of said property, which is free from all encumbrances, except for easements, conditions and restrictions of record, and will warrant and defend the easement rights herein granted from all lawful claims whatsoever, except as stated herein.



Ordinance 2020008, Exhibit 3, Staff Report
September 1, 2020, Page 103 of 127

IN WITNESS WHEREOF, the above named Grantors, have caused this instrument to be signed.
DATED this 9-10th day of Sept, 2001.

Allen J. Christopher
Allen J. Christopher

Shirley M. Christopher
Shirley M. Christopher

STATE OF New Mexico)
County of Grant) ss.

This instrument was acknowledged before me this 10th day of September, 2001, by Allen J. Christopher and Shirley M. Christopher.



Rodana V. Marsh
Notary Public

DATED this 25 day of September, 2001.

Bruce D. Polley
Bruce D. Polley

Karen M. Polley
Karen M. Polley

STATE OF OREGON)
County of Washington) ss.

This instrument was acknowledged before me this 25 day of September, 2001, by Bruce D. Polley and Karen M. Polley.



Teresa R. Sivley
Notary Public

Accepted on behalf of Washington County, Oregon.

By: Thomas A. Paul

Title: County Surveyor

Dated this 25th day of September, 2001

Approved As To Form
Loretta S. Skurdahl
Sr. Assistant County Counsel
Dated & Signed: October 29, 1998

3



EXHIBIT A

N. E. Oregon Street
Washington County, Oregon
April 20, 2001
Revised May 14, 2001
Revised July 25, 2001
Parcels 1, 2, 3 & 4

Project No. 2551
File No. 04
Tax Map No: 2S128C 500

PARCEL 1 (DEDICATION)

A parcel of land in the southwest one-quarter of Section 28 in Township 2 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon and being a portion of that property described in a statutory warranty deed to Allen J. Christopher and Shirley M. Christopher, husband and wife, recorded February 6, 1996 as Document No. 96010802, Washington County Book of Records and in a contract sale to Bruce D. Polley and Karen M. Polley, husband and wife, recorded January 31, 1996 as Document No. 96008842, Washington County Book of Records; the said parcel being that portion of said property included in a strip of land variable in width, and lying on the Southerly side of the relocated centerline of N. E. Oregon Street and located between lines at right angles to said centerline at the following Engineer's Station listed below and which centerline is described as follows:

The widths in meters of the strip of land above referred to are as follows:

Station	to	Station	Width on the Southerly side of Centerline
1+060.000		1+100.000	15.240
1+270.000		1+470.000	11.278

Also the said parcel being that portion of said property included in a strip of land variable in width, and lying on the Easterly and Westerly side of the relocated centerline of S. W. Tonquin Road and located between lines at right angles to said centerline at the following Engineer's Station listed below and which centerline is described as follows:



The widths in meters of the strip of land above referred to are as follows:

Station	to	Station	Width on the Easterly side of Centerline
1+910.000		1+976.428	11.278
1+976.428		1+990.000	11.278 in a straight line to 25.065
Station	to	Station	Width on the Westerly side of Centerline
1+910.000		2+000.000	0.000 in a straight line to 17.000

CENTERLINE DESCRIPTION OF A PORTION OF N.E. OREGON STREET (COUNTY ROAD NOS. 954, 2257, AND 492)

Beginning at a point in N.E. Oregon Street (C.R. No. 954), which is North 89° 38' 42" West 108.685 meters from the section corner common to Sections 28, 29, 32, and 33, Township 2 South, Range 1 West, W.M., and 1.829 meters northerly of the existing centerline of said street, said point also being at Station 0+820.000 for the purposes of this project; thence North 89° 23' 28" East 108.695 meters and parallel to said centerline to an angle point at Station 0+928.695 (C.R. No. 2257); thence South 89° 02' 51" East 47.308 meters and parallel to said centerline to a point of curvature at Station 0+976.003 and no longer parallel to said centerline; thence along the arc of a 130 meter radius curve to the left, through a central angle of 45° 51' 27", an arc distance of 104.047 meters (the long chord bears North 68° 01' 26" East 101.292 meters) to a point of tangency at Station (1+080.050); thence North 45° 05' 42" East 157.229 meters to a point of curvature at Station 1+237.279; thence along the arc of a 400 meter radius curve to the left, through a central angle of 5° 31' 00", an arc distance of 38.514 meters (the long chord bears North 42° 20' 12" East 38.499 meters) to a point of tangency at Station 1+275.793; thence North 39° 34' 42" East 171.537 meters to a point of curvature at Station 1+447.330; thence along the arc of a 400 meter radius curve to the left, through a central angle of 1° 07' 13", an arc distance of 7.821 meters (the long chord bears North 39° 01' 05" East 7.820 meters) to a point of tangency at Station 1+455.151; thence North 38° 27' 29" East 250.530 meters to a point of curvature at Station 1+705.681; thence along the arc of a 400 meter radius curve to the right, through a central angle of 2° 54' 44", an arc distance of 20.331 meters (the long chord bears North 39° 54' 51" East 20.329 meters) to a point of tangency at Station 1+726.012 and returning to the centerline as monumented in survey number 25,092; thence North 41° 22' 13" East 261.727 meters along said centerline to a point of curvature at Station 1+987.739; thence along the arc of a 137.160 meter radius curve to the left, through a central angle of 49° 22' 42", an arc distance of 118.208 meters (the long chord bears North 16° 40' 52" East 114.581 meters) to a point of tangency at Station 2+105.945; thence North 8° 00' 29" West 23.467 meters to the intersection on the centerline of C.R. No. 2737 at Station 2+129.412 as monumented in survey number 25,092 and the terminus of this centerline description.



Except therefrom that portion of said parcel lying within the existing right-of-way of County Road 492 (N. E. Oregon Street) and County Road No. 2257 (S. W. Tonquin Road).

The parcel of land to which this description applies contains 2,101.6 square meters (22,621 square feet), more or less.

CENTERLINE DESCRIPTION OF A PORTION OF S.W. TONQUIN ROAD (COUNTY ROAD NO. 2257)

A road centerline situated within the northwest one-quarter of Section 33 and the southwest one-quarter of Section 28 in Township 2 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

Beginning at a point on the centerline of S.W. Tonquin Road (County Road no. 2257), said point being South 64° 40' 06" East 316.003 meters from the section corner common to Sections 28, 29, 32, and 33, Township 2 South, Range 1 West, W.M., and being the point of tangency (71+56.08) as shown on the survey of C.R. 2257 said point also being at Station 1+763.329 for the purposes of this project; thence along the arc of a 436.592 meter radius curve to the left along said centerline, through a central angle of 16° 25' 31", an arc distance of 125.160 meters (the long chord bears North 27° 45' 24" West 124.732 meters) to a point of reverse curvature at Station 1+888.489 and leaving said centerline; thence along the arc of a 92 meter radius curve to the right, through a central angle of 23° 31' 10", an arc distance of 37.765 meters (the long chord bears North 24° 12' 34" West 37.501 meters) to a point of reverse curvature at Station 1+926.255; thence along the arc of a 92 meter radius curve to the left, through a central angle of 32° 27' 19", an arc distance of 52.114 meters (the long chord bears North 28° 40' 39" West 51.420 meters) to a point of tangency at Station 1+978.368; thence North 44° 54' 18" West 21.632 meters to Station 2+000 and the intersection with the centerline of N.E. Oregon Street at Station 1+123.770 as described above and the terminus of this centerline description.

PARCEL 2 (SLOPE AND UTILITY EASEMENT)

A parcel of land in the southwest one-quarter of Section 28 in Township 2 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon and being a portion of that property described in a statutory warranty deed to Allen J. Christopher and Shirley M. Christopher, husband and wife, recorded February 6, 1996 as Document No. 96010802, Washington County Book of Records and in a contract sale to Bruce D. Polley and Karen M. Polley, husband and wife, recorded January 31, 1996 as Document No. 96008842, Washington County Book of Records; the said parcel being that portion of said property included in a strip of land variable in width, and lying on the Easterly side of the relocated centerline of S. W. Tonquin Road and the Southerly side of the relocated centerline of N. E. Oregon Street and located between lines at right angles to said centerlines at the following Engineer's Stations listed below and which centerlines are described in Parcel 1 above:



The widths in meters of the strip of land above referred to are as follows:

Station	to	Station	Width on the Easterly side of the relocated centerline of S. W. Tonquin Road
1+958.000		1+972.500	13.500
Station	to	Station	Width on the Easterly side of the relocated centerline S. W. Tonquin Road to the Southerly side of the relocated centerline of N. E. Oregon Street
1+972.500		1+154.000	13.500 in a straight line to 17.000
1+154.000		1+210.000	17.000
1+210.000		1+270.000	17.000 in a straight line to 11.278

Also the said parcel being that portion of said property included in a strip of land lying on the Easterly side of the relocated centerline of S. W. Tonquin Road described as follows: beginning at the intersection of the easterly right of way of said road and the southerly line of said property at approximately Engineer's Station 1+918 of the relocated centerline of S. W. Tonquin Road; thence easterly along the south line of said property 31.960 meters; thence northerly and perpendicular to the south line 10.500 meters; thence westerly and parallel with the south line 34.600 meters more or less to the relocated centerline of S. W. Tonquin Road; thence southerly along said relocated centerline to the point of beginning.

Except therefrom Parcel 1 and that portion of said parcel lying within the existing right-of-way of County Road 492 (N. E. Oregon Street) and County Road No. 2257 (S. W. Tonquin Road).

The parcel of land to which this description applies contains 876.5 square meters (9,435 square feet), more or less.

PARCEL 3 (CONSERVATION EASEMENT)

A parcel of land in the southwest one-quarter of Section 28 in Township 2 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon and being a portion of that property described in a statutory warranty deed to Allen J. Christopher and Shirley M. Christopher, husband and wife, recorded February 6, 1996 as Document No. 96010802, Washington County Book of Records and in a contract sale to Bruce D. Polley and Karen M. Polley, husband and wife, recorded January 31, 1996 as Document No. 96008842, Washington County Book of Records; the said parcel being that portion of said property included in a strip of land variable in width, and lying on the Southerly side of the relocated centerline of N. E. Oregon Street and



located between lines at right angles to said centerline at the following Engineer's Station listed below and which centerline is described above:

The widths in meters of the strip of land above referred to are as follows:

Station	to	Station	Width on the Southerly side of Centerline
1+060.000		1+100.000	30.458 in a straight line to 72.106

Except therefrom Parcel 1 and that portion of said parcel lying within the existing right-of-way of County Road 492 (N. E. Oregon Street) and County Road No. 2257 (S. W. Tonquin Road).

The parcel of land to which this description applies contains 1,242.0 square meters (13,368 square feet), more or less.

PARCEL 4 (UTILITY EASEMENT)

A parcel of land in the southwest one-quarter of Section 28 in Township 2 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon and being a portion of that property described in a statutory warranty deed to Allen J. Christopher and Shirley M. Christopher, husband and wife, recorded February 6, 1996 as Document No. 96010802, Washington County Book of Records and in a contract sale to Bruce D. Polley and Karen M. Polley, husband and wife, recorded January 31, 1996 as Document No. 96008842, Washington County Book of Records; the said parcel being that portion of said property included in a strip of land 5.486 meters in width, and lying adjacent to the southerly property line of said parcel and lying on the Southerly side of the relocated centerline of N. E. Oregon Street and located between lines at right angles to said centerline at Engineer's Station 1+060 and 1+100, which centerline is described in Parcel 1 above.

The parcel of land to which this description applies contains 283.4 square meters (3,051 square feet), more or less.

Except therefrom that portion of said parcel lying within the existing right-of-way of County Road No. 2257 (S. W. Tonquin Road).

The bearings of this description are based on the bearing between monuments numbered 740 and 741 which is South 38° 27' 29" West as shown in Record of Survey No. 22,598 as recorded at the Washington County Surveyor's Office. This project is on a local datum. Metric conversion factor: 1 meter = 39.37 inches.



**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Patrick N. Smith

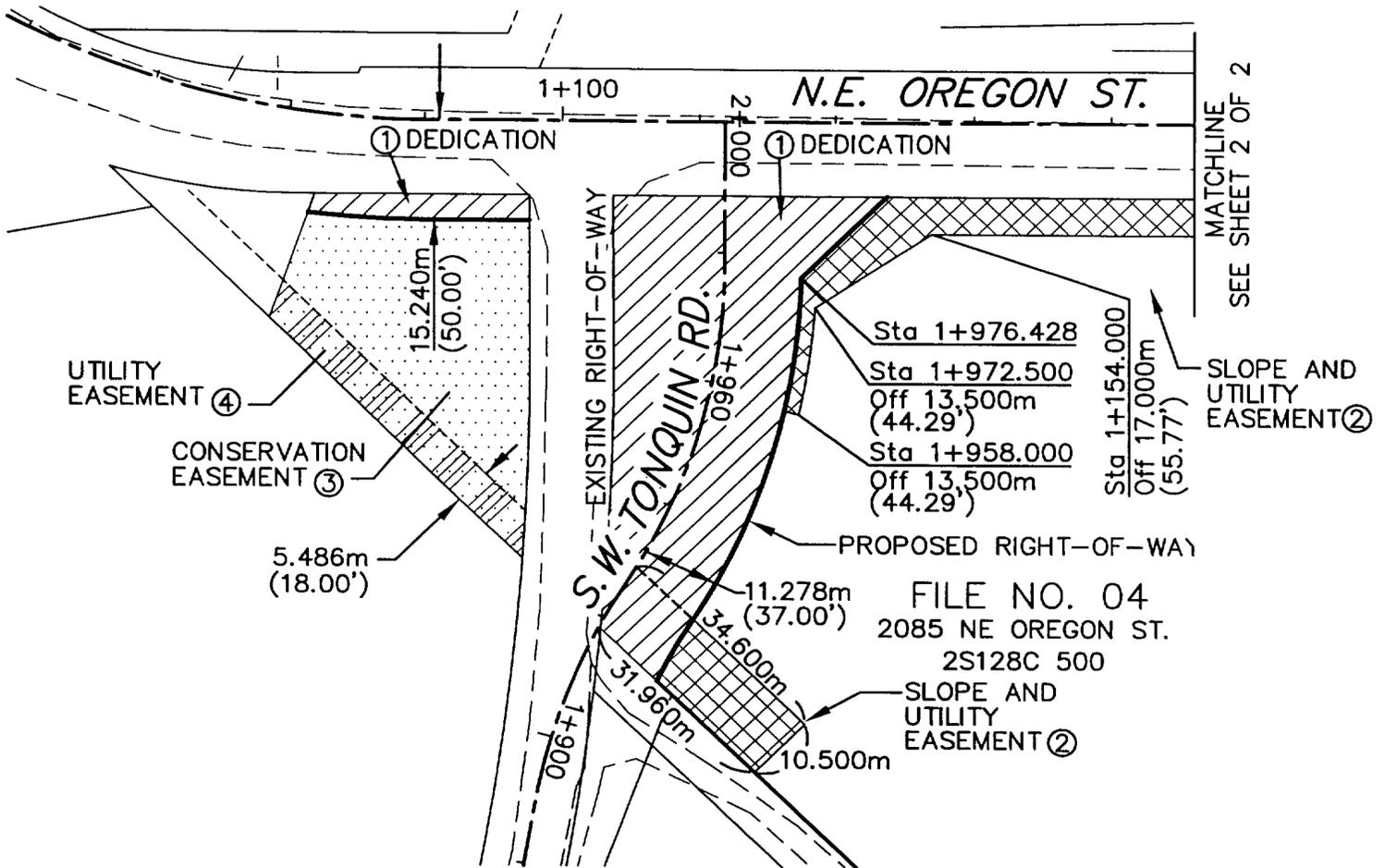
OREGON
JULY 25, 1991
PATRICK N. SMITH
2526

RENEWAL 6/30/02

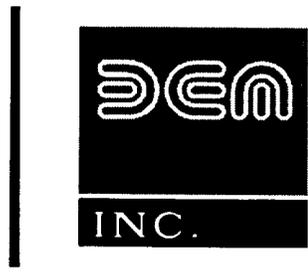
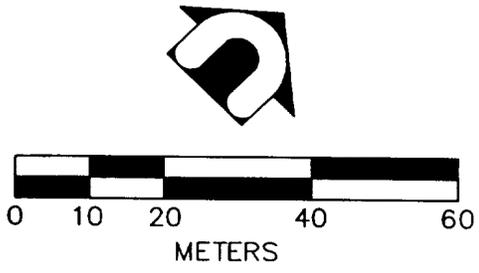
PNS,DEA Inc.
5/14/01

PNS:ljj

o:\project\w\surv\wpw84\2551-04b.doc



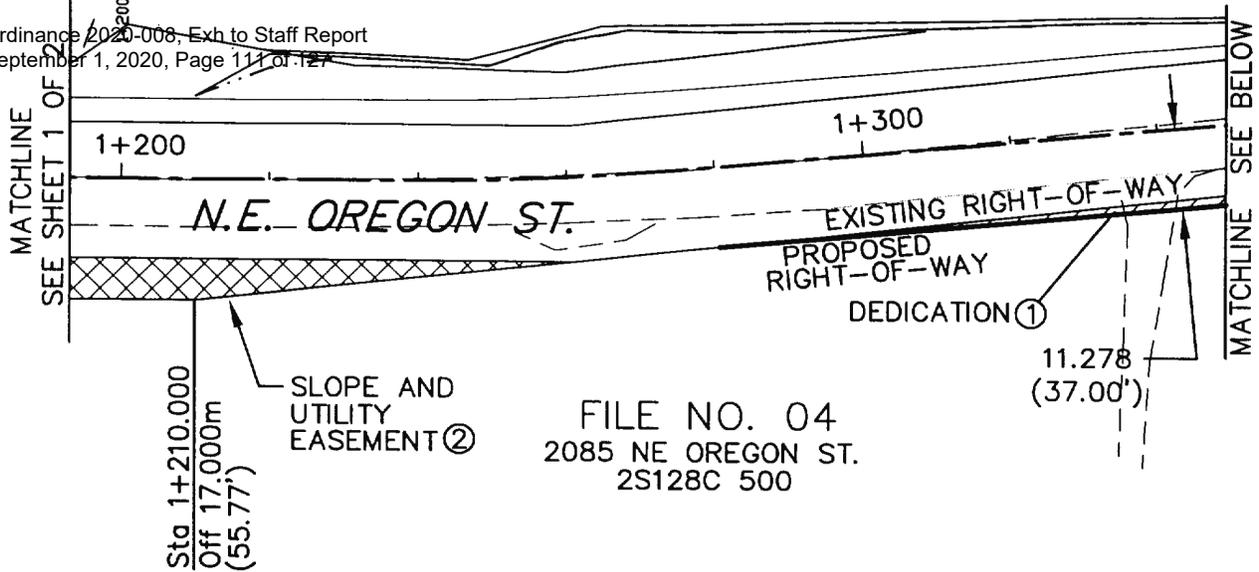
LEGEND		
	DEDICATION	① 2,101.6± SQ. M. 22,621± SQ. FT.
	SLOPE AND UTILITY EASEMENT	② 876.5± SQ. M. 9,435± SQ. FT.
	CONSERVATION EASEMENT	③ 1,242.0± SQ. M. 13,369± SQ. FT.
	UTILITY EASEMENT	④ 283.4± SQ. M. 3,051± SQ. FT.



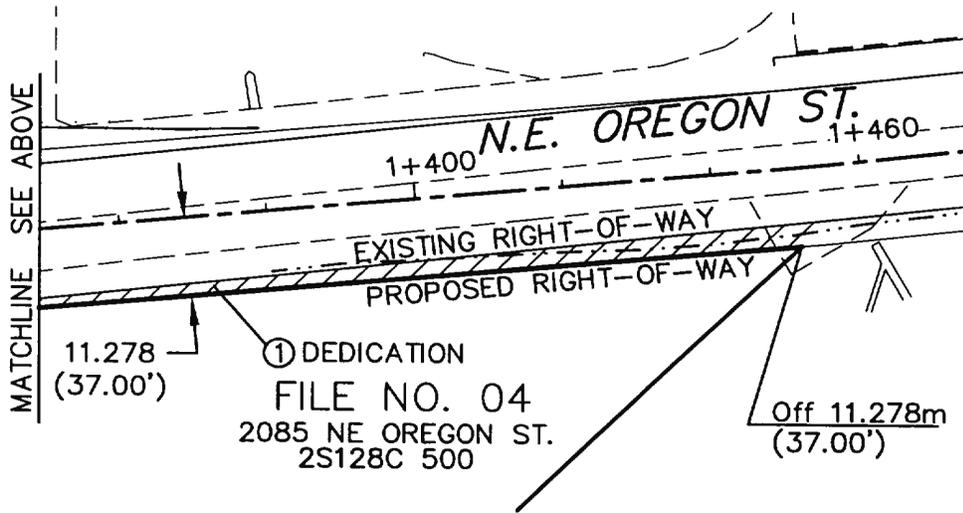
PROJECT	N.E. OREGON STREET		SHEET
	EXHIBIT B		1
	Washington County Project No. 2551		of
DWG. REF.	DEA PROJECT NO.	AMENDMENT NO.	2
WPW84SEM51-04	WPWX0000-0084	1.0	
DRAWN BY	DESIGN BY	APPROVED BY	DATE
JHL / TAS	PNS	PNS	07/25/01

10

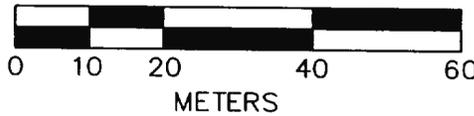
Ordinance 2020-008, Exh to Staff Report
 September 1, 2020, Page 111 of 127



FILE NO. 04
 2085 NE OREGON ST.
 2S128C 500



FILE NO. 04
 2085 NE OREGON ST.
 2S128C 500



PROJECT

N.E. OREGON STREET

SHEET

EXHIBIT B

**2
of
2**

Washington County Project No. 2551

DWG. REF. WPW84SEM51-04	DEA PROJECT NO. WPWX0000-0084	AMENDMENT NO. 1.0
DRAWN BY JHL / TAS	DESIGN BY PNS	APPROVED BY PNS
		DATE 07/25/01

//

Exhibit K: Washington County-Sherwood Urban Planning Agreement

Washington County – Sherwood Urban Planning Area Agreement

THIS AGREEMENT is entered into by WASHINGTON COUNTY, a political subdivision of the State of Oregon, hereinafter referred to as the “COUNTY”, and the CITY OF SHERWOOD, an incorporated municipality of the State of Oregon, hereinafter referred to as the “CITY”.

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, Statewide Planning Goal #2 (Land Use Planning) requires that city, county, state and federal agency and special district plans and actions shall be consistent with the comprehensive plans of the cities and counties and regional plans adopted under ORS Chapter 197; and

WHEREAS, the Oregon State Land Conservation and Development Commission (LCDC) requires each jurisdiction requesting acknowledgment of compliance to submit an agreement setting forth the means by which comprehensive planning coordination within the Regional Urban Growth Boundary (UGB) will be implemented; and

WHEREAS, following the Urbanization Forum process, the COUNTY through Resolution & Order 09-63, and the CITY through Resolution 2009-046, agreed that all future additions to the UGB during or after 2010 must be governed and urbanized by the CITY in the COUNTY and also agreed to urge Metro to expand the UGB only to such areas as are contiguous to incorporated areas of Washington County; and

WHEREAS, the State legislature, with House Bill 4078-A in 2014 and House Bill 2047 in 2015, validated the acknowledged UGB and Urban and Rural Reserves established through the Metro Regional process involving both the COUNTY and the CITY; and

WHEREAS, the COUNTY and CITY desire to amend the Urban Planning Area Agreement (UPAA) to reflect the changes to the UGB, the CITY’s Urban Planning Area, and the need for urban planning of the new urban reserve lands; and

WHEREAS, the COUNTY and the CITY, to ensure coordinated and consistent comprehensive plans, consider it mutually advantageous to establish:

- I. An Urban Planning Area Agreement incorporating both a site-specific Urban Planning Area within the UGB within which both the COUNTY and the CITY maintain an interest in comprehensive planning and an Urban Reserve Planning Area outside the UGB where both the COUNTY and the CITY maintain an interest in concept planning; and

Agreement amended by
Washington County Land Use A-Engrossed Ordinance No. 821
Adopted September 26, 2017

2. A process for coordinating comprehensive planning and development in the Urban Planning Area and concept planning in the Urban Reserve Planning Area; and
3. Policies regarding comprehensive planning and development in the Urban Planning Area and concept planning in the Urban Reserve Planning Area; and
4. A process to amend the Urban Planning Area Agreement.

NOW THEREFORE, THE COUNTY AND THE CITY AGREE AS FOLLOWS:

I. Location of the Urban Planning Area and Urban Reserve Planning Area

The Urban Planning Area and Urban Reserve Planning Area, mutually defined by the COUNTY and the CITY, include the areas designated on the Washington County - Sherwood UPAA Map “Exhibit A” to this Agreement.

II. Coordination of Comprehensive Planning and Development

A. Amendments to or Adoption of a Comprehensive Plan or Implementing Regulation

1. Definitions

Comprehensive Plan means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. “Comprehensive Plan” amendments do not include small tract comprehensive plan map changes.

Implementing Regulation means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan. “Implementing regulation” does not include small tract zoning map amendments, conditional use permits, individual subdivision, partitioning or planned unit development approvals or denials, annexations, variances, building permits and similar administrative-type decisions.

2. The COUNTY shall provide the CITY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the COUNTY comprehensive plan or implementing regulations. The CITY shall provide the COUNTY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the CITY comprehensive plan or implementing regulations. The following procedures shall be followed by the COUNTY and the CITY to notify and involve one another in the process to amend or adopt a comprehensive plan or implementing regulation.

Agreement amended by
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Adopted September 26, 2017

- a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall notify the other agency, hereinafter the responding agency, by first class mail or as an attachment to electronic mail of the proposed action at the time such planning efforts are initiated, but in no case less than thirty-five (35) days prior to the first hearing on adoption. For COUNTY or CITY comprehensive plan updates with the potential to affect the responding agency’s land use or transportation system, the originating agency shall provide the responding agency with the opportunity to participate in the originating agency’s planning process prior to the notification period, such as serving on the originating agency’s advisory committee.
- b. For COUNTY or CITY comprehensive plan updates with the potential to affect the responding agency’s land use or transportation system, the originating agency shall transmit the draft amendments to the responding agency for its review and comment before finalizing. The responding agency shall have ten (10) days after receipt of a draft to submit comments orally or in writing. Lack of response shall be considered “no objection” to the draft.
- c. The originating agency shall respond to the comments made by the responding agency either by a) revising the final recommendations, or b) by letter to the responding agency explaining why the comments cannot be addressed in the final draft.
- d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.
- e. Upon final adoption of the proposed action by the originating agency, it shall transmit the adopting ordinance to the responding agency as soon as publicly available, or if not adopted by ordinance, whatever other written documentation is available to properly inform the responding agency of the final actions taken.

B. Development Actions Requiring Individual Notice to Property Owners

1. Definition

Development Action Requiring Notice means an action by a local government which requires notifying by mail the owners of property which could potentially be affected (usually specified as a distance measured in feet) by a proposed development action which directly affects and is applied to a specific parcel or parcels. Such development actions may include, but not be limited to, small

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 Adopted September 26, 2017

tract zoning or comprehensive plan map amendments, conditional or special use permits, land divisions, planned unit developments, variances, and other similar actions requiring a quasi-judicial hearings process.

2. The COUNTY will provide the CITY with the opportunity to review and comment on proposed development actions requiring notice within the designated Urban Planning Area and Urban Reserve Planning Area. The CITY will provide the COUNTY with the opportunity to review and comment on proposed development actions requiring notice within the CITY limits that may have an effect on unincorporated portions of designated Urban Planning Area or the COUNTY's transportation network.
3. The following procedures shall be followed by the COUNTY and the CITY to notify one another of proposed development actions:
 - a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall send by first class mail or as an attachment to electronic mail a copy of the public hearing notice or comment period notice with no public hearing which identifies the proposed development action to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than ten (10) days prior to the date of the scheduled public hearing or end of the comment period. The failure of the responding agency to receive a notice shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
 - b. The agency receiving the notice may respond at its discretion. Comments may be submitted in written or electronic form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.
 - c. If received in a timely manner, the originating agency shall include or attach the comments to the written staff report and respond to any concerns addressed by the responding agency in such report or orally at the hearing.
 - d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

C. Additional Coordination Requirements

1. The CITY and the COUNTY shall do the following to notify one another of proposed actions which may affect the community, but are not subject to the

Agreement amended by
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Adopted September 26, 2017

notification and participation requirements contained in subsections A and B above.

- a. The CITY or the COUNTY, whichever has jurisdiction over the proposed actions, hereinafter the originating agency, shall send by first class mail or as an attachment to electronic mail a copy of all public hearing agendas which contain the proposed actions to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than three (3) days prior to the date of the scheduled public hearing. The failure of the responding agency to receive an agenda shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
- b. The agency receiving the public hearing agenda may respond at its discretion. Comments may be submitted in written or electronic form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered “no objection” to the proposal.
- c. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

III. Concept Planning for Urban Reserve Areas

A. Definitions

1. Urban Reserve means those lands outside the UGB that have been so designated by Metro for the purpose of:
 - a. Future expansion over a long-term period (40-50 years), and
 - b. The cost-effective provision of public facilities and services when the lands are included within the UGB.
2. Urban Reserve Planning Area means those Urban Reserves identified as ultimately being governed by the CITY at such time as the UGB is amended to include the Urban Reserve Area.
3. Urban Reserve - Planning Responsibility Undefined means those Urban Reserves that the CITY and at least one other city may have an interest in ultimately governing, but no final agreement has been reached. These areas are not considered part of the Urban Reserve Planning Area.

- B. The CITY’s Urban Reserve Planning Area and the Urban Reserve - Planning Responsibility Undefined are identified on “Exhibit A” to this Agreement.

Agreement amended by
Washington County Land Use A-Engrossed Ordinance No. 821
Adopted September 26, 2017

- C. The CITY and COUNTY shall be jointly responsible for developing a concept plan for the Urban Reserve Planning Area in coordination with Metro and appropriate service districts. The concept plan shall include the following:
 - 1. An agreement between the COUNTY and CITY regarding expectations for road funding, jurisdictional transfer over roadways to and from the CITY and COUNTY, and access management for county roads in the Urban Reserve Planning Area. The agreement should describe any changes to the CITY and/or COUNTY Transportation System Plans, other Comprehensive Plan documents, or codes that have been adopted or will be necessary to implement this agreement.
 - 2. An agreement between the COUNTY and CITY that preliminarily identifies the likely providers of urban services, as defined in ORS 195.065.(4), when the area is urbanized.
- D. The concept plan shall be approved by the CITY and acknowledged by the COUNTY.
- E. Upon completion and acknowledgement of the concept plan by the CITY and COUNTY, and the addition of the area into the UGB by Metro, the affected portion of the Urban Reserve Planning Area shall be designated as part of the Urban Planning Area. Inclusion in the Urban Planning Area is automatic and does not require an amendment to this agreement.

IV. Comprehensive Planning and Development Policies for Urban Planning Areas

A. Definition

Urban Planning Area means the incorporated area and certain unincorporated areas contiguous to the incorporated area for which the CITY conducts comprehensive planning and seeks to regulate development activities to the greatest extent possible. The CITY's Urban Planning Area is designated on "Exhibit A" to this Agreement.

- B. The CITY shall be responsible for comprehensive planning within the Urban Planning Area.
- C. The CITY and COUNTY will implement the applicable Urban Reserve concept plan and related agreements as the comprehensive plan is prepared for the Urban Planning Area to ensure consistency and continuing applicability with the original concept plan. If modifications to the original concept plan are made during the comprehensive planning process, the parties will update the related agreements to reflect these changes, which may include transportation, access and funding.
- D. The CITY shall be responsible for the preparation, adoption and amendment of the

Agreement amended by
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Adopted September 26, 2017

public facility plan required by OAR 660-011 within the Urban Planning Area.

- E. As required by OAR 660-011-0010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within the Urban Planning Area. Exceptions include facilities provided by other service providers subject to the terms of any intergovernmental agreement the CITY may have with other service providers; facilities under the jurisdiction of other service providers not covered by an intergovernmental agreement; and future facilities that are more appropriately provided by an agency other than the CITY.
 - F. The COUNTY shall not approve land divisions within the unincorporated Urban Planning Area that are inconsistent with the provisions of the Future Development 20-Acre District (FD-20).
 - G. The COUNTY shall not approve a development proposal in the Urban Planning Area if the proposal would not provide for, nor be conditioned to provide for, an enforceable plan for redevelopment to urban densities consistent with the CITY's Comprehensive Plan in the future upon annexation to the CITY as indicated by the CITY Comprehensive Plan.
 - H. The COUNTY will not oppose any orderly, logical annexation of land to the CITY within the CITY's Urban Planning Area.
- V. Amendments to the Urban Planning Area Agreement
- A. The following procedures shall be followed by the CITY and the COUNTY to amend the language of this agreement or the Urban Planning Area Boundary:
 - 1. The CITY or COUNTY, whichever jurisdiction originates the proposal, shall submit a formal request for amendment to the responding agency.
 - 2. The formal request shall contain the following:
 - a. A statement describing the amendment.
 - b. A statement of findings indicating why the proposed amendment is necessary.
 - c. If the request is to amend the planning area boundary, a map that clearly indicates the proposed change and surrounding area.
 - 3. Upon receipt of a request for amendment from the originating agency, the responding agency shall schedule a review of the request before the appropriate reviewing body, with said review to be held within forty-five (45) days of the date the request is received.

4. The CITY and COUNTY shall make good faith efforts to resolve requests to amend this agreement. Upon completion of the review, the reviewing body may approve the request, deny the request, or make a determination that the proposed amendment warrants additional review. If it is determined that additional review is necessary, the following procedures shall be followed by the CITY and COUNTY:
 - a. If inconsistencies noted by both parties cannot be resolved in the review process as outlined in Section V. A. (3), the CITY and the COUNTY may agree to initiate a joint study. Such a study shall commence within thirty (30) days of the date it is determined that a proposed amendment creates an inconsistency, and shall be completed within ninety (90) days of said date. Methodologies and procedures regulating the conduct of the joint study shall be mutually agreed upon by the CITY and the COUNTY prior to commencing the study.
 - b. Upon completion of the joint study, the study and the recommendations drawn from it shall be included within the record of the review. The agency considering the proposed amendment shall give careful consideration to the study prior to making a final decision.
 - B. The parties will jointly review this Agreement periodically, or as needed, to evaluate the effectiveness of the processes set forth herein and to make any necessary amendments. Both parties shall make a good faith effort to resolve any inconsistencies that may have developed since the previous review. If, after completion of a sixty (60) day review period inconsistencies still remain, either party may terminate this Agreement.
 - C. Any boundary changes due to annexation into the CITY or updates to the UGB are automatic and do not require an amendment to “Exhibit A”.
- VI. This Agreement shall become effective upon full execution by the COUNTY and the CITY and shall then repeal and replace the Washington County-Sherwood Urban Planning Area Agreement effective March 3, 2010. The effective date of this Agreement shall be the last date of signature on the signature page.

LU 2020-010 Exhibit G

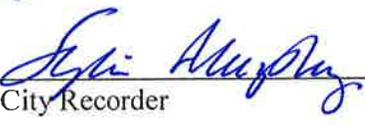
IN WITNESS WHEREOF the parties have executed this Urban Planning Area Agreement on the date set opposite their signatures.

CITY OF SHERWOOD

By  Date 10/17/17
~~Mayor~~ Jennifer Harris, Council President

Approved as to Form:

By  Date 10/23/17
City Attorney

By  Date 10/23/2017
City Recorder

WASHINGTON COUNTY

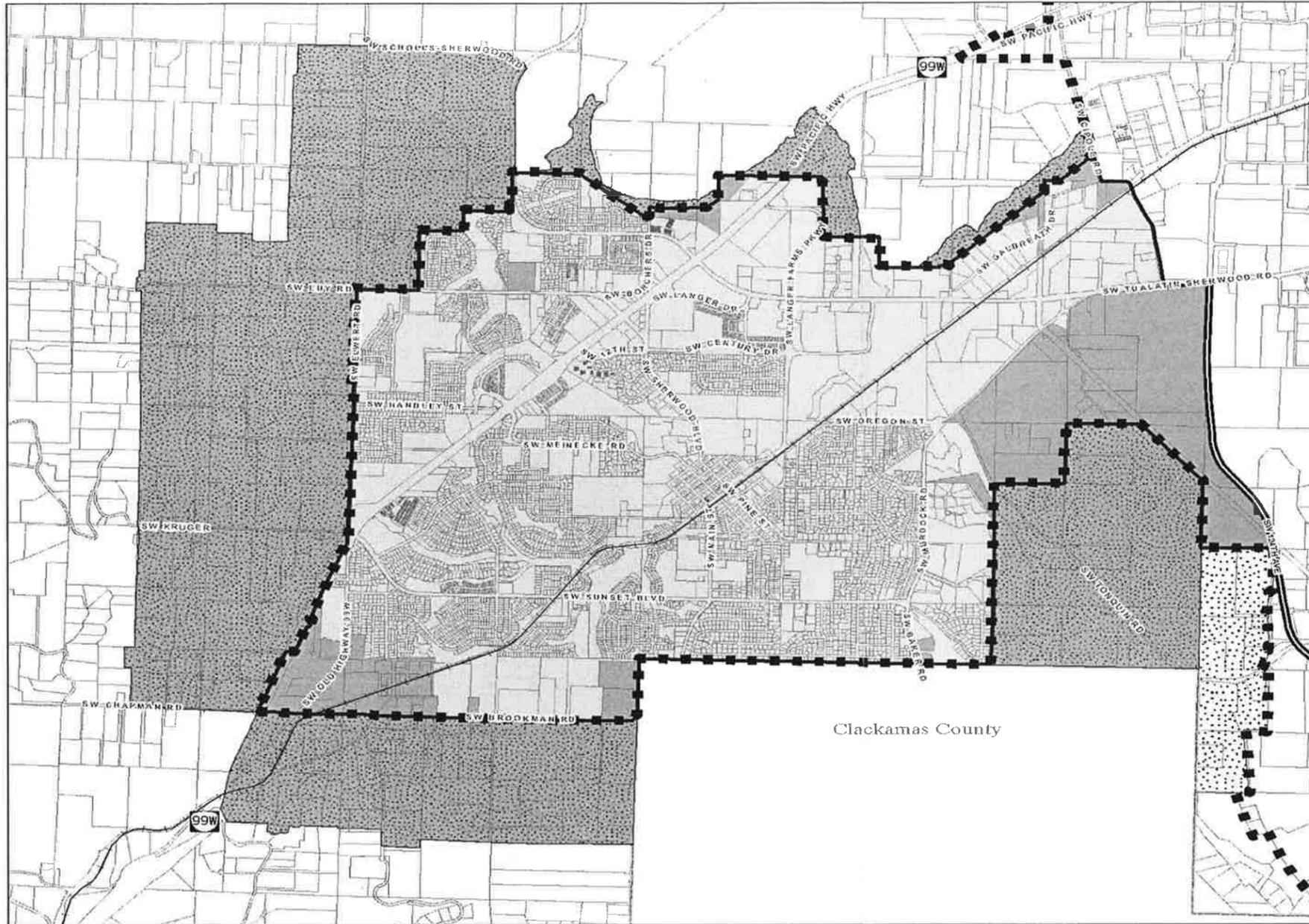
By  Andy Duyck Date 11-7-17
Chair, Board of Commissioners RO 17-99 9-26-17

Approved as to Form:

By  Date 11/3/17
County Counsel

By _____ Date _____
Recording Secretary

Agreement amended by
Washington County Land Use A-Engrossed Ordinance No. 821
Adopted September 26, 2017



City of Sherwood
Urban Planning Area
Washington County - Sherwood
Urban Planning Area Agreement
Exhibit A

- City Limits
- Urban Planning Area
- Urban Reserve Planning Area
- Urban Reserve - Planning Responsibility Undefined
- Urban Growth Boundary
- County Boundary
- Railroad Right of Way
- Future SW 124th Ave Alignment

1 inch = 2,000 feet

0 1,000 2,000 3,000 4,000 Feet

J:\Workgroups\GIS\Planning\UrbanC\PROJECTS\2017_P\rejects\UPAA\Sherwood_UPAA_VER_01.mxd



Exhibit L: Public Notice Information

LU 2020-010 Exhibit G

2S128C0-00100
Ordinance 2020-008, Exh. to Staff Report
 Pride Properties Investments, Llc
 September 1, 2020, Page 124 of 127
 Po Box 820
 Sherwood, OR 97140

2S128C0-00102
 Orwa Sherwood Llc
 8320 NE Highway 99
 Vancouver, WA 98665

2S128C0-00200
 Sherwood Road Industrial Llc & Bldg B
 6900 Fox Ave S
 Seattle, WA 98108

2S128C0-00200
 Sherwood Road Industrial Llc
 6900 Fox Ave S
 Seattle, WA 98108

2S128C0-00201
 J & L Rink Llc
 21433 SW Oregon St
 Sherwood, OR 97140

2S128C0-00201
 J & L Rink Llc
 21433 SW Oregon St
 Sherwood, OR 97140

2S128C0-00201
 J & L Rink Llc
 21433 SW Oregon St
 Sherwood, OR 97140

2S128C0-00201
 J & L Rink Llc
 21433 SW Oregon St
 Sherwood, OR 97140

2S128C0-00202
 J & L Rink Llc
 21433 SW Oregon St
 Sherwood, OR 97140

2S128C0-00204
 Sherwood City Of
 22560 SW Pine St
 Sherwood, OR 97140

2S128C0-00400
 Washington County Facilites Mgmt
 169 N 1st Ave # 42
 Hillsboro, OR 97124

2S128C0-00400
 Washington County Facilites Mgmt
 169 N 1st Ave # 42
 Hillsboro, OR 97124

2S128C0-00500
 Bruce & Karen Polley
 Po Box 1489
 Sherwood, OR 97140

2S128C0-00500
 Bruce & Karen Polley
 Po Box 1489
 Sherwood, OR 97140

2S128C0-00500
 Bruce & Karen Polley
 Po Box 1489
 Sherwood, OR 97140

2S128C0-00501
 Key Equipment Finance Inc
 66 S Pearl St FL 8
 Albany, NY 12207

2S128C0-00501
 Keybank National Assoc
 Po Box 22055
 Albany, NY 12201

2S128C0-00501
 Allied Systems Company
 21433 SW Oregon St
 Sherwood, OR 97140

2S128C0-00600
 John Niemeyer
 15 82nd Dr STE 210
 Gladstone, OR 97027

2S128C0-00700
 Kenneth & Carol Vandomelen
 4825 SW Evans St
 Portland, OR 97219

2S128C0-00701
 Dahlke Lane Properties Llc
 4677 SE Concord Rd
 Portland, OR 97267

2S129D0-00600
 Washington County Facilites Mgmt
 169 N 1st Ave # 42
 Hillsboro, OR 97124

2S132AA-00190
 Sherwood City Of
 22560 SW Pine St
 Sherwood, OR 97140

2S132AA-01101
 Michael D & Lawrence D Kay Llc
 22210 SW Murdock Rd
 Sherwood, OR 97140

2S132AA-06200
 Sherwood City Of
 22560 SW Pine St
 Sherwood, OR 97140

2S132AA-06500
 Keith Beaumont
 14602 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-06600
 Jean Almond
 14616 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-06600
 Jean Almond
 14616 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-06700
 Bonnie Miller
 14630 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-06800
 Cindy Nevill
 14642 SW Brickyard Dr
 Sherwood, OR 97140

LU 2020-010 Exhibit G

2S132AA-06900
 Ordinance 2020-008, Exh to Staff Report
 Orfilio & John Naranjo
 September 1, 2020, Page 125 of 127
 14650 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-07000
 Audrey O Leary & Dawn Leary
 14658 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-07100
 Meghan Jackson
 14672 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-07200
 David Krempley
 14680 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-07300
 Abdallah Salame
 14694 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-07400
 Zeb & Alyssa Menle
 14706 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-07500
 Stanley & Roxane Risner
 14718 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-07600
 Donald & Renate Liss
 707 N 7th St
 Carlton, OR 97111

2S132AA-07700
 Paul & Stephanie Spath
 14738 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-09000
 Colleen & Debra Clemens
 14723 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-09000
 Colleen & Debra Clemens
 14723 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-09100
 Daniel Goodyear
 14685 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-09200
 Kenneth & Patricia Higgason
 14673 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-09300
 Holly Jackson & William Lewis
 32055 NE Corral Creek Rd
 Newberg, OR 97132

2S132AA-09400
 Thomas & Penny Wade
 14645 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-09500
 James Mcburnett
 14637 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-09600
 James & Gail Mcgill
 14625 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-09700
 Carol Riggs
 14619 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-09800
 Blake & Joan Elison
 14615 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-09900
 Dennis & Kristen Titko
 14603 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-10000
 Mary Consani
 2909 NE 166th Way
 Ridgefield, WA 98642

2S132AA-10000
 Orland Villa Llc
 22106 SW Orland St
 Sherwood, OR 97140

2S132AA-10200
 Atley Estates Homeowners Assoc
 14673 SW Brickyard Dr
 Sherwood, OR 97140

2S132AA-11000
 Sandra & Richard Miles
 22115 SW Chesapeake Pl
 Sherwood, OR 97140

2S132AA-11100
 Thomas & Suzanne Feller
 16980 SW Red Rock Way
 Beaverton, OR 97007

2S132AA-11200
 Rebecca Osmond & Jason Berg
 22095 SW Chesapeake Pl
 Sherwood, OR 97140

2S132AA-11300
 Samuel & Stesha Powers
 22085 SW Chesapeake Pl
 Sherwood, OR 97140

2S132AA-11400
 Rose & Shawn Mcgrady
 22075 SW Chesapeake Pl # 22077
 Sherwood, OR 97140

2S132AA-11500
 Robert & Amanda Taylor
 14596 SW Oregon St
 Sherwood, OR 97140

2S132AA-11600
 Emphyrean Real Estate Llc
 13751 SW Rock Creek Rd
 Sheridan, OR 97378

LU 2020-010 Exhibit G

2S132AA-11700

Ordinance 2020-008, Exh to Staff Report
James & Colleen Buckner
September 1, 2020, Page 126 of 127
59 Margate St
Daly City, CA 94015

2S132AA-11800

22060 Chesapeake Place Llc
Po Box 1626
Sherwood, OR 97140

2S132AA-11900

Calla Lilly
22070 SW Chesapeake Pl
Sherwood, OR 97140

2S132AA-12000

Lisa & James Burton
22080 SW Chesapeake Pl
Sherwood, OR 97140

2S132AA-12100

Preston & Rochelle Griffin
22090 SW Chesapeake Pl
Sherwood, OR 97140

2S132AA-12200

David Hiser
22100 SW Chesapeake Pl
Sherwood, OR 97140

2S13300-00200

Gertrude Barnard
14260 SW Tonquin Rd
Sherwood, OR 97140

2S13300-00201

Gertrude Barnard
14260 SW Tonquin Rd
Sherwood, OR 97140

2S13300-00300

Wayne & Karen Depriest
14250 SW Tonquin Rd
Sherwood, OR 97140

2S13300-00400

Woodburn Industrial Capital Grou
395 Shenandoah Ln NE
Woodburn, OR 97071

2S13300-00401

Martin & Cynthia Walker
14240 SW Tonquin Rd
Sherwood, OR 97140

2S13300-00403

Wayne & Karen Depriest
14250 SW Tonquin Rd
Sherwood, OR 97140

2S13300-02500

United States Of America Dept Of
911 NE 11th Ave
Portland, OR 97232

2S13300-02500

United States Of America & Dept Of The
911 NE 11th Ave
Portland, OR 97232

2S133BB-00100

Woodburn Industrial Capital Grou
Po Box 1060
Woodburn, OR 97071

2S133BB-00200

United States Of America Dept Of
911 NE 11th Ave
Portland, OR 97232

2S133BB-00300

Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S133BB-00400

United States Of America Dept Of
911 NE 11th Ave
Portland, OR 97232

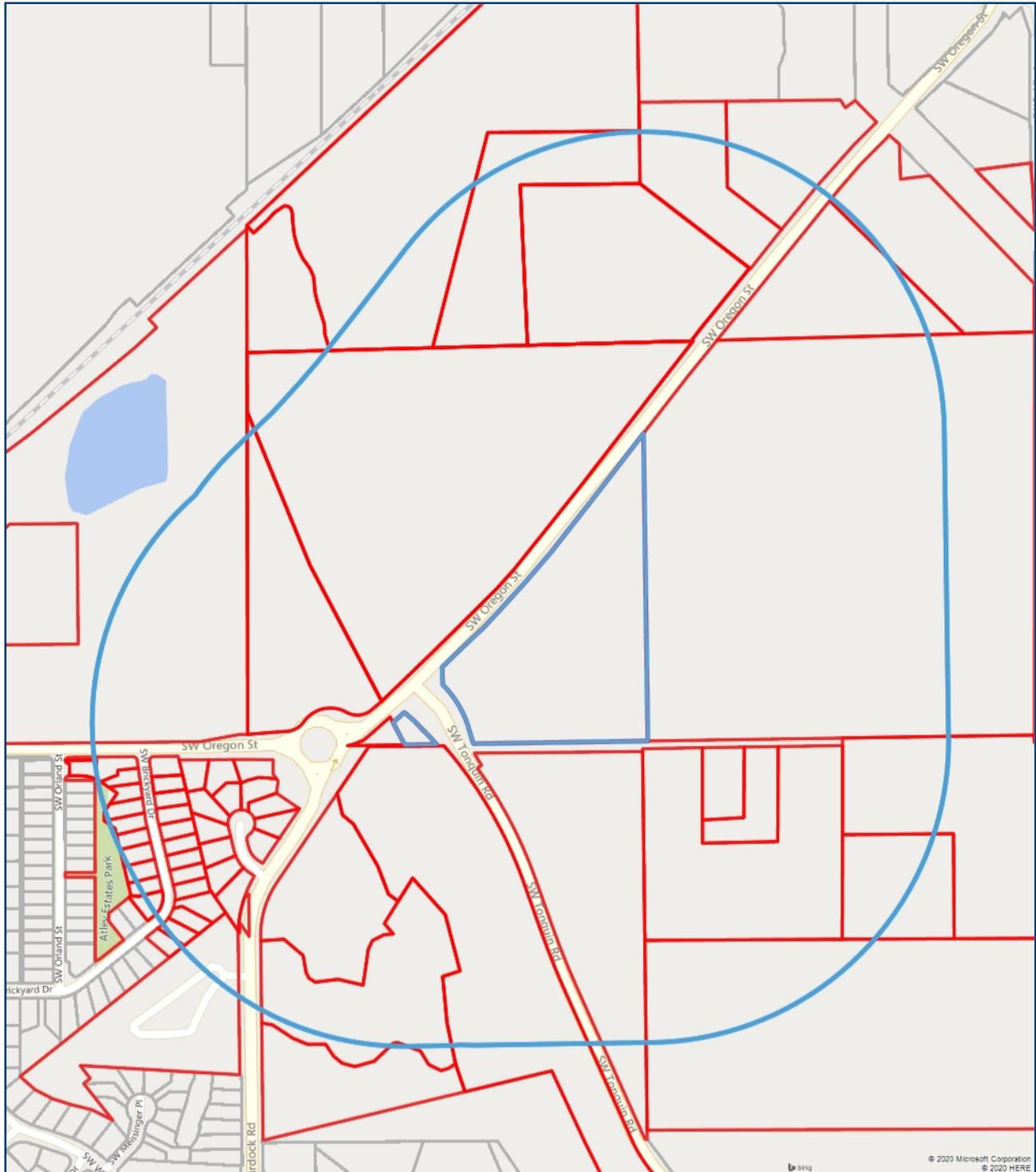


First American Title™

1000 ft Buffer

21720 SW Oregon St, Sherwood, OR 97140

Report Generated: 6/16/2020



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ORDINANCE 2020-008

APPROVING ANNEXATION OF 10.90 ACRES TO THE CITY OF SHERWOOD AND 10.50 ACRES TO CLEAN WATER SERVICES WITHIN THE TONQUIN EMPLOYMENT AREA, COMPRISED OF ONE TAX LOT AND THE ADJACENT SW OREGON STREET AND SW TONQUIN ROAD RIGHT-OF-WAY

WHEREAS, Bruce and Karen Polley, property owners of 21720 SW Oregon St. (TL 2S128C000500), have applied for annexation of certain land, as described in Exhibits A, B, C, & D to this Ordinance, to the City of Sherwood; and

WHEREAS, the property owner initiated this annexation in accordance with ORS Chapter 222 and SB 1573 (2016); and

WHEREAS, SB 1573 requires City approval without submission to the electors, regardless of any local charter or ordinance requirements to the contrary, of annexation requests submitted by all owners of land in the territory proposed to be annexed, when:

- (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 body of water; and
- (d) The proposal conforms to all other requirements of the city's ordinances; and

WHEREAS, the Tonquin Employment Area Concept Plan, which includes the territory proposed to be annexed, was brought into the Urban Growth Boundary in 2004 by Metro via Ordinance 04-1040B; and

WHEREAS, the City of Sherwood developed a concept plan for that area and adopted the concept plan and implementing ordinances in 2010 via Ordinance 2010-014; and

WHEREAS, the lot (the territory) that is proposed to be annexed is contiguous to the current city limits; and

WHEREAS, the total land proposed to be annexed to the City of Sherwood is 10.90 acres which includes a 9.53-acre parcel and 1.37 acres of adjacent right-of-way and;

WHEREAS, a portion of the subject territory is not currently within Clean Water Services boundaries and 10.50 acres will be added to the Clean Water Services district boundary upon annexation under the authority of ORS 199.510(2)(c); and

WHEREAS, the City does not presently have any other ordinance requirements applicable to this annexation request; and

WHEREAS, the properties proposed to be annexed are currently in unincorporated Washington County and part of the Washington County Service Districts for Enhanced Law Enforcement; 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 urban services in the Tonquin Employment Area; and

WHEREAS, these properties must be within the City limits in order to be developed for the urban uses and densities planned for in the Tonquin Employment Area Concept Plan; and

WHEREAS, after proper legal notice, a public hearing was held on the proposed annexation by the City Council on September 1, 2020, at which public comments and testimony were received and considered; and

WHEREAS, the Council reviewed and considered the staff report with proposed findings and conclusions for the decision which is included as Exhibit 1 to the Council staff report.

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

Section 1. The territory proposed to be annexed to the City of Sherwood is specifically identified in a legal description (Exhibit A) and map (Exhibit B), and the territory proposed to be annexed to Clean Water Services is specifically identified in a separate legal description (Exhibit C) and map (Exhibit D), each of which are attached to this Ordinance.

Section 2. The subject territory annexed by this Ordinance and described in Section 1 and Exhibits C and D will be added to the Clean Water Services district under ORS 199.510(2)(c).

Section 3. The applicant has demonstrated that the annexation all of the territory proposed to be annexed meets all applicable requirements, as documented in Exhibit 1 to the City Council Staff Report.

Section 4. Upon annexation, the Comprehensive Plan zoning designation of Employment Industrial (EI) adopted via Ordinance 2010-014 implementing the Tonquin Employment Area Concept Plan, will apply to all of the territory proposed to be annexed.

Section 5. Pursuant to ORS 222.520 and 222.120(5), the City Council declares that upon the effective date of the annexation, all of the annexed territory will be withdrawn from the Washington County Service Districts for Enhanced Law Enforcement.

Section 6. All of the territory proposed to be annexed is hereby declared annexed to the City of Sherwood.

Section 7. This Ordinance shall become effective 30 days from its adoption.

Duly passed by the City Council this 1st of September, 2020.

Keith Mays, Mayor

Date

Attest:

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Scott	_____	_____
Griffin	_____	_____
Brouse	_____	_____
Young	_____	_____
Garland	_____	_____
Rosener	_____	_____
Mays	_____	_____



AKS ENGINEERING & FORESTRY, LLC
 12965 SW Herman Road, Suite 100, Tualatin, OR 97062
 P: (503) 563-6151 F: (503) 563-6152

AKS Job #7971

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A
 Legal Description
 City of Sherwood Annexation

A tract of land located in the Southwest One-Quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the southwest corner of said Section 28; thence along the south line of said Southwest One-Quarter of Section 28, South 88°50'36" East 484.43 feet to the southwest corner of Document Number 2008-025922 and the True Point of Beginning; thence along the westerly line of said Deed and the northerly extension thereof, North 24°57'57" West 110.53 feet to the centerline of SW Oregon Street and the City of Sherwood city limits line; thence along said centerline and said city limits line on a non-tangent curve to the left (with radial bearing North 34°03'55" West) with a Radius 236.00 feet, Delta of 09°08'42", Length of 37.67 feet, and a Chord of North 51°21'44" East 37.63 feet; thence continuing along said centerline and said city limits line, North 46°47'23" East 515.84 feet; thence along a curve to the left with a Radius of 1312.33 feet, Delta of 05°31'00", Length of 126.36 feet, and a Chord of North 44°01'53" East 126.31 feet; thence North 41°16'23" East 562.79 feet; thence North 41°05'27" East 8.35 feet; thence leaving said centerline and said city limits line, South 49°05'29" East 37.00 feet to the northeast corner of said Deed on the southeasterly right-of-way line of SW Oregon Street (37.00 feet from centerline); thence along the east line of said Deed, South 01°32'54" West 989.74 feet to the south line of the Southwest One-Quarter of Section 28; thence along said south line, North 88°50'36" West 824.61 feet to the True Point of Beginning.

The above described tract contains 10.9 acres, more or less.

06/09/2020



Michael S. Kalina



RENEWS: 6/30/21

ANNEXATION CERTIFIED

BY *VF*

JUN 15 2020

**WASHINGTON COUNTY A & T
 CARTOGRAPHY**

EXHIBIT B

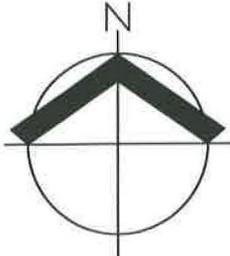
A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28,
T2S, R1W, W.M., WASHINGTON COUNTY, OREGON

ANNEXATION CERTIFIED

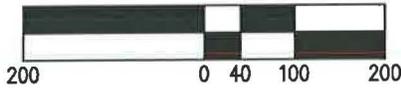
BY VF

JUN 15 2020

**WASHINGTON COUNTY A & T
CARTOGRAPHY**



SCALE: 1" = 200 FEET

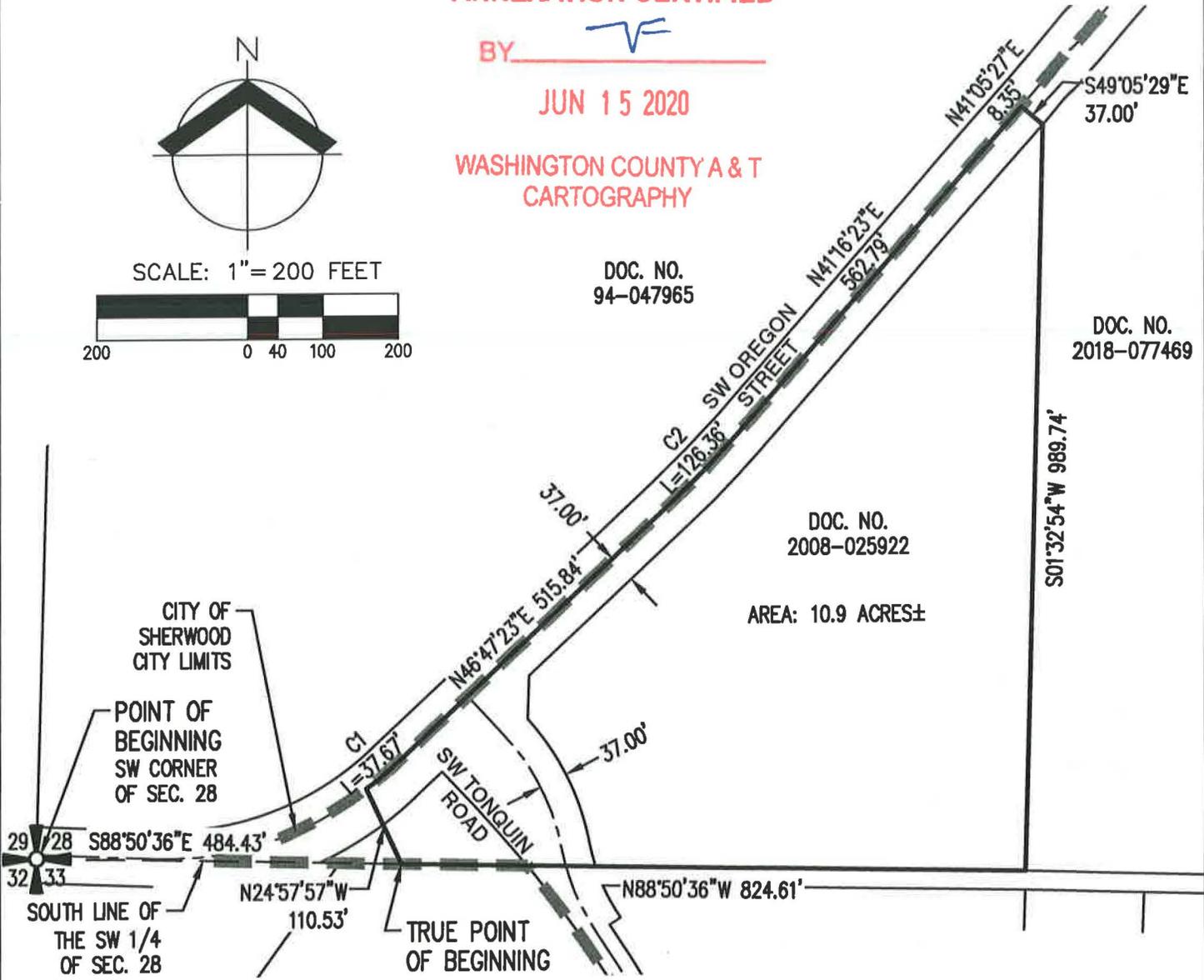


DOC. NO.
94-047965

DOC. NO.
2018-077469

DOC. NO.
2008-025922

AREA: 10.9 ACRES±



06/09/2020

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Michael S. Kalina

**OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS**

RENEWS: 6/30/21

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	236.00'	9°08'42"	37.67'	N51°21'44"E 37.63'
C2	1312.33'	5°31'00"	126.36'	N44°01'53"E 126.31'

CITY ANNEXATION AREA		EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: MHJ CHKD: MSK AKS JOB: 7971





AKS ENGINEERING & FORESTRY, LLC
 12965 SW Herman Road, Suite 100, Tualatin, OR 97062
 P: (503) 563-6151 F: (503) 563-6152

AKS Job #7971

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

Exhibit C

Legal Description Clean Water Services Annexation

A tract of land located in the Southwest One-Quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the southwest corner of said Section 28; thence along the south line of said Southwest One-Quarter of Section 28, South 88°50'36" East 651.35 feet to the southwesterly right-of-way line of SW Tonquin Road (variable width right-of-way) and the Clean Water Services district boundary line and the True Point of Beginning; thence along said boundary line and said southwesterly right-of-way line on a non-tangent curve to the left (radial bearing South 50°32'27" West) with a Radius of 1412.56 feet, Delta of 04°10'05", Length of 102.76 feet, and a Chord of North 41°32'35" West 102.74 feet; thence continuing along said southwesterly right-of-way line and said boundary line and the northwesterly extension thereof, North 43°37'37" West 116.00 feet to the centerline of SW Oregon Street; thence along said centerline and continuing along said boundary line, North 46°47'23" East 466.48 feet; thence continuing along said centerline and said boundary line, along a curve to the left with a Radius of 1312.33 feet, Delta of 05°31'00", Length of 126.36 feet, and a Chord of North 44°01'53" East 126.31 feet; thence North 41°16'23" East 562.79 feet; thence North 41°05'27" East 8.35 feet; thence leaving said centerline and continuing along said boundary line, South 49°05'29" East 37.00 feet to the northeast corner of Document Number 2008-025922; thence along the east line of said Deed, South 01°32'54" West 989.74 feet to the south line of the Southwest One-Quarter of Section 28; thence leaving said boundary line and along said south line, North 88°50'36" West 657.70 feet to the True Point of Beginning.

The above described tract contains 10.5 acres, more or less.

06/09/2020

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Michael S. Kalina

OREGON
 JANUARY 12, 2016
 MICHAEL S. KALINA
 89558PLS

RENEWS: 6/30/21

ANNEXATION CERTIFIED

BY *[Signature]*

JUN 15 2020

WASHINGTON COUNTY A & T
 CARTOGRAPHY

Exhibit D

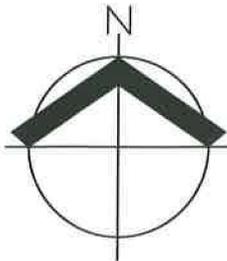
A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28,
T2S, R1W, W.M., WASHINGTON COUNTY, OREGON

ANNEXATION CERTIFIED

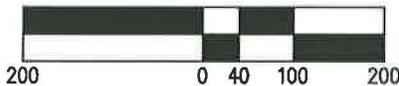
BY VF

JUN 15 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY



SCALE: 1" = 200 FEET

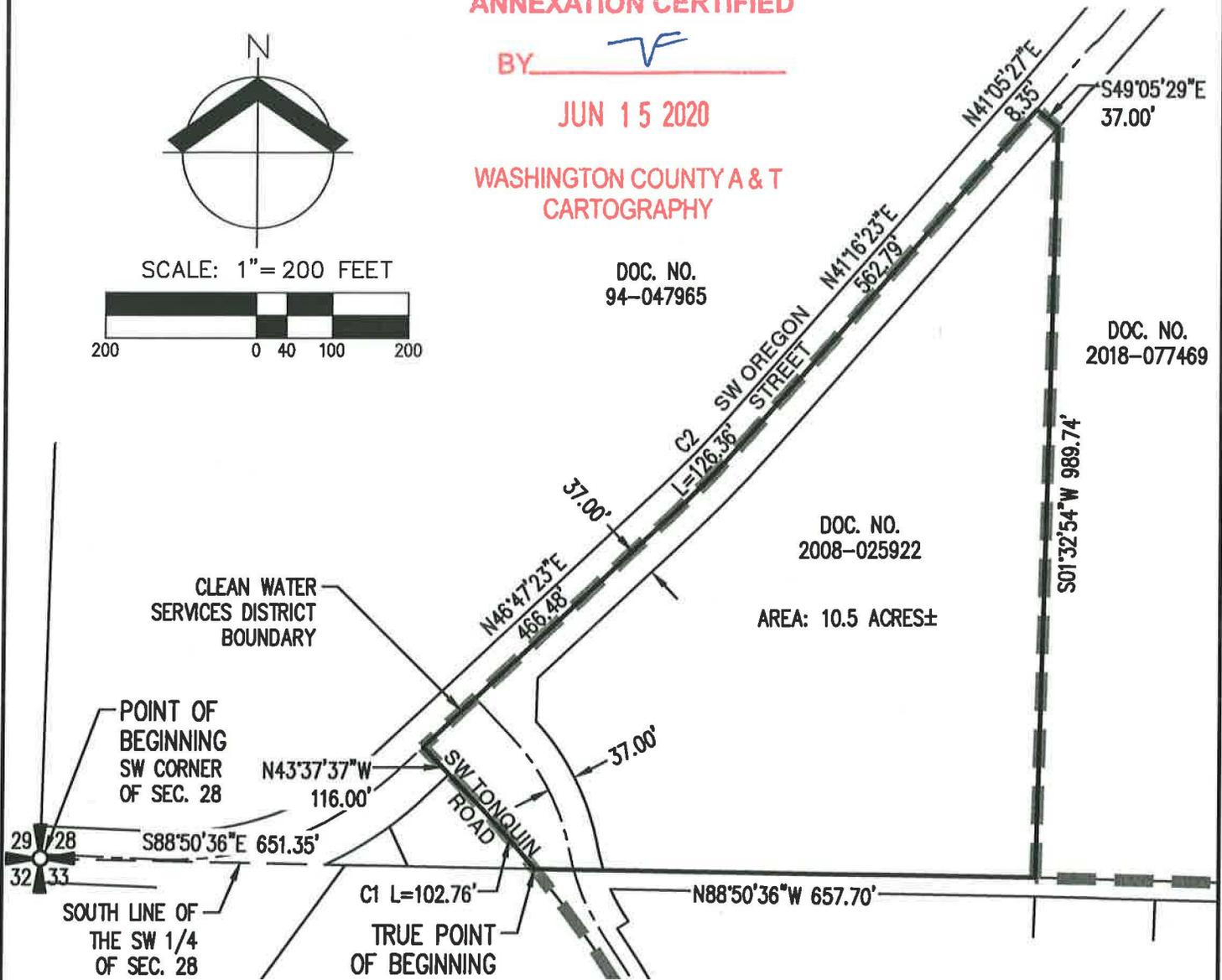


DOC. NO.
94-047965

DOC. NO.
2018-077469

DOC. NO.
2008-025922

AREA: 10.5 ACRES±



06/09/2020

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael S. Kalina

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS
RENEWS: 6/30/21

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	1412.56'	4°10'05"	102.76'	N41°32'35"W 102.74'
C2	1312.33'	5°31'00"	126.36'	N44°01'53"E 126.31'

CWS ANNEXATION AREA		EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: MHJ CHKD: MSK AKS JOB: 7971

