



CITY COUNCIL MEETING PACKET

FOR

Tuesday, January 5, 2021

**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 House Bill 4212 (2020), these meetings will be conducted electronically and will be live streamed at <https://www.youtube.com/user/CityofSherwood>



6:00 PM WORK SESSION

- 1. Parks Master Plan Review**
(Kristen Switzer, Community Services Director)
- 2. Tobacco Retail Licensing Proposal – Washington County**
(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 December 15, 2020 City Council meeting Minutes** (Sylvia Murphy, City Recorder)
 - B. Resolution 2021-001 Amending the Employment Contract between the City Attorney and the City of Sherwood** (Joe Gall, City Manager)
 - C. Resolution 2021-002 Authorizing the Issuance of Gift Certificates to Members of the City's Boards and Commissions** (Joe Gall, City Manager)
 - D. Resolution 2021-003 Amending the Employment Contract between the City Manager and the City of Sherwood** (Josh Soper, City Attorney)
 - E. Resolution 2021-004 Authorizing the City Manager to Execute an Intergovernmental Agreement (IGA) with Metro to Accept a 2040 Planning and Development Grant to Fund the Sherwood West Re-look Project** (Erika Palmer, Planning Manager)
- 6. CITIZEN COMMENTS**

Pursuant to House Bill 4212 (2020), citizen comments and testimony for public hearings must be submitted in writing to CityRecorder@Sherwoodoregon.gov. To be included in the record for this meeting, the email must clearly state either (1) that it is intended as a citizen comment for this meeting or (2) if it is intended as testimony for a public hearing, the specific public hearing topic for which it is intended, and in either case 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.

AGENDA

SHERWOOD CITY COUNCIL January 5, 2021

6:00 pm City Council Work Session

7:00 pm Regular City Council Meeting

**Pursuant to House Bill 4212 (2020), this meeting
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7. PRESENTATIONS

A. Swearing In of Elected Officials (Joe Gall, City Manager)

8. NEW BUSINESS

A. Selection of City Council President (Joe Gall, City Manager)

9. PUBLIC HEARINGS

A. 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)

10. CITY MANAGER REPORT

11. COUNCIL ANNOUNCEMENTS

12. 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, generally by the Thursday prior to a Council meeting. When possible, Council agendas are also posted at the Sherwood Library/City Hall and the Sherwood Post Office.

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 House Bill 4212 (2020), this meeting will be conducted electronically and will be live streamed at

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

December 15, 2020

WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the work session to order at 6:02 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, Public Works Director Craig Sheldon, Planning Manager Erika Palmer, and City Recorder Sylvia Murphy.

GUESTS: TriMet Service Planner Brenda Martin and Jim Rose from the Sherwood School District.

4. TOPICS

A. TriMet Updates

Community Development Director Hajduk introduced TriMet Service Planner Brenda Martin to discuss TriMet's process for route changes. Ms. Martin presented the "TriMet in Sherwood" PowerPoint presentation (see record, Exhibit A) and reported that she sat on the Washington County Coordinating Committee and worked with cities on the westside to coordinate service and transit. She reported that TriMet had 82 bus lines (32 in Washington County), 15 Frequent Service bus lines, 5 light rail lines, WES commuter rail, and LIFT paratransit service. She stated that TriMet considered itself a community job connector service and stated that the shuttle programs were not run by TriMet but were funded through some of the funding that came into TriMet from the state. She reviewed the fixed route service planning guidelines on page 5 of the presentation and explained that the five main considerations were: demand, connections, growth, equity, and productivity. She added that cost and operations considerations needed to be considered. She reported that TriMet evaluated productivity by calculating cost divided by demand, and lines that typically carried less riders cost the same as lines that were more popular, and that it was easier to spread the cost of operations on lines that carried more people. She recapped that adding transit service was driven by density, diversity of uses, destinations, design of built environment, and the pedestrian environment. She reported that TriMet had two funding sources for improved transit service and explained that an Employer Payroll Tax which had a 10-year phase-in and provided roughly \$5 million in new revenue a year. House Bill 2017, the Keep Oregon Moving Act, which added an employee payroll tax which had a 5-year phase-in and provided roughly \$110-120 million in funding a year. She commented that the COVID pandemic had impacted both funding sources.

Community Development Director Hajduk clarified that “improved service” also meant elongated routes or extending bus run times, not just more frequency. Ms. Martin replied that was correct. Ms. Martin recapped that HB 2017 was a five-year plan, and an advisory committee was created to help allocate funding over those five years and commented that funding changed yearly. She stated that TriMet had extra funding from the first two years of HB 2017 and their projects for fiscal year 2022 and 2023 had changed since the start of the pandemic, and they were now focusing on service preservation and a smaller amount on service expansion for lines that the committee had chosen in 2018. She provided an overview of the ongoing STIF funding for FY 22 and FY 23 on page 9 of the presentation. She stated the Southwest Service Enhancement Plan was adopted in 2015 and served as a long-range vision document for TriMet. Council President Rosener asked who served on the TriMet committee that recommended route selection and how fringe cities were represented? Ms. Martin replied there were roughly 30 committee members that included elected officials, transit advocates, and Washington County representation and commented she would send further information on the committee to Council after the meeting. She provided an overview of the three routes that serve Sherwood on page 11 of the presentation. Discussion regarding ridership data collection and historic Sherwood express routes occurred. Council expressed that they would like more information about the number of Sherwood riders on the TriMet lines that served Sherwood. Ms. Martin reported that in fall 2019, the most on/offers for Line 94 occurred at SW Railroad and Washington (42 ons on average for the entire day). Council President Rosener commented that there was a popular Park & Ride location at the Sherwood movie theater, so having another Park & Ride location in downtown Sherwood did not make as much sense. Councilor Scott added that having a downtown Sherwood Park & Ride forced buses to snake through the narrow streets of Old Town for no other reason than to service the Park & Ride. Discussion occurred. Ms. Martin explained that Lines 94 and 97 were trying to operate as a commuter connection to get people to downtown Portland or to the WES station. Community Development Director Hajduk added that Line 97 was in the Service Enhancement Plan because of the Tonquin Employment Area and the Tualatin Industrial Area, so ridership will likely increase as those areas are developed. Ms. Martin added that Line 97 was roughly two years old, so ridership would increase as time went on.

Council President Rosener asked that TriMet review the wider geography of Sherwood to better route buses to have the buses pass through downtown and thereby provide better service to the wider community and residents on the south side of Sherwood. Ms. Hajduk asked Ms. Martin to discuss how TriMet’s process for making major rerouting decisions versus minor rerouting decisions. Ms. Martin explained that the Service Enhancement Plan served as TriMet’s blueprint for looking at how to add or where to add service. She reported that TriMet completed a review of existing service each spring where they reviewed data and requests, determine what was feasible for changes to lines, complete two outreach cycles to community members in the fall and early spring a year before any changes would occur, and a cost analysis. After the second feedback cycle in the spring, they take the findings to their board where they conduct two separate readings. After the second reading, if the board approves the Annual Service Plan, the plan is implemented internally for execution by staff. Councilor Garland asked if Sherwood was a part of TriMet’s last outreach effort? Ms. Martin replied that TriMet had one proposal for FY 22 for changes to Line 93 and 94 and TriMet had completed community outreach to Sherwood. She commented that the route depicted on page 13 was created as a quick response to the Sherwood Al Fresco program, and they had not completed outreach for that change because it was at the request of the City. Council President Rosener asked how demand was calculated for areas that did not currently have service? Ms. Martin replied that they looked at services along a potential route that would draw riders, how much further from the current routing a new route would be, and layover locations for drivers. Council President Rosener asked how cities could work with TriMet staff to put forward specific routing proposals? Discussion occurred. Ms. Martin replied that if Council had a specific proposal put together that they wanted to pursue, they could forward it to TriMet for review. Councilor Brouse asked Ms. Martin if she had any information about why the 2014-2015 discussion regarding adding

service to the YMCA had dwindled. Community Development Director Hajduk replied she believed that the discussion occurred when TriMet was completing their Service Enhancement Plan and determined that a smaller local shuttle would provide that service because there was community pushback on potential buses on Sunset Boulevard and Langer Drive. She commented that TriMet had to balance street accommodations as well as community concerns and asked Ms. Martin how TriMet handled situations when a route would provide good service and could accommodate a bus, but there was community pushback? Ms. Martin replied that TriMet's board was less likely to keep a new route in the Annual Service Plan if they received public testimony against it. Council President Rosener asked how cities could work with TriMet staff to put forward specific routing proposals? Ms. Martin replied that there was no formal process and Council could pass their wishes along to Community Development Director Hajduk and Ms. Hajduk could pass that information to TriMet and added that future work sessions with herself was also an option. She commented that TriMet was proposing combining Lines 93 and 94 into a single line for FY 22 to reduce the number of trips in downtown Sherwood and make the line more efficient. Community Development Director Hajduk commented that holding regular work sessions with Ms. Martin to discuss TriMet service in Sherwood was an option if Council wished. Ms. Martin stated that TriMet was proposing to retain the current downtown Sherwood routing that was created to accommodate the Al Fresco program for the next fiscal year, and they would be completing rider outreach in January. She reported that TriMet's operators, field team, and supervisors were in favor of keeping the current routing in downtown Sherwood after the Al Fresco program ended. She asked if Council had any advice or if they wished to do outreach regarding keeping the current route? Councilor Scott stated he would like to do more outreach and wanted more information about what impact the current route was having on the Park & Ride riders. Council President Rosener stated he wanted to complete more outreach and asked if there were other routing options. Discussion occurred. Ms. Martin commented that any route changes needed to be cost neutral during the pandemic. Councilor Young asked if TriMet reviewed the service times for their lines? Ms. Martin replied that they reviewed service hours for their lines. Community Development Director Hajduk asked regarding timelines for Council to provide feedback and direction on the downtown Sherwood routing? Ms. Martin replied that February or March would be a good time for her to come back and present Council the information TriMet had collected from their outreach and the City could provide more information about the current status of the Al Fresco program and reopening of Railroad Street, and discuss Park & Ride options. Council President Rosener and Councilors Young and Scott expressed interest in working with Community Development Director Hajduk before the next TriMet work session.

5. RECESSED:

Mayor Mays recessed the work session at 7:06 pm and convened a regular session.

REGULAR SESSION

- 1. CALL TO ORDER:** Mayor Mays called the meeting to order at 7:12 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, Public Works Director Craig Sheldon, Planning Manager Erika Palmer, Community Services Director Kristen Switzer,

Associate Planner Eric Rutledge, Economic Development Manager Bruce Coleman, City Engineer Bob Galati, and City Recorder Sylvia Murphy.

GUESTS: Eric Evans, Erica Anderson, Tim Roth, Steve Miller, Craig Leichner, Chris Bell, Kristen Leichner, and Brad Miller.

4. APPROVAL OF AGENDA:

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

Mayor Mays addressed the next agenda item.

5. CONSENT AGENDA:

- A. Approval of November 24, 2020 City Council Meeting Minutes**
- B. Approval of December 1, 2020 City Council meeting Minutes**
- C. Resolution 2020-090 Approving Intergovernmental Agreement between Washington County and City of Sherwood to Fund Implementation of City of Sherwood Emergency Small Business Grant Program Due to Governor's State-Wide Two-Week Freeze**
- D. Resolution 2020-091 Authorizing an Intergovernmental Agreement between Washington County and City of Sherwood for Public Mental Health and Community Psyche Program**
- E. Resolution 2020-092 Approving Intergovernmental Agreement Amendment #1 between Washington County and City of Sherwood for Cities and Special District Assistance Program**
- F. Resolution 2020-093 Approving an Intergovernmental Agreement for the Collection of Local Recreational Marijuana Taxes**

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

Mayor Mays addressed the next agenda item.

6. CITIZEN COMMENTS:

The City Recorder reported that Neil Shannon had provided written comments regarding the Brookman Road Concept Plan projects and read the comments aloud, and stated that the email would be included in the meeting record.

Mayor Mays addressed the next agenda item.

7. NEW BUSINESS

A. Resolution 2020-084 Opposing the Proposed Tipping Fee Increase by Metro

City Manager Joe Gall explained that this resolution had previously been tabled and was something the City and Council had been following closely. He reported that Metro had decided against two tipping fee increases in 2021 and had decided to pursue a single tipping fee increase of roughly \$15 per ton on July 1, 2021. He explained that the proposed resolution had been drafted by himself, City Attorney Josh Soper, and Council

President Rosener and reported that Metro would vote on the proposed tipping fee increase on December 17th. Council President Rosener explained that the Thursday Metro vote would decide if Metro would permit the proposed increases, but the fee increase would not take effect until July. He commented he did not feel it was appropriate for Metro to make that decision at this time in order to allow for more feedback from community stakeholders. Councilor Garland commented that he did not approve of the proposed rate increase because of the impact it would have on ratepayers during the pandemic.

MOTION: FROM COUNCILOR BROUSE TO APPROVE RESOLUTION 2020-084 OPPOSING THE PROPOSED TIPPING FEE INCREASE BY METRO. SECONDED BY COUNCILOR SCOTT. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item and the City Recorder read the public hearing statement and stated that no public comments had been received for any of the public hearing items.

8. PUBLIC HEARINGS:

A. Ordinance 2020-012 Approving a 41-plot Planned Unit Development (PUD) to be known as the Denali Summit Planned Unit Development (*First Reading*)

Associate Planner Eric Rutledge presented the “LU 2020-013 Denali Summit 41-Plot PUD & Subdivision” PowerPoint presentation (see record, Exhibit B) and explained that the applicant was proposing a 41-lot single-family residential subdivision and Planned Unit Development in the Very Low Density Residential (VLDR) zone. He explained that PUD applications are processed as a Type V land use action pursuant to the Sherwood Development Code and the Type V Hearing Authority was the City Council and the Appeal Authority was the Land Use Board of Appeals. He provided an overview of the application process and explained that the Planning Commission held a public hearing on the application on November 10, 2020. The Planning Commission had recommended approval of the application subject to the findings and conditions in the staff report, with the addition of one condition of approval related to open space. Since the Planning Commission recommendation, the applicant had submitted a Conceptual Open Space Plan and revised plat for consideration by City Council. He reported that one public comment was received that was not included in the Planning Commission record and the second hearing for the proposed ordinance was scheduled for January 5, 2021. He provided an overview of the public notices, public testimony, and agency comments on page 4 of the presentation and explained the notice of the application was routed to affected agencies on September 30, 2020 and agency comments had been incorporated into the findings and exhibits of the staff report. Public notice of the application was provided in accordance with § 16.72.020 of the Development Code including mailed notice to property owners within 1,000 feet of the site. He reported that one public comment was received on the application. He reviewed the site location and existing conditions and stated the development site contained three parcels containing approximately 15.07 acres. Two of the properties contained a single-family home which were proposed to remain. He reported that based on the latest data from Metromap, the site did not contain wetlands or a 100-year floodplain. The development site was historically a part of the 40-acre Ken Foster Farm and contained contaminated soils from discarded animal hides and carcasses from a nearby tannery. He explained that the applicant was responsible for soil cleanup as part of the development and the applicant was currently working with DEQ on the cleanup process. The applicant will be required to submit a “No Further Action” confirmation from DEQ prior to City acceptance of the public improvements. He reported that the development site was surrounded by private property in all directions and a portion of the southern boundary abutted SW Ironwood Lane. The property to the north was a 12.40-acre site that was currently occupied by a single-family home. The new public street system created by the subject development will be stubbed for future extension

through this property. He reviewed the preferred SE Sherwood Master Plan alternative (Alternative B/C) on page 10 of the presentation and explained that the SE Sherwood Master Plan was developed in 2006 and was intended to serve as a guide for coordinating separate land use actions and infrastructure investments in the planning area. Mayor Mays interjected that the City Council had never adopted the SE Sherwood Master Plan and should not be used as a reference in the presentation. Community Development Director Julia Hajduk clarified that the Planning Commission resolution that adopted the SE Sherwood Master Plan was the only resolution the Planning Commission had ever adopted. Mayor Mays replied that the Planning Commission did not have the authority to adopt legislation, and could only make recommendations to Council. City Attorney Josh Soper clarified that Council did not adopt the SE Sherwood Master Plan, but Council did approve of an ordinance that was adopted into the Land Use Code that references conforming to the SE Sherwood Master Plan, which made discussing it during this hearing necessary. Mr. Rutledge continued that the SE Sherwood Master Plan assumed that the area would be developed under separate land use actions and therefore provided a plan for the overall area. The plan did not result in any amendments to the City's Comprehensive Plan or Zoning map but was accepted by the Planning Commission via Resolution 2006-01. He reported that in 2013, the City approved a text amendment to the VLDR zoning district to allow up to four units per acre in the zone if the development met the PUD approval criteria and generally conformed to the SE Sherwood Master Plan. The applicant was proposing a development under this code section with a final net density of 3.34 units per acre. Councilor Scott asked what the densities were for the other two PUDs that had been approved for this area? Mr. Rutledge replied he did not have the exact number, but believed they were under the highest threshold and stated he would get the final density numbers to Council soon. Steve Miller replied that the other PUDs were below the maximum density.

Associate Planner Rutledge explained that a total of 41-lot single-family residential lots were proposed, which included the existing homes. The lot sizes would range from 10,000-20,886 square feet, with an average lot size of 11,094 square feet. He reported that 1.84 acres of open space was being proposed and would include pedestrian pathways to connect the east and west ends of the site and a pedestrian easement was also proposed between Tracts E & F. The tract shown in blue on page 12 was the proposed stormwater facility. He explained that the primary street design was originally designed to begin at the location of the proposed stormwater facility, but due to spacing issues between existing driveways and the new public street the street was moved to come off of Ironwood Lane. He reported that since the Planning Commission hearing, the applicant had provided a revised plat that re-oriented Lots 3 and 4 to face and take access from Tract E. The change was intended to allow the public street to stop short of the property line and reduce the amount of fill that is needed to provide road and utility infrastructure. Mr. Rutledge explained that the applicant was requesting an exception to certain development standards as shown in the table on page 14 of the presentation and stated that the applicant's narrative stated that due to the physical conditions of the site, the developer would like to have flexibility in home placement in order to avoid grading and site disturbance in areas that had building constraints. He provided an overview of the approval criteria for PUD developments and explained that in order to get the exceptions to the underlying zoning standards, the development would need to show compliance with the standards listed on page 15. He stated that the applicant had submitted two Architectural Pattern Books that provided details on the building design and material, and the housing types were compatible with the surrounding residential developments including Denali Meadows and Denali Lane.

He stated that the Sherwood Development Code required one off street parking space per dwelling unit for single family residences and the applicant was proposing a minimum of one off-street parking space located on the private driveway of each property, which met the criteria. He explained that PUDs were required to dedicate 15% of the buildable portion of the site as open space and the applicant was proposing three open

space tracts totaling 1.84 acres within Tracts A, C, & G, which equated to 14.98% of the buildable portion of the site. Mr. Rutledge explained that less than 15% open space could be approved if the development was located within close proximity to existing public spaces that, when combined with the proposed open spaces meet or exceed community needs. He stated that the staff report explained that approximately 12,134 square feet of open space above the 15% requirement was provided in the adjacent Denali Meadows and Denali Lane developments. He reported that because all of the open space that would be connected via a system of sidewalks and parks, the staff report found that the overall system of open space could meet community needs. Council President Rosener asked if Tract C was fairly level or steep? Mr. Rutledge replied that Tract C contained a slope that went down to Rock Creek and the applicant had submitted an Open Space Concept Plan for Tract C that was feasible to execute with the topography. He reported that the Planning Commission's deliberations on the proposal focused on the location, design, and required amenities for the proposed open space. The Planning Commission had discussed whether the proposed open space conformed to goals and objectives of the SE Sherwood Master Plan and provided adequate public benefit, and in order to address the concerns, the Commission added Condition of Approval B17 which required the applicant provide an Open Space Amenities Plan prior to approval of the Final Development Plan. He explained that the applicant had provided a Conceptual Open Space Plan that provided additional detail on the proposed improvements. He provided an overview of the breakdown of parks, trees, and open spaces that the three PUDs would provide on page 21 of the presentation. Council President Rosener asked if comparing open spaces to parks was appropriate given the usability of some of the open spaces given the topography. Councilor Scott asked if there were any amenities proposed for the open spaces. Mr. Rutledge replied that at this point, there was no play structure or gazebo type of structure and it was intended to be open space and commented that the applicant could speak more on that when the time came.

Mr. Rutledge explained that single-family subdivisions were required to provide a 40% tree canopy over the net development site and the required canopy coverage could be met through preserving existing trees, planting new trees in public spaces and through street trees. For this development, 40% equated to approximately 182,000 square feet of tree canopy. He reported that Condition of Approval B14 required that the applicant provide a revised landscape plan showing the minimum required tree canopy and staff was also recommending Condition of Approval B12 and 13 which would require verification and protection of all trees within the open space tracts unless an arborist report recommended tree removal. He outlined transportation facilities for the PUD and stated that based on the revised plat, 28 lots would be accessed from new public streets and 13 lots would be accessed via private streets. Council President Rosener asked how wide would the road be, and would there be parking on both sides of the road? Mr. Rutledge replied that the street was a 52-foot right-of-way and was unsure about the parking for a standard local residential street, but he would provide that information to Council soon. Discussion regarding how wide the street would be not including sidewalks occurred. City Engineer Bob Galati clarified that the street was a 52-foot right-of-way with a 28-foot paved width, which allowed for parking on one side of the street. Associate Planner Rutledge reviewed the neighborhood circulation map, sanitary sewers and water supply locations, and stormwater locations on pages 24-26 of the presentation. He reported that they had received one public comment regarding the PUD and read the comment aloud. He reported that staff had drafted three alternatives for Council to consider and outlined that Council could approve the application based on the Planning Commission's findings and conditions, as modified by the revised plat, Council could modify the Planning Commission's findings and approve the application with conditions, as modified by the revised plat, or Council could modify the Planning Commission's findings and deny the application. He reported that a second hearing for the proposed ordinance was scheduled for January 5, 2021.

Mayor Mays explained the definition of ex parte contact and asked if anyone had had ex parte contact with the applicant or members of the Planning Commission. He reported that he had spoken with Planning

Commission Chair Jean Simson after the Planning Commission had held their public hearing for the proposed PUD and she had expressed concerns regarding the process that staff and the Planning Commission had gone through and had asked that Council send the proposal back to the Planning Commission for further review. No other ex parte contact was reported by the Council. Applicant Steve Miller reported that the revised plats for lots 3 and 4 came at the request of City engineering staff in order to eliminate the need for a retaining wall to support the street. Mayor Mays asked if the applicant would pay the city to construct the road? Mr. Miller replied that it was his understanding that that would be resolved when the development of the property to the north would extend the street from where Denali Summit terminated the street to connect it to the other property, and that was why they were dedicating the right-of-way to that point. Mr. Miller reported that all of the Denali PUDs were developed to be below maximum density. He explained that they had relocated the access points for the open spaces to allow for the retention of the existing properties. He reported that they planned to make the slope less severe so the site could be enhanced as an open space and commented that they would extend the trail through so it could be extended to the property to the north as envisioned. He reported that the Planning Commission alternative stipulated that the large grove of trees be preserved for the open space, but the trees were no longer there, so there was no longer an issue of using that area as open space. He explained that the developers had been working to remove the contaminated soil out of the area in order to meet DEQ standards.

Mayor Mays asked if the City had received any public comments regarding the proposed ordinance. The City Recorder replied that no public comments had been submitted. Mayor Mays asked what the 120-day deadline date was for the application. Associate Planner Rutledge replied that January 26th was the 120-day deadline. Councilor Scott commented that it made more sense to him if a road was constructed instead of having two private streets and driveways that served more than one house. He asked who was responsible for the maintenance on Tract C in the Open Space Plan and how accessible was Tract C? Mr. Miller replied that currently it was proposed that the homeowner be responsible for the maintenance of the open space area by using HOA fees. He explained that another option was to dedicate it to the City to create more of a park and then have the City maintain the amenities and space. He stated that the open space was not intended to be used as a destination like parks are if it was maintained by homeowners. He reported that there would be good visibility of open space access because they would use 3.5 feet tall fences. Councilor Scott commented on their request for a setback reduction along the property line that abuts to the existing lot on Lots 11 and 12 and asked the applicant to speak on why they had asked to put an encumbrance on a property owner outside of the PUD. Mr. Miller referred to the existing conditions map on page 7 of the presentation and explained that the conifers that lined Lots 10 and 12 and the nearest house in the northeast corner abutted the open space area, and they felt that retaining the existing trees would help mitigate the 5-foot reduction to the setback that they were requesting, and would help minimize any impact on the existing house that abutted the open space tract. He explained that they requested the rear setback reduction for Lots 11 and 12 because the curve in the street created a shallower depth on the lots. Councilor Griffin asked regarding the open space in Tract A, and asked how tall the fences would be on Lots 35, 24, and 23? Mr. Miller replied that it would be lower fences, similar to the fences in Tract C, coming up the flagpole, and then 6-foot fencing further back to provide more privacy for homeowners. Councilor Griffin asked how wide the road would be for Tract A? Mr. Miller replied it was 12-feet wide. Councilor Griffin asked what material the road would be constructed from? Mr. Miller replied that the Planning Commission wanted hard surface paths, likely asphalt. Councilor Griffin commented that he did not see any landscaping for the Tract A road. Mr. Miller replied that it was challenging to fit in everything into that area and they did not plan to add landscaping along the flagpole path. Councilor Griffin asked what percentage of Tract C was usable space? Mr. Miller replied that the Open Space Concept Plan on page 19 of the presentation was a good representation of the usable space with the brown area being the less usable area. Councilor Griffin asked if the capped contaminated soil would be used to fill in the sloped area of Tract C. Mr. Miller replied it was his

understanding that the most contaminated soil would be removed from the site and the soil with lower levels of contamination would remain on site and would be capped, per DEQ's preferences. Councilor Griffin asked where in Tract C would that soil be used? Mr. Miller replied it would be used throughout Tract C. Councilor Griffin asked if the two walkways to Tract C would be the same width as the walkway going to Tract A and would they have landscaping? Mr. Miller replied there would be landscaping around the trail of Tract C, but the access points may have flowers or low shrubs but not trees or large landscaping. Councilor Griffin asked if the path between Tract E and F was narrower than the others and was it a sloped area and would it be made ADA complaint for access to the other tracts? Mr. Miller replied it would be difficult to have ADA compliant access through Tract A because of the slope and explained that they would make it a hard surface path. He explained that they had not connected the two tracks because they were not aligned perfectly, and topography and efficiencies made it easier to put in the connection that they were proposing on page 19 of the presentation. Councilor Griffin asked how people would access Tract G? Mr. Miller replied it could be accessed from the street that ran north/south. Councilor Scott asked the applicant to speak on what public benefits they would provide if their requested variances were granted. Mr. Miller replied that they were not asking for any reductions in lot sizes and explained that the conifers that lined Lots 10 and 12 and the nearest house in the northeast corner abutted the open space area, and they felt that retaining the existing trees would help mitigate the 5-foot reduction to the setback that they were requesting, and would help minimize any impact on the existing house that abutted the open space tract. He explained that they requested the rear setback reduction for Lots 11 and 12 because the curve in the street created a shallower depth on the lots. Councilor Scott asked the applicant to speak on what public benefits they would provide if their requested variances were granted. Mr. Miller commented that through his previous work with the City on other PUDs, he felt that determining what the public benefits were was a moving target that City staff could not provide guidance on and commented that Council and the Planning Commission had identified the cleanup of the contaminated soil as an important goal. He stated that the 15% open area provided in the PUD was significantly greater than any other project would have to provide in the City. He commented that he would defer to the Council to help give him a better understanding of what they meant by public benefit. He added that the PUD added housing that was needed in the state and was an efficient use of the land as well as preserving the open space that abutted Rock Creek. Councilor Young asked if permitting parking on one side of the street was the norm for new roads in Sherwood, and if street parking would be permitted on the private roads? Mr. Miller replied that the City had a range of street standards, and they were building a 28-foot street and the street's location would help increase parking and commented that they planned to build houses with two or three car garages with 20-foot deep 2-car driveways, so street parking would be minimal. He reported that the private streets did not permit street parking. Council President Rosener stated he had concerns about the sight lines at the corners of the street, especially if street-parked cars were present. Mr. Miller replied that they could alternate which side of the street people could park on along the road to increase safety. Council President Rosener asked if they considered a wider street that would allow for parking on both sides and two lanes of traffic? Mr. Miller replied that the lot sizes limited their choice of street width. Council President Rosener asked what the topography was for the land to the east of Tract A? Mr. Miller replied that was relatively flat but did have a 4:1 slope in the landscaped area.

Brad Miller explained that he owned the middle tract and expressed that for the development of the northernmost tract to be possible, the dedication of the public ROW was necessary as the ROW on Murdock had already been approved so the configuration of the development was fairly set with the entrance going through the middle of his property. He stated that the plans were drafted with those constraints as they were staff required elements. He explained the private drives were necessary as they provided access to existing homes that took topography and utilities into consideration. Regarding open space, he commented that the open spaces they were providing was for the public's enjoyment, not just residents. He commented on cleanup and density and stated that the density was necessary in order to make the cleanup financially

feasible. He clarified that the requested setback concessions were to allow for home-design leeway to add features like a bay window or an eve overhang, not to put homes directly on the property line. Mayor Mays stated he was concerned that the PUD did not provide enough public benefit for a PUD and Tract C would be needed to house lightly contaminated soil, and he did not consider that to be a part of the percentage of benefit considering the other concessions that were on the site. He remarked that there was not enough connectivity within the PUD, and he was not in favor of a 20 MPH speed limit on a curvy road and he would prefer a street that was wide enough to allow for parking on both sides. He stated that he preferred to send the PUD back to the Planning Commission for further review, which would require that the applicant agree to extend the 120-day rule by 30-45 days. Council President Rosener commented he was concerned about the road's sharp corners, sight lines, and safety, particularly at night. He stated he was in favor of sending the PUD back the Planning Commission for further review. He remarked that he understood the environmental benefit of remediating the site but was unsure if that translated into a wider community benefit. He asked to hear more information from the applicant about the planned benefit for the wider community. Councilor Scott remarked that he had safety concerns over the street design and commented he preferred a sharp 90 degree turn in order to force drivers to slow down as they turned the corner. Planning Manager Erika Palmer clarified that the City's code stated that the Planning Commission gives a recommendation to Council. Mayor Mays interjected and clarified that he understood the process but was requesting that the applicant agree to extend the 120-day rule and send the PUD back to the Planning Commission. City Attorney Soper stated that there was no process in the City's code to send the PUD back to the Planning Commission, and the Mayor was proposing something that was outside the usual process. He stated there was some risk in that, but if the applicant agreed to do so, it would help to mitigate the risk. Steve Miller asked what specifically the Planning Commission would review? Mayor Mays replied that he wanted the Planning Commission to determine if the proposal met the benefit to the community requirements for a PUD or if other changes were appropriate because the applicant was getting other exceptions to the rules, should Tracts E and F be a real road, and what other road configurations were possible for the main road. Steve Miller replied that the road was designed to slow traffic down and the street's location and alignment was designed based on site restrictions. Discussion regarding the previous Planning Commission meetings occurred. Councilor Young commented that if the applicant agreed to extend the 120-day rule, she was in favor of sending the PUD back to the Planning Commission for review. Steve Miller replied that he and Planning Commission had reviewed all of the issues that Mayor Mays cited during their public hearing process and commented that the Chair and Vice Chair of the Commission had expressed the most concern and did not believe that the new Planning Commission members were uninformed about the PUD process, and the vote to recommend the PUD to Council was unanimous. He added that the Commission had forwarded their recommendation to Council with the conditions of approval cited in the staff report. Councilor Griffin commented that a PUD was a give and take process and felt that if the open space in Tract C was mostly for residents, then it should not be counted as a part of a public benefit. Steve Miller stated that he would like clear direction from Council on what they and the Planning Commission needed to review. Mayor Mays asked Mr. Miller if he was supportive of Council sending the PUD back to the Planning Commission for further review and adding an additional 45 days to the 120-day clock or would he prefer to leave it with Council under the current timeline? Joint applicant Tim Roth replied that the development of the PUD would not be possible without the joint efforts of himself and the Miller family and stated that they were working within their cost analysis to provide a benefit to both the City and the development. He commented he felt that Chair Simson had an issue with the SE Sherwood Master Plan and wanted the PUD to be more in compliance with the SE Sherwood Master Plan. He stated he was not interested in sending the PUD back to the Commission or extending the 120-day rule. Brad Miller clarified that the changes to the standards that are in the PUD had been at the request of the city engineer and they had asked for modifications to get those changes to work. He stated that the entire configuration of the PUD on his property was designed to meet transportation plans, sight distances, design modifications, and the request from the planners to retain

the existing homes so it was monetarily feasible to complete the project. He remarked that adding delays to the project would make the development of the PUD financially unfeasible and major changes or modifications to the project would likely not work. He stated he agreed with Mr. Roth that the development was designed within the confines of the City's Transportation Plan and other requirements and the properties being closely linked made for an inflexible design. Mayor Mays closed the public hearing portion of the meeting and stated that because the applicants were not interested in extending the 120-day rule or sending the PUD back to the Planning Commission, he asked that staff forward their findings to present as options for City Council that removed the variance on the setbacks for Lots 11 and 12, supplied a different solution for the road to improve safety, create language that created a narrow road with no parking on either side that connected Tracts E and F, and a finding requirement that the public access paths remain open to the public (e.g. no fences or gates to block the pathway). Mayor Mays asked for questions or comments from Council. Councilor Scott stated he agreed with Mayor Mays and stated he would also like to see the items come back as options at the next hearing. Councilor Young stated she agreed with Mayor Mays and Councilor Scott. Associate Planner Rutledge stated that he and staff was available to answer specific questions regarding the PUD before the next hearing. Community Development Director Julia Hajduk commented regarding timelines and the holidays and asked that the second public hearing on the PUD be held on January 19th instead of January 5th, which was still within the 120-days. Mayor Mays said he had reservations about doing so. Councilor Griffin asked that a review of the idea of alternating parking on the street be included in the options. Council President Rosener stated he agreed with the Mayor's list of options for review and asked that it be determined how it could be ensured that the open spaces stay open to the general public if the lands were maintained by HOA fees. Mayor Mays commented that he was unsure if moving the next hearing to January 19th would allow for enough time to produce a clean packet if Council wanted to support the application with any of the menu of text changes that had been suggested. He asked if City Attorney Soper or Community Development Director Hajduk had any such reservations? Councilor Scott asked if it was possible to do individual motions that Council could debate on if it should be added as a condition for approval and ultimately vote on the revised resolution. City Attorney Soper replied that would make for a more convoluted process by trying to finalize all of the items and make a final decision in one hearing, but conversely, if Council did not postpone until the 19th, staff would have very few business days between now and the next packet deadline to get the requested changes worked up, and commented that the 19th was probably more feasible. Ms. Hajduk replied that delaying until the 19th would allow staff to ensure that all the requested items be reviewed, and staff could recommend conditions that would work for the City and the applicants. Councilor Garland stated he agreed with Ms. Hajduk and stated postponing until the 19th would be best for both staff and the applicant. City Attorney Soper asked Community Development Director Hajduk if the date of the second hearing had been announced yet? Ms. Hajduk replied that in general, staff announced when the second reading will be, but if staff announced that the next hearing would be on the 19th at this meeting, that served as the notice. Associate Planner Rutledge and Planning Manager Palmer stated that was correct. City Attorney Soper commented that no motions were needed at a first hearing of an ordinance. Mr. Rutledge asked City Attorney Soper if any timelines needed to be added in order to work in a potential appeal to fit within the 120-days? Ms. Hajduk replied that the 120-day rule was for local appeals and because Council was the final decision maker, as soon as Council issued a decision, the City had met the 120-day period requirement.

Mayor Mays addressed the next agenda item.

B. Ordinance 2020-013 Amending Chapters 3.25 and 5.30 of the Sherwood Municipal Code relating to Marijuana Taxes and Businesses and Declaring an Emergency (*First Reading*)

City Attorney Soper recapped that Council had discussed the results of the November 3rd election as it related to ballot measure 34-299 and stated that Council had formally accepted the canvassing of the results and amended the City Code in alignment with the ballot measure legislation. He explained that staff had prepared some cleanup ordinances that he anticipated to be made into two separate ordinances to address some gaps and other housekeeping issues related to the ballot measure. He stated that this ordinance was the first of the two and pertained to everything other than land use, and the other ordinance would address land use only issues. He outlined that this ordinance would update statutory references, a broadening of Chapter 5.30 to apply to all marijuana businesses, not just recreational businesses, in order to create an alignment between recreational business regulations and medical marijuana business regulations, and the hours of operation language was now located in Chapter 5.30. He explained that the reason for bringing the ordinance to Council on an expedited basis was to add language to allow the city to designate the Department of Revenue to administer the tax on behalf of the City and to include language that the Department of Revenue required to be added if they were to administer the tax regarding interest and penalties and giving them the authority to assess those. He stated that in order to have the Department of Revenue start collecting the tax on behalf of the City on January 1, 2021, when the measure went into effect and when the Department of Revenue's quarter tax collection cycle began, staff was recommending that Council approve the proposed ordinance unanimously in a single hearing on an emergency basis to make it effective on January 1st. Mayor Mays asked for questions or discussion from Council. Hearing none, he asked for a motion.

MOTION: FROM COUNCILOR BROUSE TO READ CAPTION AND ADOPT ORDINANCE 2020-013 AMENDING CHAPTERS 3.25 AND 5.30 OF THE SHERWOOD MUNICIPAL CODE RELATING TO MARIJUANA TAXES AND BUSINESSES AND DECLARING AN EMERGENCY. SECONDED BY COUNCILOR GARLAND. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

9. CITY MANAGER REPORT:

City Manager Joe Gall stated that he had nothing to report and asked for Council questions for staff. Mayor Mays thanked Mr. Gall and City staff for all their hard work overcoming the challenges this year had presented.

Mayor Mays addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS:

None.

11. ADJOURN:

Mayor Mays adjourned the regular session at 9:48 pm and reconvened the work session.

WORK SESSION

1. CALL TO ORDER: Mayor Mays called the work session to order at 9:48 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, Police Chief Jeff Groth, Finance Director David Bodway, HR Manager Christina Jones, Community Services Director Kristen Switzer, Public Works Director Craig Sheldon, and City Recorder Sylvia Murphy.

4. **TOPICS**

B. City Attorney Compensation

Mayor Mays explained that this meeting was to discuss attorney compensation, not to conduct a performance review, as the performance review would be done at a later date and explained that Councilor Young would recap the compensation discussion. Councilor Young recapped that in Mr. Soper's 2019 evaluation, Council was not comfortable approving more than the standard 2.5% for employees that were not on a step chart module. She recommended that Council do a 5% increase to progress the pay towards the target of getting the position compensation to be closer to market level. A 5% increase would increase his salary to \$147,000 and referred to the 2019 salary survey that stated the average and median compensation was roughly \$140,000. Mayor Mays asked if Mr. Soper would be eligible to receive the COLA increase in July 2021? Councilor Young replied that was correct. Mayor Mays stated he would like to review Mr. Soper's contract in summer 2021 for a renewal or extension. Councilor Young replied that Mr. Soper's contract went to December 1, 2021 and commented that Council President Rosener had suggested moving the performance evaluations of both the City Manager and City Attorney to align with the budget season. Mayor Mays commented that a review of Mr. Gall's compensation was also needed and remarked that Council would do so in the spring and make it retroactive. Councilor Scott commented that since Councilor Young as proposing a 5% increase, double what a COLA increase would be, and she had made reference to trying to bring the compensation up to market, but he was confused because it sounded like market was less than what she was currently proposing and asked for clarification. Councilor Young clarified that the market rate of \$140,000 was nearly two years ago, and it was assumed that the average and median had increased since that time, and the proposed 5% increase would bring Mr. Soper to the average and median rate of two years ago. Councilor Scott commented he would be in favor of \$145,000 and stated he was in favor of getting the position compensation to market more quickly. Councilor Griffin, Council President Rosener, Councilor Brouse, and Councilor Garland stated they agreed with Councilor Scott of a compensation of \$145,000. Councilor Young stated she would go with what the majority decided. Council President Rosener stated that the contracts for the City Manager and City Attorney needed to be amended to reflect the new review period.

5. **ADJOURNED:**

Mayor Mays adjourned the work session at 9:57 pm

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor

TO: Sherwood City Council

FROM: Joseph Gall, ICMA-CM, City Manager

SUBJECT: Resolution 2021-001, Amending the Employment Contract between the City Attorney and the City of Sherwood

Issue:

Shall the City Council approve amending the employment contract between the City Attorney and the City of Sherwood?

Background:

During a work session on December 15, 2020, City Council discussed amending the City Attorney's employment contract to state that the City Attorney's performance evaluation would occur annually at the end of each fiscal year. In addition, the City Council discussed adjusting the annual base salary to \$145,000 effective November 3, 2020 for the City Attorney. The purpose of this resolution is to approve the amendments to the City Attorney's employment agreement in order to implement these changes.

Financial Impacts:

As a result of amending the City Attorney's employment agreement, the current fiscal year budget will incur some financial impact. That impact is estimated to be \$9,600.

Recommendation:

Staff respectfully recommends adoption of Resolution 2021-001, Amending the Employment Contract between the City Attorney and the City of Sherwood.



RESOLUTION 2021-001

**AMENDING THE EMPLOYMENT CONTRACT BETWEEN THE CITY ATTORNEY AND
THE CITY OF SHERWOOD**

WHEREAS, Joshua P. Soper ("Soper") has been employed by the City of Sherwood ("City") as its City Attorney since 2015, and Soper and the City are parties to an employment agreement dated August 10, 2015 and currently effective until December 1, 2021 ("Agreement"), as previously amended; and

WHEREAS, Council held a work session on December 15, 2020 and requested that a resolution be prepared to amend the Agreement to state that Soper's performance evaluation would occur annually at the end of each fiscal year; and

WHEREAS, Council intends to adjust Soper's annual base salary to \$145,000 effective November 3, 2020 payable in installments at the same time that the other executive employees of the City are paid.

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

Section 1. The Sherwood City Council hereby approves Amendment No. 6 to the employment agreement between the City of Sherwood and Joshua P. Soper as shown in Exhibit A and authorizes the Mayor to execute said Amendment on behalf of the City.

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

Duly passed by the City Council this 5th of January, 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

EXHIBIT A
Amendment No. 6
Employment Agreement between Joshua P. Soper and the City of Sherwood, Oregon

This Amendment No. 6 to the Employment Agreement between Joshua P. Soper and the City of Sherwood, Oregon dated August 10, 2015, as previously amended, is made and entered into by Joshua P. Soper and the City of Sherwood, Oregon as of the date last set forth below.

The parties hereby agree to amend Section 4(A) of the Agreement so that it will read in its entirety as follows:

- A. Base Salary: City agrees to pay Employee an annual base salary of \$145,000 effective November 3, 2020 payable in installments at the same time that the other executive employees of the City are paid.

The parties further agree to amend Section 19 of the Agreement so that it will read in its entirety as follows:

- A. Employer shall annually review the performance of the Employee prior to August of each year, beginning in 2021, based on the goals and objectives set by City Council, using a process as determined by City Council.
- B. Unless the Employee expressly requests otherwise in writing, the evaluation of the Employee shall at all times be conducted in executive session of the governing body (if authorized by law) and shall be considered confidential to the extent permitted by law. Nothing herein shall prohibit the City or Employee from sharing the content of the Employee's evaluation with their respective legal counsel.

All other terms and conditions of the Agreement shall remain in full force and effect.

In negotiating and drafting the terms of this Amendment, Soper is representing himself only and not the legal or other interests of City. Soper has provided no advice to City regarding the legal effect of this Amendment.

City of Sherwood

Joshua P. Soper

Keith Mays, Mayor

Joshua P. Soper

Date

Date

TO: Sherwood City Council

FROM: Joseph Gall, ICMA-CM, City Manager
Through: Josh Soper, City Attorney

SUBJECT: Resolution 2021-002, Authorizing the Issuance of Gift Certificates to Members of the City's Boards and Commissions

Issue:

Shall the City Council authorize the issuance of gift certificates to members of the City's boards and commissions in lieu of the annual recognition dinner?

Background:

Traditionally, the City holds an annual recognition dinner each winter for members of the City's boards and commissions in order to reflect on the past year, discuss the forthcoming year, and thank the members of these boards and commissions for their important service to our community. Unfortunately, due to the COVID-19 pandemic, it will not be possible for the City to host this event this year.

Instead, the City would like to provide a small gift certificate in the amount of \$25 to each member of the City's boards and commissions. The City would request that each recipient use the gift certificate to purchase a take-out meal from one of the various restaurants located in the City. In that way, this program would have the additional benefit of helping to support these local businesses that have been significantly impacted by the pandemic.

Due to the requirements of Oregon ethics law and the Sherwood City Charter, it is necessary for City Council to approve this program by resolution.

Financial Impacts:

The cost of providing gift certificates to these various boards and commissions will be \$1,675. The City did however include \$1,200 in the current fiscal year budget for the annual recognition dinner. The net impact of providing gift certificates versus holding an annual recognition dinner is approximately \$475.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2021-002, Authorizing the issuance of gift certificates to members of the City's boards and commissions.



RESOLUTION 2021-002

AUTHORIZING THE ISSUANCE OF GIFT CERTIFICATES TO MEMBERS OF THE CITY'S BOARDS AND COMMISSIONS

WHEREAS, the City traditionally holds an annual recognition dinner each winter for members of the City's boards and commissions in order to reflect on the past year, discuss the forthcoming year, and thank the members of these boards and commissions for their important service to our community, but, due to the COVID-19 pandemic, will not be able to hold this event this year; and

WHEREAS, instead, the City would like to provide a small gift certificate in the amount of \$25 to each member of the City's boards and commissions and request that each recipient use the gift certificate to purchase a take-out meal from one of the various restaurants located in the City, thereby helping to support these local businesses that have been significantly impacted by the pandemic; and

WHEREAS, it appears to City Council that this program provides suitable recognition of the service provided by the members of these boards and commissions, and a small but important amount of economic relief to City businesses, and that it is therefore an appropriate use of City funds; and

WHEREAS, due to the requirements of Oregon ethics law and the Sherwood City Charter, it is necessary for City Council to approve this program by resolution and specifically authorize these gift certificates as official compensation for the members of the City's boards and commissions.

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

Section 1. Gift certificates in the amount of \$25 each, to be issued in January 2021, are hereby authorized as official compensation for each person who served at any time during calendar year 2020 as a member of one or more of the City's boards and commissions, namely the Budget Committee (other than City Council members), Cultural Arts Committee, Library Advisory Board, Parks and Recreation Advisory Board, Planning Commission, Police Advisory Board, Traffic Safety Committee, and Senior Advisory Board, and the City Manager is authorized to issue said gift certificates.

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

Duly passed by the City Council this 5th day of January 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Josh Soper, City Attorney

SUBJECT: Resolution 2021-003, Amending the Employment Contract between the City Manager and the City of Sherwood

Issue:

Shall the City Council approve amending the employment contract between the City Manager and the City of Sherwood?

Background:

During a work session on December 15, 2020, City Council discussed amending the City Manager's employment contract to state that the City Manager's performance evaluation would occur annually at the end of each fiscal year. The purpose of this resolution is to approve that amendment to the City Manager's contract.

Financial Impacts:

There is no direct financial impact resulting from adopting this resolution.

Recommendation:

Staff respectfully recommends adoption of Resolution 2021-003, Amending the Employment Contract between the City Manager and the City of Sherwood.



RESOLUTION 2021-003

**AMENDING THE EMPLOYMENT CONTRACT BETWEEN THE CITY MANAGER AND
THE CITY OF SHERWOOD**

WHEREAS, Joseph P. Gall ("Gall") has been employed by the City of Sherwood ("City") as its City Manager since 2012, and Gall and the City are parties to an employment agreement dated June 30, 2014 and currently effective until June 30, 2022 ("Agreement"), as previously amended; and

WHEREAS, Council held a work session on December 15, 2020 and requested that a resolution be prepared to amend the Agreement to state that Gall's performance evaluation would occur annually at the end of each fiscal year.

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

Section 1. The Sherwood City Council hereby approves Amendment No. 8 to the employment agreement between the City of Sherwood and Joseph P. Gall as shown in Exhibit A and authorizes the Mayor to execute said Amendment on behalf of the City.

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

Duly passed by the City Council this 5th of January, 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

EXHIBIT A
Amendment No. 8
Employment Agreement between Joseph P. Gall and the City of Sherwood, Oregon

This Amendment No. 8 to the Employment Agreement between Joseph P. Gall and the City of Sherwood, Oregon dated June 30, 2014, as previously amended, is made and entered into by Joseph P. Gall and the City of Sherwood, Oregon as of the date last set forth below.

The parties hereby agree to amend Section VII of the Agreement so that it will read in its entirety as follows:

- A. CITY shall annually review the performance of EMPLOYEE prior to August of each year, beginning in 2021, based on the goals and objectives set by City Council, using a process as determined by City Council.
- B. Unless EMPLOYEE expressly requests otherwise in writing, the evaluation of EMPLOYEE shall at all times be conducted in executive session of the governing body (if authorized by law) and shall be considered confidential to the extent permitted by law. Nothing herein shall prohibit CITY or EMPLOYEE from sharing the content of EMPLOYEE's evaluation with their respective legal counsel.

All other terms and conditions of the Agreement shall remain in full force and effect.

City of Sherwood

Joseph P. Gall

Keith Mays, Mayor

Joseph P. Gall

Date

Date

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Erika Palmer, Planning Manager

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

SUBJECT: Resolution 2021-004, Authorizing the City Manager to Execute an Intergovernmental Agreement (IGA) with Metro to Accept a 2040 Planning and Development Grant to Fund the Sherwood West Re-look Project

Issue:

Shall the City Council authorize the City Manager to execute an IGA with Metro regarding a 2040 Planning and Development Grant in the amount of \$130,000 to fund the Sherwood West Re-look Project?

Background:

The City of Sherwood requested and was awarded a \$130,000 grant from Metro's 2040 Planning and Development Grant Program to "re-look" at the Preliminary Sherwood West Concept Plan. The initial preliminary concept planning for this area was completed in 2016 and was developed as a long-range planning tool to help guide future community discussions and decisions about how Sherwood could grow over the next 50 years. The Plan illustrates how the Sherwood West area, Metro's Urban Reserve Area 5b, could be incorporated into the City's fabric over time in a manner that respects and reflects the strong sense of community and livable neighborhoods.

At the time of Preliminary Sherwood West Concept Plan acceptance, the City had not started the Comprehensive Plan update. As a result, the community had not developed goals and policies related to housing and economic need, specifically, ensuring a balance of jobs and housing. An update to both the Economic Opportunities Analysis (EOA) and our Housing Needs Analysis (HNA) was complete in 2019, and the HNA was formally adopted in December 2020. Through the completed work thus far through the Comprehensive Plan update, we know that the preliminary concept plan developed in 2016 is not consistent with our updated vision and goals and the need to attain a better balance of jobs and housing.

In addition, since the development of the original Sherwood West preliminary concept plan, the Sherwood School District developed plans to construct a new 350,000 square foot high school on 73 acres within Sherwood West. While the original Plan had some schools assumed, a relocation of the existing high school to this area was not envisioned. The review of the high school land use applications required additional transportation improvements and infrastructure improvements that need to be considered when looking at the area. In anticipation of future UGB expansion decisions by Metro, the City has identified the need to re-visit the preliminary concept plan with the updated

goals, policies and additional growth in the City and region in mind and refine the Plan as appropriate.

To obtain Metro's 2040 Planning and Development grant funds, an IGA must be executed. After the IGA is authorized, Sherwood and Metro staff, and the selected consultant will prepare a scope of work for this project. The scope of work for this project will then be incorporated into the IGA, as Exhibit C. The project scope will also be a part of the contract for professional services with the selected consultant, which is slated for Council review and approval on January 19, 2021.

Financial Impacts

The City will receive \$130,000 in reimbursement from Metro to complete this project. The City has pledged up to \$13,000 in matching funds through in-kind services, primarily project management.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2021-004, authorizing the City Manager to execute an IGA with Metro to accept a 2040 Planning and Development Grant to fund the Sherwood West Re-look Project.



RESOLUTION 2021-004

AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH METRO TO ACCEPT A 2040 PLANNING AND DEVELOPMENT GRANT TO FUND THE SHERWOOD WEST RE-LOOK PROJECT

WHEREAS, Metro has established the 2040 Planning and Development Grant program to assist communities in implementing our region's long-range vision, creating new housing and commercial opportunities, revitalizing town centers, developing employment areas, reducing barriers to equitable housing, and planning for future infrastructure and development in new urban areas; and

WHEREAS, the City of Sherwood applied for a 2040 Planning and Development Grant from Metro to fund the Sherwood West Re-look project; and

WHEREAS, Metro awarded the City of Sherwood a grant in the amount of \$130,000; and

WHEREAS, Metro requires an IGA that outlines each party's responsibilities and commitments and identifies a set of products and milestones that are in line with the City's grant request; and

WHEREAS, the City and Metro must sign an IGA to allow the project to proceed and a scope of work to be developed by City and the selected consulting team; and

WHEREAS, Council will review and approve the project scope of work and professional services contract before the City starts this project.

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

Section 1. The Sherwood City Council hereby authorizes the City Manager to sign an IGA in a form substantially similar to the attached Exhibit A.

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

Duly passed by the City Council this 5th day of January, 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

**2040 PLANNING AND DEVELOPMENT GRANT
INTERGOVERNMENTAL AGREEMENT
Metro – The City of Sherwood
Sherwood West Preliminary Concept Plan Re-Look**

This 2040 Planning and Development Grant Intergovernmental Agreement (this “Agreement”) is entered into by and between Metro, a metropolitan service district organized under the laws of the state of Oregon and the Metro Charter, located at 600 Northeast Grand Avenue, Portland OR, 97232 (“Metro”), and the City of Sherwood, a municipality of the State of Oregon, located at 22560 SW Pine Street, Sherwood, Oregon 97140 (“Grantee”). Metro and Grantee may be jointly referred to herein as the “Parties” or each, individually as a “Party”.

BACKGROUND

Metro has established a Construction Excise Tax (“CET”), Metro Code Chapter 7.04, which imposes an excise tax throughout the Metro regional jurisdiction to fund regional and local planning that is required to make land ready for development or redevelopment, and to provide funding for plans and projects that facilitate economic development and community stabilization in the Metro region. The CET is collected by local jurisdictions when issuing building permits, and is remitted to Metro pursuant to Intergovernmental Agreements. Metro distributes CET funds to grantees across the region through the 2040 Planning and Development Grant Program.

The Grantee has submitted a 2040 Planning and Development Grant Request attached hereto as **Exhibit A** and incorporated herein (the “Grant Request”) for the Sherwood West Preliminary Concept Plan Re-look project (the “Project”). Metro has agreed to provide 2040 Planning and Development Grant Funds to Grantee for the Project in the amount of \$130,000 subject to the terms and conditions set forth herein (the “Grant Funds”), and the Parties wish to set forth the timing, procedures and conditions for receiving the Grant Funds. In addition to the Grant Funds, other financial contributions have been pledged by Grantee and other project partners to help fund the Project budget.

AGREEMENT

NOW THEREFORE, the Parties hereto agree as follows:

1. **Metro Grant Award.** Metro shall provide the Grant Funds to Grantee for the Project as approved by the Metro Council in Resolution 19-5002 and as described in the Grant Request, subject to the terms and conditions specified in this Agreement.
2. **Project Management and Coordination.** The Parties have appointed the staff identified below to act as their respective project managers (each a “Project Manager” and collectively “Project Managers”) with the authority and responsibility described in this Agreement:

For the Grantee: Erika Palmer
 Planning Manager
 City of Sherwood
 22560 SW Pine Street
 Sherwood, OR 97140
 503.625.4208
 palmere@sherwoodoregon.gov

For Metro: Rebecca Small
Associate Regional Planner
Metro
600 NE Grand Avenue
Portland, OR 97232
503-797-1721
rebecca.small@oregonmetro.gov

Metro and the Grantee may each designate an additional or replacement Project Manager by providing written notice to the other party.

3. Mutual Obligations of both the Grantee and Metro. The Parties and their respective Project Managers will collaborate to oversee the successful implementation of the Project as follows:

- (a) Selection of Consultants. The Project Managers will work together to identify consultants best qualified to perform the scope of work described in the Request for Proposals, attached hereto as Exhibit B. The Project Managers and any additional reviewers selected by the Parties **will mutually agree upon** the selection of the consultant team to perform the work required to successfully complete the Project.
- (b) Schedule of Milestones. The Parties have agreed to a preliminary schedule of milestones for completion of the Project, which is attached hereto as **Exhibit C** (the "Milestones"). After the Project Managers have selected a consultant team as described in subsection 3(a), the Parties each expressly delegate authority to their respective Project Managers to prepare a revised schedule of Milestones that will provide more detailed performance timelines for the Project, including specific consultant and/or Grantee deliverables for each Milestone, and establishing the amount of Grant Funds to be disbursed by Metro upon satisfactory completion of each Milestone. The Parties agree that once the Milestones are supplemented and revised by the Project Managers in accordance with this subsection, **Exhibit C** shall be automatically amended and the revised Milestones will become final and binding on the Parties unless and until later amended as allowed under paragraph 10 of this Agreement.
- (c) Project Committee(s). The Project Managers will jointly determine the role of the Project steering/technical/advisory committee(s), if any, and the composition of such committees or other bodies. Metro's Project Manager will participate as a member of any such committee.

4. Grantee Responsibilities. The Grantee shall perform the work on the Project described in the Grant Request, and as specified in the Milestones, subject to the terms and conditions specified in this Agreement.

- (a) Use of Grant Funds. The Grantee shall use the Grant Funds it receives under this Agreement only for the purposes specified in the Grant Request and to achieve the Milestones as set forth in this Agreement. In the event that unforeseen conditions require adjustments to the Project scope, approach, or schedule, the Grantee shall obtain Metro's prior written approval before implementing any revisions to the Project. All travel expenses must be approved in advance by Metro. Grant funds cannot be used to fund staff time for public agencies or for purchase of alcoholic beverages. Metro and Grantee have agreed to allocate Grant funds for approved project expenses such as consultant fees, payments to Grant Project partners, and direct costs as outlined in Exhibit C.

- (b) Consultant Contract(s). After the Project Managers have selected the consultant team and completed a revision of the Milestones as described above in section 3, the Grantee shall enter into a contract(s) with the selected consultant team to complete the work as described in the Milestones as revised. The contract(s) entered into by the Grantee shall reference this agreement and reflect the Scope of Work and the Milestones, as revised. The Grantee shall provide Metro's Project Manager the opportunity to review and approve draft Consultant contracts prior to execution of such contracts.
- (c) Submittal of Grant Deliverables. Within 30 days after completing each of the Milestones, the Grantee shall submit to Metro all required deliverables for such Milestone, accompanied by an invoice. Deliverables must be submitted to Metro as outlined in the Milestones, as revised; the Grantee shall not submit additional deliverables and invoices to Metro for later Milestones until Metro has reviewed and approved all prior deliverables under paragraph 5 of this Agreement.

5. Metro Responsibilities. Metro's funding commitment set forth in this Agreement shall be fulfilled solely through CET funds; no other funds or revenues of Metro shall be used to satisfy or pay any CET grant commitments. Metro shall facilitate successful implementation of the Project and administration of Grant Funds as follows:

- (a) Advisory Role. The Metro Project Manager shall take an active role as part of the Project Advisory Team and at the request of the Grantee Project Manager will review and comment on draft project documents to communicate any concerns prior to the formal submission of the deliverables for each Milestone.
- (b) Review and Approval of Grant Deliverables. Within 15 days after receiving the Grantee submittal of deliverables as set forth in the Milestones (as revised), Metro's Project Manager shall review the deliverables and either approve the submittal, or reply with comments and/or requests for further documentation or revisions that may be necessary. The Metro Project Manager shall determine whether the deliverables submitted are satisfactory in meeting the Scope of Work and the applicable Milestones.
- (c) Payment Procedures. Subject to the terms and conditions in this Agreement, Metro shall reimburse the Grantee for its eligible expenditures for the applicable deliverable as set forth in Revised Exhibit C within 30 days following the Metro Project Manager's approval of deliverables, invoices and supporting documents.

6. Project Records. The Grantee shall maintain all records and documentation relating to the expenditure of Grant Funds disbursed by Metro under this Agreement. The work product of Metro's Grant is a public record and is subject to public disclosure and review under public records law. Public records requests may also result in the disclosure of any non-exempt documents related to the project and related support documents as required by Oregon Law. Records and documents shall be retained by the Grantee for three years from the date of completion of the Project, expiration of the Agreement or as otherwise required under applicable law, whichever is later. The Grantee shall provide Metro with such information and documentation as Metro requires for implementation of the grant process. The Grantee shall establish and maintain books, records, documents, and other evidence in accordance with generally accepted accounting principles, in sufficient detail to permit Metro or its auditor to verify how the Grant Funds were expended.

7. Audits, Inspections and Retention of Records. Metro, together with its auditors and representatives, shall have reasonable access to and the right to examine, all Grantee records with respect to all matters covered by this Agreement during normal business hours upon three business days' prior written notice to the Grantee. The representatives shall be permitted to audit, examine, and make excerpts or transcripts from such

records, and to make audits of all contracts, invoices, materials, payrolls and other matters covered by this Agreement. All documents, papers, time sheets, accounting records, and other materials pertaining to costs incurred in connection with the Project shall be retained by the Grantee and all of their contractors for three years from the date of completion of the Project, or expiration of the Agreement, whichever is later, to facilitate any audits or inspection.

8. Term. Unless otherwise terminated under paragraph 9, this Agreement shall be effective on the last date it is executed by the parties below, and shall be in effect until all Milestones and deliverables have been completed, all required documentation has been delivered, and all payments have been made as set forth in the Milestones, as revised.

9. Termination. Metro may terminate this Agreement and cancel any remaining Grant Fund payments upon a finding by the Metro Chief Operating Officer that the Grantee has abandoned its work on the Project or is otherwise not satisfying its obligations under this Agreement regarding the requirements of the grant.

10. Amendment. This Agreement may be amended only by mutual written agreement of the Parties.

11. Other Agreements. This Agreement does not affect or alter any other agreements between Metro and the Grantee.

12. Waiver. The Parties hereby waive and release one another for and from any and all claims, liabilities, or damages of any kind relating to this Agreement or the Grant Funds.

13. Authority. Grantee and Metro each warrant and represent that each has the full power and authority to enter into and perform this Agreement in accordance with its terms; that all requisite action has been taken by the Grantee and Metro to authorize the execution of this Agreement; and that the persons signing this Agreement have full power and authority to sign for the Grantee and Metro, respectively.

14. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and together shall constitute a single document. Electronic signatures, as well as copies of signatures sent by facsimile or electronic transmission, shall be deemed original signatures for all purposes and shall be binding on the Parties.

[Signature Page Follows]

METRO

By: _____
Marissa Madrigal
Chief Operating Officer

Date: _____

Approved as to Form:

By: _____
Carrie MacLaren
Metro Attorney

Date: _____

Attachments:

Exhibit A – Grant Request
Exhibit B –Request for Proposals
Exhibit C – Schedule of Milestones

THE CITY OF SHERWOOD

By: _____
Grantee Executive Name
Grantee Executive Title

Date: _____

Approved for legal sufficiency for the City of
Sherwood:

By: _____
Counsel for the City of Sherwood

METRO CONTRACT 936864 - EXHIBIT C

Sherwood West Preliminary Concept Plan Re-Look Project Milestones, Deliverables, and Disbursement of Grant Funds

Project milestone and specified grant deliverables		Date Due	Progress Payment
1	Execution of grant IGA a) Preparation of project documents and negotiations b) Signed IGA document	January 31, 2021	
2	Project consultants, contract scoping and final contract a) Review and comment on consultant proposals b) Select consultant team and submit draft contract, scope, schedule and budget for review c) Establish revised milestones and deliverables d) Finalize and execute consultant contract	January 31, 2021	
3-7+	Project milestones to be determined		
8	Council hearings and action a) Project financial statement report		\$ At least 10% or 20k whichever is lower
	TOTAL GRANT FUNDS:		

APPROVED GRANT PROJECT EXPENSE DISTRIBUTION

Changes to the approved expense distribution shown at right must be approved by Metro through an amendment of this Exhibit C.	Consultant Fees	
	Payments to Project Partners	
	Direct Costs	
	Other (specify)	
	TOTAL GRANT FUNDS	

GRANT PROJECT COMPLETION REQUIREMENTS

- All grant project deliverables submitted by grantee and approved by Metro

Exhibit C

Continued

- Final financial report submitted and backup documentation retained on file as appropriate
- Final reporting on grant performance measures submitted and approved by Metro

2040 Planning and Development Grant Application | Concept Planning

Please respond to the following questions using 11 point black text and a standard font. Your total response (including the questions and headings as formatted below) must be limited to 6 pages. Be thorough but succinct; it is not necessary to use all of the space allowed. You may use text styles, bullet lists, or other formatting as needed to improve the clarity of your responses. Refer to the application handbook for more detailed instructions regarding additional required attachments. PLEASE DELETE THIS BLOCK OF INSTRUCTIONS PRIOR TO SUBMITTING YOUR FINAL APPLICATION.

Project: Sherwood West Preliminary Concept Plan Re-look

Funds requested: \$130,000

Project purpose and need

1. Describe the geographic area to be concept planned and the housing or employment land need that the concept plan area is intended to fulfill. Correlate the housing or employment need to your documented future growth needs and how the plan will meet the long-term vision for the city. Describe how urbanization of the reserve area relates to any specific community plans and goals and maximizes existing community assets. Explain the desired timeline for an urban growth boundary expansion.

The City received funds from Metro and completed the Sherwood West preliminary concept plan in 2016. At the time of the project, the City had not updated the Comprehensive Plan since 1990. As a result, the community had not developed goals and policies related to housing and economic need, specifically, ensuring a balance of jobs and housing. Since 2016 the City has been actively working on an update to our Comprehensive Plan. In 2018 we completed a visioning process. It engaged hundreds of residents and community members in conversations about the future and the foundational elements that make Sherwood unique. Through various outreach events and engagement activities, the community identified what was important to protect for the future and envisioned what Sherwood will look like in 2040. This input helped craft a vision statement and set of six key community goals (thriving and diversified economy; attractive and attainable housing; strong community culture and heritage; coordinated and connected infrastructure; healthy and valued ecosystems; and strategic and collaborative governance).

In 2019, we completed an update to both our Economic Opportunities Analysis (EOA) and our Housing Needs Analysis (HNA). These have not been formally adopted yet because we are waiting to update and incorporate them into the Comprehensive Plan. While we anticipate completing the formal adoption of the Comprehensive Plan in December 2020, we have developed goals and policies related to a “thriving and diversified economy”. We are currently in the process of developing goals and policies related to governance and will begin the next section, “attractive and attainable housing” in April 2020. With what has been completed thus far, we know that the preliminary concept plan developed in 2016 is not consistent with our updated vision and goals. As a result, the City Council is reluctant to consider requests to expand the urban growth boundary to include all or a portion of Sherwood West until we have better alignment with the updated community goals and policies.

The City considered asking for a UGB expansion in 2018, however because the purpose of the expansion being considered was primarily for housing, the Sherwood City Council was concerned about impacts to the Schools and was also interested in re-looking at the land use assumptions and mix of housing to the jobs. The recent analysis and updates tell us that there is a need for additional housing land to be added and a need for job land to help us attain a better balance of jobs and housing. There are properties that are ripe and ready to be brought into the UGB and developed, but the City cannot consider asking that they be brought in until we have more clarification and certainty that the land will not be inconsistent with our economic development goals. The timing of this grant fits perfectly as we will be well positioned to undertake an update around the time funding in this cycle is anticipated to be available.

Since the development of the original Sherwood West preliminary concept plan, the Sherwood School District developed plans to construct a new 350,000 square foot high school on 73 acres within Sherwood West. They

received a UGB expansion in 2017 and are scheduled to open in the fall of 2020. While the original plan had some schools assumed, a relocation of the existing high school to this area was not envisioned. The review of the high school land use applications required additional transportation improvements and infrastructure improvements that need to be taken into consideration when looking at the area as a whole.

Two transportation plans that will impact the study area will be complete this year (2020). Washington County's Urban Reserve Transportation Study (URTS) is evaluating the cumulative transportation impacts of development scenarios in Washington County urban reserves and identifies areas of expected future capacity needs for the County and cities to consider in their planning needs. The Brookman Concept Plan Refinement is developing a preferred road alignment and design that will impact the future transportation connectivity with the Sherwood West area.

In addition, the State of Oregon adopted House Bill 2001, which allows for the development of middle-housing types within areas zoned single-family residential. This re-look provides an opportunity to consider this bill and implications in has on the areas identified for housing, and transportation and infrastructure needs.

Proposed scope of work

2. Provide a bulleted list outline of the major project elements and deliverables needed to meet the requirements of Metro Code Section 3.07.1110 Planning for Areas Designated Urban Reserve. Briefly describe the scope for each phase, key deliverables and general timeframe to complete the project.
 - Execution of CET Grant & IGA and a Professional Services Agreement between City of Sherwood and selected contract firm
 - Selection of a Technical and Community Advisory Committee
 - Development of a Public Engagement Plan
 - Review and refresh of the Preliminary Sherwood West Concept Plan
 - 1) Review and refresh vision, goals and evaluation criteria for land-use/transportation plan alternatives. Deliverables will include an updated document. Consultant will be necessary to help facilitate 1-2 meetings with the CAC, TAC, Planning Commission and City Council (8 total meetings)
 - 2) Review and refresh the "Implications for Policy" section which includes updated information from the city's most recent Housing Needs Analysis 2019-2039, Economic Opportunities Analysis, and an updated land use and transportation conditions that impact this area such as the new Sherwood High School, development in the Brookman area and areas to the north/northeast of Sherwood such as River Terrace and Bull Mountain, and updated transportation infrastructure and plans such as Kruger/Elwert intersection, Brookman Road, the expansion of SW Roy Rogers Road, and intersection improvements at SW Scholls Ferry and Roy Rogers Road. Deliverable will include an updated document for this section of the preliminary concept plan that addresses housing, employment, and updated land use and transportation conditions.
 - 3) Review, Evaluate and refresh Preliminary Concept Plan Development Alternatives based on updated technical information and local, county and regional plans; goals and policies of the city's updated Comprehensive Plan, new land uses and transportation improvements and facilities in Sherwood West and surrounding site vicinity. Deliverable will include:
 - Up to 3 alternatives that address the updated Community goals, evaluation of the three alternatives,
 - A "reality check" memo reporting back input from brokers and realtors in the region to ensure that the alternatives developed are realistic
 - Development and report on preferred alternative
 - 4) Review and evaluate phasing and funding strategies. Evaluate funding tools and costs of extension of public services. Deliverable will be a funding memo and strategy/action plan
 - 5) Adoption of the refreshed Sherwood West Preliminary Plan and Title 11 sequencing strategy

Project manager

3. Describe the skills and experience of the lead staff person who will manage all aspects of the grant project and oversee the project team's collaboration and consultant work.

Erika Palmer, Planning Manager Erika Palmer, Sherwood Planning Manager is an experienced project manager. The grant will be incorporated into her work program. She has managed small to large multi-jurisdictional projects throughout the state of Oregon. A sample of projects include:

- Metro Community Planning and Development Grant: Brookman Addition Concept Plan Refinement
- Metro Community Planning and Development Grant: Main Streets on Halsey – City of Fairview
- Transportation and Growth Management Program: City of Fairview Transportation System Plan – City of Fairview
- Clackamas County 3D Downtown Program – Dr. Elliott Chinn's Downtown Dentistry – City of Damascus
- Transportation and Growth Management Program: The Rhododendron Drive Integrated Transportation Plan – City of Florence
- Oregon Transportation and Growth Management Program: Planning for Schools & Livable Communities, Oregon School Siting Handbook – University of Oregon
- Transportation and Growth Management Program – Downtown Development Plan & Strategy – City of Cascade Locks

Project partners and roles

4. Clearly describe the roles and responsibilities of each of the key project partners. Describe the level of commitment from service providers to meet the goals of the project.

Key project partners include past partners who provided input during the development of the Sherwood West Preliminary Concept Plan: Project partners will be asked to participate on a Technical Advisory Committee (TAC). The TAC will be comprised of essential public service provider representatives. TAC members will review project deliverables for technical adequacy, policy and regulatory compliance.

- Sherwood School District
- Sherwood City Public Works, Engineering, Community Services, and Police departments
- Clean Water Services
- Tualatin Fire Valley & Rescue
- Washington County Transportation Department
- Oregon Department of Transportation

Community engagement

5. Describe how the community engagement strategy will utilize best practices to meaningfully engage neighbors, property owners, key stakeholders and historically marginalized communities. Specifically describe your approach for advancing racial equity and involving communities of color in the planning process. Provide examples the city has used or is currently using to meaningfully involve diverse community members in planning processes.

Community members who live and/or seek future annexation and development opportunities in the Sherwood West area will be most affected by the project's outcomes. It is envisioned that we will re-engage the Sherwood West property owners who participated on the Community Advisory Committee (CAC) for the Preliminary Concept Plan, who are interested in this re-look process and seek additional new members who live in the Sherwood West study area. The Sherwood West Preliminary Concept Plan had an 18-member CAC that provided on-going advice and feedback to the staff and consultants regarding the preparation of the preferred alternatives in the Preliminary Concept Plan. Neighbors, business interest, property owners, and a high school student representative, and other key stakeholders will be invited to participate on the CAC to consider public input and provide direction to staff and consultants on recommended refinements. In addition, the City will look for opportunities to target diverse community members who live and work in the area by providing opportunities for interpreters, outreach surveys in languages other than English. Sherwood regularly uses the following methods for outreach and engagement with members of the community:

- Articles in local community newsletters, provide e-newsletter to interested parties list
- Social media online presence (project page on City Website, City Facebook & Twitter project updates)

- Public meeting notices online and flyers at community “hot spots” – library, arts center, senior center, local businesses, and post office, etc.
- Community meetings, open houses and ‘pop-up’ engagement at local community events.
- Online surveys, paper surveys, mailings to individual property owners in and adjacent to the project area
- Meeting Homeowner Associations, School PTAs,
- Promotion through partners (agencies, neighbors, community organization) which can include Frequently Asked Questions sheets, and other materials about the project
- Creating visual display maps

Proposed project budget

6. Use the budget table template provided to show the estimated project costs by major phase or element. The budget table should reflect the bulleted outline provided in #2. Indicate estimated cost for consultant work as well as other direct project expenses. In the space below, describe the methodology used for estimating project costs, and identify any additional funds (if any) that have been pledged by project partners or other sources.

We intend to build upon the work already completed with the preliminary concept plan, therefore, the scope and budget does not include significant work on existing conditions. We will utilize as much of the original citizen engagement framework and input as possible and update and refresh as needed. The bulk of the scope and budget will be spent applying the updated jobs /housing balance lense that is an outcome of the updated Comprehensive Plan. We will develop, review and evaluate several alternatives and develop a preferred alternative for land use and transportation. We also will dig a little deeper than we originally did to develop better cost estimates for infrastructure that can be used as we consider funding mechanisms and phasing needs and opportunities. The total project budge is expected to be \$130,000 with a 10% match of \$13,000 from the city via in-kind services. Recognizing that each milestone/deliverable varies regarding the complexity and time required to complete, the City proposes five major milestones for disbursement of funds. To keep the disbursement of funds simple. The five milestones are:

- a. Execution of Grant IGA
- b. Execution of Professional Services Agreement between City of Sherwood and selected contract firm
- c. Section of Committee Members
- d. Development of a Public Engagement Plan
- e. Review and Refresh of Preliminary Concept Plan, which has several subsets of 5 deliverables
 1. Review and refresh vision, goals and evaluation criteria for land-use/transportation plan alternatives
 2. Review and refresh vision, goals and evaluation criteria for land-use/transportation plan alternatives
 3. Review, Evaluate and refresh Preliminary Concept Plan Development Alternatives based on updated technical information and local, county and regional plans; goals and policies of the city’s updated Comprehensive Plan, new land uses and transportation improvements and facilities in Sherwood West and surrounding site vicinity
 4. Review and evaluate phasing and funding strategies. Evaluate funding tools and costs of extension of public services
 5. Adoption of the refreshed Sherwood West Preliminary Plan and Title 11 sequencing strategy

Other funds Pledged: \$13,000 (in kind)

PROJECT COMPONENT	CONSULTANT FEES	CBO PARTICIPATION AND/OR COMMUNITY LIAISON	OTHER DIRECT PROJECT COSTS	TOTAL
(Phase, element, deliverable, etc.)				
Execution of Grant IGA				
Execution of Professional Services Agreement between City of Sherwood and selected contract firm			\$ 500	\$ 500
Section of Technical and Community Advisory Committee Members			\$ 500	\$ 500
Review and refresh of the Preliminary Sherwood West Concept Plan			\$ 12,000	\$ 12,000
1. Review and refresh vision, goals and evaluation criteria for land-use/transportation plan alternatives	\$ 15,000		\$	\$ 15,000
2. Review and refresh the "Implications for Policy" section which includes updated information from the city's most recent Housing Needs Analysis 2019-2039, Economic Opportunities Analysis, and an updated and use and transportation conditions that impact this area such as the new Sherwood High School, development in the Brookman area and areas to the north/northeast of Sherwood such as River Terrace and Bull Mountain, and updated transportation infrastructure and plans such as Kruger/Eiwert intersection, Brookman Road, the expansion of SW Roy Rogers Road, and intersection improvements at SW Scholls Ferry and Roy Rogers Road.	\$ 20,000		\$	\$ 20,000
3. Review, Evaluate and refresh Preliminary Concept Plan Development Alternatives based on updated technical information and local, county and regional plans; goals and policies of the city's updated Comprehensive Plan, new land uses and transportation improvements and facilities in Sherwood West and surrounding site vicinity	\$ 70,000		\$	\$ 70,000
4. Review and evaluate phasing and funding strategies. Evaluate funding tools and costs of extension of public services	\$ 25,000		\$	\$ 25,000
5. Adoption of the refreshed Sherwood West Preliminary Plan and Title 11 sequencing strategy				
TOTAL PROJECT BUDGET				\$ 143,000



RESOLUTION 2020-020

**AUTHORIZING SUBMITTAL OF A METRO COMMUNITY DEVELOPMENT PLANNING GRANT FOR
UPDATE OF THE SHERWOOD WEST PRELIMINARY CONCEPT PLAN**

WHEREAS, Metro is accepting applications for Community Development Planning Grants to fund planning efforts including development of concept plans in Urban Reserve Areas; and

WHEREAS, the City has identified that, given the changes in policies and underlying development changes that has occurred since the Sherwood West Preliminary Concept Plan was completed in 2015, it is necessary to review the plan; and

WHEREAS, the City does not have the funds to complete the necessary review and update on its own but can commit staff resources as an in-kind contribution to ensure a successful review and update; and

WHEREAS, an update to the plan is timely because Metro will be considering future requests to expand the Urban Growth Boundary into Urban Reserve areas and until an update is complete, the City Council may not be in a position to confidently submit a request.

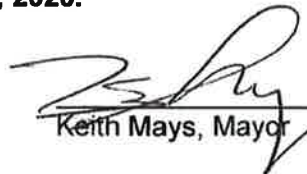
NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Council strongly supports the submittal of an application to Metro for Community Development Planning Grant funds to review and update the Sherwood West Preliminary Concept Plan and authorizes staff to submit the grant.

Section 2. The City confirms that there are adequate staff resources to successfully complete the project if the grant funds are obtained.

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

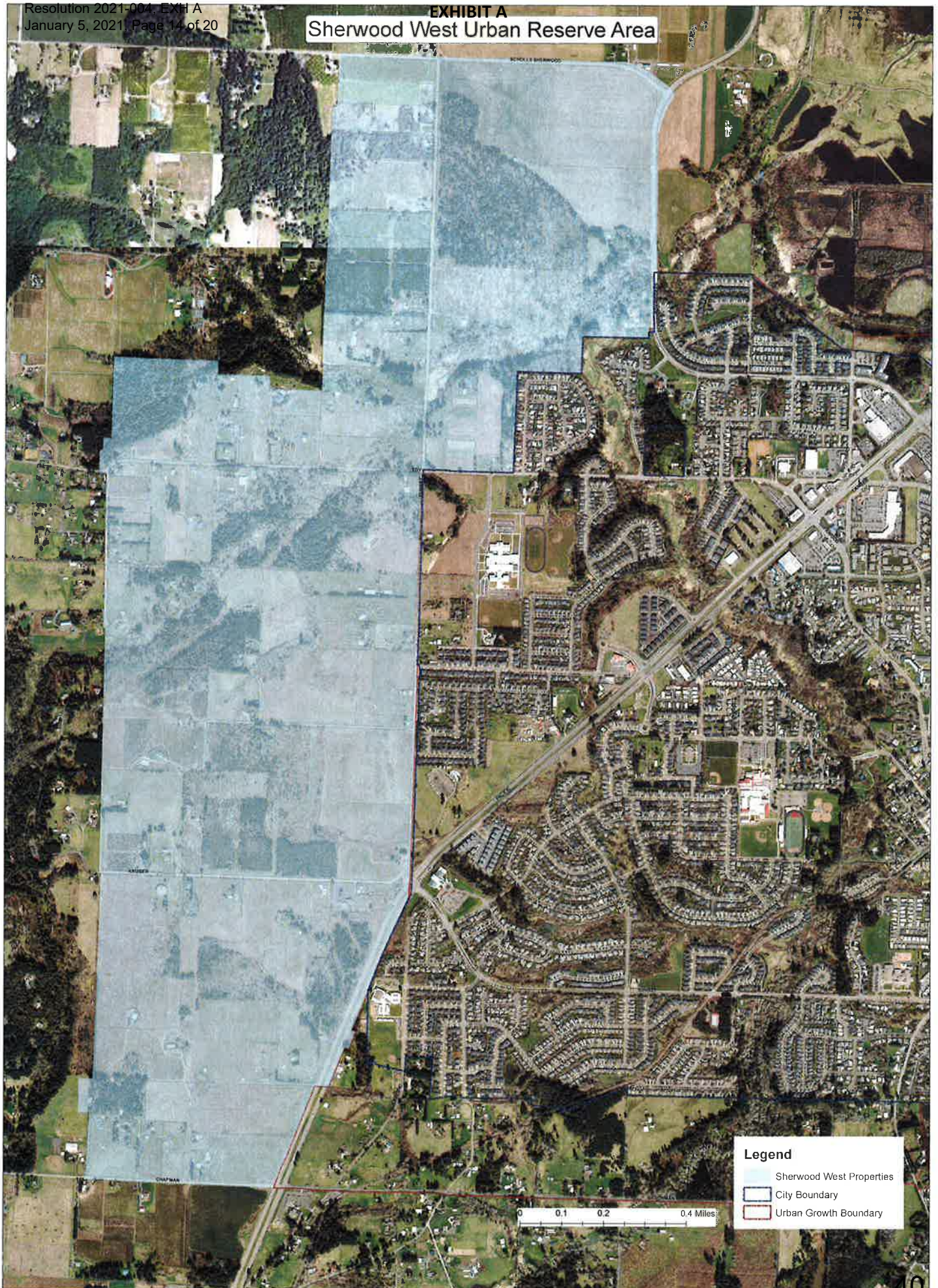
Duly passed by the City Council this 17th of March, 2020.


Keith Mays, Mayor

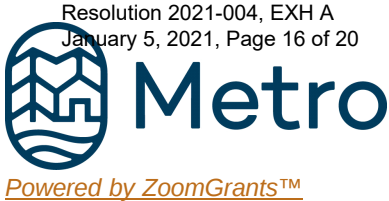
Attest:


Sylvia Murphy, MMC, City Recorder

EXHIBIT A
Sherwood West Urban Reserve Area







Metro
Planning and Development
2040 Planning and Development Grants (Cycle 8 - 2020)
Deadline: 4/30/2020

City of Sherwood
Sherwood West Preliminary Concept Plan Re-look

Jump to: [Summary Questions](#) [Draft Application](#) [Short questions](#) [Required Uploads](#)

\$ 130,000.00 Requested

\$ 13,000 Anticipated contributions from other sources:

Submitted: 3/12/2020 5:31:48 PM (Pacific)

Project Contact

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HajdukJ@SherwoodOregon.gov

Tel: 503-625-4204

Additional Contacts

none entered

City of Sherwood

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Community Development

Director

Julia Hajduk

hajdukj@sherwoodoregon.gov

Summary Questions [top](#)

1. Brief project description (one-two sentences)

Re-evaluate and update the Sherwood West preliminary concept plan (2015) with the updated information and policies developed through Sherwood's Comprehensive Plan update process related to Economic Development in addition to housing.

Draft Application [top](#)

1. Please indicate the grant category for which you are applying:

- ☒ Concept Planning
- ☐ Equitable Development
- ☐ Community Engagement

2. To facilitate scheduling of the pre-application conference, please indicate at least three different dates and available times that would work for members of your team to attend a one-hour meeting at Metro. Please also indicate the names and emails of the team members who will attend and the email and phone number of the person who should be contacted to help schedule the meeting.

3/12 8-5; 3/18 8-5; 3/19 9-12 Julia Hajduk-hajdukj@sherwoodoregon.gov & Erika Palmer-Palmere@sherwoodoregon.gov.
Contact Erika to schedule - 625-4208

3. Metro Council district(s) of project. Check all that apply.

- ☐ District 1 – Shirley Craddick
- ☐ District 2 – Christine Lewis
- ☒ District 3 – Craig Dirksen

EXHIBIT A

☐ District 6 – Bob Stacey

Documents Requested *Required? **Attached Documents ***

Upload a PDF of your draft application, using the appropriate template provided for your grant category. You can find the templates on the program web site or in the ZoomGrants Library.


[Draft application](#)
[Application](#)

Upload a PDF of your draft Project Budget, using the appropriate template provided for your grant category. You can find the templates on the program web site or in the ZoomGrants Library.


[Budget template \(draft\)](#)
Short questions [top](#)**1. Please indicate the grant category for which you are applying:**

- ☒ Concept Planning
☐ Equitable Development
☐ Community Engagement

2. What is the location and/or geographic reach of the project? Provide a brief description.

Under the "Required Uploads" tab, please also provide the required location map or maps showing where the project and/or participating communities are located and project boundaries, if applicable.

The location is referred to as Sherwood West and includes the Urban Reserve area west of Elwert Road, north of 99W and south of Scholls-Sherwood road.

3. Provide demographic information including race, ethnicity, age, and income of the neighborhood or community that will be affected by the project. Indicate the data source, and describe how the project geography relates to the data provided. If appropriate, include not only residential data but also relevant information (even if anecdotal) regarding local businesses, employers or commercial districts.

In the "Uploads" section of this application, you may include optional info-graphics in the project images upload.

The Sherwood West area is adjacent to the city boundary. During its 125 years of urbanization, Sherwood has experienced significant growth in both population and physical size. The average annual growth rate from 1990 to 2013 was 8%. For comparison, Washington County grew at 2.5% annually between 1990-2013.

Sherwood is attracting younger people and more households with children over time. Compared to Washington County, Sherwood has a greater number of family households (nearly 78%) (Housing Needs Analysis). 75% of the housing stock is Single-Family Residential, 17% Single-Family Attached, and 8% Multi-family. Average household size 2.89; Households w/ children under 18; 48%; Households w/ a person over 65 19% (US Census). The median household income is \$78,355. Sherwood's Largest Industries: Health care and social assistance; Manufacturing; Retail trade; Professional, scientific, management, and administrative services (Economic Opportunities Analysis).

4. Metro Council district(s) directly impacted by the project. Check all that apply:

- ☐ District 1 - Shirley Craddick
☐ District 2 - Christine Lewis
☒ District 3 - Craig Dirksen
☐ District 4 - Juan Carlos Gonzalez
☐ District 5 - Sam Chase
☐ District 6 - Bob Stacey

5. Indicate which 2040 urban design designations will be part of the focus of this project. Check all that apply.

- ☐ Central City
☐ Regional Center
☐ Town Center
☐ Neighborhood Center
☐ Station Community
☐ Main Street
☐ Corridor

✓ Urban Reserve

6. Provide a very brief summary describing the project purpose, location and desired outcomes.

Re-evaluate and update the Sherwood West preliminary concept plan (2015) utilizing goals & policies from Sherwood's updated Comprehensive Plan

Required Uploads [top](#)

Documents Requested *

Required? Attached Documents *

Project narrative: Complete the template using 11 point font. Save the document as a PDF and upload.

[Grant application template](#)

[Grant application - Final](#)

Project budget table: Complete the Budget Table using the excel template. Save the table in PDF format and upload.

[budget](#)

Letters of commitment: One required from the applicant and one from each project partner. See the grant handbook for more details.

Project location/geographic reach: Provide up to 3 pages of maps (may include text also) that shows where the project and/or participating communities are located within the region. Include project boundaries if applicable. Max. 4MB per doc

[Sherwood West map](#)

[Sherwood West-City and other UR area context](#)

Project images (optional): If desired, upload a PDF file of up to 3 pages containing photos, images or pertinent graphic material. Maximum 4MB per document.

Resolution of support: Required for Concept Planning Applications only. See grant handbook for further details.

[Resolution of support](#)

Combined Application PDF: One PDF attachment combining all application materials into one document. Maximum 4MB per document (reduce file size or split into two documents if necessary)

[Combined PDF](#)

* ZoomGrants™ is not responsible for the content of uploaded documents.

Application ID: 161330

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METRO CONTRACT 936864 - EXHIBIT C

Sherwood West Preliminary Concept Plan Re-Look Project Milestones, Deliverables, and Disbursement of Grant Funds

Project milestone and specified grant deliverables		Date Due	Progress Payment
1	Execution of grant IGA a) Preparation of project documents and negotiations b) Signed IGA document	January 31, 2021	
2	Project consultants, contract scoping and final contract a) Review and comment on consultant proposals b) Select consultant team and submit draft contract, scope, schedule and budget for review c) Establish revised milestones and deliverables d) Finalize and execute consultant contract	January 31, 2021	
3-7+	Project milestones to be determined		
8	Council hearings and action a) Project financial statement report		\$ At least 10% or 20k whichever is lower
	TOTAL GRANT FUNDS:		

APPROVED GRANT PROJECT EXPENSE DISTRIBUTION

Changes to the approved expense distribution shown at right must be approved by Metro through an amendment of this Exhibit C.	Consultant Fees	
	Payments to Project Partners	
	Direct Costs	
	Other (specify)	
	TOTAL GRANT FUNDS	

GRANT PROJECT COMPLETION REQUIREMENTS

- All grant project deliverables submitted by grantee and approved by Metro

Exhibit C

Continued

- Final financial report submitted and backup documentation retained on file as appropriate
- Final reporting on grant performance measures submitted and approved by Metro

City Council Meeting Date: January 5, 2021

Agenda Item: Public Hearing (*First Reading*)

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:

This ordinance was first on the City Council agenda for September 1, 2020. At the request of the applicant, City Council has continued the first reading of the ordinance several times. Most recently, City Council continued the first reading to a date certain of January 5, 2021. The continuances were intended to allow the property owner to review and discuss access and right-of-way alternatives for SW Oregon Street and SW Tonquin Court. Although the application is now being considered in 2021, the ordinance number was originally assigned in 2020 and is therefore identified as Ordinance 2020-008.

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.

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 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.

To date the City has approved four (4) annexations in the TEA totaling approximately 161 acres. Approval of the subject application will result in approximately 173 acres or 58% of land in the TEA having been annexed into the City of Sherwood.

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 respectfully recommends the City Council hold the first public hearing on Ordinance 2020-008 and approve annexation of 10.90 acres to the City of Sherwood and 10.50 acres to Clean Water Services. A second reading is scheduled for January 19, 2021.

Exhibits:

1. Staff Report and Exhibits for LU 2020-010 Polley Annexation

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 cooperative 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.

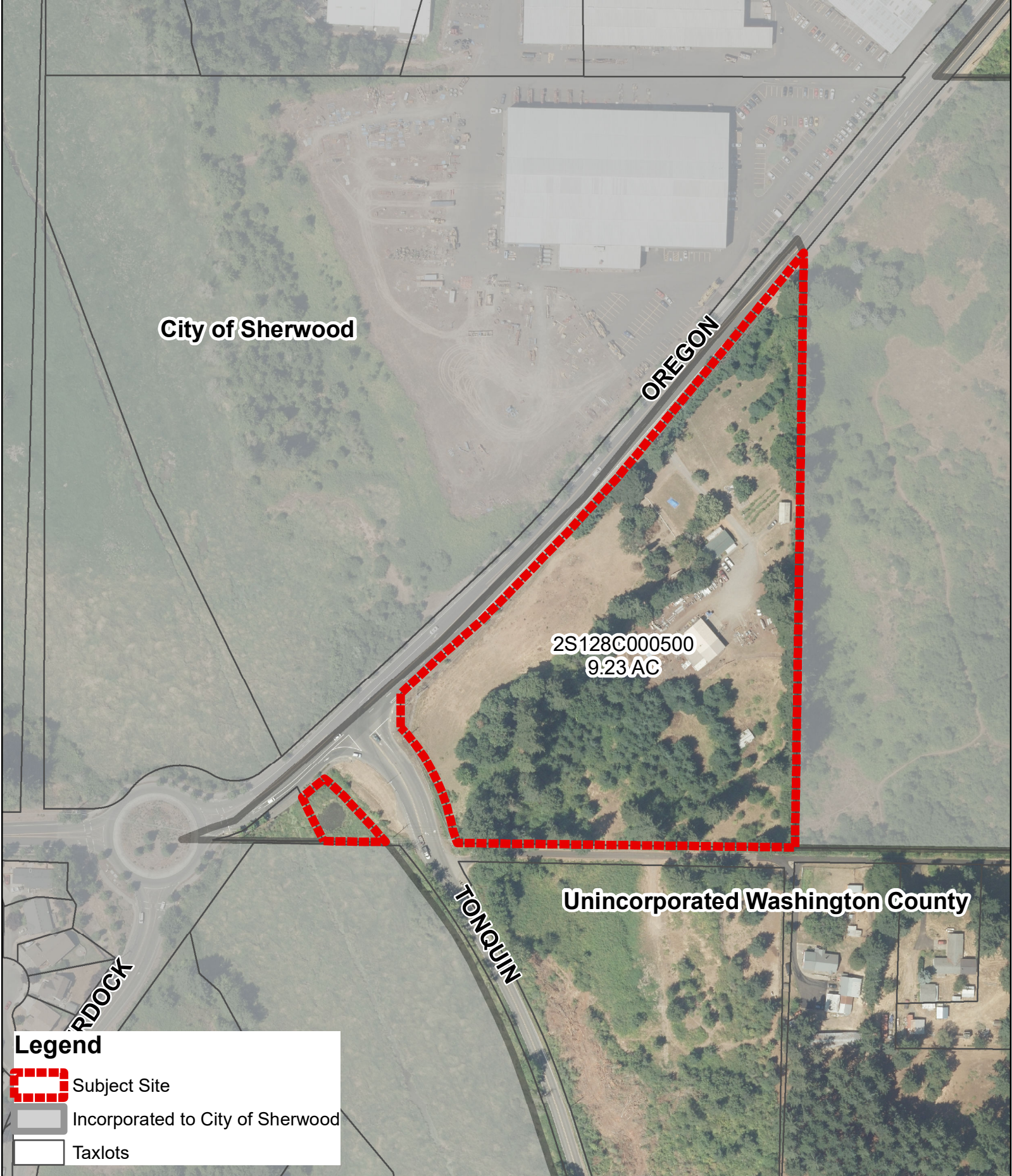
The property is currently zoned FD-20 under Washington County and once annexed, will be zoned EI under the City of Sherwood.

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



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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Mike Kalina

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

RENEWS: 6/30/21

ANNEXATION CERTIFIED

BY 

JUN 15 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY

EXHIBIT B

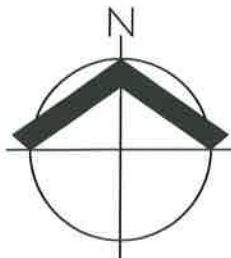
A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28,
T2S, R1W, W.M., WASHINGTON COUNTY, OREGON

ANNEXATION CERTIFIED

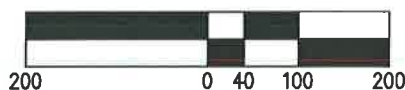
BY VF

JUN 15 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY



SCALE: 1" = 200 FEET

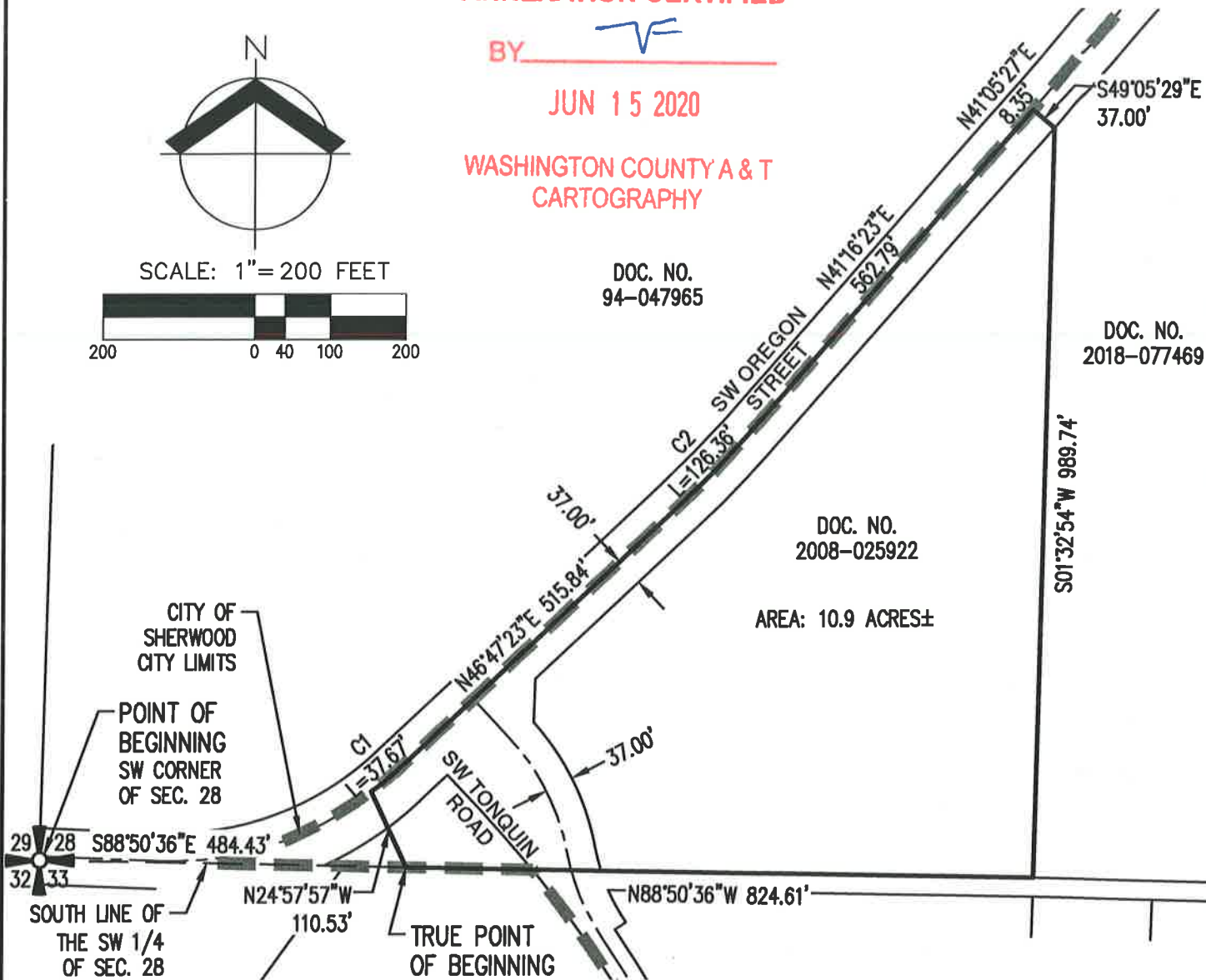


DOC. NO.
94-047965

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

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

WASHINGTON COUNTY OREGON

SEE MAP
2S I 28BC

SEE MAP
2S 1 28BD

SEE MAP
2S I 29D

SEE MAP.
2S 1 28D

FOR ASSESSMENT
PURPOSES ONLY
DO NOT RELY ON
FOR ANY OTHER USE

SEE MAP
2S | 33

SHERWOOD
2S 1 28C



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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 $88^{\circ}50'36''$ 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 $50^{\circ}32'27''$ West) with a Radius of 1412.56 feet, Delta of $04^{\circ}10'05''$, Length of 102.76 feet, and a Chord of North $41^{\circ}32'35''$ West 102.74 feet; thence continuing along said southwesterly right-of-way line and said boundary line and the northwesterly extension thereof, North $43^{\circ}37'37''$ West 116.00 feet to the centerline of SW Oregon Street; thence along said centerline and continuing along said boundary line, North $46^{\circ}47'23''$ 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 $05^{\circ}31'00''$, Length of 126.36 feet, and a Chord of North $44^{\circ}01'53''$ East 126.31 feet; thence North $41^{\circ}16'23''$ East 562.79 feet; thence North $41^{\circ}05'27''$ East 8.35 feet; thence leaving said centerline and continuing along said boundary line, South $49^{\circ}05'29''$ East 37.00 feet to the northeast corner of Document Number 2008-025922; thence along the east line of said Deed, South $01^{\circ}32'54''$ 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 $88^{\circ}50'36''$ 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 

JUN 15 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY

EXHIBIT B

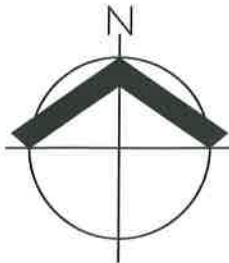
A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28,
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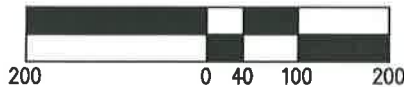
BY VF

JUN 15 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY



SCALE: 1" = 200 FEET

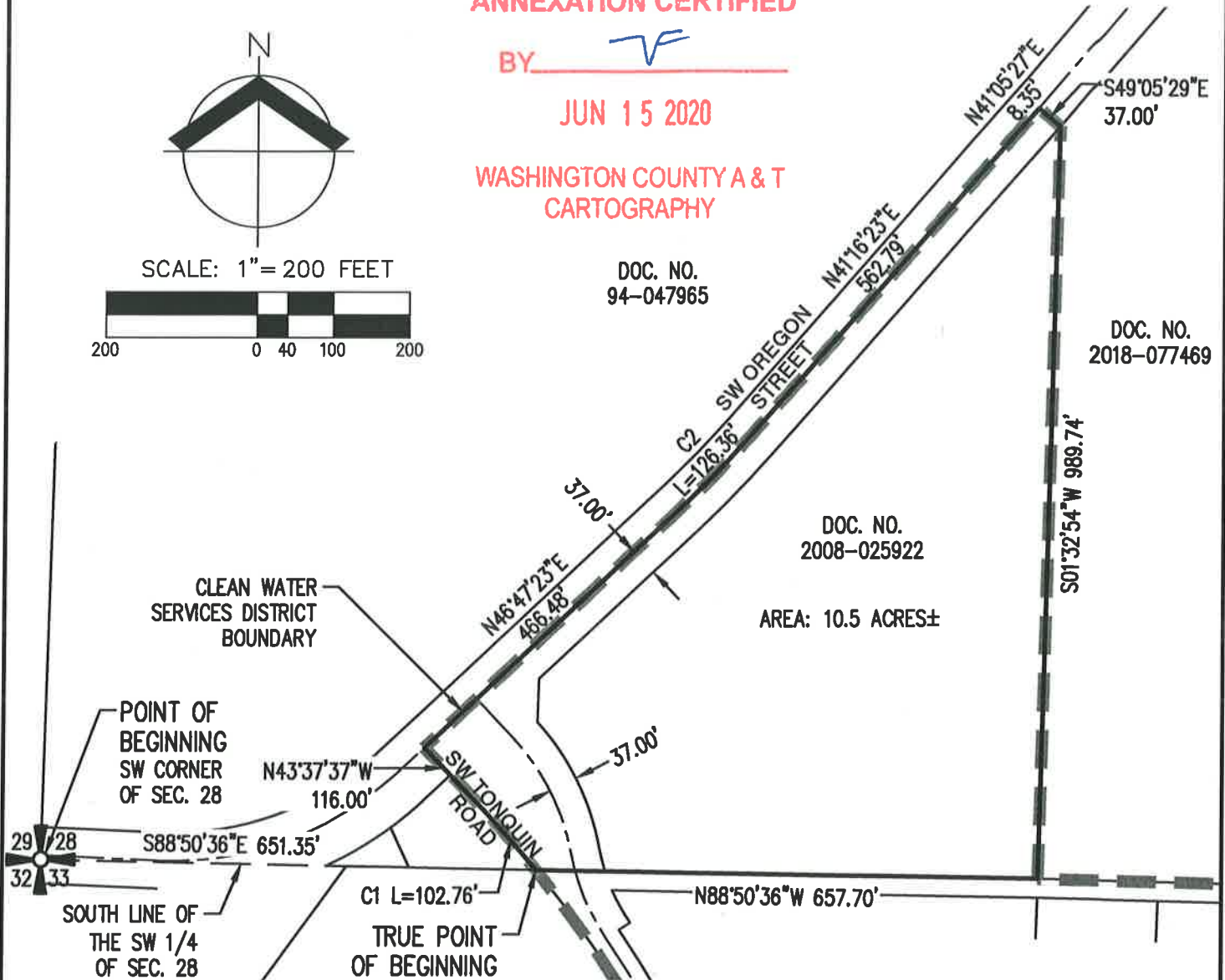


DOC. NO.
94-047965

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
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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

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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

WASHINGTON COUNTY OREGON

SEE MAP
2S I 28BC

SEE MAP
2S 1 28BD

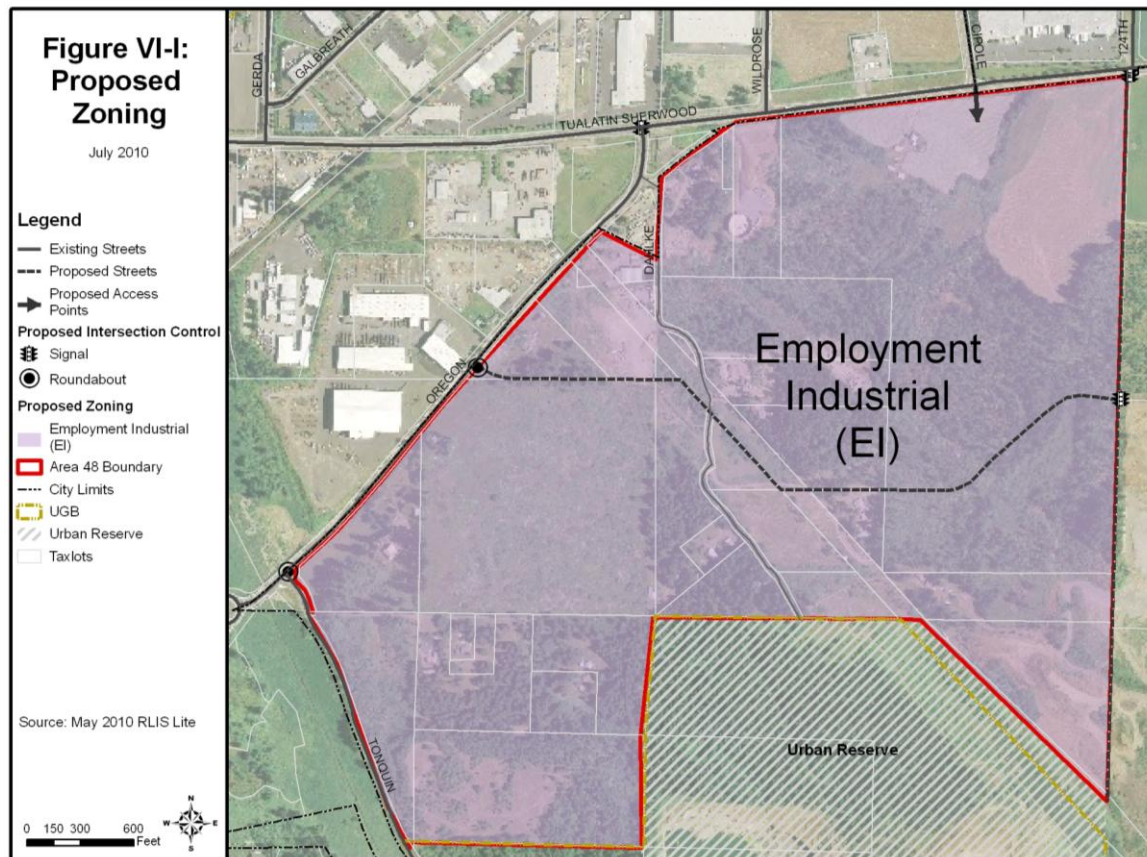
SEE MAP
2S 1 29D

SEE MAP.
2S 1 28D

FOR ASSESSMENT
PURPOSES ONLY
DO NOT RELY ON
FOR ANY OTHER USE

SEE MAP
2S 1 33

SHERWOOD
2S 1 28C

Figure VI-1: Proposed Zoning

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.*

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

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.

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>; jerosse@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](#)

[Intermap.](#)

- **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
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Boundary Change Preliminary Review

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 site's 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.

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

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).

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

- 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

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

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

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

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 | ☐ Conditional Use |
| ☐ Plan Amendment (Proposed Zone _____) | ☐ Partition (# of lots _____) |
| ☐ Planned Unit Development | ☐ Subdivision (# of lots _____) |
| ☐ Site Plan (square footage of building and parking area) | ☐ Other: _____ |
| ☐ 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: <u>Mimi Doukas, AICP, RLA</u>	Phone: <u>503-563-6151</u>
Applicant Address: <u>12965 SW Herman Road, Suite 100, Tualatin, OR 97062</u>	Email: <u>mimid@aks-eng.com</u>
Owner: <u>Bruce and Karen Polley</u>	Phone: <u>Please contact owner's representative</u>
Owner Address: <u>PO Box 1489, Sherwood, OR 97140</u>	Email: <u>Please contact owner's representative</u>
Contact for Additional Information: <u>Mimi Doukas, AICP, RLA - AKS Engineering & Forestry, LLC</u>	

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

LAND USE APPLICATION FORM

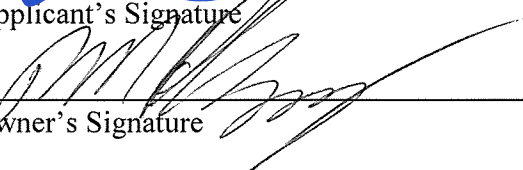
Authorizing Signatures:

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



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

SW1/4 SECTION 28 T2S R1W W.M.

WASHINGTON COUNTY OREGON

SCALE 1"=200'

2S | 28C

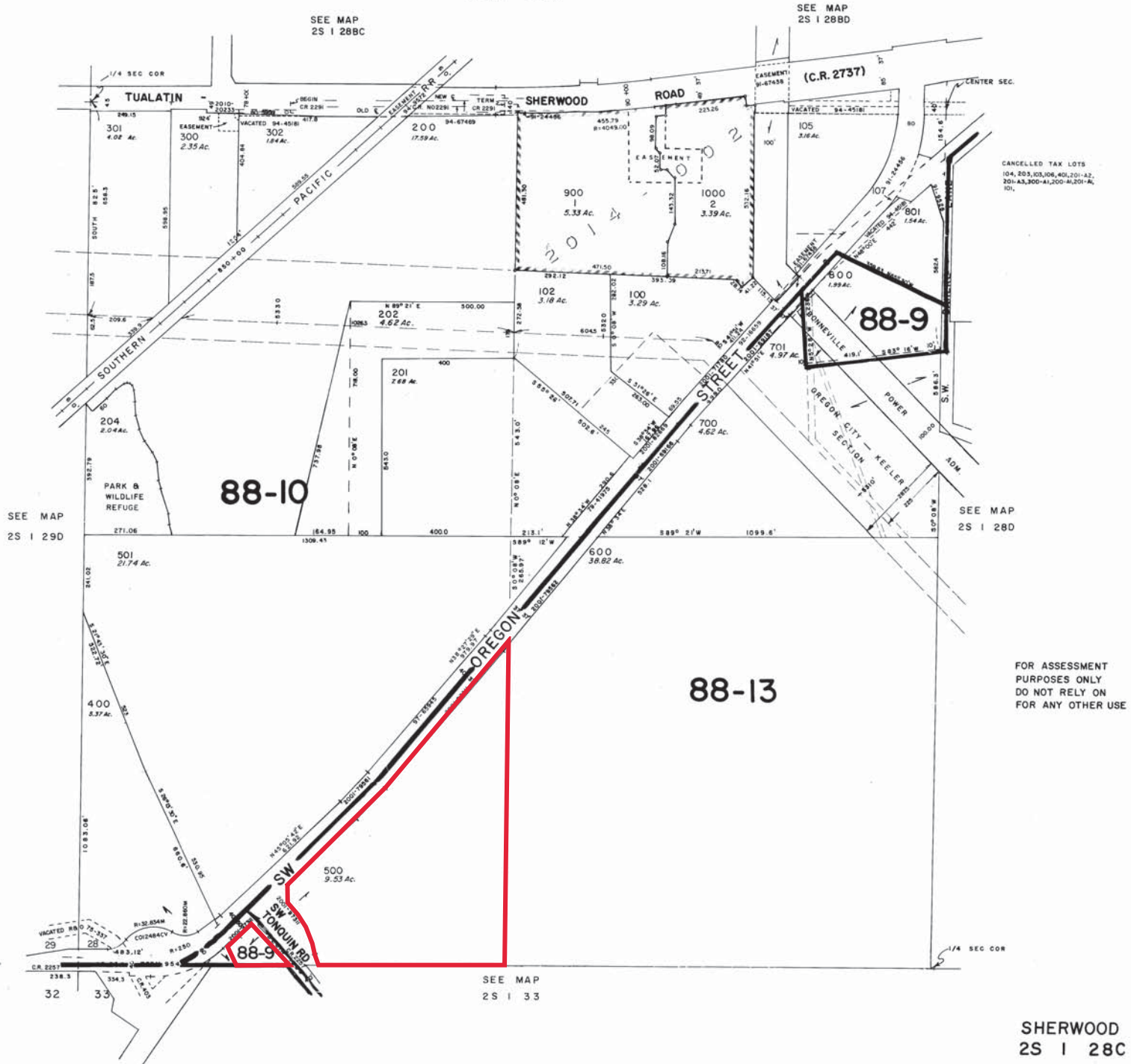


Exhibit C: Legal Description and Map



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

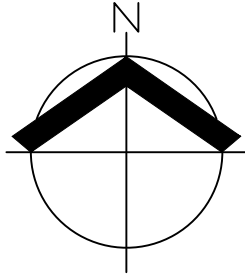
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

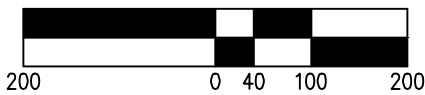
RENEWS: 6/30/21

EXHIBIT B

A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28,
T2S, R1W, W.M., WASHINGTON COUNTY, OREGON



SCALE: 1"=200 FEET

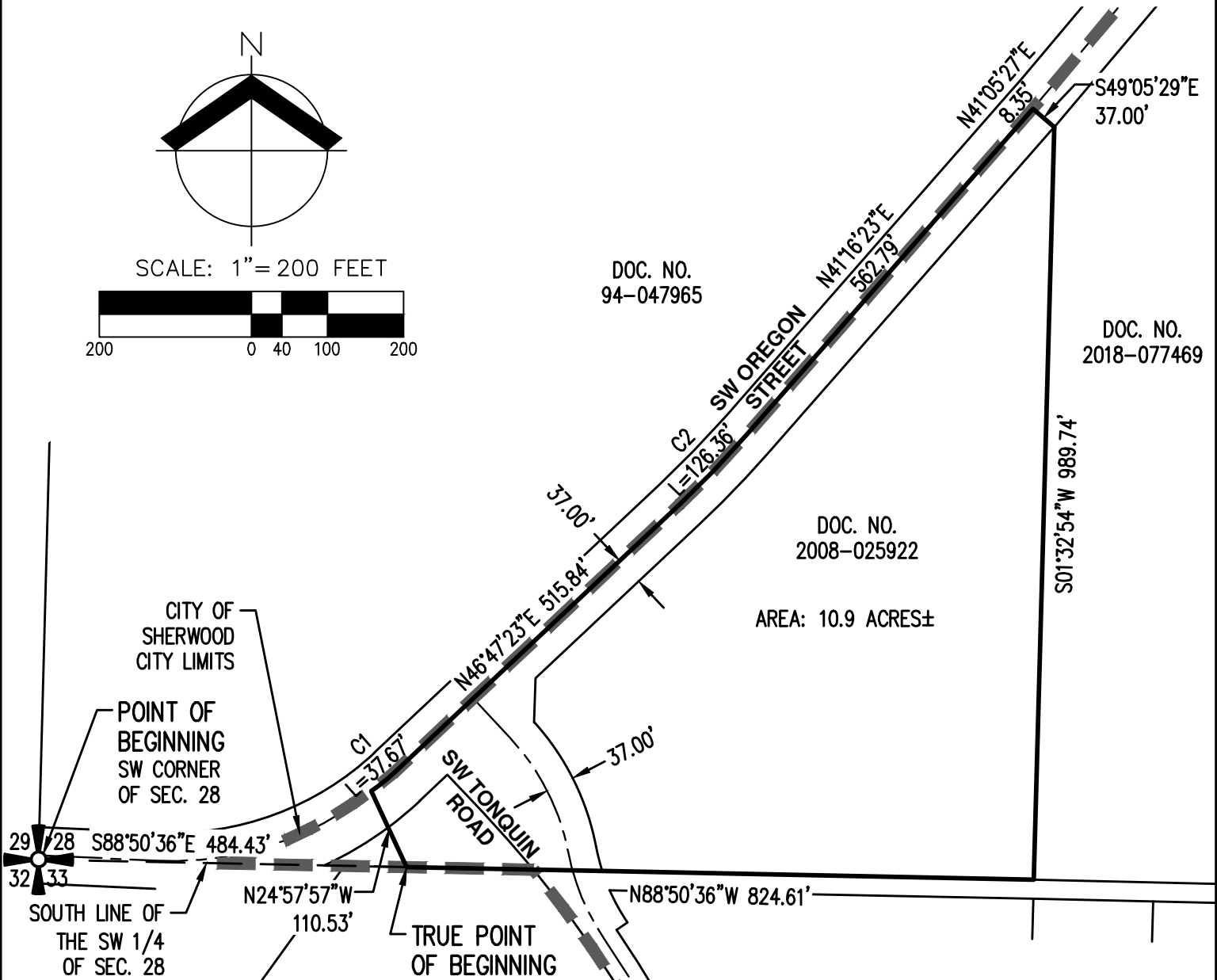


DOC. NO.
94-047965

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:
107971

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:

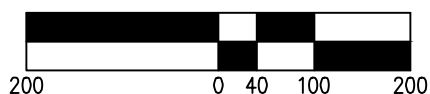
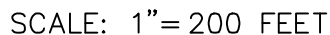
Beginning at the southwest corner of said Section 28; thence along the south line of said Southwest One-Quarter of Section 28, South 88°50'36" East 651.35 feet to the southwesterly right-of-way line of SW Tonquin Road (variable width right-of-way) and the Clean Water Services district boundary line and 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***Mike Kalina***OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS****RENEWS: 6/30/21**

A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28,
T2S, R1W, W.M., WASHINGTON COUNTY, OREGON



DOC. NO.
2018-077469

DOC. NO.
2008-025922

AREA: 10.5 ACRES±

CLEAN WATER
SERVICES DISTRICT
BOUNDARY

POINT OF
BEGINNING
SW CORNER
OF SEC. 28

~~N43°37'37"W~~
~~116.00'~~

29 28 S88°50'36"E 651.35
32 33

SOUTH LINE OF
THE SW 1/4
OF SEC. 28

TRUE POINT
OF BEGINNING

-N88°50'36"W 657.70'

06/09/2020

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

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:
10971

DWG: 7971 ANNEX-CWS | EXHIBIT

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.

- 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.

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.

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



We, the undersigned owner(s) of the property described in **Attachment A** and/or elector(s) residing at the referenced location(s), hereby petition for, and give consent to, Annexation of said property to the City of Sherwood.

[illegible]

NOTE: This petition may be signed by any qualified persons even though they may not know their property description or precinct number.

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 CARTOGRAPHY
COUNTY OF WASHINGTON
DATE 6/15/20

ANNEXATION CERTIFIED

BY VF

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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Mike Kalina

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

RENEWS: 6/30/21

ANNEXATION CERTIFIED

BY 

JUN 15 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY

EXHIBIT B

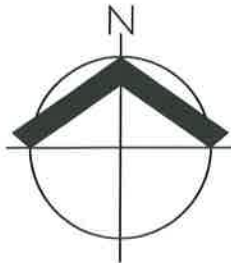
A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28,
T2S, R1W, W.M., WASHINGTON COUNTY, OREGON

ANNEXATION CERTIFIED

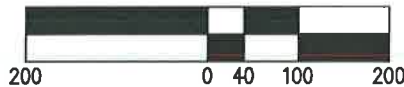
BY VF

JUN 15 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY



SCALE: 1" = 200 FEET

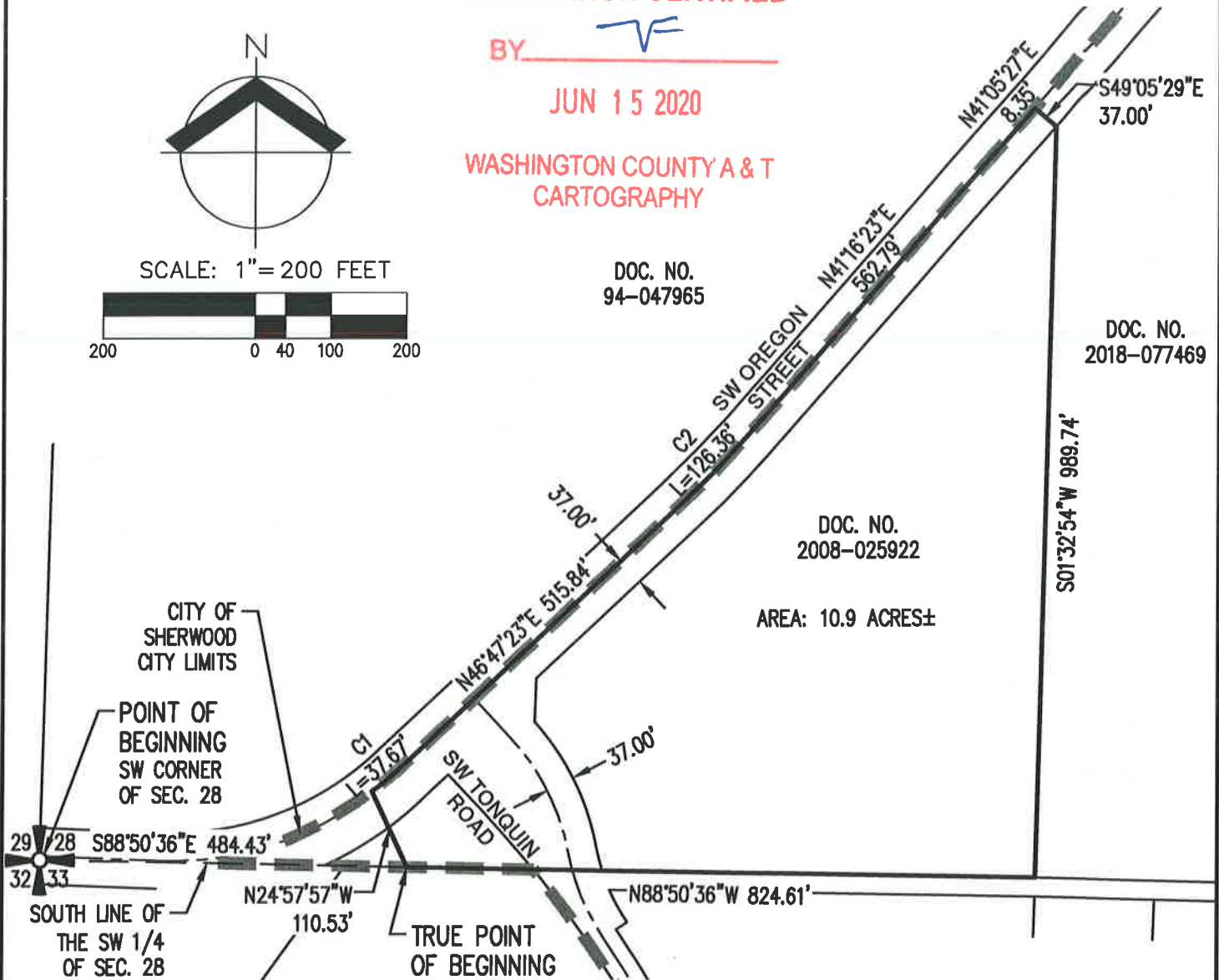


DOC. NO.
94-047965

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

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

WASHINGTON COUNTY OREGON

SEE MAP
2S I 28BC

SEE MAP
2S 1 28BD

SEE MAP
2S I 29D

SEE MAP.
2S 1 28D

FOR ASSESSMENT
PURPOSES ONLY
DO NOT RELY ON
FOR ANY OTHER USE

SEE MAP
25 1 33

SHERWOOD
2S 1 28C



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 $88^{\circ}50'36''$ 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 $50^{\circ}32'27''$ West) with a Radius of 1412.56 feet, Delta of $04^{\circ}10'05''$, Length of 102.76 feet, and a Chord of North $41^{\circ}32'35''$ West 102.74 feet; thence continuing along said southwesterly right-of-way line and said boundary line and the northwesterly extension thereof, North $43^{\circ}37'37''$ West 116.00 feet to the centerline of SW Oregon Street; thence along said centerline and continuing along said boundary line, North $46^{\circ}47'23''$ 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 $05^{\circ}31'00''$, Length of 126.36 feet, and a Chord of North $44^{\circ}01'53''$ East 126.31 feet; thence North $41^{\circ}16'23''$ East 562.79 feet; thence North $41^{\circ}05'27''$ East 8.35 feet; thence leaving said centerline and continuing along said boundary line, South $49^{\circ}05'29''$ East 37.00 feet to the northeast corner of Document Number 2008-025922; thence along the east line of said Deed, South $01^{\circ}32'54''$ 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 $88^{\circ}50'36''$ 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 

JUN 15 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY

EXHIBIT B

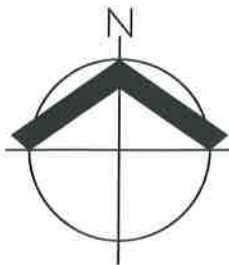
A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28,
T2S, R1W, W.M., WASHINGTON COUNTY, OREGON

ANNEXATION CERTIFIED

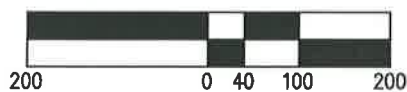
BY VF

JUN 15 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY



SCALE: 1" = 200 FEET

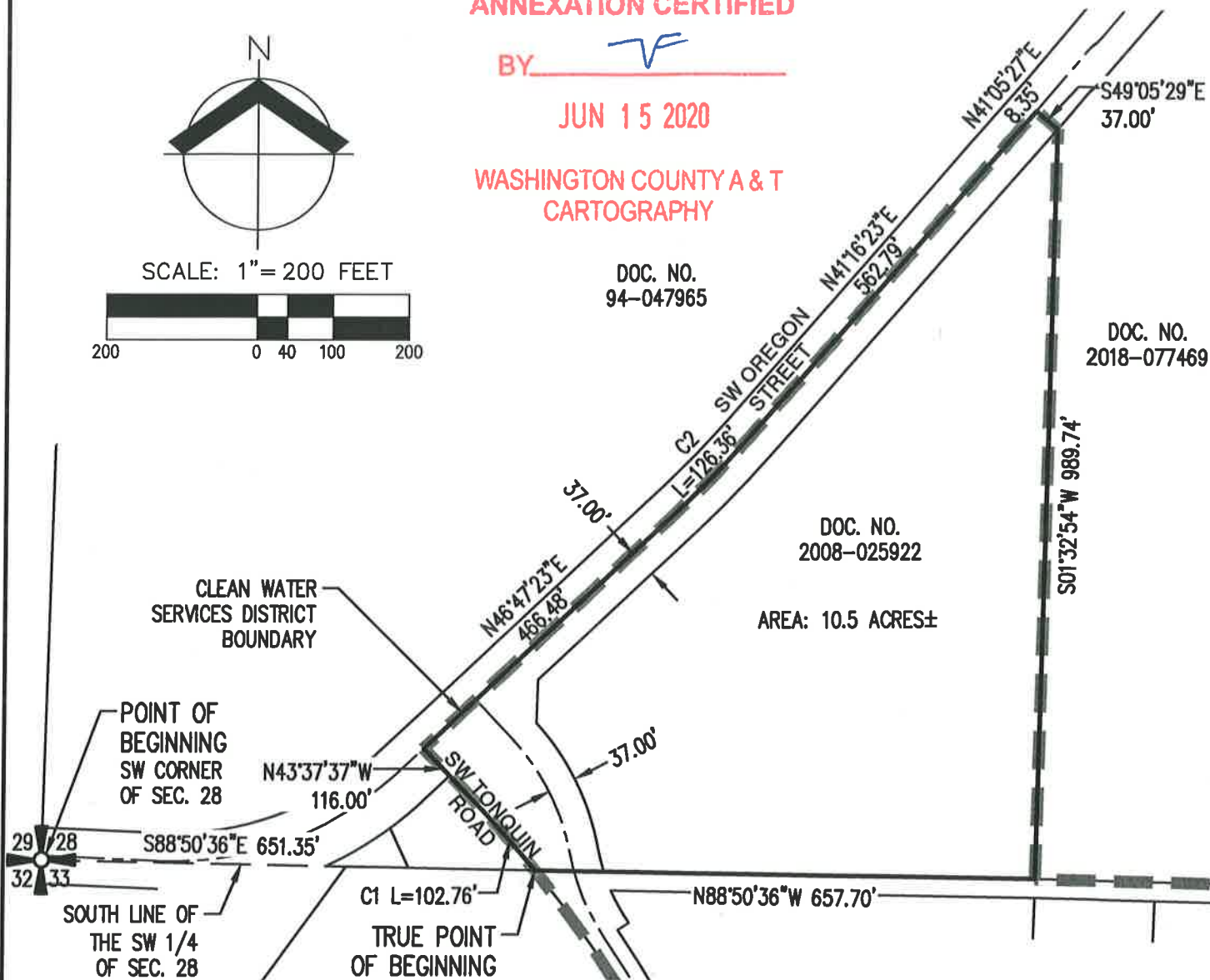


DOC. NO.
94-047965

DOC. NO.
2018-077469

DOC. NO.
2008-025922

AREA: 10.5 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:

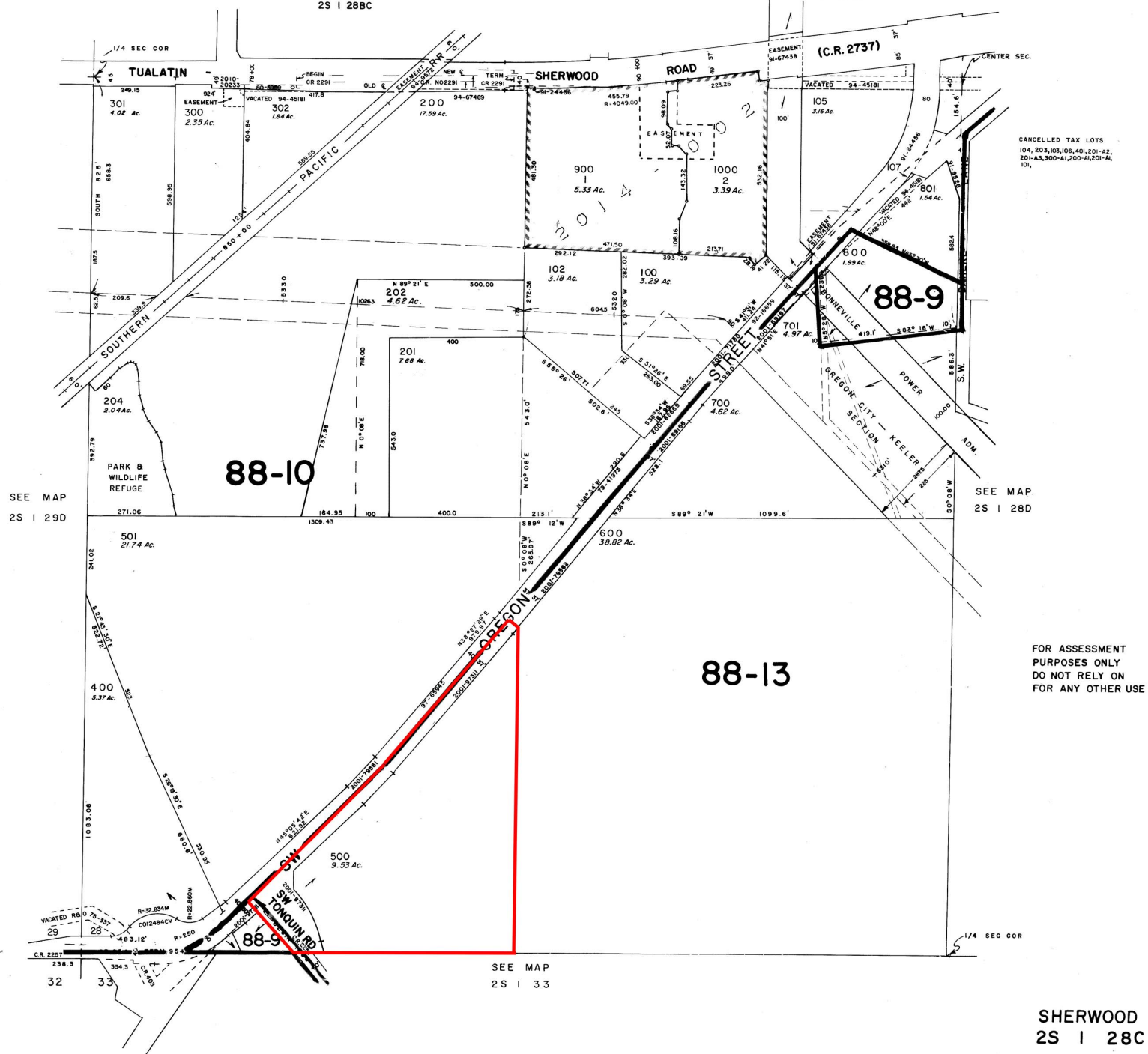
7971

129

SCALE 1" = 200'

2S | 28C

SEE MAP
2S 1 28BD



SHERWOOD
2S 1 28C

Exhibit I: Ownership Information



First American

First American Title Insurance Company

121 SW Morrison Street, Suite 300
Portland, OR 97204
Phn - (503)222-3651 (800)929-3651
Fax - (877)242-3513

**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.

EXHIBIT "A"
(Land Description Map Tax and Account)

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.

NOTE: This Legal Description was created prior to January 01, 2008.

Map No.: 2S128C-00500
Tax Account No.: R1492192 and R547466

EXHIBIT "B"
(Vesting)

Bruce D. Polley and Karen M. Polley, as tenants by the entirety

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.

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:

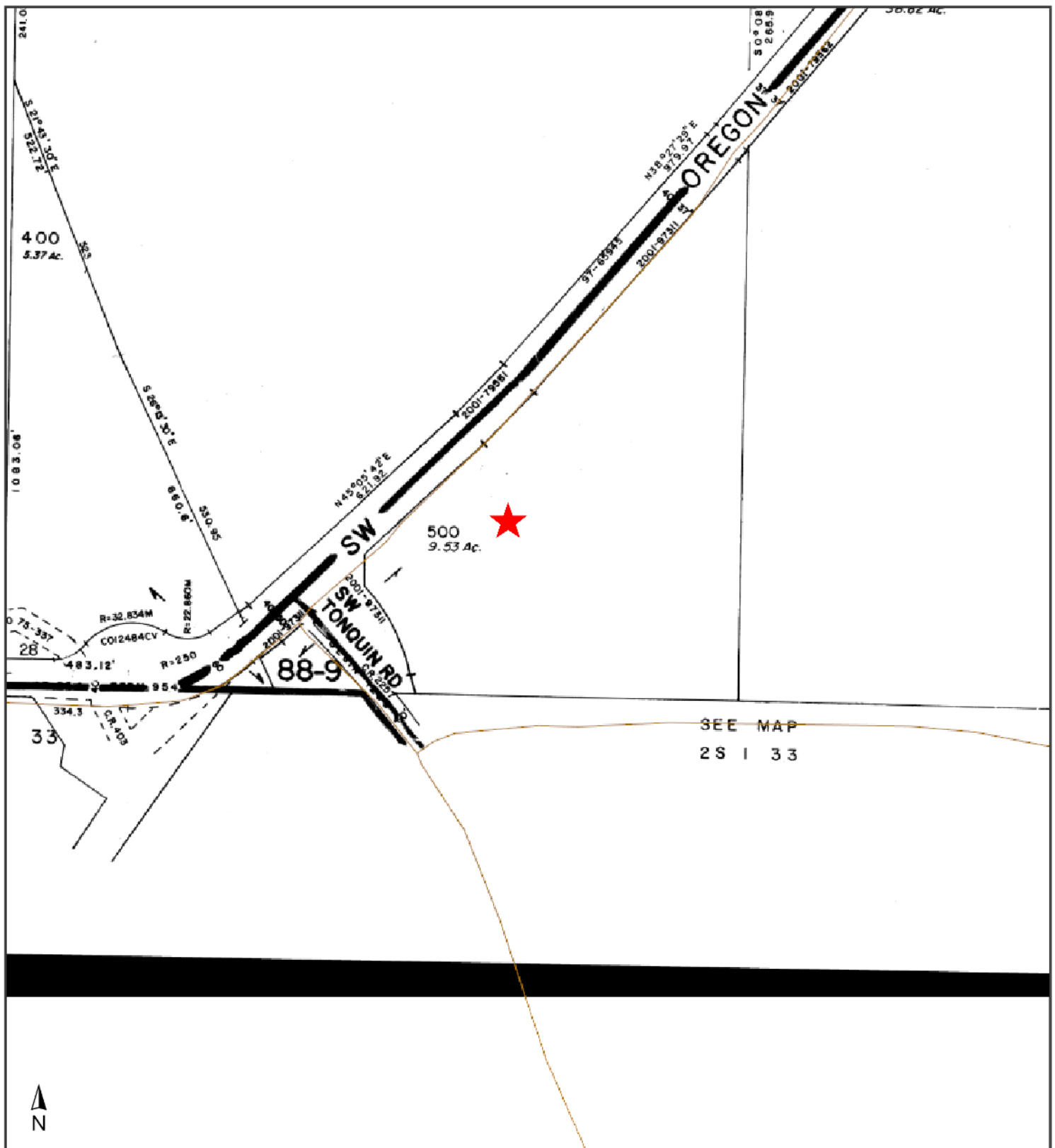
Thank you for your business!

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



First American Title™

ParcelID: R1492192

**21720 SW Oregon St
Sherwood, OR 97140**

This map/plot 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 Cereghino & Gladys Cereghino,

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 213 and Book 158 on Page 191, Dead 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 234.04 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 lay, build or fall all growing and dead trees and snags (said trees and snags here-
 inafter 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 appurte-
 nances as are necessary therein, 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 compensa-
 tion for all damages incidental to the exercise of any of said easements, loss of growing crops on right of way during con-
 struction, for guys and anchors extending beyond the right of way and danger trees rights, except payment for any addi-
 tional 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 cut 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 easement to be executed this 3 day of

April, 1967

John Cereghino (SEAL)

Gladys Cereghino (SEAL)

(SEAL)

(SEAL)

BOOK 416 PAGE 167

7798-2

STATE OF OREGON

County of Washington

On this 2 day of April, 1962, before me, the undersigned, a Notary Public in and for said County and State, personally appeared John Caraghine and Gladys Caraghine

to me known to be the individuals described in and who 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.

My commission expires:

My Commission Expires Aug. 1, 1962

BOOK 416 PAGE 168

STATE OF OREGON

County of

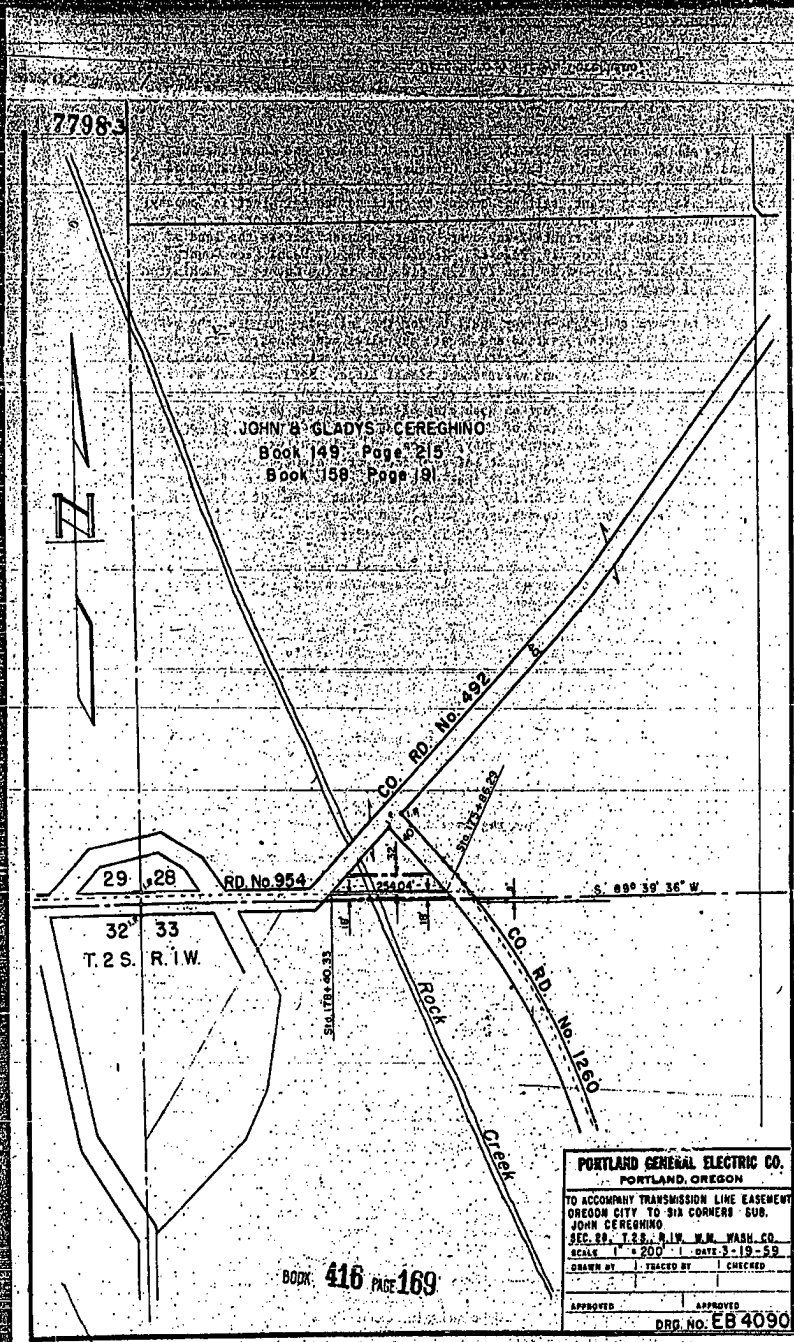
On this day of 1962, before me, the undersigned, a Notary Public in and for said County and State, personally appeared

to me known to be the individuals described in and who 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.

My commission expires:

Notary Public for Oregon



329

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, hereby grant 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, suc-
cessors 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 appurtenant 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, S., 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 S. has caused this instrument to be executed this 18th day of

September, 1953

Witnesses:

John Cereghino (SEAL)
Gladys Cereghino (SEAL)
(SEAL)
(SEAL)
(SEAL)

Approved:
General Mgr. Manager or Supl. of Distribution

Approved as to description:

Notarary

Approved:

STATE OF OREGON.

County of Washington

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 CERRICHINO

(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 aforesaid.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this, the day and year in this instrument first written.

Notary Public for Oregon.

My commission expires

Sept. 20, 1953



STATE OF OREGON.

County of

On this day of 19 before me, the undersigned, a Notary Public

In and for said County and State, personally appeared

Filed for record, September 10, 1953, A.M.
B. N. TORRES, Notary Public
By

Washington County, Oregon

2008-025922

03/24/2008 02:58:44 PM

D-DW

Cnt=1 Stn=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

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 ①, 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
 Allen J. Christopher

Shirley M. Christopher
 Shirley M. Christopher

STATE OF OREGON, County of Grant) ss.

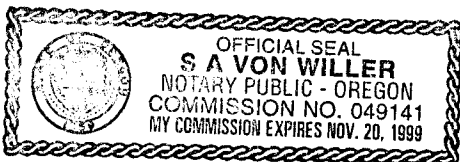
This instrument was acknowledged before me on February 2, 1996,
 by Allen J. Christopher and Shirley M. Christopher

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

Grantee's Name and Address

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/instru-
 ment/microfilm/reception No.,
 Record of Deeds of said County.

Witness my hand and seal of
 County affixed.

NAME TITLE
 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

After recording, please return to:

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

WASHINGTON COUNTY 2001-097311



DEDICATION DEED

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.

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

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.

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DJE 07/26/01

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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.

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.



K. 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: James A. Bauer

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

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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

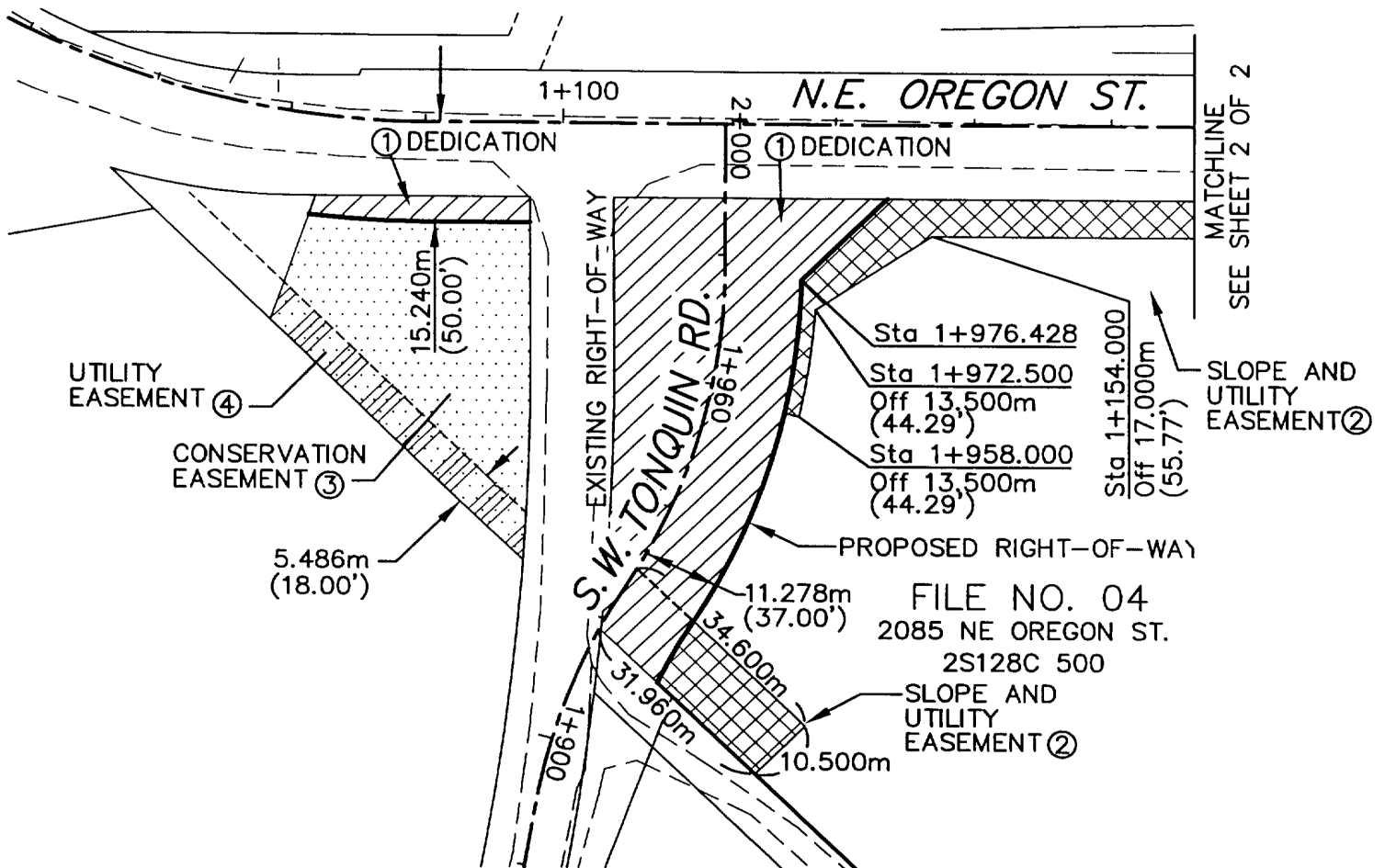
PNS,DEA Inc.
5/14/01

PNS:ljg

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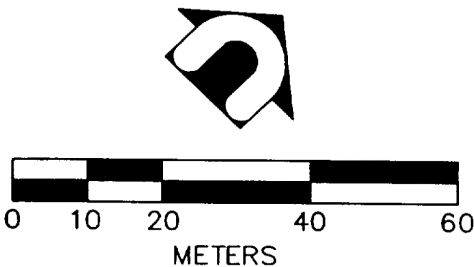
Page 6 of 6

9



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

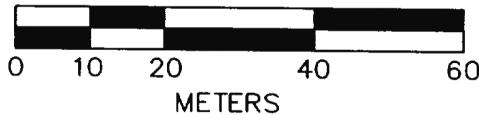
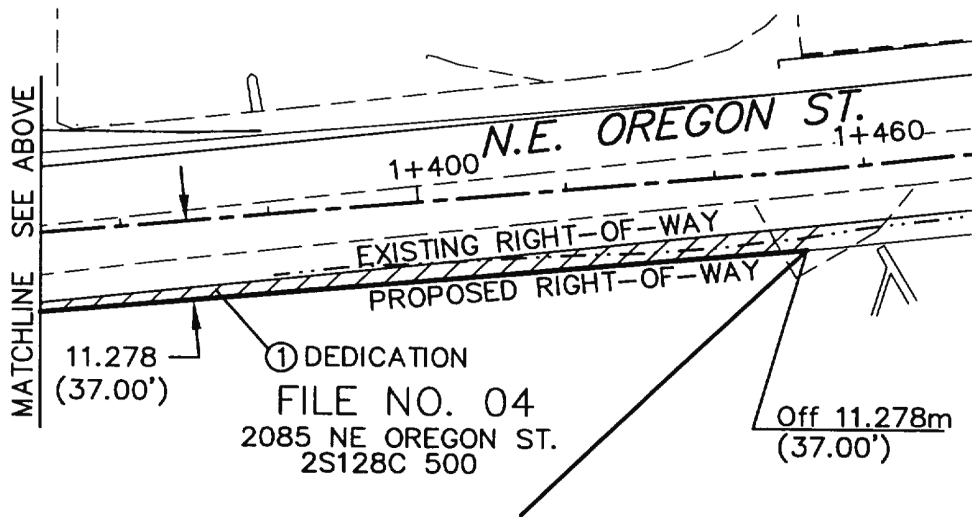
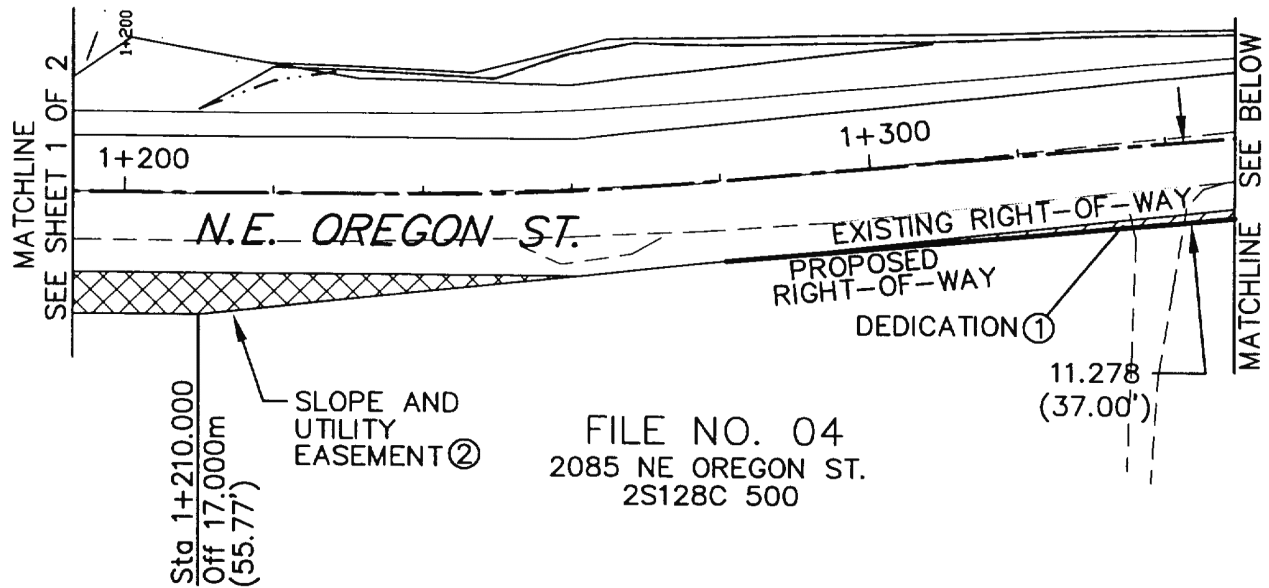
EXHIBIT B

Washington County Project No. 2551

DWG. REF.	DEA PROJECT NO.	AMENDMENT NO.
WPW84SEM51-04	WPWX0000-0084	1.0
DRAWN BY	DESIGN BY	APPROVED BY
JHL / TAS	PNS	PNS
		DATE
		07/25/01

**1
of
2**

10



PROJECT

N.E. OREGON STREET

SHEET

EXHIBIT B

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

**2
of
2**

//

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

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
Washington County Land Use A-Engrossed Ordinance No. 821
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

Agreement amended by
Washington County Land Use A-Engrossed Ordinance No. 821
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
Washington County Land Use A-Engrossed Ordinance No. 821
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
Washington County Land Use A-Engrossed Ordinance No. 821
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.

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

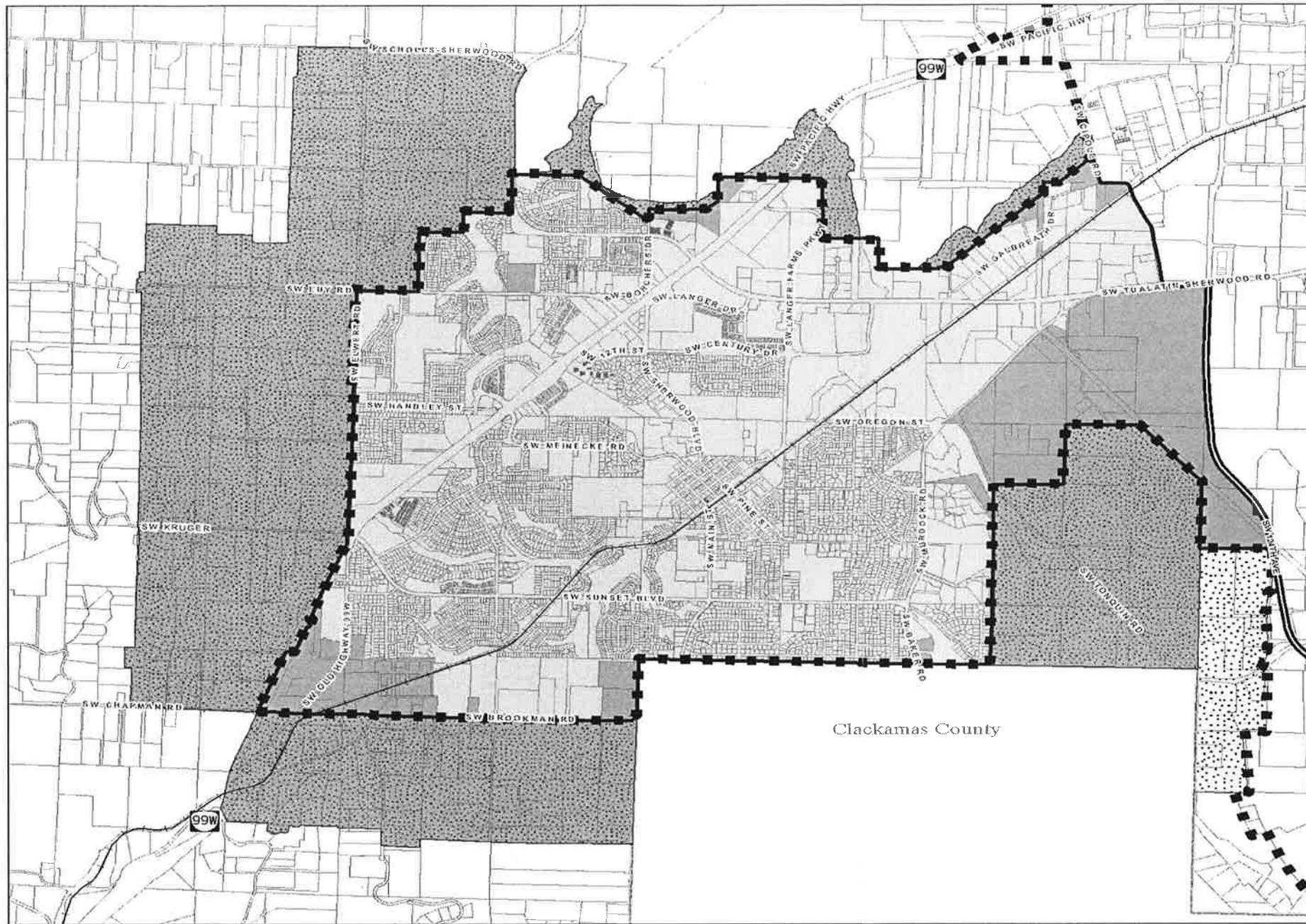
WASHINGTON COUNTY

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



J:\Workgroups\GIS\Planning\Uon\PROJECTS\2017_P\Projects\UPAA\Sherwood_UPAA_VER_01.mxd

City of Sherwood
 Urban Planning Area
 Washington County - Sherwood
 Urban Planning Area Agreement
 Exhibit A

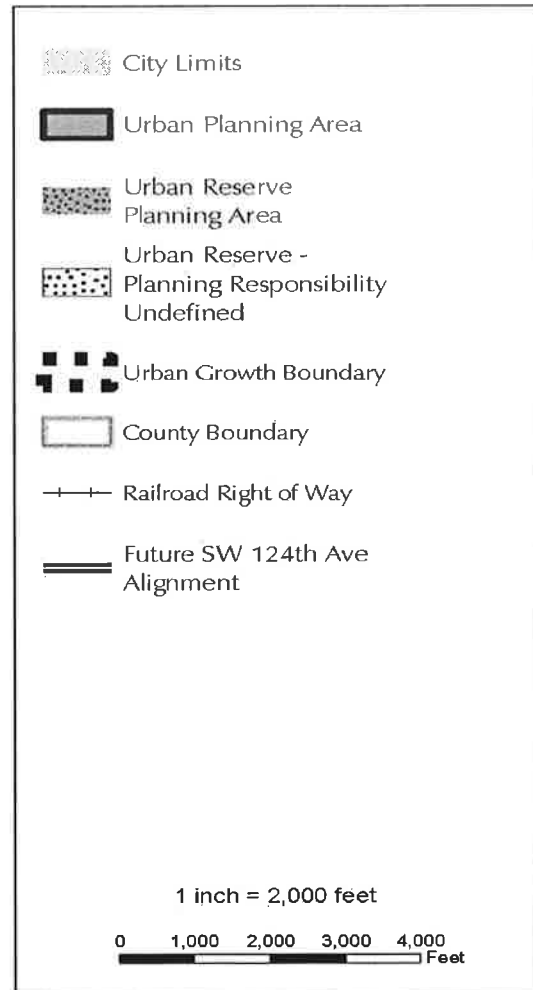


Exhibit L: Public Notice Information

2S128C0-00100
Pride Properties Investments Llc
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

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-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
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

2S13300-00200
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

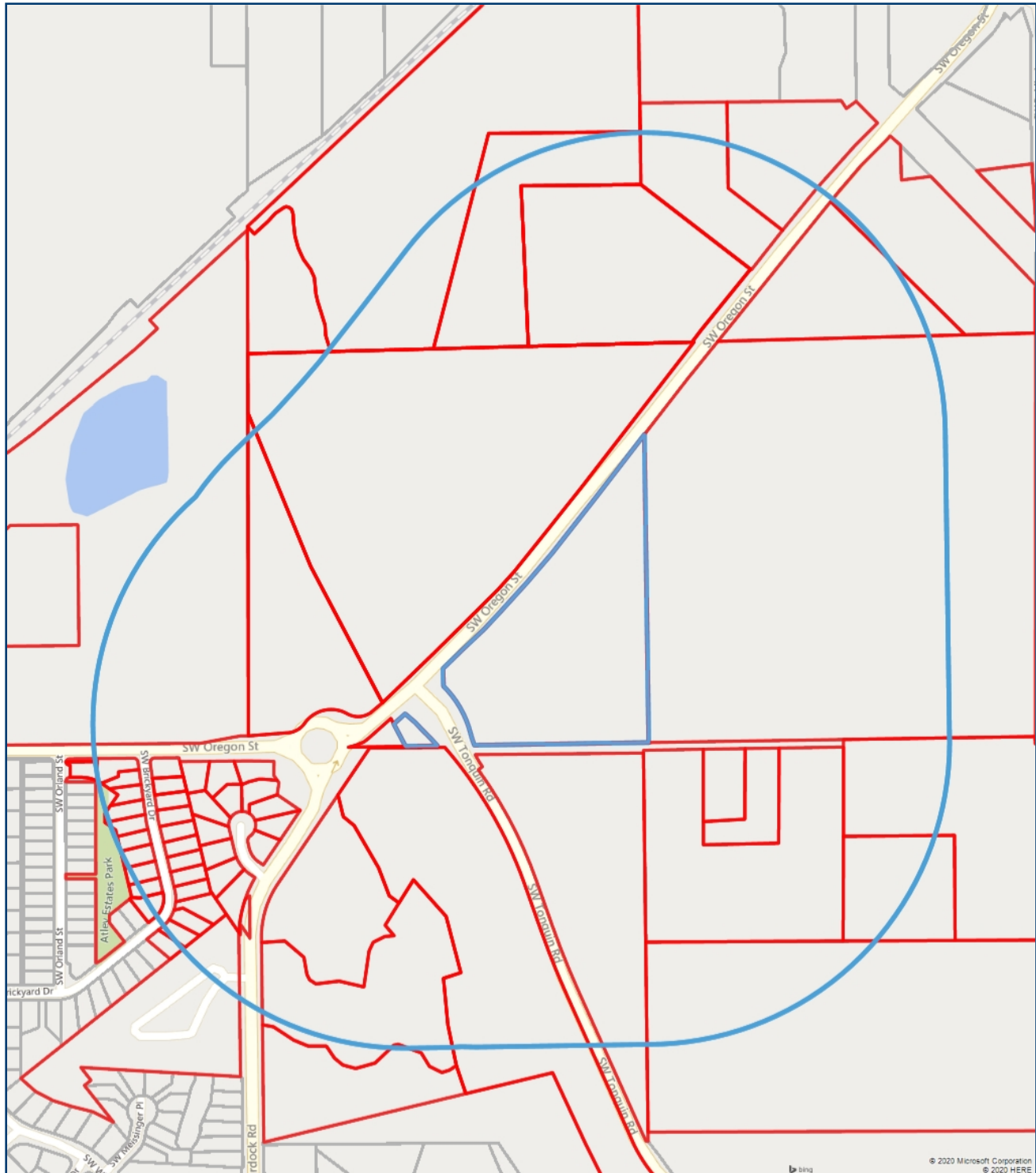
2S133BB-00300
Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S133BB-00400
United States Of America Dept Of
911 NE 11th Ave
Portland, OR 97232

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 January 5, 2021, 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 5th of January, 2021.

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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Mike Kalina

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

RENEWS: 6/30/21

ANNEXATION CERTIFIED

BY 

JUN 15 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY

EXHIBIT B

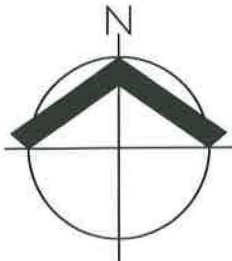
A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28,
T2S, R1W, W.M., WASHINGTON COUNTY, OREGON

ANNEXATION CERTIFIED

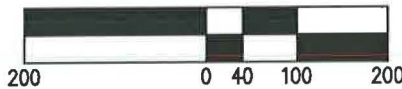
BY VF

JUN 15 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY



SCALE: 1" = 200 FEET

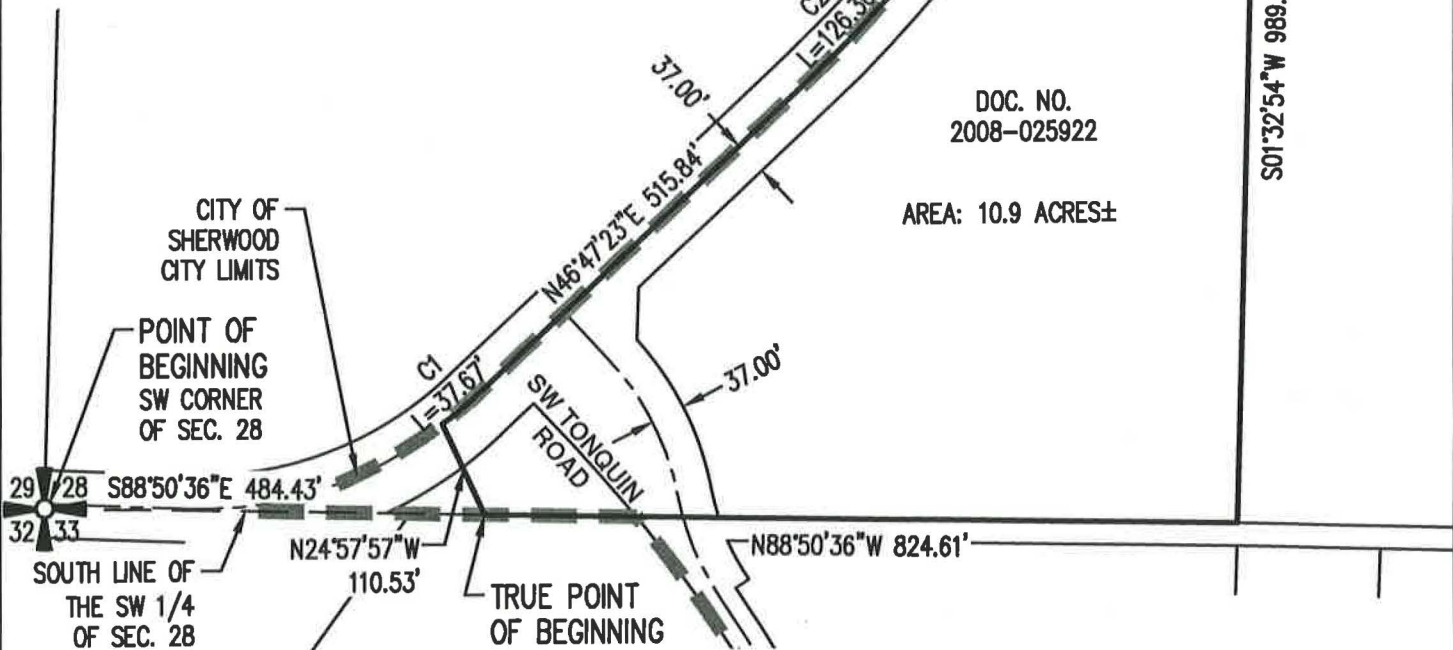


DOC. NO.
94-047965

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

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



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 

JUN 15 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY

Exhibit D

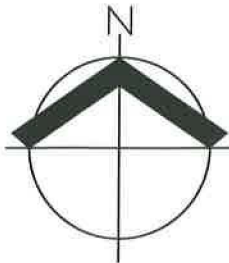
A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28,
T2S, R1W, W.M., WASHINGTON COUNTY, OREGON

ANNEXATION CERTIFIED

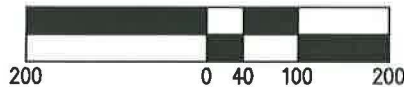
BY 

JUN 15 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY



SCALE: 1" = 200 FEET

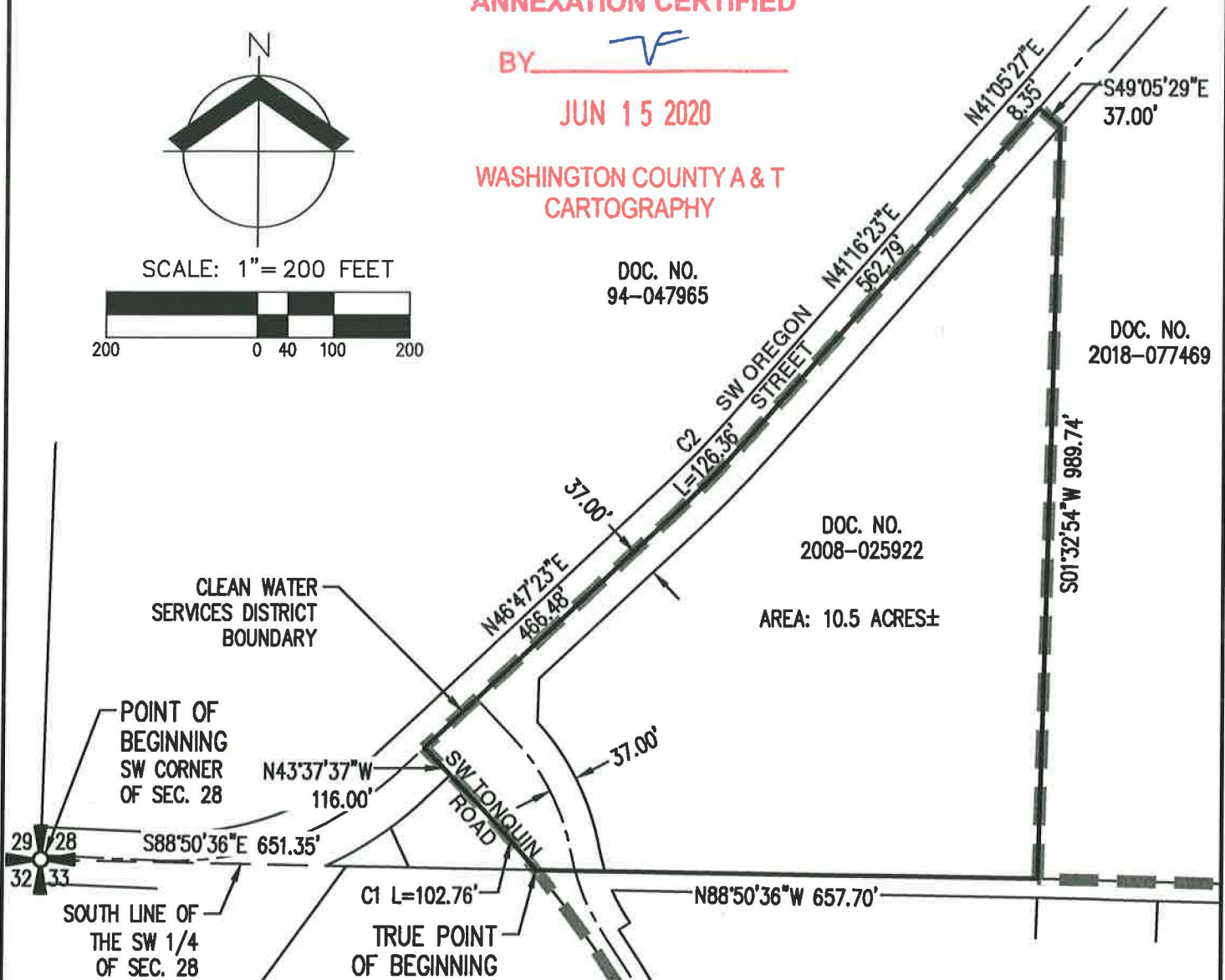


DOC. NO.
94-047965

DOC. NO.
2018-077469

DOC. NO.
2008-025922

AREA: 10.5 ACRES±



06/09/2020

REGISTERED
PROFESSIONAL
LAND SURVEYOR



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