



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, March 15, 2022

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

6:00 pm Work Session

7:00 pm City Council Regular Meeting

AMENDED AGENDA



Home of the Tualatin River National Wildlife Refuge

6:00 PM WORK SESSION

- 1. DLCD Rule Making Presentation**
(Keith Campbell, 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 March 1, 2022 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
 - B. Resolution 2022-016, Authorizing the City Manager to Purchase a Truck Mounted Sewer and Catch Basin Cleaner** (Craig Sheldon, Public Works Director)
 - C. Resolution 2022-017, Authorizing City Manager to enter into a contract with North Sky Communications, LLC for the construction of a portion of the Fiber to the Home Project for Sherwood Broadband** (Craig Sheldon, Public Works Director)
- 6. CITIZEN COMMENTS**
- 7. PRESENTATIONS**
 - A. Sherwood Police Department Reaccreditation OAA Presentation** (Ty Hanlon, Police Chief)
 - B. Pedestrian Bridge Update** (Bob Galati, City Engineer)
- 8. PUBLIC HEARINGS**
 - A. Ordinance 2022-002 Amending multiple sections of the Sherwood Zoning and Community Development Code relating to Marijuana Uses**
(Erika Palmer, Planning Manager) *(Second Reading)*
 - B. Ordinance 2022-003 Approving annexation of approximately 20.0 acres to the City of Sherwood and Clean Water Services within the Tonquin Employment Area, comprised of five tax lots and an adjacent unnamed right-of-way** (Joy Chang, Senior Planner) *(First Reading)*

AGENDA

SHERWOOD CITY COUNCIL March 15, 2022

6:00 pm City Council Work Session

7:00 pm City Council Regular Meeting

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

**This meeting will be live streamed at
<https://www.youtube.com/user/CityofSherwood>**

AMENDED AGENDA

9. CITY MANAGER REPORT

10. COUNCIL ANNOUNCEMENTS

11. ADJOURN

How to Provide Citizen Comments and Public Hearing Testimony: Citizen comments and public hearing testimony may be provided in person, in writing, or by telephone. Written comments must be submitted at least 24 hours in advance of the scheduled meeting start time by e-mail to Cityrecorder@Sherwoodoregon.gov and must clearly state either (1) that it is intended as a general 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. To provide comment by phone during the live meeting, please e-mail or call the City Recorder at Cityrecorder@Sherwoodoregon.gov or 503-625-4246 at least 24 hours in advance of the meeting start time in order to receive the phone dial-in instructions. 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.

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 Cityrecorder@Sherwoodoregon.gov

ADA Accommodations: If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or Cityrecorder@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>

March 1, 2022

WORK SESSION

- 1. CALL TO ORDER:** Mayor Mays called the work session to order at 6:00 pm.
- 2. COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Kim Young, Sean Garland, and Renee Brouse.
- 3. STAFF PRESENT:** City Manager Keith D. Campbell, City Attorney Josh Soper, Finance Director David Bodway, Public Works Director Craig Sheldon, IT Director Brad Crawford, Community Services Director Kristen Switzer, Community Development Director Julia Hajduk, Police Chief Ty Hanlon, Planning Manager Erika Palmer, Senior Planner Joy Chang, and City Recorder Sylvia Murphy.

OTHERS PRESENT: Planning Commission Chair Jean Simson.

4. TOPICS:

A. Development Standards Housing Choices

Senior Planner Joy Chang presented the "Housing Choices" PowerPoint presentation (see record, Exhibit A) and stated that this work session was to discuss the second phase of the Sherwood Housing Choices Project, which was a two-phase project. The first phase was the Residential Building Standards which addressed the entry location and orientation, garage and off-street parking areas, windows or entrance doors, additional design elements, and was approved by Council in 2021. She explained that Phase II would amend the Development Code to include triplexes, quadplexes, and cottage housing types. She reported that duplexes and townhomes were already permitted in the Development Code. Phase II also required a Transportation Code Amendment that was tied to housing choices. She reported that the Planning Commission was serving as the advisory committee for the project and explained that the proposed development standards were typically the minimum standards required by the state. She addressed triplexes and quadplexes and reported that they were proposing the minimum standards as required by OAR Division 46. She provided an overview of the development standards for triplexes and quadplexes on page 3 of the presentation and reported that plexes were allowed in all residential zones that allowed for detached single family dwellings. She stated that Minimum Lot Width, Depth, and Setback standards were the same as Single Family. Mayor Mays asked if quadplexes were permitted on lots that were less than 7,000 square feet? Senior Planner Chang replied that quadplexes would not be permitted on lots that were less than 7,000 square feet. She provided an overview of the minimum parking standards for triplexes and

quadplexes. Council President Rosener asked for clarification on the minimum parking standards for triplexes. Ms. Chang explained that the minimum number of parking spaces was based on the lot area of the site. Council President Rosener commented that in general, the rule was one parking space per unit, but the Minimum Parking Standards per the OAR would result in some triplexes only having two spaces instead of three. Mayor Mays commented that it was important to keep in mind that the minimum lot size for new development in Sherwood was 5,000 square feet and would therefore always necessitate three parking spaces for triplex units. Discussion occurred. Community Development Director Julia Hajduk asked if the table on page 3 of the presentation could remove the lines that were not applicable to development in Sherwood? Ms. Chang replied that those lines could be removed. Councilor Scott commented that in the future, the minimum lot sizes could change, and then those lines would become applicable. Senior Planner Chang addressed triplex and quadplex driveways and the orientation of entrances and explained that in order to comply with the legislation, the standards related to the size and location of the structure rather than the number of units. She explained that because the proposed standards were largely taken from the Model Code, Sherwood would have some flexibility with the standards because the OAR did not address driveway approaches, but the Model Code did. She reported that the Model Code identified that driveway approaches could not exceed 32-feet per frontage, as measured at the property line. She reported that if driveway frontages were separated by a local street, the driveways must meet the applicable driveway spacing standards for local streets. She reported that triplexes and quadplexes could either have two driveway approaches not exceeding 32-feet in total width on one frontage, or one maximum 16-foot-wide driveway approach per frontage if they were located on lots or parcels with frontages on local streets only. Mayor Mays asked if the state standards allowed for cities to protect the potential for on-street parking spacing, and could Sherwood mandate that there be 20-foot sections for on-street parking if there was room on the street? Ms. Chang replied that that language had not been included, but because the proposed standards were taken from the Model Code and provided some flexibility, language to protect potential on-street parking could be added. Councilor Scott commented that at the Planning Commission meetings, Chair Simson and other Planning Commission members had also advocated for enough space between driveways to allow for street parking. Senior Planner Chang replied that that language would be added. Community Development Director Hajduk commented that she and staff would include any direction from Council they received at this meeting prior to the next Planning Commission meeting. Discussion occurred. Mayor Mays asked if eight feet was the appropriate width for a single car driveway? Council President Rosener stated that eight feet was the maximum allowed width for a trailer or vehicle on a highway and commented that eight feet for a driveway seemed too narrow. Mayor Mays stated that homeowners were likely to widen their driveways if they were eight feet wide and commented that driveways and impervious surfaces in the front yard needed to be discussed and that he felt that driveways should be a minimum of nine feet. Ms. Chang replied that staff would reevaluate the work to ensure that on-street parking was optimized and would bring their work to the Planning Commission. Councilor Scott reported that the average garage door was nine feet wide, and it would be odd to have a driveway that was not as wide as the garage door. Council President Rosener commented regarding fire hydrant placement and street light placement and stated that the code for transportation and street design needed to be looked at "holistically" to ensure that the city was maximizing the streets for on-street parking. Senior Planner Chang reported that additional standards for driveway approaches required that lots or parcels must access the street with the lowest classification. Mayor Mays gave an example of a lot that was 70 feet by 100 feet and the 70 foot side faced a local street and the 100 foot side faced a collector, and asked if a developer had no choice but to have the driveway approaches on the local street even if doing so resulted in the loss of a unit in order to meet the standard? Ms. Chang replied that was how the language was currently written. She continued that lots or parcels with frontages only on collectors and/or arterial streets must meet the applicable driveway access standards for collectors and/or arterials. Community Development Director Hajduk asked for further

clarification on driveway approaches and commented that the intent of the standard of not exceeding 32-feet of frontage was to ensure that there was not an excess of asphalt or concrete along the frontage, but what she heard from Council was that they desired wider driveways. She added that she knew Council wanted to maximize on-street parking and therefore some of the dimensions and spacing would need to be reviewed. Mayor Mays replied that in a different code that had already been adopted, there were requirements of impervious surface, and whatever that percentage was would impact things. Councilor Scott commented that it seemed to be about the percentage of the overall lot width and commented that perhaps a percentage ratio might be useful. Council President Rosener commented that street parking also needed to be taken into consideration and that it went back to optimizing what the standard parking spot looked like. Councilor Scott asked what the legal parameters were for driveways and driveway approaches. Ms. Hajduk replied that there were no set standards regarding driveways and driveway approaches. Mayor Mays stated that the most important rule was to protect the impervious surface requirement and then allow the Planning Commission to work on it further. Senior Planner Chang addressed the next slide and stated that for lots or parcels abutting an alley, access must be taken from the alley and explained that staff proposed a Transportation Plan amendment to adopt a public alley design cross-section detail. Mayor Mays asked if alleys were required under the new law? Ms. Chang replied that alleys were not required but they were allowed in the existing code. Mayor Mays stated he wanted the Planning Commission to determine if alleys should continue to be permitted in the code for triplexes and quadplexes. Discussion occurred. Mayor Mays asked if Sherwood had an alley standard? Ms. Chang replied that the TSP did not currently have a cross-section detail for a public alley, and the proposed amendment would fix that. Councilor Scott commented he was not in favor of removing alleys from the code for triplexes and quadplexes. Council President Rosener clarified that Mayor Mays wanted the Planning Commission to discuss if alleys should be in the TSP. Councilor Scott replied that that was fine, but it was out of the scope of this project and was a part of a much larger conversation about planning. Council President Rosener asked if the impervious surface requirement was the same for the rear of the development of the dwelling unit if there was a driveway approach in the back? Senior Planner Chang replied that the impervious surface standard only applied to the front.

Senior Planner Chang addressed cottage clusters and stated that cottage clusters were intended to consist of smaller homes at a lower price point and provided an overview of the OAR minimum requirements for cottage clusters. She outlined the proposed amendments as: a minimum of four cottages per cottage cluster regardless of lot size and no more than 12 dwellings were allowed to share a single common courtyard. She outlined the proposed development standards as: standards were applied to a cottage cluster(s) on one lot, cottage clusters were allowed in all residential zones that allowed for detached single family dwellings, and minimum lot areas were the same as the minimum of the base zones. Mayor Mays asked if it was a state law that cottage clusters were allowed in all residential zones that allowed for detached single family dwellings? Ms. Chang replied that it was required under OAR and the minimum lot areas were consistent with OAR. She explained that if developers wanted each cottage unit to be a separate tax lot, the creation of the lots would be done through the Condominium process. She clarified that staff was not proposing any language based on SB 458, which related to middle housing land division, and explained that conversations regarding how to implement SB 458 would occur in the future. Councilor Brouse asked for clarification on the number of cottage clusters permitted on different lot sizes. Councilor Scott explained that a cluster could be anywhere from four to twelve units and the minimum lot size to have a cottage cluster was 7,000 square feet in any zone, but that did not mean that twelve units would automatically be permitted as there were other requirements that needed to be met, such as setback requirements. Council President Rosener commented he was disappointed about the maximum square footage of cottage cluster units because he felt that cottage clusters would provide ideal single-level housing for seniors in the community and he was

concerned about cottage clusters being multi-story buildings that were very close to each other with a common courtyard and parking lot. He commented that he felt that that defeated the purpose of cottage clusters. Councilor Scott commented he agreed with Council President Rosener and that cottage clusters could also be two-story units and that both of those things could be desirable, but the code was pushing its way to one reality. Council President Rosener commented that this would result in housing modes that were indistinguishable from each other with the exception of the common courtyard and parking lot. Community Development Director Hajduk expressed that cottage clusters were new across the state and staff would monitor what was happening at the state level. She stated that as communities started to develop cottage clusters in accordance to the standards, it may become apparent that the standards needed to be modified. Mayor Mays asked if there was a 10,000 square foot lot, what type of housing would a developer want to create in order to generate the most money, since that is what was likely to happen? He stated prior to the work session he expected to create a cottage cluster zone. Councilor Scott added that that was something that had been discussed separately. Mayor Mays stated he did not like the proposed amendments for cottage clusters and stated he wanted the Planning Commission to develop what cottage clusters could look like on different lot sizes. Councilor Scott asked for clarification on the OAR rules that stated that there was to be at least eight dwellings per cottage cluster, and the proposed amendment that stated that there was to be a minimum of four cottages per cottage cluster. Discussion occurred. Community Development Director Hajduk asked Senior Planner Chang to confirm that those two stipulations were correct per OAR. Discussion occurred. Mayor Mays commented that they would have to defer to lawyers at a later time, and that he assumed that Sherwood would establish a cottage cluster zone, in which cottage clusters would be located. Councilor Scott commented that that idea would not be completed before June, and the city had to do something by June. Mayor Mays replied that if the city followed the outlined standards, no cottage clusters could be built, but it would have followed the standards set by the state. Councilor Young asked that if a cottage cluster zone was created, cottage clusters would still be allowed in single family residential zones? Staff and Council replied that was correct. Council President Rosener clarified that it would prevent a developer from building triplexes and duplexes in that zone because HB 2001 only applied to single family detached zoning. Mayor Mays commented that the development of a cottage cluster zone could be a future project. City Attorney Josh Soper referred to the question about eight dwellings per cottage cluster per the OAR standards and explained that the OAR language stated that the city must allow up to eight cottages per common courtyard, not a minimum of eight dwellings per cottage cluster. Mayor Mays asked if there were standards for the size of a common courtyard? Senior Planner Chang replied there was. She provided an overview of the proposed development standards and stated that cottage clusters were to be a maximum height of 25-feet or two stories with 10-foot setbacks all around. Mayor Mays stated he did not agree with either of those standards. Ms. Hajduk replied that the height was per the Model Code and Sherwood did not have to allow for two-stories. Ms. Chang added that it could be required that cottage clusters be one-story, but the OAR stipulated that the building envelope could only be 900 square feet. She provided an overview of the cottage cluster building footprint and size slide and stated that the maximum building size was 1,400 square feet averaging which took into consideration any community building. Mayor Mays stated he did not like what was presented. Ms. Chang provided an overview of the requirements for a cottage cluster community building, cottage cluster orientations and courtyards, and cottage cluster parking designs on pages 13-15 of the presentation. Community Development Director Hajduk asked if the cottage cluster orientations and courtyards were based on Model Code or OAR? Ms. Chang replied they were based on Model Code and could therefore be adjusted since they were not in the OAR. Council President Rosener commented that more time was needed to be spent on developing standards for cottage clusters to ensure that development occurred within the vision they created. Ms. Hajduk stated that Council needed to adopt something by June, or the Model Code would apply. Planning Commission Chair Simson stated that many of Council's questions and concerns had also been discussed at the Planning Commission level and

commented that she had similar concerns, but she did not know how to address those concerns when the Planning Commission would hold a hearing on cottage cluster housing choices on March 8th. She asked that Council detail what they wanted changed in writing and pass the document along to the Planning Commission before their meeting on March 8th so the Planning Commission could send it back to Council for a second work session on the 15th. After which the Planning Commission could continue their hearing on the subject at their March 22nd meeting. Mayor Mays stated he did not want garages in cottage clusters or anything that would decrease setbacks. He was in favor of open parking and carports, single-story or some sort of mix, a stipulation that the dwelling could not be remodeled to have a second story, and increasing setbacks. Council President Rosener stated there was a need for single-story housing and he wanted to have something in the code that encouraged developers to create single-story units. Councilor Scott commented that the first cottage clusters to be developed will be an experiment and Sherwood did not necessarily have to try and accommodate all possible eventual types of cottage clusters, and it may be more helpful to focus on what goal they were trying to accomplish with cottage clusters. He provided an example goal of providing single-level housing and commented that they could develop the code to fit that specific goal with the knowledge that the code could be reworked in the future if new needs arose. Mayor Mays stated he supported a cottage cluster zone type. Councilor Brouse commented that allowing lofts in the units could allow cottage clusters to work for more people. Councilor Scott asked for Council feedback on the ideas that had been discussed at this work session. He recapped that Council had envisioned the first phase of cottage cluster units being: single-story with a possible loft that would be targeted towards empty-nesters, seniors, or young couples without children, and would be at a lower price point. Councilor Young commented that what Council had discussed was what she had envisioned since she joined Council. Mayor Mays commented that if there was to be a loft in a unit, he preferred a floorplan that did not have a staircase. Councilor Scott commented that he, Senior Planner Chang, Planning Manager Erika Palmer, and Planning Commission Chair Simson could meet soon and put together their thoughts before the next Planning Commission meeting. Senior Planner Chang replied that she would organize that. She reported that developers would need to submit a Sufficient Infrastructure Verification form for triplexes, quadplexes, townhouses, and cottage clusters to ensure that the infrastructure needs could be satisfied.

Senior Planner Chang addressed the Transportation System Plan (TSP) amendments and explained that amendments included a new public alley cross-section detail. Mayor Mays commented on street lights. Ms. Chang replied that the public alley cross-section detail would have pedestrian scale lighting. Mayor Mays stated he did not want that. Community Development Director Hajduk asked what Mayor Mays wanted for alley lighting. Mayor Mays replied that he wanted the same street light standard that was required for new developments. Council President Rosener commented that moving vans would frequently damage the pedestrian level lights in the alleyway. Ms. Chang explained that full-scale street lights in the alley would reflect into existing bedrooms and having pedestrian level lighting would lessen that effect. Mayor Mays stated that the required 20-foot setback would also limit the light reflecting into bedrooms. Senior Planner Chang replied that she would modify the exhibit to reflect a typical street light. She reported that at the previous Planning Commission meeting, staff had presented a different residential standard for a local street that would allow for parking on both sides by making the residential street standard 36-feet instead of 28-feet. Community Development Director Hajduk clarified that it was proposed that it require that streets be 36-feet wide to accommodate parking on both sides of the street. Ms. Chang reported that after discussing that option with the DLCD, it was determined that that proposal would not meet the Climate-Friendly and Equitable Communities Rulemaking standard. Mayor Mays asked if the DLCD was dictating the right-of-way that a city needed for a project? Discussion occurred. Ms. Hajduk remarked that she understood the frustration around this topic because both HB 2001 and the Climate Friendly Equitable Communities were creating rules, but they were not necessarily talking to one another. She commented that she believed that

a representative from DLCD would meet with Council at their March 15th meeting. Council President Rosener asked that Representative Courtney Neron also be invited to the meeting. Mayor Mays asked when a city would have to adopt the DLCD standards? Planning Manager Palmer replied that she would have to look into it further, but typically, the DLCD gave cities 12-24 months to make changes to their code after legislation was passed. Mayor Mays stated he wanted to start with 36-foot roads and then change the standard in the future if required to do so. Council President Rosener commented that Sherwood would be in a better position to advocate for a different standard if the 36-foot standard was already in place. Council President Rosener thanked Senior Planner Chang for her work.

5. ADJOURNED:

Mayor Mays adjourned the work session at 7:17 pm.

REGULAR SESSION

1. CALL TO ORDER: Mayor Mays called the meeting to order at 7:20 pm.

2. COUNCIL PRESENT: Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Kim Young, Sean Garland, and Renee Brouse.

3. STAFF PRESENT: City Manager Keith D. Campbell, City Attorney Josh Soper, Finance Director David Bodway, Public Works Director Craig Sheldon, IT Director Brad Crawford, Community Services Director Kristen Switzer, Community Development Director Julia Hajduk, Police Chief Ty Hanlon, Planning Manager Erika Palmer, and City Recorder Sylvia Murphy.

4. APPROVAL OF AGENDA:

MOTION: FROM COUNCILOR YOUNG TO APPROVE THE AGENDA. SECONDED BY COUNCILOR SCOTT. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

5. CONSENT AGENDA:

A. Approval of February 5, 2022 City Council Meeting Minutes

B. Approval of February 15, 2022 City Council Meeting Minutes

C. Resolution 2022-013 Authorizing the City Manager to sign an Intergovernmental Agreement with Washington County for maintenance of non-standard lighting and traffic signal poles, sound wall and landscaping associated with the Tualatin Sherwood and Roy Rogers Road widening project

D. Resolution 2022-014 Authorizing the City Manager to sign temporary and permanent wall and construction easements on publicly owned property located at tax map 2S129A000301 to the benefit of Washington County for the Tualatin Sherwood road widening project

E. Resolution 2022-015 Declaring a Sherwood City Council Seat Vacant

MOTION: FROM COUNCILOR BROUSE TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

6. CITIZEN COMMENTS:

The City Recorder read aloud the comments submitted by Sherwood resident Julie Nader regarding Sherwood becoming an age-friendly city. She stated that since 2005, over 33 cities had participated in the World Health Organization's Global Age-Friendly Cities Project, including Portland, Oregon. She reported that the WHO's research identified the eight key areas of: outdoor spaces and buildings, transportation, housing, social participation, respect and social inclusion, civic participation and employment, communication and information, and community health matters that cities needed to focus on to improve the lives of seniors in their community. Ms. Nader stated that seniors made up nearly 10% of Sherwood's population, and that she supported the work the Senior Advisory Board and the City was doing to work toward making Sherwood an age-friendly city. She stated that of the eight key areas, Sherwood needed to immediately address transportation and affordable housing in order to improve the lives of seniors living in Sherwood.

Mayor Mays addressed the next agenda item.

7. PRESENTATIONS:

A. Proclamation, Proclaiming April 11-25, 2022 as National Community Development Week

Mayor Mays announced that April 11-15, 2022 had been designated as National Community Development Week by the National Community Development Association to celebrate the Community Development Block Grant (CDBG) program and the HOME Investment Partnership (HOME) Program. He stated the CDBG provided annual funding and flexibility to local communities to provide decent, safe and sanitary housing, suitable living environments, and economic opportunities to low-and-moderate-income people. The HOME Program provided funding to local communities to create decent, safe, affordable housing opportunities for low-income people and over one million units of affordable housing had been completed using HOME funds nationally. Mayor Mays stated that historically, Sherwood had received CDBG grants totaling over \$2.34 million. Mayor Mays stated that both the Community Development Block Grant program and the Home Investment Partnership program had made, "tremendous contributions to the viability of the housing stock, infrastructure, public services, and economic vitality of our community." He urged Congress and the Administration to recognize the outstanding work being done locally and nationally by the Community Development Block Grant Program and the HOME Investment Partnerships Program by supporting increased funding for both programs in FY2023. Mayor Mays indicated that many of the improvements at the Senior Center had been funded by CDBG grants.

Mayor Mays addressed the next agenda item. The City Recorder read aloud the public hearings statement and reported that no public testimony had been received.

8. PUBLIC HEARING:

A. Ordinance 2022-002, 002 Amending multiple sections of the Sherwood Zoning and Community Development Code relating to Marijuana Uses (*First Hearing*)

Planning Manager Erika Palmer presented the “Marijuana Code Updates” PowerPoint presentation (see record, Exhibit B) and explained that the proposed ordinance was for text amendments to the Sherwood Zoning and Community Development Code (SZCDC) relating to Marijuana Uses, development standards, and processes for applications. She reported that the ordinance was a city-initiated text amendment to the (SZCDC) and in November 2020, Sherwood voters approved a ballot measure that allowed for recreational marijuana facilities in the General Industrial Zone. She recapped that in December 2020, Council approved amending the Municipal Code through Ordinance 2020-011 and made various housekeeping amendments to the applicable code sections of the Municipal Code outside of the SZCDC via Ordinance 2020-013. Ms. Palmer stated that the proposed ordinance would make similar housekeeping amendments to chapters related to marijuana uses. She provided an overview of the proposed changes on page 3 of the presentation and stated changes included adding a definition for “Major Commercial Plaza,” adding that recreational marijuana facilities were permitted with special standards in the General Industrial Zone land use table, the stipulation that both medical and recreational facilities were required to comply with site planning requirements, that when a medical dispensary completed a conversion to a recreational license the review would be a Type I review and a new recreational dispensary was a Type II. She provided an overview of the applicable code criteria for the proposed ordinance and the completed public noticing requirements. She stated that no public comments had been received prior to this meeting and reported that a second hearing for the proposed ordinance was scheduled for March 15th. Mayor Mays asked for public comment on the proposed ordinance. Hearing none, Mayor Mays closed the public hearing portion of the meeting and asked for discussion or questions from Council. Councilor Scott commented that he was comfortable voting on the ordinance at this meeting. Councilor Young commented she preferred to wait to vote until the second hearing to allow for public comment. Mayor Mays asked Planning Manager Palmer if there was any urgency for passing the ordinance? Ms. Palmer replied there was no urgency. Council President Rosener commented he preferred to wait to vote. The Council continued the public hearing to March 15th.

Mayor Mays addressed the next agenda item.

9. CITY MANAGER REPORT:

Community Services Director Kristen Switzer reported that Senior Center Manager Maiya Burbank was nominated for the Citizen of the Year award and read aloud the submitted statement from the award application. The application stated that Ms. Burbank’s efforts to continue to provide meals and help provide internet access to seniors throughout the pandemic was appreciated and that, “taking care of our elders is a great honor and responsibility and she has done it with grace, determination, and a heart of gold.” Ms. Switzer reported that since March 2020, the Senior Center had served nearly 20,000 meals. She reported that the grant Ms. Burbank had procured totaled \$192,000 and would assist with meal costs through June 2023, and she also procured a CEP grant and worked with the Friends of the Senior Center to secure an ADA accessible van to begin providing transportation for older adults in the community. Ms. Switzer commented that she was, “honored and thrilled” that Ms. Burbank had chosen to work for the City of Sherwood.

Police Chief Hanlon provided an update on the recent robbery that occurred at the 76 gas station and reported that the person of interest had been followed to Tualatin and had been taken into custody with the help of CNU (Crisis Negotiation Unit) and the Washington County Tactical Negotiation Team.

City Manager Keith Campbell reported that the OHA had announced that the indoor mask mandate would be lifted on March 12th and commented he anticipated that the March 15th Council meeting would be held in-person.

Mayor Mays addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS:

Council President Rosener reported on his attendance at the GPI meeting last week and stated that the reports and examples they used in the meeting had come from their work with Sherwood's Economic Development Manager Bruce Coleman. He gave his kudos to Mr. Coleman for his hard work.

Councilor Brouse thanked Councilor Scott for attending the Library Advisory Board meeting in her place. She reported that the Senior Advisory Board would meet next week where they would continue their work on making Sherwood an age-friendly city. She reported that the Sherwood Police Foundation gala would be held on June 24th and stated tickets were still available.

Councilor Garland reported that the Sherwood Foundation for the Arts annual puzzle competition was held this past weekend and stated that the event was successful. He thanked the volunteers and local businesses who had donated prizes and raffle items. He reported that the SFA would put on "Cinderella" for their summer play and stated that auditions would be held in March. He asked City Manager Campbell to recap the process for anyone interested in applying for the vacant Council position.

City Manager Campbell replied that the City would begin to accept applications for the vacancy starting March 2nd and would accept applications through March 18th at 5:00 pm. Interviews would be held on either March 28th or 29th to ensure that someone was selected within the 45-day period as required by the City Charter. More information on how to apply could be found on the City's website.

Councilor Scott commented he enjoyed getting to fill in for Councilor Brouse at the Library Advisory Board meeting. He reported that the Planning Commission held three public hearings last week and would meet again on March 8th. He spoke on the recent Russian invasion of Ukraine and explained that he had spent time in Ukraine over the years. He stated that his thoughts are with the people of Ukraine and that he was, "impressed tremendously by their resolve and their resiliency."

Councilor Young asked what documents were required for applying for the Council vacancy? Mayor Mays replied that it was an application that was similar to the application to serve on a city board or committee. Council President Rosener explained that the 45-day requirement to fill a vacant seat was a change voted on by the community the last time the city completed charter amendments to ensure that council vacancies were promptly filled.

Mayor Mays thanked Councilor Griffin for his service as a City Councilor and for his involvement in the community over the years. Mayor Mays spoke on the recent vehicular accident that killed two Sherwood youth and stated it was a tragedy, and the support the community had shown the families had been tremendous. He asked that the community continue to help and support the families going forward. He thanked the Sherwood Police Department for their work.

11. ADJOURN:

Mayor Mays adjourned the regular session at 8:00 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor

TO: Sherwood City Council

FROM: Craig Sheldon, Public Works Director

Through: Keith D. Campbell, City Manager, and Josh Soper, City Attorney

SUBJECT: Resolution 2022-016, Authorizing the City Manager to Purchase a Truck Mounted Sewer and Catch Basin Cleaner

Issue: Should the City purchase a truck mounted sewer and catch basin cleaner?

Background: The City currently owns a truck mounted sewer and catch basin cleaner that is 28 years old and is in need of replacement.

This equipment is used most every day throughout the year to perform a variety of maintenance as required by Clean Water Services. Tasks include sanitary line cleaning, storm line cleaning, catch basin cleaning, water quality manhole cleaning and trench excavations.

In 2007, the city began saving money in our enterprise funds to purchase new equipment through our Asset Management plan, as we knew a variety of equipment would be coming to the end of its life cycle and would need replacement. The current equipment we are purchasing will allow staff to continue to provide a high level of services to our citizens without having downtime due to repairs and maintenance of an older piece of equipment and some equipment on the current truck are no longer available. The expected life cycle for this equipment should be a minimum of 15 years.

Financial Impacts:

Using SourceWell (a competitive bidding procurement vendor), the City received pricing from General Equipment Company for a 2023 Freightliner Cab Chasis with Aquatech equipment, totaling \$449,463.00.

In the 2021/22 Budget we had \$395,000 allocated for purchase of this equipment. With longer than normal production and delivery times, the equipment will not be here until the 2022/23 budget year and we will add the increased cost in our budget this coming year to cover the additional \$54,463.00. This piece of equipment is being funded from the water, sanitary, storm and broadband funds.

Recommendation: staff respectfully recommends council adoption of Resolution 2022-016, authorize the City Manager to purchase a truck mounted sewer and catch basin cleaner.



RESOLUTION 2022-016

AUTHORIZING THE CITY MANAGER TO PURCHASE A TRUCK MOUNTED SEWER AND CATCH BASIN CLEANER

WHEREAS, the City needs to perform daily maintenance of our water, storm and sanitary systems; and

WHEREAS, the City needs to replace our existing truck mounted sewer and catch basin cleaner which is 28 years old; and

WHEREAS, the City has been putting money away per the Vehicle and Equipment Replacement program related to city enterprise funds; and

WHEREAS, the City used procurement site SourceWell, and received pricing from General Equipment Company for a 2023 Freightliner Cab Chassis with Aquatech equipment.

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

Section 1. The City Manager is authorized to purchase a truck mounted sewer and catch basin cleaner totaling \$449,463.00.

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

Duly passed by the City Council this 15th of March 2022.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Craig Sheldon, Public Works Director
Through: Keith D. Campbell, City Manager, and Josh Soper, City Attorney

SUBJECT: **Resolution 2022-017, Authorizing City Manager to enter into a contract with North Sky Communications, LLC for the construction of a portion of the Fiber to the Home project for Sherwood Broadband**

Issue:

Shall the City Council authorize the City Manager to enter into a contract with North Sky Communications, LLC for the construction of a portion of the Fiber to the Home project, with a total amount not to exceed \$5,137,412.46?

Background:

The City hired Magellan Advisors for the design of a Fiber to the Home (FTTH) project. One of the deliverables of Magellan Advisors was to provide supporting bid packet information for the advertisement of the Urban Renewal Agency (URA) portion of the Fiber to the Home Construction Project.

Staff advertised a Request for Proposals (RFP) on November 1st, 2021 for the URA Fiber to the Home Construction Project with bids due December 7th, 2021. The City received 2 bids for the project. One of bids received was not considered responsive, due to the contractor proposing to only supply services for a small portion of the project (fiber splicing only).

When reviewing the one acceptable proposal by North Sky Communications, LLC, the project price of the URA FTTH project exceeded the funding available. Staff worked with Magellan Advisors to portion out a section of the FTTH project so that bid quantities would be within available funding limits. The resulting contract would be for construction of Area 10A (West of 99w to Elwert, from the south of Kruger Rd to north of Roy Rogers). This area includes both URA and City portions of the overall project. Under a future separate agreement between the City and URA, the two agencies would apportion payment of their shares of this construction project.

This Resolution would authorize the City Manager to enter into a contract for construction services, in a total amount not to exceed \$5,137,412.46. If the City exhausts that amount, staff will return to Council for additional purchasing authorization.

Financial Impacts:

FTTH was a planned project for the 2021 URA and the City (in cooperation with the URA) issued debt in July of 2021 to begin working on some of the projects, Fiber to the Home being one of them.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2022-017, Authorizing City Manager to enter into a contract with North Sky Communications, LLC for the construction of a portion of the Fiber to the Home project for Sherwood Broadband.



RESOLUTION 2022-017

AUTHORIZING CITY MANAGER TO ENTER INTO A CONTRACT WITH NORTH SKY COMMUNICATIONS, LLC FOR THE CONTRUCTION OF A PORTION OF THE FIBER TO THE HOME PROJECT FOR SHERWOOD BROADBAND

WHEREAS, the City of Sherwood's broadband utility, Sherwood Broadband, is extending broadband services to our community; and

WHEREAS, the City has used an RFP process for construction services; and

WHEAREAS, the City receive 2 bid proposals of which 1 was determined to be incomplete; and

WHEREAS, North Sky Communications, LLC. has been identified by staff as the highest ranked proposer; and

WHEREAS, staff has negotiated a scope of work with North Sky Communications in order to keep the project within budget.

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

Section 1. The City Manager is hereby authorized to enter into a contract with North Sky Communications, LLC in the amount of \$4,281,177.05 with a contingency in the amount of 20% (\$856,235.41) to cover any quantity changes or unforeseen costs, for a total amount not to exceed \$5,137,412.46.

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

Duly passed by the City Council this 15th day of March 2022.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Agenda Item: Public Hearing (*Second Reading*)

TO: Sherwood City Council

FROM: Erika Palmer, Planning Manager

Through: Julia Hajduk, Community Development Director, Keith D. Campbell, City Manager, and Josh Soper, City Attorney

SUBJECT: Ordinance 2022-002, Amending multiple sections of the Sherwood Zoning and Community Development Code relating to Marijuana Uses (*Second Reading*)

Issue:

Shall the City Council amend sections of the Sherwood Zoning and Community Development Code relating to marijuana uses?

Background:

Oregon voters passed Measure 91 in 2014 to legalize recreational marijuana. The Oregon legislature and the Oregon Liquor and Cannabis Commission (OLCC) have developed statewide regulations and processes to implement this measure.

The Oregon Legislature made significant changes to Measure 91 during the 2015 session in HB 3400 and HB 2041. One of the provisions included the ability of local jurisdictions to “opt-out” or ban all types of recreational marijuana licenses within a particular jurisdiction. Sherwood City Council decided to opt-out (Ordinance 2016-002) and to refer the question of whether to prohibit recreational marijuana producers, processors, wholesalers, and retailers to the voters of the City (Resolution 2016-017), who voted to approve the ban. A citizen ballot initiative to repeal the ban in 2017 was unsuccessful.

Another citizen ballot initiative, Sherwood Measure 34-299, allowing recreational marijuana facilities within Sherwood, was approved by voters in November 2020. On December 1, 2020, the City Council approved Ordinance 2020-011, amending the Sherwood Municipal Code as approved by Ballot Measure 34-299. The 2020 municipal code amendments included the following:

- Imposes a tax of three percent on the retail sale price of marijuana items by a recreational marijuana retailer in the area subject to the jurisdiction of the city.
- Updated definitions of Recreational Marijuana Businesses.
- Approval process, general standards for Recreational Marijuana Businesses, and specific standards for recreational marijuana retail sales facilities.

Subsequently, via Ordinance 2020-013, Council made various amendments to applicable sections of the City’s municipal code outside of the zoning and community development code, specifically to allow for the City’s local recreational marijuana tax program to be administered by the Oregon Department of Revenue, to provide consistency amongst recreational and medical marijuana business regulations, to incorporate hours of operation regulations into Chapter 5.30, and to make others housekeeping amendments.

This ordinance would make similar housekeeping amendments, as shown in Attachment 1 to this staff report in track changes, to Title 16, the Sherwood Zoning and Community Development Code, specifically:

- 16.10 Definitions
- 16.31 Industrial Land Use District
- 16.38 Special Uses
- 16.72 Procedures for Processing Development Permits

Summary of Changes

16.10 Definitions

- Added a definition for Major Commercial Plaza
- Cleaned up text in the definition of Marijuana Processing

16.31 Industrial Land Use District

- Included recreational marijuana facilities in the land use table as a permitted use with special standards in the General Industrial Zone

16.38 Special Uses

- Reformatted sections for clarity and consistency
- New construction of medical and recreational marijuana facilities shall comply with Site Planning requirements in Chapter 16.90.
- Under proximity restrictions, defined public plaza and active use parks and added major commercial plaza

16.72 Procedures for Processing Development Permits

- A medical marijuana dispensary that completes a conversion to a recreational licensee is a Type I review
- A recreational marijuana dispensary is a Type II review similar to the existing review type of a medical marijuana dispensary

The Sherwood Planning Commission held a work session to review and discuss the proposed amendments on January 11, 2022. On February 8, 2022, the Sherwood Planning Commission made a recommendation to forward the proposed amendments to City Council for approval. The City Council held the first public hearing on March 1, 2022.

Financial Impacts:

Planning staff will review new recreational facilities as a Type II land use review process with associated fees paid by the applicant.

Recommendation:

Staff respectfully recommends City Council hold the second hearing on Ordinance 2022-002, amending sections of the Sherwood Zoning and Community Development Code relating to marijuana uses.

Attachments

1. Planning Commission staff report and proposed text amendments (Track Changes)
2. Ordinance with Exhibit 1

Planning Commission Recommendation to the City Council, Marijuana Code Clean-Up
File No: LU 2022-01- PA

Recommendation of the Planning Commission

The Sherwood Planning Commission held a public hearing on February 8, 2022 to take testimony and consider the application (LU 2022-01-PA). No testimony on the hearing matter was taken, and the Commission voted to close the public hearing. After considering the application materials and the findings in the staff report, the Planning Commission voted to recommend the proposed text amendments to the City Council for adoption.



Erika Palmer
Planning Manager

Proposal: On December 1, 2020, the Sherwood City Council voted and approved Ordinance 2020-011, amending the Sherwood Municipal Code as approved by Ballot Measure 34-299, supported by the voters in November 2020. The 2020 code amendments included the following:

- Imposes a tax of three percent on the retail sale price of marijuana items by a recreational marijuana retailer in the area subject to the jurisdiction of the city.
- Updated definitions of Recreational Marijuana Businesses.
- Approval process, general standards for Recreational Marijuana Businesses, and specific standards for recreational marijuana retail sales facilities.

To ensure municipal code consistency and clarity for marijuana uses within Title 16 of the Sherwood Zoning and Community Development Code (SZCDC), text amendments to the following chapters are needed:

- 16.10 Definitions
- 16.31 Industrial Land Use District
- 16.38 Special Uses
- 16.72 Procedures for Processing Development Permits

A. Applicant: This is a city-initiated text amendment.

B. Location: The proposed amendments are to the text of the SZCDC and apply to the Industrial Land Use Zoning Districts.

C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission is scheduled to consider the matter on February 8, 2022. At the close of this hearing, the Planning Commission will forward a recommendation to the City Council, who will consider the proposal and make the final recommendation whether to approve, modify, or deny the proposed text changes. The City Council public hearing is tentatively scheduled for March 8, 2022. Any appeal of the City Council's final decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).

- D. Public Notice and Hearing:** Notice of the February 8, 2022, Planning Commission hearing and tentative March 8, 2022, City Council hearing on the proposed amendment were published in *The Times* on January 20, 2022 and February 3, 2022. Notice was also posted in five public locations around town and on the website on January 20, 2022. Notice to the Oregon Department of Land Conservation and Development (DLCD) was submitted on December 22, 2021 and notice to agencies was sent via email on January 13, 2022. Staff sent a courtesy notice to the Chair of Sherwood's Police Advisory Committee of the proposed amendments on January 24, 2022.
- E. Review Criteria:** The required findings for Plan Amendments are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCD).
- F. Background:** Oregon voters passed Measure 91 in 2014 to legalize recreational marijuana. The Oregon legislature and the Oregon Liquor and Cannabis Commission (OLCC) have developed statewide regulations and processes to implement this measure.

The Oregon Legislature made significant changes to Measure 91 during the 2015 session in HB 3400 and HB 2041. One of the provisions included the ability of local jurisdictions to "opt out" or ban all types of recreational marijuana licenses within a particular jurisdiction. Sherwood City Council decided to place the issue on the ballot and let Sherwood voters decide whether to ban all or one of the recreational marijuana license types (Ord. 2016-02). In 2016 and 2017, Sherwood voters chose to ban all recreational marijuana license types.

In November 2020, Sherwood Measure 34-299, allowing recreational marijuana facilities within Sherwood, was approved by voters. On December 1, 2020, the City Council voted and approved Ordinance 2020-011, amending the Sherwood Municipal Code as approved by Ballot Measure 34-299. The 2020 code amendments included the following:

- Imposes a tax of three percent on the retail sale price of marijuana items by a recreational marijuana retailer in the area subject to the jurisdiction of the city.
- Updated definitions of Recreational Marijuana Businesses.
- Approval process, general standards for Recreational Marijuana Businesses, and specific standards for recreational marijuana retail sales facilities.

On January 11, 2022, the Planning Commission held a work session to review the proposed amendments. During the work session, a question was raised on why the hours of operation for marijuana businesses were stricken from the development code language. Since the work session, staff learned that the hours of operation for marijuana businesses are now listed in Section 5.30 of the Sherwood Municipal Code. The City Attorney recommends only listing the hours of operation in Chapter 5.30, Marijuana Businesses, of the Sherwood Municipal Code. If changes to the hours are proposed in the future, such a change would not have to go through the legislative land use process because the language is not within the Zoning and Community Development Code, Title 16 of the Sherwood Municipal Code. Sherwood City Council would review and take action on a proposed change through a hearings process. At the work session Planning Commission suggested adding the maximum square footage for medical and recreational facilities within the use table in Section 16.31.020. The maximum square footage, 3,000 square feet for both facilities, is listed under each use's standards in Section 16.38, Special Uses. The language describing the maximum square footage for medical marijuana dispensaries and recreational marijuana facilities in the two are worded slightly different. The recreational sale is based on retail activity, and the medical use is a transfer of medical products. Therefore, staff recommends not adding this footnote to the use table.

The proposed text amendments to the following chapters within Title 16, Sherwood Zoning and Community Development Code, are needed to ensure municipal code consistency and clarity.

- 16.10 Definitions
- 16.31 Industrial Land Use District
- 16.38 Special Uses
- 16.72 Procedures for Processing Development Permits

II. PUBLIC COMMENTS

As of this writing, no public comments have been received.

III. AGENCY COMMENTS

Notice to DLCD and Metro was sent on December 22, 2021, and an e-notice to agency partners was sent on January 13, 2022.

As of this writing, no comments have been received.

IV. REQUIRED FINDINGS FOR PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are SZCDC §16.80.030.A and §16.80.030.C

SZCDC 16.80.030 - Review Criteria

A. Text Amendment: An amendment to the text of the Comprehensive Plan or the Zoning and Community Development Code must be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment must be consistent with the intent of the adopted Sherwood Comprehensive Plan, and with all other provisions of the Plan, the Transportation System Plan, and this Code, and with any applicable State or City statutes and regulations, including this Section.

Community Need

RESPONSE: The proposal seeks text amendments to chapters in Title 16, Sherwood Zoning and Community Development Code, in the City's municipal code. On December 1, 2020, the City Council voted and approved Ordinance 2020-011, amending the Sherwood Municipal Code as approved by Ballot Measure 34-299. The 2020 code amendments included the following:

- Imposes a tax of three percent on the retail sale price of marijuana items by a recreational marijuana retailer in the area subject to the jurisdiction of the city.
- Updated definitions of Recreational Marijuana Businesses.
- Approval process, general standards for Recreational Marijuana Businesses, and specific standards for recreational marijuana retail sales facilities.

The proposed text amendments to the following chapters within Title 16, Sherwood Zoning and Community Development Code, are needed to ensure municipal code consistency and clarity.

- 16.10 Definitions

- 16.31 Industrial Land Use District
- 16.38 Special Uses
- 16.72 Procedures for Processing Development Permits

FINDING: The Sherwood City Council and Planning Commission have identified the need for proposed amendments to ensure municipal code consistency and clarity for marijuana facilities.

Consistency with the Comprehensive Plan

RESPONSE: While this specific proposal does not include changes to the text of the Comprehensive Plan, it is a proposal that would amend language within the Development Code, which is a component of the larger Comprehensive Plan and is reviewed in that light. There do not appear to be any comprehensive plan requirements that would conflict with the proposed code language, as the Comprehensive Plan does not address or comment on specific types of land uses, like marijuana facilities, but instead identifies policy goals for the more general land uses of commercial and industrial uses. The proposed language continues to implement the land use goals and policies as they apply to Industrial zoning uses and land use designations and processes.

FINDING: The proposed amendments are not in conflict with the Sherwood 2040 Comprehensive Plan. The proposed amendments continue to implement the land use goals and policies and apply to Industrial zoning uses with special standards and processes.

Consistency with the City's Transportation System Plan

RESPONSE: The proposed text amendments are not inconsistent with the City's Transportation System Plan. The proposal would not present any impacts to the existing City transportation system, the Transportation System Plan, or how the city analyzes future transportation impacts. Transportation impacts are analyzed and addressed at the time of land use application submittal and review.

FINDING: The proposed text amendments are not inconsistent with the City's Transportation System Plan.

Consistency with Oregon Statewide Planning Goals

Goal 1: Citizen Involvement

It is the purpose of this Goal to develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

RESPONSE: The proposed amendments are in response to Ballot Measure 24-299 that was passed by Sherwood voters in November 2020. In December 2020, Council held a public hearing and adopted municipal code amendments to implement Ballot Measure 24-299 (ORD 2020-011).

Planning Commission held a work session to review and discuss the proposed amendments on January 11, 2022. A project page for the proposed amendments was created on January 20,

2022, on the city's website that also provided the public notice and how to provide public comments to the Commission and City Council. The City of Sherwood's legislative amendment and hearing process provides numerous opportunities for citizens to be involved in all phases of the planning process. The amendments have been developed with the opportunity for public involvement and have been noticed in accordance with Sherwood Zoning and Community Development Code Chapter 16.72, Procedures for Processing Development Permits.

FINDING: The proposed amendments and the City's development code legislative process ensure the opportunity for public engagement.

Goal 2: Land Use Planning

It is the purpose of this Goal to establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

RESPONSE: The development of the proposed amendments has followed the City's established land use planning process and included public meetings, public outreach through information on the City's website, and opportunities for public comment. The proposed amendments to Title 16, Sherwood Zoning and Community Development Code, are in response to Ballot Measure 26-299, which Sherwood voters approved in 2020. The proposed amendments allow for consistency and clarity standards for all marijuana uses throughout Sherwood's Municipal Code.

FINDING: The proposed text amendments are consistent with Goal 2 and the City's Industrial Zones.

The following State Land Use Goals are not applicable to this proposal:

Goal 3: Agricultural Lands

Goal 4: Forest Lands

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 6: Air, Water and Land Resources Quality

Goal 7: Natural Hazards:

Goal 8: Recreational Needs

Goal 9: Economic Development

Goal 10: Housing

Goal 11: Public Facilities and Services

Goal 12: Transportation

Goal 13: Energy

Goal 14: Urbanization

Goal 15: Willamette River Greenway,

Goal 16: Estuarine Resources,

Goal 17: Coastal Shorelands,

Goal 18: Beaches and Dunes; and

Goal 19: Ocean Resources

Metro's Regional Framework Plan

The Functional Framework Plan Six Outcomes are statements adopted by the Metro Council that synthesize the 2040 Growth Concept and regional policies.

1. People live, work, and play in vibrant communities where their everyday needs are easily accessible.
2. Current and future residents benefit from the region's sustained economic competitiveness and prosperity.
3. People have safe and reliable transportation choices that enhance their quality of life.
4. The region is a leader in minimizing contributions to global warming.
5. Current and future generations enjoy clean air, clean water, and healthy ecosystems.
6. The benefits and burdens of growth and change are distributed equitably.

Response: The proposed amendments are consistent with the City's Comprehensive Plan; therefore, the amendment is consistent with the 2040 Growth Concept and regional policies.

SZCDC Review Criteria 16.80.030.C – Transportation Planning Rule Consistency

FINDING: This amendment does not impact the state Transportation Planning Rule. The proposed amendment, as stated above, does not affect the City's Transportation Systems Plan. New land use applications are reviewed for transportation impacts at the time of submittal.

V. RECOMMENDATION

As proposed, the draft amendments to the following chapters of Title 16, Sherwood Zoning and Community Development Code, support and meet the intent of the City's Comprehensive Plan and all applicable state and regional criteria.

- 16.10 Definitions
- 16.31 Industrial Land Use District
- 16.38 Special Uses
- 16.72 Procedures for Processing Development Permits

PLANNING COMMISSION ALTERNATIVES

1. Approve the findings in this staff report and recommend approval to City Council.
2. Modify the findings and approve the staff report as modified in compliance with all applicable criteria and recommend approval to City Council.
3. Modify the findings and deny the proposed amendments based on the Commission's findings, and recommend denial of the proposal to City Council; or
4. Continue the Public Hearing to a date certain if more information is needed.

STAFF RECOMMENDATION

Based on the above findings and applicable code criteria, staff recommends that the Planning Commission forward a recommendation of approval of the proposed text amendments as

presented in Exhibit B to this staff report Case File LU 2022-01-PA, to the Sherwood City Council.

Chapter 16.10 DEFINITIONS

Note – three asterisks (***) Indicates code has been omitted because it is not applicable

Major Commercial Plaza: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having fifteen (15) or more legally permitted businesses on the site

Marijuana Processing: A building or structure used in whole or in part for processing recreational marijuana as defined in ~~in~~ O.R.S. 475B et seq., as the processing, compounding or conversion of marijuana into cannabinoid products, ~~cannabinoid~~ concentrates or ~~cannabinoid~~ extracts, and which is licensed by the Oregon Liquor Control Commission. Processing may include packaging or labeling.

Marijuana Production: A building or structure used in whole or in part for producing recreational marijuana as defined in O.R.S. 475B et seq., as the manufacture, planting, cultivation, growing, or harvesting of marijuana, and which is licensed by the Oregon Liquor Control Commission. Producing does not include cultivation and growing of an immature marijuana plant by a processor, wholesaler, or retailer if that party purchased or otherwise received the plant from a licensed producer.

Marijuana Retail Sales: A building or structure used in whole or in part for retail sales to a consumer of marijuana, cannabinoid products, and miscellaneous items, and which is licensed by the Oregon Liquor Control Commission.

Marijuana Testing Laboratories: A building or structure used in whole or in part for testing of marijuana items, and which is licensed by the Oregon Liquor Control Commission.

Marijuana Wholesale Operations: A building or structure used in whole or in part for wholesale distribution of marijuana, cannabinoid products, and miscellaneous items to a person other than a consumer, and which is licensed by the Oregon Liquor Control Commission.

Medical Marijuana Dispensary: A retail facility that is either (1) registered by the Oregon Health Authority or (2) designated as an exclusively medical license holder by the Oregon Liquor Control Commission under ORS 475.B.131, and that is allowed under state law to receive marijuana, immature marijuana plants or usable marijuana products (such as edible products, ointments, concentrates or tinctures) and to transfer that marijuana, immature plants, or usable project to a person with a valid Oregon Medical Marijuana Program card (a patient or the patient's caregiver). A medical marijuana dispensary is not a "recreational [marijuana](#) retailer" as defined in Section 3.25.010 ~~or 5.30.010~~. A medical marijuana dispensary includes all premises, buildings, curtilage or other structures used to accomplish the storage, distribution and dissemination of marijuana.

Chapter 16.31 INDUSTRIAL LAND USE DISTRICTS¹

16.31.010 Purpose

- A. Employment Industrial (EI) - The EI zoning district provides employment areas that are suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the City's economic development strategy as important to the state and local economy. The following are preferred industry sectors for areas zoned EI: Clean Technology; Technology and Advanced Manufacturing; and Outdoor Gear and Active Wear.

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

Industrial establishments and support services shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Hearing Authority.

- B. Light Industrial (LI) - The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well- landscaped sites and attractive architectural design, as determined by the Commission.
- C. General Industrial (GI) - The GI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products from previously prepared or raw materials, providing such activities can meet and maintain minimum environmental quality standards and are situated so as not to create significant adverse effects to residential and commercial areas of the City. The minimum contiguous area of any GI zoning district shall be fifty (50) acres.

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

16.31.020 Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88.
- B. Uses listed in other sections of this Code, but not within this specific table are prohibited.

¹Editor's note(s)—Ord. No. 2012-011, adopted August 7, 2012, amended the Code by consolidating the provisions of Chs. 16.31, 16.32 and 16.34. Former Ch. 16.31, §§ 16.31.010—16.31.100, pertained to the Employment Industrial district, and derived from Ord. 2010-014, adopted October 5, 2010. See Chs. 16.32 and 16.34 for specific derivation.

- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

Uses	LI	GI	EI ¹
RESIDENTIAL			
• Single dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family	P	P	P
CIVIC			
• Hospitals	C	N	N
• Police and fire stations and other emergency services	C	C	C
• Vehicle testing stations	C	C	C
• Postal services - Public	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright	C	C	C
• Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards	P	P	C
• Small-scale power generation facilities	P	P	P
• Large-scale power generation facilities	C	P	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	C	C
COMMERCIAL			
• Commercial Trade Schools, commercial educational services and training facilities	P	P	C
Entertainment/recreation			
• Country clubs, sports and racquet clubs and other similar clubs	C	C	C
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ^{2,3}	C	C	C
Hospitality and lodging			
• Hotel/Motel	CJ ¹²	N	N
Motor vehicle related			
• Motorized vehicle and sport craft repairs and service	C	C	N
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally	P	P	P
• Automotive, boat, trailer and recreational vehicle storage	C	C	C ⁴
• Vehicle fueling stations or car wash facilities ⁵	C	C	C
• Junkyards and salvage yards	N	N	N
• Manufactured home sales and display area	N	N	N
Office and professional support services			
• Business and professional offices ³	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities ³	P	P	P
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	P	P	P
Childcare			
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use ³	C	C	C
General retail - sales oriented			

• Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business ³	P	P	P
• Medical <u>and recreational</u> marijuana <u>facilities dispensary, not exceeding 3,000 square feet of gross square footage</u>	N	P ⁶	N
• Tool and equipment repair, rental and sales, including truck rental ⁷	P	P	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	P	P	N
• Wholesale building material sales and service	C	P	N
• Retail building material sales and lumber yards ³	C	P	N
Personal services			
• Health clubs and studios less than 5,000 square feet in size	P	P	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services ⁸	C	C	C
• Public or commercial parking (non-accessory)	N	N	N
• Veterinarian offices and animal hospitals	C	C	C
• Animal boarding/kennels and pet daycare facilities with outdoor recreation areas ⁸	C	C	C
Eating and drinking establishments:			
• Restaurants, taverns, and lounges without drive-thru ³	C	C	C
• Restaurants with drive-thru services	N	N	N
• On-site cafeteria that is secondary to, and serving employees of, a permitted use	P	P	P
INDUSTRIAL			
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided exterior odor and noise is consistent with municipal code standards and there is no unscreened storage and not otherwise regulated elsewhere in the code	P	P	P
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code provided other off-site impacts are compliant with local, state and federal regulations	C	P	C
• Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of acids, paints, dyes, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals	N	C	N
• Distribution, warehousing and storage associated with a permitted use operating on the same site	P	P	P
• Distribution and warehousing up to 150,000 square feet, provided product(s) are stored within an enclosed building ⁹	P	P	P
• Distribution and warehousing greater than 150,000 square feet provided product(s) are stored within an enclosed building ⁹	N	P	C
• Mini-warehousing or self-storage	N	P	N
• Medical or dental laboratories, including biomedical compounding	P	P	P
• Laboratories (not medical or dental)	P	P	P
• Research and development and associated manufacturing	P	P	P
• Contractors' storage and equipment yards	C	P	C ⁴
• Building, heating, plumbing or electrical contractors and suppliers, building maintenance services, and similar uses ¹⁰	P	P	P
• Industrial laundry, dry cleaning, dyeing, or rug cleaning plants	C	P	N
• Sawmills	C	C	N
• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants	N	C	N

• Solid waste transfer stations	N	C	N
The following uses are specifically prohibited in all industrial zones because they have been determined to have adverse environmental, public and aesthetic impacts and are not suitable for location in any of the industrial zones in the City			
• Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community	N	N	N
• Pulp and paper mills	N	N	N
• Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products	N	N	N
• Metal rolling and extraction mills, forge plants, smelters and blast furnaces	N	N	N
• Meat, fish, poultry and tannery processing	N	N	N
• General purpose solid waste landfills, incinerators, and other solid waste facilities not otherwise permitted in this Code	N	N	N
WIRELESS COMMUNICATION FACILITIES			
• Radio, television, and similar communication stations, including associated transmitters	C	C	C
• Wireless communication towers ¹¹ and transmitters	C	C	C
• Wireless communication facilities on City-owned property	C	C	C
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P
OTHER			
Agricultural uses including but not limited to:			
• Farm equipment sales and rentals	N	N	N
• Farming and horticulture	P	P	P
• Raising of animals other than household pets	N	N	N
• Truck and bus yards	N	P	N

¹ See special criteria for the EI zone, 16.31.050 and the Tonquin Employment Area (TEA), 16.31.060.

² If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than fifty (50) percent of the total area.

³ Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

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

⁵ Limited to Cardlock, wholesale or facilities incidental to and solely serving an associated permitted or conditional use - no public retail fuel sales.

⁶ See Special Criteria for Medical and Recreational Marijuana Facilities ~~Dispensary under Section in Chapter 16.38, Special Uses-020-~~

⁷ Sales and rental area Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

⁸ Animal boarding/kennels and pet daycare facilities entirely within an enclosed building are considered "other personal service."

⁹ For standalone warehousing and distribution only. Warehousing and distribution associated with another approved use is ancillary and permitted without size limitations.

¹⁰ These businesses are involved in the servicing and supplying of materials and equipment primarily intended for industrial, institutional, or commercial businesses. On-site sales are limited as most activity occurs electronically or off-site. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products are generally delivered to the customer. Few customers, especially the general public, come to the site.

¹¹ Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

¹² See special standard criteria for hospitality and lodging uses within the Light Industrial Land Use District SZCDC 16.31.040.

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2012-011, § 2, 8-7-2012)

16.31.030 Development Standards

A. Generally

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

B. Development Standards

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

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

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

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

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

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016)

16.31.040 Special Standards Hospitality and Lodging Uses Within the Light Industrial Zone

A. Siting

1. Hotels/motels within the Light Industrial zone must be sited within 1/4 mile from the General Commercial and/or Retail Commercial zone.

B. Development and Design

1. The development of hotels/motels in the Light Industrial zone shall use the urban design standards in SZCDC Section 16.90.20.D.6.a—c. As an alternative to the standards in Section 16.90.20.D.6.a—c the commercial design review matrix may be applied (Section 16.90.020.D.6.d). A development must propose a minimum of sixty (60) percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.a—c.
2. A hotel/motel shall provide a minimum of 200 square feet of interior floor area for conference and/or meeting rooms, exclusive of dining, breakfast and lobby areas.

(Ord. No. 2020-006 , § 2, 7-21-2020)

Editor's note(s)—Ord. No. 2020-006 , § 2, adopted July 21, 2020, amended the Code by renumbering former §§ 16.31.040—16.31.070 as §§ 16.31.050—16.31.080, and adding a new § 16.31.040.

16.31.050 Employment Industrial (EI) Restrictions

A. Use Restrictions

1. Retail and professional services that cater to daily customers, such as restaurants and financial, insurance, real estate, legal, medical and dental offices, shall be limited in the EI zone.
 - a. New buildings for stores, branches, agencies or other retail uses and services shall not occupy more than five thousand (5,000) square feet of sales or service area in a single outlet and no more than twenty thousand (20,000) square feet of sales or service area in multiple outlets in the same development project, and
 - b. New buildings for stores, branches, agencies or other retail uses and services shall not be located on lots or parcels smaller than five acres in size. A "development project" includes all improvements proposed through a site plan application.
2. Notwithstanding the provisions of Section 16.31.050 "Commercial Nodes Use Restrictions," commercial development permitted under 16.31.050(1)(a) may only be proposed concurrent with or after industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel.

B. Land Division Restrictions

1. Lots of record prior to October 5, 2010 that are smaller than the minimum lot size required in the EI zone may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three acres shall be prohibited unless Section 16.31.050 applies.
2. Lots or parcels larger than fifty (50) acres may be divided into smaller lots and parcels pursuant to a planned unit development approved by the city so long as the resulting division yields at least one lot or parcel of at least fifty (50) acres in size.
3. Lots or parcels fifty (50) acres or larger, including those created pursuant to subsection (2) above, may be divided into any number of smaller lots or parcels pursuant to a planned unit development approved by the city so long as at least forty (40) percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

Note(s)—Former § 16.31.040. See editor's note, § 16.31.040.

16.31.060 Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

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

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

Note(s)—Former § 16.31.050. See editor's note, § 16.31.040.

16.31.070 Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, the applicable provisions of Divisions V, VIII and IX will apply.

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

Note(s)—Former § 16.31.060. See editor's note, § 16.31.040.

16.31.080 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

Note(s)—Former § 16.31.070. See editor's note, § 16.31.040.

Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 Generally

A. Classifications

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

1. Type I

The following quasi-judicial actions shall be subject to a Type I review process:

- a. Signs;
- b. Property line adjustments;
- c. Interpretation of similar uses;
- d. Temporary uses;
- e. Final subdivision and partition plats;
- f. Final site plan review;
- g. Time extensions of approval, per Sections 16.90.020; 16.124.010;
- h. Class A home occupation permits;
- i. Interpretive decisions by the city manager or his/her designee;
- j. Tree removal permit—Street trees over five inches DBH, per section 16.142.050.B.2 and 3;
- k. Adjustments;
- l. Re-platting, lot consolidations and vacations of plats;
- m. Minor modifications to approved site plans;
- n. Accessory dwelling units.
- o. An existing Medical Marijuana Dispensary in compliance with Section 16.38.020 (Medical Marijuana Dispensary) which completes a conversion to a recreational marijuana licensee under regulation by the Oregon Liquor License Commission pursuant to O.R.S. 475B et seq.

2. Type II

The following quasi-judicial actions shall be subject to a Type II review process:

- a. Land Partitions
- b. Expedited Land Divisions - The Planning Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Planning Director if necessary to fulfill the requirements of the adopted

Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.

- c. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to a Conditional Use Permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.A.4.
- d. "Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.D.6.d.
- e. Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in Section 16.90.020.D.7.b.
- f. Homeowner's association street tree removal and replacement program extension.
- g. Class B Variance
- h. Street Design Modification
- i. Subdivisions between 4—10 lots
- j. Medical marijuana dispensary ~~permit~~
- k. Recreational marijuana dispensary

Chapter 16.38 SPECIAL USES

*Note – three asterisks (***) Indicates code has been omitted because it is not applicable*

16.38.010 General Provisions

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying zoning district, the standard for the special use shall apply.

(Ord. 86-851, § 3)

16.38.020 Medical Marijuana Dispensary

A. Characteristics

1. A medical marijuana dispensary is defined in Section 16.10.020.
2. Registration and Compliance with Oregon Health Authority and Oregon Liquor Control Commission Rules. A medical marijuana dispensary must have a current valid registration with the Oregon Health Authority under ORS 475B.858 or a current valid designation as an exclusively medical license holder by the Oregon Liquor Control Commission under ORS 475B.131. Failure to comply with Oregon Health Authority and Oregon Liquor Control Commission regulations, as applicable, is a violation of this Code.

B. Approval Process

Where permitted, a medical marijuana dispensary is subject to approval under Section 16.72.010.A.2, the Type II land use process, [in addition to any other land use review process required by this Code](#). A medical marijuana dispensary that has already obtained such approval and which is converting from Oregon Health Authority registration to Oregon Liquor Control Commission licensure with an exclusively medical designation, or vice versa, is not required to obtain additional land use approval from the City under this section solely as a result of such license conversion.

C. Standards

[1. All new construction of medical marijuana dispensaries shall comply with 16.90 Site Planning.](#)

~~1. Hours of Operation. A medical marijuana dispensary may not be open to the public before 10:00 a.m. and not later than 8:00 p.m. all days of the week.~~

~~1.2~~ 2. Security Measures Required

- a. Landscaping must be continuously maintained to provide clear lines of sight from a public right-of-way to all building entrances.
- b. Exterior lighting must be provided and continuously maintained.
- c. ~~Any~~ security bars installed on doors or windows ~~shall not be~~ visible from a public right-of-way ~~and shall must~~ be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.

d. No outdoor storage of marijuana is allowed at any medical marijuana dispensary.

23. Co-location Prohibited

a. A medical marijuana dispensary may not be located at the same address as a marijuana manufacturing facility, including a grow operation.

b. A medical marijuana dispensary may not be located at the same address with any facility or business at which marijuana is inhaled or consumed

34. Mobile and Delivery Businesses Prohibited

a. A dispensary may not operate as a mobile business as defined in Section 16.10.020.

b. A dispensary may not operate to deliver marijuana.

45. Drive-Through and Walk-Up. A medical marijuana dispensary may not engage in product sales outside of the facility or building through means of a walk-up window or drive-through access.

56. Proximity Restrictions. A medical marijuana dispensary may not be located within 1,000 feet of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between the property lines of the affected properties:

a. Residential Zones. A medical marijuana production, processing, testing laboratory or wholesale facility shall not be located within one thousand (1,000) feet of a Any single-family residential or multi-family —residential zone.

b. Schools. Within one thousand (1,000) feet of a A public or private elementary or secondary school attended primarily by children under 19 years of age.

c. Public Plazas and Active Use Parks. Within one thousand (1,000) feet of a A public plaza or active use park. As used in this paragraph, an active use park includes a public park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features.

d. A Major Commercial Plaza: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having fifteen (15) or more legally permitted businesses on the site.

6. One or more licensed medical marijuana dispensaries shall be permitted on the same tax lot, subject to the proximity restrictions in this section.

7. Medical marijuana dispensaries shall only be permitted in zones classified as General Industrial.

8. No medical marijuana dispensary may be located within the Old Town Overlay District.

9. No medical marijuana dispensary shall exceed an area of three thousand (3,000) square feet of publicly accessible areas associated with the transfer of medical marijuana.

A medical marijuana dispensary may not be located within 1,000 feet of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between the property lines of the affected properties:

a. An educational institution: public or private elementary, secondary, or career school that is attended primarily by children under 18 years of age.

b. Another medical marijuana dispensary.

c. A public park or plaza.

Formatted: List 2

(Ord. No. 2018-008, § 2, 10-2-2018; Ord. No. 2015-005, § 2, 5-5-2015)

16.38.030 Recreational Marijuana Facilities

A. Characteristics

1. Five types of recreational marijuana facilities are defined in Section 16.010.20.
2. Recreational marijuana facilities must be licensed by the Oregon Liquor Control Commission. A facility not licensed by the Oregon Liquor Control Commission is not permitted in any zone.

B. Approval Process. Where permitted, recreational marijuana facilities are subject to approval under 16.72.010.A2, the Type II process in addition to any other required land use review process required by this Code. Applications for approval shall include detailed responses to the applicable standards listed in this section.

1. An existing Medical Marijuana Dispensary in compliance with Section 16.38.020 (Medical Marijuana Dispensary) which completes a conversion to a recreational marijuana licensee under regulation by the Oregon Liquor License Commission pursuant to O.R.S. 475B et seq. shall be exempted from the requirement to complete a Type II process and shall only be required to complete a Type I process under 16.72.010.A1.

C. General Standards for Recreational Marijuana Facilities

1. All new construction of recreational marijuana facilities shall comply with 16.90 Site Planning.
 - a. ~~A medical marijuana dispensary which is in compliance with Section 16.38.020 (Medical Marijuana Dispensary) on or before April 1, 2020, and which maintains such compliance until completion of a conversion to a recreational marijuana licensee under regulation by the Oregon Liquor License Commission pursuant to O.R.S. 475B et seq. shall be exempted from 16.90 Site Planning for any new or modified recreational marijuana facilities.~~
2. In the case of production facilities, views from the exterior of the building into the production area are prohibited. Views of interior lighting in the production area from the exterior of the building are also prohibited.
3. Only indoor recreational marijuana production is allowed. Exterior growing is prohibited for commercial distribution.
4. Public Access Prohibited. Access to any production, processing, testing laboratory ~~or~~ and wholesale facility shall be limited to employees, personnel, and guests over the age of 21, authorized by the facility operator.
5. Security Measures Required
 - a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.
 - b. Exterior lighting shall be provided and continuously maintained.
 - c. ~~Any~~ Security bars installed on doors or windows ~~shall not be~~ visible from the public right-of-way and shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.
 - d. No outdoor storage of marijuana is allowed at any recreational marijuana facilities.
6. Odor Mitigation Measures Required. Production and processing facilities shall install and maintain enhanced ventilation systems designed to prevent detection of marijuana odor from adjacent properties or the public right-of-way. Such systems shall include the following features:
 - a. Installation of activated carbon filters on all exhaust outlets to the building exterior;

- b. Location of exhaust outlets a minimum of ~~ten 40~~ feet from the property line and ~~ten 40~~ feet above finished grade; and
 - c. Maintenance of negative air pressure within the facility; or
 - d. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.
7. Proximity Restrictions. A recreational marijuana facility may not be located within 1,000 feet of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.
- ~~a. Residential zones. A recreational marijuana production, processing, testing laboratory or wholesale sales facility shall not be located within one thousand (1,000) feet of a~~Any single-family residential or multi-~~family residential zone. For purposes of this paragraph, the distance specified is measured from~~ the closest points between property lines of the affected properties.
 - ~~b. Schools. Within one thousand (1,000) feet of a~~A public or private elementary or secondary school attended primarily by children under 19 years of age.
 - ~~c. Public Plazas and Active Use Parks. Within one thousand (1,000) feet of a~~A public plaza or active use park. As used in this paragraph, an active use park includes a public park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features.
 - ~~d. A Major Commercial Plaza: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having fifteen (15) or more legally permitted businesses on the site.~~
8. ~~One or more licensed Recreational Marijuana Facilities (Retailer, Processor, Wholesaler, Producer, or Laboratory) shall be permitted on the same tax lot, subject to the proximity restrictions under~~ 16.38.030(D)(7) in this section.
- ~~98.~~ No recreational marijuana facility may be located within the Old Town Overlay District.
- ~~109.~~ Recreational Marijuana Facilities (Retailer, Processor, Wholesaler, Producer, or Laboratory) licensed by the Oregon Liquor Control Commission shall only be permitted in zones classified as General Industrial.
- ~~a. Exception. Any existing medical marijuana dispensary located in an area zoned Light Industrial which is in compliance with Section 16.38.020 (Medical Marijuana Dispensary) on or before April 1, 2020, will be an approved situs for a licensed recreational marijuana facility. This section expressly authorizes the operation of a licensed recreational marijuana facility in the following location-zoned Light Industrial:~~

~~Tax Lot 25129A-000500—Parcel R0547705
15025 SW Tualatin-Sherwood Rd, Sherwood, OR 97140~~
 - ~~b. The sale of any property listed at 16.38.030(9) (a) shall not terminate this exception and such exception shall run with the land. A purchaser of the applicable real estate may, but shall not be required, to undertake a "Change of Ownership" review by the Oregon Liquor Control Commission. A subsequent purchaser of the applicable real estate may seek a new recreational marijuana license from the Oregon Liquor Control Commission unconnected with the license maintained by the prior owner(s).~~

~~10. One or more licensed Recreational Marijuana Facilities (Retailer, Processor, Wholesaler, Producer, or Laboratory) shall be permitted on the same tax lot, subject to the proximity restrictions under 16.38.030(D)(7).~~

D. Specific Standards for Recreational Marijuana Retail Sales Facilities

~~1. All new construction of recreational marijuana retail facilities shall comply with 16.90 Site Planning, unless such facility is exempted from 16.90 Site Planning under 16.38.030(C)(1)(a).~~

~~2.1. Public Access Prohibited. Access to a retail sales facility shall be limited to employees, personnel, and customers over the age of 21.~~

- ~~a. A OHA-registered medical marijuana patient or caregiver at least 18 years of age shall be permitted to enter a retail sales facility for the purposes of purchasing medical marijuana.~~

~~3. Hours of Operation~~

- ~~a. Retail sales facilities shall operate only between the hours of 10:00 a.m. to 8:00 p.m. Sunday through Thursday.~~
- ~~b. Retail sales facilities shall operate only between the hours of 10:00 a.m. to 10:00 p.m. Friday and Saturday.~~
- ~~c. An individual facility may set hours within those specified, but may not be open outside those parameters.~~

~~4. Security Measures Required~~

- ~~a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.~~
- ~~b. Exterior lighting shall be provided and continuously maintained consistent with Section 16.154.~~
- ~~c. Any security bars installed on doors or windows visible from the public right of way shall be installed interior to the door or window, in a manner that they are not visible from the public right of way.~~

~~325. Mobile and Delivery Businesses Prohibited~~

- ~~a. A recreational dispensary may not operate as a mobile business as defined in Section 16.10.020.~~
- ~~b. A recreational dispensary may not operate to deliver marijuana.~~

~~43. Drive-Through and Walk-Up. A recreational marijuana dispensary may not engage in product sales outside of the facility or building through means of a walk-up window or drive-through access.~~

~~Mobile or Temporary Businesses Prohibited. A retail sales facility may not operate as a mobile or temporary business as defined in Section 16.10.020.~~

~~6. Drive-in or Drive-Through Facilities Only Permitted Where Authorized by OLCC. A retail sales facility may only operate a drive-in, or drive-through or "curbside delivery" retailer facility, as defined in Section 16.10.020. Nothing in this section shall prohibit a marijuana retailer from operating a delivery service which is compliant with state law and OLCC regulations concerning delivery by a recreational marijuana retailer.~~

~~7. Proximity Restrictions. A retail marijuana facility shall not be located within the specified proximity of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.~~

- ~~a. Schools. Within one thousand (1,000) feet of a public or private elementary or secondary school attended primarily by children under 19 years of age.~~

~~b. —Other Retail Facilities. Within one thousand (1,000) feet of another retail recreational marijuana facility or any medical marijuana dispensary.~~

~~c. —Public Plazas and Active Use Parks. Within one thousand (1,000) feet of a public plaza or active use park. As used in this paragraph, an active use park includes a public park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features.~~

~~648. No recreational marijuana retail facility shall exceed an area of three thousand (3,000) square feet of publicly accessible areas associated with the retail sale of recreational marijuana. No additional size limitations on recreational retail marijuana facilities shall be imposed except as required by state law.~~

(Ord. No. 2020-011 , § 1, 12-1-2020)

~~***~~



ORDINANCE 2022-002

AMENDING MULTIPLE SECTIONS OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE RELATING TO MARIJUANA USES

WHEREAS, Sherwood Ballot Measure 34-299, allowing recreational marijuana facilities within Sherwood, was approved by voters in November 2020; and

WHEREAS, multiple sections of the Sherwood Zoning and Community Development Code (SZCDC) need to be updated for consistency and clarity relating to marijuana uses; and

WHEREAS, the Planning Commission held a work session on January 11, 2022, to review and discuss the proposed amendments; and

WHEREAS, the Planning Commission, after a public hearing notice was provided to a list of partner agencies, posted in locations in the City and on the City website, and advertised in The Times, a newspaper of general circulation in the City, held a public hearing on February 8, 2022, to review the proposed amendments and to gather additional testimony and evidence regarding the proposed amendments; and

WHEREAS, the Planning Commission recommends City Council to adopt the proposed amendments; and

WHEREAS, the City Council held a public hearing on the proposed amendments on March 1, 2022.

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

Section 1. After full and due consideration of the application, the Planning Commission recommendation, the record, and evidence presented at the public hearings, the City Council adopts the findings of fact contained in the Planning Commission recommendation, which is included as Attachment 1 to the staff report for this Ordinance, finding that the text of the indicated sections of the Sherwood Zoning and Community Development Code shall be amended to read as documented in Exhibit 1, attached to this Ordinance.

Section 2. The proposed amendments to SZCDC Chapters, 16.10 Definitions, 16.31 Industrial Land Use Districts, 16.38 Special Uses, 16.72 Procedures for Processing Development Permits in Exhibit 1, attached to this Ordinance, are hereby **APPROVED**.

Section 3. This Ordinance shall become effective 30 days from its adoption

Duly passed by the City Council this March 15, 2022.

Keith Mays, Mayor

Date

Attest:

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Scott	_____	_____
Brouse	_____	_____
Young	_____	_____
Garland	_____	_____
Rosener	_____	_____
Mays	_____	_____

Chapter 16.10 DEFINITIONS

*Note – three asterisks (***) Indicates code has been omitted because it is not applicable*

Major Commercial Plaza: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having fifteen (15) or more legally permitted businesses on the site

Marijuana Processing: A building or structure used in whole or in part for processing recreational marijuana as defined in O.R.S. 475B et seq., as the processing, compounding or conversion of marijuana into cannabinoid products, concentrates or extracts, and which is licensed by the Oregon Liquor Control Commission. Processing may include packaging or labeling.

Marijuana Production: A building or structure used in whole or in part for producing recreational marijuana as defined in O.R.S. 475B et seq., as the manufacture, planting, cultivation, growing, or harvesting of marijuana, and which is licensed by the Oregon Liquor Control Commission. Producing does not include cultivation and growing of an immature marijuana plant by a processor, wholesaler, or retailer if that party purchased or otherwise received the plant from a licensed producer.

Marijuana Retail Sales: A building or structure used in whole or in part for retail sales to a consumer of marijuana, cannabinoid products, and miscellaneous items, and which is licensed by the Oregon Liquor Control Commission.

Marijuana Testing Laboratories: A building or structure used in whole or in part for testing of marijuana items, and which is licensed by the Oregon Liquor Control Commission.

Marijuana Wholesale Operations: A building or structure used in whole or in part for wholesale distribution of marijuana, cannabinoid products, and miscellaneous items to a person other than a consumer, and which is licensed by the Oregon Liquor Control Commission.

Medical Marijuana Dispensary: A retail facility that is either (1) registered by the Oregon Health Authority or (2) designated as an exclusively medical license holder by the Oregon Liquor Control Commission under ORS 475.B.131, and that is allowed under state law to receive marijuana, immature marijuana plants or usable marijuana products (such as edible products, ointments, concentrates or tinctures) and to transfer that marijuana, immature plants, or usable project to a person with a valid Oregon Medical Marijuana Program card (a patient or the patient's caregiver). A medical marijuana dispensary is not a "recreational marijuana retailer" as defined in Section 3.25.010. A medical marijuana dispensary includes all premises, buildings, curtilage or other structures used to accomplish the storage, distribution and dissemination of marijuana.

Chapter 16.31 INDUSTRIAL LAND USE DISTRICTS¹

16.31.010 Purpose

- A. Employment Industrial (EI) - The EI zoning district provides employment areas that are suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the City's economic development strategy as important to the state and local economy. The following are preferred industry sectors for areas zoned EI: Clean Technology; Technology and Advanced Manufacturing; and Outdoor Gear and Active Wear.

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

Industrial establishments and support services shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Hearing Authority.

- B. Light Industrial (LI) - The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well- landscaped sites and attractive architectural design, as determined by the Commission.
- C. General Industrial (GI) - The GI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products from previously prepared or raw materials, providing such activities can meet and maintain minimum environmental quality standards and are situated so as not to create significant adverse effects to residential and commercial areas of the City. The minimum contiguous area of any GI zoning district shall be fifty (50) acres.

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

16.31.020 Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88.
- B. Uses listed in other sections of this Code, but not within this specific table are prohibited.

¹Editor's note(s)—Ord. No. 2012-011, adopted August 7, 2012, amended the Code by consolidating the provisions of Chs. 16.31, 16.32 and 16.34. Former Ch. 16.31, §§ 16.31.010—16.31.100, pertained to the Employment Industrial district, and derived from Ord. 2010-014, adopted October 5, 2010. See Chs. 16.32 and 16.34 for specific derivation.

- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

Uses	LI	GI	EI ¹
RESIDENTIAL			
• Single dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family	P	P	P
CIVIC			
• Hospitals	C	N	N
• Police and fire stations and other emergency services	C	C	C
• Vehicle testing stations	C	C	C
• Postal services - Public	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright	C	C	C
• Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards	P	P	C
• Small-scale power generation facilities	P	P	P
• Large-scale power generation facilities	C	P	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	C	C
COMMERCIAL			
• Commercial Trade Schools, commercial educational services and training facilities	P	P	C
Entertainment/recreation			
• Country clubs, sports and racquet clubs and other similar clubs	C	C	C
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ^{2,3}	C	C	C
Hospitality and lodging			
• Hotel/Motel	CJ ¹²	N	N
Motor vehicle related			
• Motorized vehicle and sport craft repairs and service	C	C	N
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally	P	P	P
• Automotive, boat, trailer and recreational vehicle storage	C	C	C ⁴
• Vehicle fueling stations or car wash facilities ⁵	C	C	C
• Junkyards and salvage yards	N	N	N
• Manufactured home sales and display area	N	N	N
Office and professional support services			
• Business and professional offices ³	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities ³	P	P	P
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	P	P	P
Childcare			
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use ³	C	C	C
General retail - sales oriented			

• Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business ³	P	P	P
• Medical and recreational marijuana facilities	N	p ⁶	N
• Tool and equipment repair, rental and sales, including truck rental ⁷	P	P	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	P	P	N
• Wholesale building material sales and service	C	P	N
• Retail building material sales and lumber yards ³	C	P	N
Personal services			
• Health clubs and studios less than 5,000 square feet in size	P	P	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services ⁸	C	C	C
• Public or commercial parking (non-accessory)	N	N	N
• Veterinarian offices and animal hospitals	C	C	C
• Animal boarding/kennels and pet daycare facilities with outdoor recreation areas ⁸	C	C	C
Eating and drinking establishments:			
• Restaurants, taverns, and lounges without drive-thru ³	C	C	C
• Restaurants with drive-thru services	N	N	N
• On-site cafeteria that is secondary to, and serving employees of, a permitted use	P	P	P
INDUSTRIAL			
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided exterior odor and noise is consistent with municipal code standards and there is no unscreened storage and not otherwise regulated elsewhere in the code	P	P	P
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code provided other off-site impacts are compliant with local, state and federal regulations	C	P	C
• Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of acids, paints, dyes, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals	N	C	N
• Distribution, warehousing and storage associated with a permitted use operating on the same site	P	P	P
• Distribution and warehousing up to 150,000 square feet, provided product(s) are stored within an enclosed building ⁹	P	P	P
• Distribution and warehousing greater than 150,000 square feet provided product(s) are stored within an enclosed building ⁹	N	P	C
• Mini-warehousing or self-storage	N	P	N
• Medical or dental laboratories, including biomedical compounding	P	P	P
• Laboratories (not medical or dental)	P	P	P
• Research and development and associated manufacturing	P	P	P
• Contractors' storage and equipment yards	C	P	C ⁴
• Building, heating, plumbing or electrical contractors and suppliers, building maintenance services, and similar uses ¹⁰	P	P	P
• Industrial laundry, dry cleaning, dyeing, or rug cleaning plants	C	P	N
• Sawmills	C	C	N
• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants	N	C	N
• Solid waste transfer stations	N	C	N

The following uses are specifically prohibited in all industrial zones because they have been determined to have adverse environmental, public and aesthetic impacts and are not suitable for location in any of the industrial zones in the City			
• Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community	N	N	N
• Pulp and paper mills	N	N	N
• Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products	N	N	N
• Metal rolling and extraction mills, forge plants, smelters and blast furnaces	N	N	N
• Meat, fish, poultry and tannery processing	N	N	N
• General purpose solid waste landfills, incinerators, and other solid waste facilities not otherwise permitted in this Code	N	N	N
WIRELESS COMMUNICATION FACILITIES			
• Radio, television, and similar communication stations, including associated transmitters	C	C	C
• Wireless communication towers ¹¹ and transmitters	C	C	C
• Wireless communication facilities on City-owned property	C	C	C
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P
OTHER			
Agricultural uses including but not limited to:			
• Farm equipment sales and rentals	N	N	N
• Farming and horticulture	P	P	P
• Raising of animals other than household pets	N	N	N
• Truck and bus yards	N	P	N

¹ See special criteria for the EI zone, 16.31.050 and the Tonquin Employment Area (TEA), 16.31.060.

² If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than fifty (50) percent of the total area.

³ Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

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

⁵ Limited to Cardlock, wholesale or facilities incidental to and solely serving an associated permitted or conditional use - no public retail fuel sales.

⁶ See Special Criteria for Medical and Recreational Marijuana Facilities in Chapter 16.38, Special Uses

⁷ Sales and rental area Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

⁸ Animal boarding/kennels and pet daycare facilities entirely within an enclosed building are considered "other personal service."

⁹ For standalone warehousing and distribution only. Warehousing and distribution associated with another approved use is ancillary and permitted without size limitations.

¹⁰ These businesses are involved in the servicing and supplying of materials and equipment primarily intended for industrial, institutional, or commercial businesses. On-site sales are limited as most activity

occurs electronically or off-site. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products are generally delivered to the customer. Few customers, especially the general public, come to the site.

¹¹ Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

¹² See special standard criteria for hospitality and lodging uses within the Light Industrial Land Use District SZCDC 16.31.040.

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2012-011, § 2, 8-7-2012)

16.31.030 Development Standards

A. Generally

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

B. Development Standards

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

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

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

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

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

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016)

16.31.040 Special Standards Hospitality and Lodging Uses Within the Light Industrial Zone

A. Siting

1. Hotels/motels within the Light Industrial zone must be sited within 1/4 mile from the General Commercial and/or Retail Commercial zone.

B. Development and Design

1. The development of hotels/motels in the Light Industrial zone shall use the urban design standards in SZCDC Section 16.90.20.D.6.a—c. As an alternative to the standards in Section 16.90.20.D.6.a—c the commercial design review matrix may be applied (Section 16.90.020.D.6.d). A development must propose a minimum of sixty (60) percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.a—c.
2. A hotel/motel shall provide a minimum of 200 square feet of interior floor area for conference and/or meeting rooms, exclusive of dining, breakfast and lobby areas.

(Ord. No. 2020-006 , § 2, 7-21-2020)

Editor's note(s)—Ord. No. 2020-006 , § 2, adopted July 21, 2020, amended the Code by renumbering former §§ 16.31.040—16.31.070 as §§ 16.31.050—16.31.080, and adding a new § 16.31.040.

16.31.050 Employment Industrial (EI) Restrictions

A. Use Restrictions

1. Retail and professional services that cater to daily customers, such as restaurants and financial, insurance, real estate, legal, medical and dental offices, shall be limited in the EI zone.
 - a. New buildings for stores, branches, agencies or other retail uses and services shall not occupy more than five thousand (5,000) square feet of sales or service area in a single outlet and no more than twenty thousand (20,000) square feet of sales or service area in multiple outlets in the same development project, and
 - b. New buildings for stores, branches, agencies or other retail uses and services shall not be located on lots or parcels smaller than five acres in size. A "development project" includes all improvements proposed through a site plan application.
2. Notwithstanding the provisions of Section 16.31.050 "Commercial Nodes Use Restrictions," commercial development permitted under 16.31.050(1)(a) may only be proposed concurrent with or after industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel.

B. Land Division Restrictions

1. Lots of record prior to October 5, 2010 that are smaller than the minimum lot size required in the EI zone may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three acres shall be prohibited unless Section 16.31.050 applies.
2. Lots or parcels larger than fifty (50) acres may be divided into smaller lots and parcels pursuant to a planned unit development approved by the city so long as the resulting division yields at least one lot or parcel of at least fifty (50) acres in size.

3. Lots or parcels fifty (50) acres or larger, including those created pursuant to subsection (2) above, may be divided into any number of smaller lots or parcels pursuant to a planned unit development approved by the city so long as at least forty (40) percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

Note(s)—Former § 16.31.040. See editor's note, § 16.31.040.

16.31.060 Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

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

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

Note(s)—Former § 16.31.050. See editor's note, § 16.31.040.

16.31.070 Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, the applicable provisions of Divisions V, VIII and IX will apply.

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

Note(s)—Former § 16.31.060. See editor's note, § 16.31.040.

16.31.080 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

Note(s)—Former § 16.31.070. See editor's note, § 16.31.040.

Chapter 16.38 SPECIAL USES

*Note – three asterisks (***) Indicates code has been omitted because it is not applicable*

16.38.010 General Provisions

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying zoning district, the standard for the special use shall apply.

(Ord. 86-851, § 3)

16.38.020 Medical Marijuana Dispensary

A. Characteristics

1. A medical marijuana dispensary is defined in Section 16.10.020.
2. Registration and Compliance with Oregon Health Authority and Oregon Liquor Control Commission Rules. A medical marijuana dispensary must have a current valid registration with the Oregon Health Authority under ORS 475B.858 or a current valid designation as an exclusively medical license holder by the Oregon Liquor Control Commission under ORS 475B.131. Failure to comply with Oregon Health Authority and Oregon Liquor Control Commission regulations, as applicable, is a violation of this Code.

B. Approval Process

Where permitted, a medical marijuana dispensary is subject to approval under Section 16.72.010.A.2, the Type II land use process, in addition to any other land use review process required by this Code. A medical marijuana dispensary that has already obtained such approval and which is converting from Oregon Health Authority registration to Oregon Liquor Control Commission licensure with an exclusively medical designation, or vice versa, is not required to obtain additional land use approval from the City under this section solely as a result of such license conversion.

C. Standards

1. All new construction of medical marijuana dispensaries shall comply with 16.90 Site Planning.
2. Security Measures Required
 - a. Landscaping must be continuously maintained to provide clear lines of sight from a public right-of-way to all building entrances.
 - b. Exterior lighting must be provided and continuously maintained.
 - c. Security bars installed on doors or windows shall not be visible from a public right-of-way and shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.
 - d. No outdoor storage of marijuana is allowed at any medical marijuana dispensary.

3. Mobile and Delivery Businesses Prohibited
 - a. A dispensary may not operate as a mobile business as defined in Section 16.10.020.
 - b. A dispensary may not operate to deliver marijuana.
4. Drive-Through and Walk-Up. A medical marijuana dispensary may not engage in product sales outside of the facility or building through means of a walk-up window or drive-through access.
5. Proximity Restrictions: A medical marijuana dispensary may not be located within 1,000 feet of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between the property lines of the affected properties:
 - a. Residential Zones. Any single-family residential or multi-family residential zone.
 - b. Schools. A public or private elementary or secondary school attended primarily by children under 19 years of age.
 - c. Public Plazas and Active Use Parks. A public plaza or active use park. As used in this paragraph, an active use park includes a public park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features.
 - d. A Major Commercial Plaza: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having fifteen (15) or more legally permitted businesses on the site.
6. One or more licensed medical marijuana dispensaries shall be permitted on the same tax lot, subject to the proximity restrictions in this section.
7. Medical marijuana dispensaries shall only be permitted in zones classified as General Industrial.
8. No medical marijuana dispensary may be located within the Old Town Overlay District.9. No medical marijuana dispensary shall exceed an area of three thousand (3,000) square feet of publicly accessible areas associated with the transfer of medical marijuana.

(Ord. No. 2018-008, § 2, 10-2-2018; Ord. No. 2015-005, § 2, 5-5-2015)

16.38.030 Recreational Marijuana Facilities

- A. Characteristics
 1. Five types of recreational marijuana facilities are defined in Section 16.010.20.
 2. Recreational marijuana facilities must be licensed by the Oregon Liquor Control Commission. A facility not licensed by the Oregon Liquor Control Commission is not permitted in any zone.
- B. Approval Process. Where permitted, recreational marijuana facilities are subject to approval under 16.72.010.A2, the Type II process in addition to any other required land use review process required by this Code. Applications for approval shall include detailed responses to the applicable standards listed in this section.
 1. An existing Medical Marijuana Dispensary in compliance with Section 16.38.020 (Medical Marijuana Dispensary) which completes a conversion to a recreational marijuana licensee under regulation by the Oregon Liquor License Commission pursuant to O.R.S. 475B et seq. shall be exempted from the requirement to complete a Type II process and shall only be required to complete a Type I process under 16.72.010.A1.
- C. General Standards for Recreational Marijuana Facilities

1. All new construction of recreational marijuana facilities shall comply with 16.90 Site Planning.
2. In the case of production facilities, views from the exterior of the building into the production area are prohibited. Views of interior lighting in the production area from the exterior of the building are also prohibited.
3. Only indoor recreational marijuana production is allowed. Exterior growing is prohibited for commercial distribution.
4. Public Access Prohibited. Access to any production, processing, testing laboratory or wholesale facility shall be limited to employees, personnel, and guests over the age of 21, authorized by the facility operator.
5. Security Measures Required
 - a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.
 - b. Exterior lighting shall be provided and continuously maintained.
 - c. Security bars installed on doors or windows shall not be visible from the public right-of-way and shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.
 - d. No outdoor storage of marijuana is allowed at any recreational marijuana facilities.
6. Odor Mitigation Measures Required. Production and processing facilities shall install and maintain enhanced ventilation systems designed to prevent detection of marijuana odor from adjacent properties or the public right-of-way. Such systems shall include the following features:
 - a. Installation of activated carbon filters on all exhaust outlets to the building exterior;
 - b. Location of exhaust outlets a minimum of ten feet from the property line and ten feet above finished grade; and
 - c. Maintenance of negative air pressure within the facility; or
 - d. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.
7. Proximity Restrictions. A recreational marijuana facility may not be located within 1,000 feet of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.
 - a. Residential zones. Any single-family residential or multi-family residential zone.
 - b. Schools. A public or private elementary or secondary school attended primarily by children under 19 years of age.
 - c. Public Plazas and Active Use Parks. A public plaza or active use park. As used in this paragraph, an active use park includes a public park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features.
 - d. A Major Commercial Plaza: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having fifteen (15) or more legally permitted businesses on the site.

8. One or more licensed Recreational Marijuana Facilities (Retailer, Processor, Wholesaler, Producer, or Laboratory) shall be permitted on the same tax lot, subject to the proximity restrictions in this section.
 9. No recreational marijuana facility may be located within the Old Town Overlay District.
 10. Recreational Marijuana Facilities (Retailer, Processor, Wholesaler, Producer, or Laboratory) licensed by the Oregon Liquor Control Commission shall only be permitted in zones classified as General Industrial.
- D. Specific Standards for Recreational Marijuana Retail Sales Facilities
1. Public Access Prohibited. Access to a retail sales facility shall be limited to employees, personnel, and customers over the age of 21.
 - a. A OHA-registered medical marijuana patient or caregiver at least 18 years of age shall be permitted to enter a retail sales facility for the purposes of purchasing medical marijuana.
 2. Mobile and Delivery Businesses Prohibited
 - a. A recreational dispensary may not operate as a mobile business as defined in Section 16.10.020.
 - b. A recreational dispensary may not operate to deliver marijuana.
 3. Drive-Through and Walk-Up. A recreational marijuana dispensary may not engage in product sales outside of the facility or building through means of a walk-up window or drive-through access.
 4. No recreational marijuana retail facility shall exceed an area of three thousand (3,000) square feet of publicly accessible areas associated with the retail sale of recreational marijuana.

(Ord. No. 2020-011 , § 1, 12-1-2020)

Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 Generally

A. Classifications

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

1. Type I

The following quasi-judicial actions shall be subject to a Type I review process:

- a. Signs;
- b. Property line adjustments;
- c. Interpretation of similar uses;
- d. Temporary uses;
- e. Final subdivision and partition plats;
- f. Final site plan review;
- g. Time extensions of approval, per Sections 16.90.020; 16.124.010;
- h. Class A home occupation permits;
- i. Interpretive decisions by the city manager or his/her designee;
- j. Tree removal permit—Street trees over five inches DBH, per section 16.142.050.B.2 and 3;
- k. Adjustments;
- l. Re-platting, lot consolidations and vacations of plats;
- m. Minor modifications to approved site plans;
- n. Accessory dwelling units.
- o. An existing Medical Marijuana Dispensary in compliance with Section 16.38.020 (Medical Marijuana Dispensary) which completes a conversion to a recreational marijuana licensee under regulation by the Oregon Liquor License Commission pursuant to O.R.S. 475B et seq.

2. Type II

The following quasi-judicial actions shall be subject to a Type II review process:

- a. Land Partitions
- b. Expedited Land Divisions - The Planning Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Planning Director if necessary to fulfill the requirements of the adopted

Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.

- c. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to a Conditional Use Permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.A.4.
 - d. "Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.D.6.d.
 - e. Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in Section 16.90.020.D.7.b.
 - f. Homeowner's association street tree removal and replacement program extension.
 - g. Class B Variance
 - h. Street Design Modification
 - i. Subdivisions between 4—10 lots
 - j. Medical marijuana dispensary
 - k. Recreational marijuana dispensary
3. Type III
- The following quasi-judicial actions shall be subject to a Type III review process:
- a. Conditional Uses
 - b. Site Plan Review — between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010.A.
 - c. Subdivisions between 11—50 lots.
4. Type IV
- The following quasi-judicial actions shall be subject to a Type IV review process:
- a. Site Plan review and/or "Fast Track" Site Plan review of new or existing structures in the Old Town Overlay District.
 - b. All quasi-judicial actions not otherwise assigned to a Hearing Authority under this section.
 - c. Site Plans — Greater than 40,000 square feet of floor area, parking or seating capacity.
 - d. Site Plans subject to Section 16.90.020.D.6.f.
 - e. Industrial Site Plans subject to Section 16.90.020.D.7.b.
 - f. Subdivisions — over 50 lots.
 - g. Class A Variance
5. Type V

The following legislative actions shall be subject to a Type V review process:

- a. Plan Map Amendments
- b. Plan Text Amendments
- c. Planned Unit Development — Preliminary Development Plan and Overlay District.

B. Hearing and Appeal Authority

1. Each Type V legislative land use action shall be reviewed at a public hearing by the Planning Commission with a recommendation made to the City Council. The City Council shall conduct a public hearing and make the City's final decision.
2. Each quasi-judicial development permit application shall potentially be subject to two (2) levels of review, with the first review by a Hearing Authority and the second review, if an appeal is filed, by an Appeal Authority. The decision of the Hearing Authority shall be the City's final decision, unless an appeal is properly filed within fourteen (14) days after the date on which the Hearing Authority took final action. In the event of an appeal, the decision of the Appeal Authority shall be the City's final decision.
3. The quasi-judicial Hearing and Appeal Authorities shall be as follows:
 - a. The Type I Hearing Authority is the Planning Director and the Appeal Authority is the Planning Commission.
 - (1) The Planning Director's decision shall be made without public notice or public hearing. Notice of the decision shall be provided to the applicant.
 - (2) The applicant may appeal the Planning Director's decision.
 - b. The Type II Hearing Authority is the Planning Director and the Appeal Authority is the Planning Commission.
 - (1) The Planning Director's decision shall be made without a public hearing, but not until at least fourteen (14) days after a public notice has been mailed to the applicant and all property owners within 1,000 feet of the proposal. Any person may submit written comments to the Planning Director which address the relevant approval criteria of the Zoning and Development Code. Such comments must be received by the Planning Department within fourteen (14) days from the date of the notice.
 - (2) Any person providing written comments may appeal the Planning Director's decision.
 - c. The Type III Hearing Authority is the Hearings Officer and the Appeal Authority is the Planning Commission.
 - (1) The Hearings Officer shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.
 - (2) Any person who testified before the Hearings Officer at the public hearing or submitted written comments prior to the close of the record may appeal the Hearings Officer's decision.
 - d. The Type IV Hearing Authority is the Planning Commission and the Appeal Authority is the City Council.
 - (1) The Planning Commission shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.

- (2) Any person who testified before the Planning Commission at the public hearing or submitted written comments prior to the close of the record may appeal the Planning Commission's decision.
 - e. The Type V Hearing Authority is the City Council, upon recommendation from the Planning Commission and the Appeal Authority is the Land Use Board of Appeals (LUBA).
- C. Approval Criteria
 - 1. The approval criteria for each development permit application shall be the approval standards and requirements for such applications as contained in this Code. Each decision made by a Hearing Authority or Appeal Authority shall list the approval criteria and indicate whether the criteria are met. It is the applicant's burden to demonstrate to the Hearing Authority and Appeal Authority how each of the approval criteria are met. An application may be approved with conditions of approval imposed by the Hearing Authority or Appeal Authority. On appeal, the Appeal Authority may affirm, reverse, amend, refer, or remand the decision of the Hearing Authority.
 - 2. In addition to Section 1 above, all Type IV quasi-judicial applications shall also demonstrate compliance with the Conditional use criteria of Section 16.82.020.

(Ord. No. 2019-003, § 2, 3-5-2019; Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-011, § 1, 10-4-2011; Ord. No. 2011-003, § 2, 4-5-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2010-05, § 2, 4-6-2010; Ord. No. 2009-005, § 2, 6-2-2009; Ord. 2003-1148, § 3; 2001-1119; 99-1079; 98-1053)

16.72.020 Public Notice and Hearing

A. Newspaper Notice

Notices of all public hearings for Type III, IV and V land use actions required by this Code shall be published in a newspaper of general circulation available within the City two (2) calendar weeks prior to the initial scheduled hearing before the Hearing Authority and shall be published one additional time in the Sherwood Archer, Sherwood Gazette or similarly local publication, no less than 5 days prior to the initial scheduled hearing before the hearing authority.

B. Posted Notice

- 1. Notices of all Type II, III, IV and V land use actions required by this Code shall be posted by the City in no fewer than five (5) conspicuous locations within the City, not less than fourteen (14) calendar days in advance of the staff decision on Type II applications or twenty (20) calendar days in advance of the initial hearing before the Hearing Authority for Type III, IV and V applications.
- 2. Signage must be posted on the subject property fourteen (14) calendar days in advance of the staff decision on Type II applications and twenty (20) calendar days in advance of the initial hearing before the Hearing Authority for Type III, IV and V applications.
 - a. on-site posted notice shall provide a general description of the land use action proposed, the project number and where additional information can be obtained.
 - b. On-site posted notice shall be designed to be read by motorists passing by; the exact size and font style to be determined by the City.
 - c. On-site posted notice shall be located on the property in a manner to be visible from the public street. For large sites or sites with multiple street frontages, more than one sign may be required.

C. Mailed Notice

1. For Type II, III, IV and V actions specific to a property or group of properties, the City shall send written notice by regular mail to owners of record of all real property within one thousand (1,000) feet from the property subject to the land use action. Written notice shall also be sent to Oregon Department of Transportation (ODOT), Metro, the applicable transit service provider and other affected or potentially affected agencies. If the subject property is located adjacent to or split by a railroad crossing ODOT Rail Division shall also be sent public notice.
2. Written notice to property owners shall be mailed at least fourteen (14) calendar days prior to a decision being made on a Type II land use action and at least twenty (20) calendar days in advance of the initial public hearing before the Hearing Authority. If two (2) or more hearings are required on a land use action, notices shall be mailed at least ten (10) calendar days in advance of the initial hearing before the Commission or Council.
3. For the purposes of mailing the written notice, the names and addresses of the property owners of record, as shown on the most recent County Assessor's records in the possession of the City, shall be used. Written notice shall also be mailed to homeowners associations when the homeowners association owns common property within the notification area and is listed in the County Assessor's records.
4. For written notices required by this Code, other than written notices to property owners of record, the City shall rely on the address provided by the persons so notified. The City shall not be responsible for verifying addresses so provided.
5. If a zone change application proposes to change the zone of property which includes all or part of a manufactured home park, the City shall give written notice by first class mail to each existing mailing address for tenants of the manufactured home park at least twenty (20) days but not more than forty (40) days before the date of the first hearing on the application. Such notice costs are the responsibility of the applicant.

D. Failure to Receive Notice

1. The failure of a property owner or other party to an application to receive notice of a public hearing as provided in Code of this Chapter or to receive notice of continuances and appeals as provided by this Code due to circumstances beyond the control of the City, including but not limited to recent changes in ownership not reflected in County Assessors records, loss of the notice by the postal service, or an inaccurate address provided by the County Assessor or the party to the application, shall not invalidate the applicable public hearing or land use action. The City shall prepare and maintain affidavits demonstrating that public notices were mailed, published, and posted pursuant to this Code.
2. Persons who should have received notice of a proposed land use action but can prove, to the City's satisfaction that notice was not received due to circumstances beyond their control, may be permitted, at the City's discretion, to exercise the right to appeal the action as per Chapter 16.76. All appeals filed under such conditions shall cite the circumstances resulting in the non-receipt of the notice.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2003-1148, § 3; 99-1079; 98-1053; 91-922, § 3; Ord. 86-851)

16.72.030 Content of Notice

Public notices shall include the following information:

- A. The nature of the application and proposed use(s).
- B. A list of the applicable Code or Comprehensive Plan criteria to be applied to the review of the proposed land use action.

- C. The location and street address of the property subject to the land use action (if any).
- D. The date, time, place, location of the public hearing.
- E. The name and telephone number of a local government representative to contact for additional information.
- F. The availability of all application materials for inspection at no cost, or copies at reasonable cost.
- G. The availability of the City planning staff report for inspection at no cost, or copies at a reasonable cost, at least seven (7) calendar days in advance of the hearing.
- H. The requirements for the submission of testimony and the procedures for conducting hearings, including notice that failure to raise an issue accompanied by statements or evidence sufficient to offer the City, applicant or other parties to the application the opportunity to respond, will preclude appeal on said issue to the Council or to the State Land Use Board of Appeals (LUBA).

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 98-1053 § 1; 91-922)

16.72.040 Planning Staff Reports

Recommended findings of fact and conditions of approval for each land use action shall be made in writing in a City planning staff report. Said staff report shall be published seven (7) calendar days in advance of the initial required public hearing before the Hearing Authority. Copies shall be provided to the applicant and the Hearing Authority no later than seven (7) calendar days in advance of the scheduled public hearing. Staff reports shall be available to the public for inspection at no cost. Copies of the staff report shall be provided to the public, upon request, at a cost defined by the City's schedule of miscellaneous fees and charges.

(Ord. 91-922, § 3)

16.72.050 Conduct of Public Hearings

A. Hearing Disclosure Statements

The following information or statements shall be verbally provided by the Hearing Authority at the beginning of any public hearing on a land use action:

1. The findings of fact and criteria specified by the Code that must be satisfied for approval of the land use action being considered by the Hearing Authority.
2. That public testimony should be limited to addressing said findings of fact and criteria, or to other City or State land use standards which the persons testifying believe apply to the proposed land use action.
3. That failure to raise an issue, or failure to raise an issue with sufficient specificity so as to provide the City, applicant, or other parties to the application with a reasonable opportunity to respond, will preclude appeal on said issue to the Council or to the State Land Use Board of Appeals (LUBA).
4. The rights of persons to request, as per this Code, that a hearing be continued or that the hearing record remain open.
5. That all persons testifying shall be deemed parties to the application, and must provide their name and full mailing address if they wish to be notified of continuances, appeals, or other procedural actions as required by this Code.

B. Persons Testifying

Any person, whether the applicant, a person notified of the public hearing as per Section 16.72.020, the general public, or the authorized representative of any of the foregoing persons, may testify at a public hearing on a land use action. Testimony may be made verbally or in writing. The applicant, the applicant's representative, or any person so testifying, or that person's authorized representative, shall be deemed a party to the application, and shall be afforded all rights of appeal allowed by this Code and the laws of the State of Oregon.

C. Hearing Record

1. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The local Hearing Authority shall grant such request by continuing the public hearing pursuant to paragraph 2 of this section or leaving the record open for additional written evidence or testimony pursuant to paragraph 3 of this section.
2. If the hearing authority grants a continuance, the hearing shall be continued to a date, time and place certain at least seven (7) days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven (7) days to submit additional written evidence or testimony for the purpose of responding to the new written evidence.
3. If the Hearing Authority leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven (7) days. Any participant may file a written request with the local government for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Hearing Authority shall reopen the record pursuant to subsection 6 of this Section.
4. A continuance or extension granted pursuant to this section shall be subject to the limitations of ORS 215.427 or 227.178, unless the continuance or extension is requested or agreed to by the applicant.
5. Unless waived by the applicant, the local government shall allow the applicant at least seven (7) days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.
6. When a Hearing Authority reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

D. Ex-parte Contacts

Ex-parte contacts with a member of the Hearing Authority shall not invalidate a final decision or action of the Hearing Authority, provided that the member receiving the contact indicates the substance of the content of the ex parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 99-1079, § 3; 91-922, § 3)

16.72.060 Notice of Decision

Within seven (7) calendar days of a land use action by the Hearing Authority, the City shall notify the applicant in writing of said action. This notice of decision shall list the terms and conditions of approval or denial, and explain the applicant's rights of appeal.

(Ord. 91-922, § 3)

16.72.070 Registry of Decisions

The City shall maintain a registry of all land use actions taken in the preceding twelve (12) months. This registry shall be kept on file in the City Recorder's office and shall be made available to the public for inspection at no cost. Copies of the registry shall be provided to the public, upon request, at a cost defined by the City's fee schedule.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3)

16.72.080 Final Action on Permit or Zone Change

Except for plan and land use regulation amendments or adoption of new regulations that must be submitted to the Director of the State Department of Land Conservation and Development under ORS 197.610(1), final action on a permit, appeal, or zone change application shall be taken within one hundred and twenty (120) days of the application submittal. The one hundred and twenty (120) days may be extended for a reasonable period of time at the request of the applicant. An applicant whose application does not receive final consideration within one hundred and twenty (120) days after the application was accepted by the City may seek a writ of mandamus to compel issuance of the permit or zone change or a determination that approval would violate the City's Comprehensive Plan or land use regulations.

(Ord. 91-922, § 3)

City Council Meeting Date: March 15, 2022

Agenda Item: Public Hearing (*First Reading*)

TO: Sherwood City Council

FROM: Joy Chang, Senior Planner

Through: Keith D. Campbell, City Manager, Josh Soper, City Attorney, and Julia Hajduk, Community Development Director

SUBJECT: **Ordinance 2022-003, Approving annexation of approximately 20.0 acres to the City of Sherwood and Clean Water Services within the Tonquin Employment Area, comprised of five tax lots and an adjacent unnamed right-of-way (*First Reading*)**

Issue:

Shall the City Council approve the proposed annexation (Case File No. LU 2022-024 AN) of approximately 20.0 acres of land within the Tonquin Employment Area?

Background:

The properties are a part of the Tonquin Employment Area (TEA) and were brought into the Urban Growth Boundary in 2004. City Council approved the TEA Concept Plan in 2010, and the TEA Market Analysis, Business Recruitment Strategy, and Implementation Plan was adopted by City Council by resolution in 2015. Land in the TEA remains under Washington County jurisdiction and cannot be developed with urban services until annexation to the City. As such, the City has received an annexation petition for approximately 20.0 acres of land in TEA in preparation for future development. If approved, the annexation will bring approximately 20.0 acres of land into the City of Sherwood and the Clean Water Services District boundaries.

The properties are located southeast of SW Oregon Street and are adjacent to an unnamed roadway that connects to SW Tonquin Road to the west. The properties are currently zoned FD-20 under Washington County and occupied by single-family homes and a variety of outbuildings. If the annexation is approved, the City's Employment Industrial zoning will be applied to the properties and future development will conform to the EI zone use and development standards.

With the adoption of the TEA Concept Plan in 2010, properties within the TEA became eligible for annexation to the City of Sherwood. To date, the City has approved five (5) annexations in the TEA totaling approximately 173 acres, representing approximately 58% of the total land within the designated employment area.

The applicant is seeking approval of the annexation petition under the procedures of Oregon Senate Bill 1573. Under this method, a vote by the City electorate is not required to approve the annexation as long as 100% of the landowners 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 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, approximately 20.0 acres of land will be added to the CWS district boundaries as prescribed in ORS 199.510(2)(c).

The attached staff report (Exhibit 1) 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 the 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 properties would need 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 properties are annexed to the City they will be subject to the taxes, bonds, and fees assessed by the City of Sherwood.

Recommendation:

Staff respectfully recommends that the City Council hold the first public hearing on Ordinance 2022-003 approving Annexation into the City of Sherwood and Clean Water Services District of approximately 20.0 Acres, Comprised of Five Tax Lots and Adjacent Unnamed Right-of-Way within the Tonquin Employment Area Concept Plan.

Exhibit:

1. Staff Report and Exhibits for LU 2022-024 AN - Sherwood Commerce Center Phase II Annexation

City of Sherwood

Staff Report: March 4, 2022

Staff Report for Sherwood Commerce Center – Phase II Hearing: March 15, 2022
 Case File No: LU 2021-024 AN

Signed:


 Joy Chang, Senior Planner

Proposal: The applicant/property owner is seeking approval to annex ±20.00 acres of land, including right-of-way, into the City of Sherwood under the annexation method detailed in Senate Bill 1573 and ORS 222. Under this method, 100% of the landowners have petitioned the City to be annexed. The applicant is also requesting annexation into the boundaries of Clean Water Services for the provision of sanitary sewer, storm and surface water management pursuant to ORS 199.510(2)(c).

I. BACKGROUND

- A. Applicant/Owner: Sherwood Commerce Center LLC
 1121 SW Salmon Street, Suite 500
 Portland OR 97205
 Contact: Andrew Goodman, andrewg@harsch.com
- Applicant's Rep.: VLMK Engineering + Design
 3933 S Kelly Avenue
 Portland, OR 97239
 Contact: Jennifer Kimura, jenniferk@vlmk.com
- B. Tax Map/Tax Lots: 2S13300 / 200, 201, 300, 401 and 403
- C. Location: The subject area is located southeast of SW Oregon Street and is adjacent to an unnamed roadway that connects to SW Tonquin Road to the west. The properties are addressed as 14240, 14250, and 14260 SW Tonquin Road and within the Tonquin Employment Area. A map of the project area is attached as Exhibit A.
- D. Review Type: The City Charter requires a vote on annexation if approved by the City Council. However, Senate Bill 1573 includes language that supersedes the City's Charter, requiring the City Council to take action on an annexation petition of land submitted by all owners without submitting the proposal to the electors if the criteria outlined in Section 2(2)(a)-(d) are met. Senate Bill 1573 provides specific criteria that the City Council must consider and act upon. Consequently, this application is being processed as a quasi-judicial action. The applicant is also requesting annexation into the boundaries of Clean Water Services for the provision of sanitary sewer, storm and surface water management pursuant to

ORS 199.510(2)(c).

- E. Public Notice and Hearing: Notice of the March 15, 2022 and tentative April 5, 2022 City Council hearing on the proposed annexation was posted in five public locations around town on February 23, 2022 and provided to affected agencies and service providers on February 22, 2022. Notice was posted on the subject property on February 23, 2022. While ORS only requires mailed notice within 250 feet, the City mailed notice to all property owners within 1,000 feet of the area proposed to be annexed on February 23, 2022 in accordance with Sherwood land use public hearing notice standards. Notice of the hearing was also provided the February 24, 2022 and March 10, 2022 edition of The Times, a local newspaper.
- F. Review Criteria: There are three levels of criteria and requirements, State, Regional and City. For the State, Oregon Revised Statutes (ORS 222) guide the process for annexations. Senate Bill 1573 was added to, and made a part of, ORS 222.111 to 222.180 and provides specific criteria for deciding city boundary changes. ORS 199.510(2)(c) guides the process for annexing to Clean Water Services Service district. For the regional level, Metro, the regional government for this area, has criteria for reviewing annexations (Metro Code 3.09). In addition, the City of Sherwood Comprehensive Plan policies, including the Conceptual Plan for the Tonquin Employment Area (which includes the subject site), which are applicable and are addressed within this report.
- G. History: The project site is 19.76 acres of private property plus 0.24 acres of right-of-way for a total of approximately 20.00 acres and lies adjacent to the eastern edge of the City, within the Tonquin Employment Area (TEA) Concept Plan.

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

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

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

In 2016, Senate Bill 1573 changed the requirements for areas where 100% of the owners petition the City. Public votes are no longer required or permitted in the annexation requests assuming certain criteria laid out in SB1573 are satisfied.

- H. Site Characteristics and Existing Zoning: The proposed annexation area includes approximately 20.00 acres of land including right-of-way. The site area consists of multiple single-family houses and outbuildings and gently slopes southwest and is mostly forested. The properties to the north, west and south of the site are within the city boundary. The parcels to the east of the site are in Unincorporated Washington County.

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

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

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

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

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies

Notice was provided to the following agencies on July 9, 2019: Tri-Met, NW Natural Gas, Sherwood Broadband, Bonneville Power Administration (BPA), City of Sherwood Public Works, City of Sherwood Police Department, Tualatin Valley Fire and Rescue (TVFR), Sherwood School District, Oregon Department of Transportation (ODOT), Oregon Department of State Lands, Pride Disposal, Allied Waste, Waste Management, City of Sherwood Engineering, City of Sherwood Economic Development, Kinder Morgan, Raindrops2Refuge, Portland Gas and Electric (PGE), Washington County, Portland Western Railroad, Metro, and Clean Water Services (CWS).

At the time this staff report was drafted, the Planning Department had heard back from two agencies/departments: Portland General Electric (PGE) and Sherwood Engineering.

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

Generally speaking, the site currently has access to Tonquin Road and SW Oregon Street, both of which have capacity to provide service to the annexation site.

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 or public utility easements to provide service to the site.

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.

Generally speaking, the site currently has access to public storm water systems due to the ability to connect to adjacent site development public stormwater conveyance systems, which appear to be of sufficient size to handle the anticipated flows from the developed site.

Overall Conclusion: Generally speaking, the submittal has met the Engineering Department's requirements necessary to support approval of the annexation request.

Portland General Electric (PGE) – An email correspondence, dated February 22, 2022, was received from Hap English. He states that PGE has three phase power available at SW Tonquin Road and a single phase power available at the northwest corner of the proposed annexation.

Public Notice and Comments

At the time the staff report was published, March 4, 2022, staff has not received any public comments.

III. REQUIRED CRITERIA AND FINDINGS FOR ANNEXATION AND BOUNDARY CHANGE

A. State Standards

Oregon Revised Statute 222 authorizes and guides the process for annexations of unincorporated and adjacent areas of land into the incorporated boundary of the City. In this instance, the property owner of the area, Sherwood Commerce Center LLC, is petitioning the City to annex under the annexation provisions outlined in Senate Bill 1573, which was added to ORS 222.111 to 222.180. Senate Bill 1573, Subsection 2(4) states that when the legislative body (City Council) determines that the annexation petition meets the criteria described in subsection (2), the territory is to be annexed to the city by ordinance. Assuming the City Council determines that the annexation petition meets the prescribed criteria, an ordinance annexing the territory and forwarding notification to the Secretary of State, Department of Revenue and affected agencies and districts will be prepared for Council approval.

Senate Bill 1573, Section 2.

- (1) This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.**
- (2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:**

The annexation petition is proposed by Sherwood Commerce Center LLC, representing 100% of the property owner within the ±20.00 acre territory proposed for annexation. The sole property owner's legal representative has signed the annexation petition.

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

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

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

The entire Tonquin Employment area is comprised of approximately 300 acres. In October 2010, the City approved the concept plan and associated

implementing Comprehensive Plan and Zone Map Amendments via Ordinance 2010-014. Thus, the Comprehensive Plan applies, and the established zoning for the property will take effect upon adoption of the Ordinance for the annexation.

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

The parcels to the north, west and south of the site have all been annexed into the Sherwood city limits with Employment Industrial zoning designations. The parcels within the territory are contiguous to the city limits.

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

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

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

Because the subject site abuts the City boundary (north, west and south) and various services are available to serve the property, it is not necessary that any other property be annexed or other offsite works involved to serve the site besides the 0.24 acres of right-of-way 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.**

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

Oregon Revised Statute Chapter 199.510 - Clean Water Services Boundary

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

- (2)(c) When a city receives services from a district and is part of that district, any**

territory thereafter annexed to the city shall be included in the boundaries of the district and shall be subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district.

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

B. Regional Standards

In addition to the specific criteria for deciding city boundary changes within Senate Bill 1573, the Legislature has directed Metro to establish criteria, which must be used by all cities within the Metro boundary. This area is both within the Urban Growth Boundary and within Metro's Boundary. The site and the entire Tonquin Employment Area is within the Metro Boundary. As such, below is a review of the annexation for compliance with the applicable Metro Code Chapter, Chapter 3.09 (Local Government Boundary Changes).

3.09.050 Hearing and Decision Requirements for Decisions Other Than Expedited Decisions

- A. The following requirements for hearings on petitions operate in addition to requirements for boundary changes in ORS Chapters 198, 221 and 222 and the reviewing entity's charter, ordinances or resolutions.**
- B. Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria in subsection (d) and includes the following information:**
 - 1. The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;**

The application is not an expedited decision pursuant to Metro rules. The Tonquin Employment Area Concept Plan, adopted in 2010, identifies the location and size of urban services, including water, sanitary and storm sewer. The Water System Master Plan, Storm Water Master Plan, and Sanitary Sewer Master Plan already include assumptions for the Tonquin Employment area and upgrades needed to serve the TEA are already programmed.

Water Per City Engineering Department, the proposed annexation site has access to public water from a 12" diameter water main located within Oregon Street. An extension of the public water system through the site development is expected to provide service to the proposed annexation property. The extension is necessary to meet the "to and through" requirement for providing public facilities to upstream adjacent development lands. It is anticipated that internal public water systems will need to be looped to provide the system redundancy required by the City.

Sewer Per City Engineering Department, the nearest public sanitary sewer system is located within the right-of-way of Oregon Street. The extension of a public sanitary sewer mainline will occur with adjacent site development which has received Land Use approval. The adjacent site development is already conditioned to extend the public sanitary sewer through their property to meet the “to and through” requirement for providing public facilities to upstream adjacent development lands.

Storm Drainage Per City Engineering Department, the site is located to adjacent properties that are within the City limits. Extension of public storm water systems will be conditioned of the adjacent site developments to meet the “to and through” requirement for providing public facilities to upstream adjacent development lands.

Parks and Recreation The City of Sherwood maintains a number of developed parks and open spaces. Additionally, the City maintains over 300 acres of greenway/greenspace/natural areas. Dedication and construction of new parks and trails generally occurs with development or with system development charges required of new development. Maintenance and operations of the parks and open space system is funded out of the General Fund. An annexation alone does not trigger any park requirements. At the time development is proposed, likely with a Site Plan application, the applicant will be required to comply with park requirements, including any required System Development Charges (SDC's).

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

The subject site is located west of Tonquin Road and south of Oregon Street, both roads are under WACO jurisdictional authority. There is private property between these roads and the subject site, but these properties have been annexed into the City limits in previous land use actions. Both WACO roads have the capacity to provide service to the proposed annexation, and future development of the adjacent properties will provide transportation access.

A Transportation Impact Analysis (TIA) will be required to be conducted as part of the site development land use review process, where transportation mitigation requirements will be identified and conditioned.

Fire The territory is within the boundary of the Tualatin Valley Fire and Rescue

District, which is served by Station 33 located on SW Oregon Street. Station 35 in King City and Station 34 in Tualatin are also in close proximity. This will not change with annexation.

Police According to online County records, the proposed property to be annexed is within the Washington County Enhanced Sheriff's Patrol District (ESPD). If it is subsequently found that the property is within Washington County ESPD, the City will withdraw the territory from the District upon annexation in accordance with ORS 222.520 and 222.120(5). If the City declares the territory withdrawn from the District on the effective date of the annexation the District's tax levy will no longer apply.

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

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

As discussed above, the property proposed to be annexed is within the Washington County Enhanced Sheriff's Patrol District. If the County's records are correct, it is expected that the parcel will be withdrawn from the district upon annexation into the City.

3. The proposed effective date of the boundary change.

The effective date of annexation will be finalized after Council adoption of the ordinance annexing the territory and filing of the approval with the Secretary of State, Department of Revenue, and other affected agencies.

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

The applicant has submitted the annexation application and narrative explaining how the project meets all criteria. The applicant has submitted certified petitions and legal descriptions required to initiate the request. This staff report evaluates the applicant's materials, the Tonquin Employment Area Concept Plan and applicable standards to determine whether the applicable criteria have been met.

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

The criteria are evaluated immediately below.

Metro Criteria § 3.09.045 (D)

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

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

As discussed within this report, the concept plan for the area was developed consistent with the UPAA. The agreement specifies that the City of Sherwood is the appropriate urban service provider for this area and that Washington County will not oppose annexation. Therefore, the annexation is fully consistent with Washington County policies and agreements.

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

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

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

This criterion is not applicable.

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

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

The City is inside the Clean Water Services District and the site will be in CWS Service District once annexed into the city boundary. The City and CWS have cooperative agreements that will not be affected by this annexation. The

territory is also in the TVF&R service district which will not change upon annexation. The proposed annexation area is within the Enhanced Sheriff Patrol District and is expected to be withdrawn upon annexation.

Both the City and Washington County will continue to honor the mutual aid agreements which ensure coverage of law enforcement regardless of the jurisdictional boundary. The area to be annexed will be withdrawn from all County districts as the City of Sherwood provides these services and the County special district services are no longer necessary. As affected agencies, Washington County, CWS and TVF&R received notice of the proposed annexation and the opportunity to provide comments.

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

The Sherwood City Council reviewed and adopted the Tonquin Employment Area Concept Plan in October 2010. The Tonquin Employment Area Concept Plan incorporated the recommendations found in the City's water, sanitary sewer and storm water master plan and the Transportation System Plan. At that hearing, the Council evaluated the Plan's consistency with the Comprehensive Plan, applicable master plans and all State Planning Goals and found that these were met/satisfied; however, the discussions and findings in this report also demonstrate that the proposed annexation can feasibly comply with those plans.

e. Any applicable comprehensive plan; and

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

f. Any applicable concept plan.

Compliance with the Tonquin Employment Area Concept Plan is discussed further in this report under the "Local Standards" section.

2. Consider whether the boundary change would:

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

The proposed annexation area can be served by extending existing sewer and water services that abut the property at the current City limits. Franchise utilities and road access are already provided by both the City and the respective utility service provider. Upgrades to these utilities will be studied in more detail when a development application is submitted, and if needed, required to be paid for by the development. Adjacent lands to the subject site were developed under the City standards along with various service utilities. The extension of these facilities will provide for the development of the site as anticipated by the land use zoning per the City's Comprehensive Plan. Finally, by annexing the area,

the City will be able to collect the System Development Charges (SDC) necessary to make infrastructure improvements needed to serve the area consistent with the applicable master plans.

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

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

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

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

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

The City of Sherwood maintains a number of developed parks and open spaces. Additionally, the City maintains over 300 acres of greenway/greenspace/natural areas. Given the zoning for the site will be Employment Industrial, parks and open spaces will be minimally impacted.

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

While development in the area will increase the number of individuals utilizing urban services, as discussed above, it is unlikely that the quantity of urban services will be diminished by the addition of this parcel and the anticipated employees. In addition, these new employment industrial developments will be assessed taxes which will contribute to schools, fire department, transit

providers and the City which will off-set the additional impacts of serving this area. In other words, the quality of services provided are not expected to decrease because the new developments will be contributing to the tax base which funds services.

c. Eliminate or avoid unnecessary duplication of facilities or services.

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

Metro Criteria § 3.09.045 (E)

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

The proposed annexation territory lies entirely within the UGB.

C. Local Standards

The territory is within the City's Urban Planning Area as identified in Sherwood/ Washington County Urban Planning Area Agreement. As such, the Comprehensive Plan goals and policies for urbanization apply. In addition, the city adopted the Tonquin Employment Area Concept Plan, including amendments to the Comprehensive Plan to implement the concept plan. Ordinance 2010-014 designated zoning on the properties in the area. A copy of the adopted comprehensive plan zoning map is attached as Exhibit C. This zoning will be applied upon annexation of the area.

The Growth Management Chapter of the City's Comprehensive Plan contains several applicable policy objectives which are reviewed below.

Chapter 3. Section B.2

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

The subject area is immediately south of a recently approved development (LU 2021-012 SP CU VAR, Commerce Center Phase I) that is inside the City limits. Any proposed development within the area is contiguous to existing urban development, and does not "leap frog" vacant land, therefore this policy is addressed.

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

The proposed annexation area was included within the UGB in 2004, and has been

identified as necessary to meet the local and regional need for industrial development over the then 20-year planning horizon. In the 18 years since, development has recently started in the Tonquin Employment Area. The annexation of this parcel will not significantly affect the ability for existing parcels inside the City limits to develop when and if they are ready to develop. This proposal will provide additional opportunities for the development of employment industrial land.

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

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

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

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

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

e. Achieve the maximum preservation of natural features.

The annexation of the area, in and of itself, will not preserve natural features; however, the development of the concept plan considered the natural environment and development of the area must be in compliance with Clean Water Services standards and the development code standards which apply to development in and near natural areas. The site contains a number of trees. Any proposed future development will need to comply with requirements within the development code regarding tree preservation.

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

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

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

boundary shall be available for urban development concurrent with the provision of the key urban facilities and services.

This is a goal that is achieved through the concept planning and public facility planning for new urban areas. This was done concurrent with the Tonquin Employment Area Concept Plan. New growth is encouraged within the Urban Growth Boundary.

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

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

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

Chapter 3 section F.1.b

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

The proposed annexation has been initiated by an individual, property owner, within the affected area.

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

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

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

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

Specific requirements of the Tonquin Employment Area Concept Plan include:
Sherwood Comprehensive Plan, Part 2
Chapter 8, Urban Growth Boundary Additions
D.4 Area 48 – Tonquin Employment Area

Implementation

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

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

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

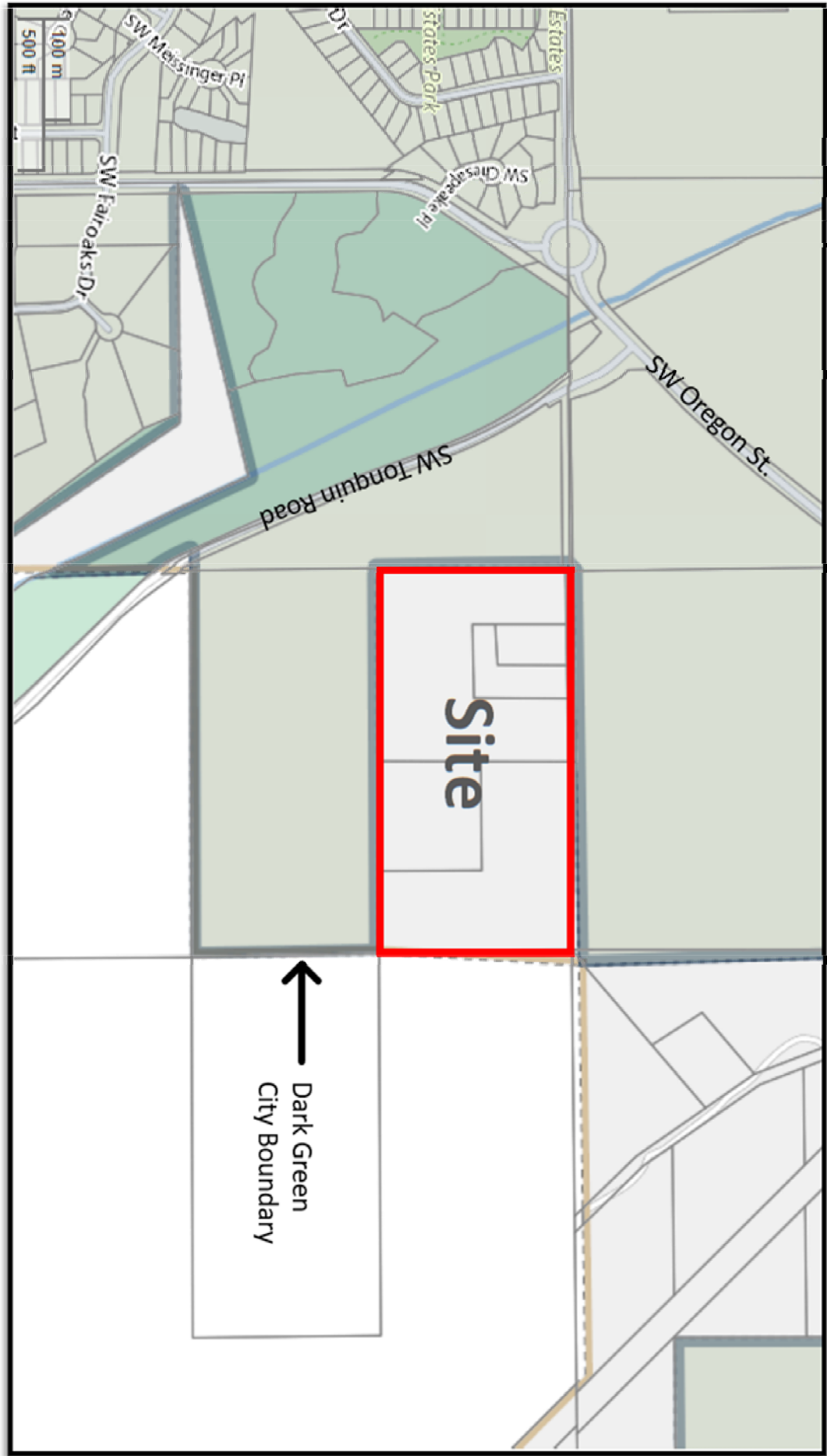
Once the site is annexed into the City of Sherwood boundary, the parcel will be zoned Employment Industrial.

IV. RECOMMENDATION

This staff report provides a review and analysis of the existing criteria for annexation. It is staff's recommendation, based on the criteria in Senate Bill 1573, ORS 199.510(2)(c), Metro annexation criteria and the City's policies in the Comprehensive Plan and Tonquin Employment Area Concept Plan, that the Commerce Center Phase II annexation petition, LU 2021-024 AN, be approved.

V. EXHIBITS

- A. Map of Project Area
- B. Legal Description of Area to Be Annexed and Map
- C. Comprehensive Plan and Zoning Map adopted via Ord. 2010-014
- D. Sherwood Engineering Department Comment Letter
- E. Portland General Electric Email Communication
- F. Department of Revenue Preliminary Approval Letter
- G. Applicant's Submittal with narrative and supporting documents





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October 20, 2021

Job No. 6107

LEGAL DESCRIPTION for Annexation



EXHIBIT "A"

A tract of land for City Annexation purposes in the Northwest 1/4 of Section 33, Township 2 South, Range 1 West, Willamette Meridian, in Washington County, Oregon, described as follows:

All of those tracts of land described in Statutory Warranty Deeds to Sherwood Commerce Center, LLC, recorded September 10, 2020, as Document Nos. 2020-087327 and 2020-087329 and a portion of that tract of land described in Statutory Warranty Deed to Sherwood Commerce Center, LLC, recorded May 20, 2021 as Document No. 2021-059814, Washington County Records, more particularly described as follows:

Beginning at the Northwest corner of the Northeast 1/4 of the Northwest 1/4 of said Section 33, thence parallel with the West line of said Section 33, South 660 feet, more or less, to the Southwest corner of said Document No. 2020-087327;

Thence along the South line of said Document No. 2020-087327 and continuing along the South line of said Document No. 2020-087329, East 1320 feet, more or less to the Southeast corner thereof;

Thence along the East line of said Document No. 2020-087329, North 660 feet, more or less, to the North quarter corner of said Section 33;

Thence along the North line of said Section 33, West, 1320 feet more or less to the Point of Beginning.

Containing therein 20 acres, more or less.

ANNEXATION CERTIFIED

BY VF

OCT 25 2021

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

ANNEXATION CERTIFIED

BY 

OCT 25 2021

WASHINGTON COUNTY A & T
CARTOGRAPHY

EXHIBIT 'B'

A TRACT OF LAND LOCATED IN
THE N.W. 1/4 OF SECTION 33
T.2S., R.1W., W.M.
WASHINGTON COUNTY, OREGON

POINT OF BEGINNING
NW CORNER OF THE
NE 1/4 OF THE NW
1/4 OF SECTION 33

NORTH 1/4 CORNER
SECTION 33

SECTION 28

SECTION 33

2S1 33BB-
TAX LOT 100

S.W. TONQUIN ROAD

SOUTH 660 FEET (MORE OR LESS)

WEST 1320 FEET (MORE OR LESS)

NORTH 660 FEET (MORE OR LESS)

TAX LOT 100

(20 ACRES
MORE OR LESS)

DOC. NO. 059814

DOC. NO. 087327

DOC. NO. 087328

EAST 1320 FEET (MORE OR LESS)

TAX LOT 400

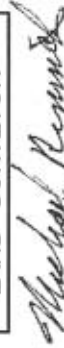


SCALE: 1" = 200'
OCTOBER 20, 2021



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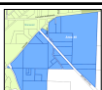
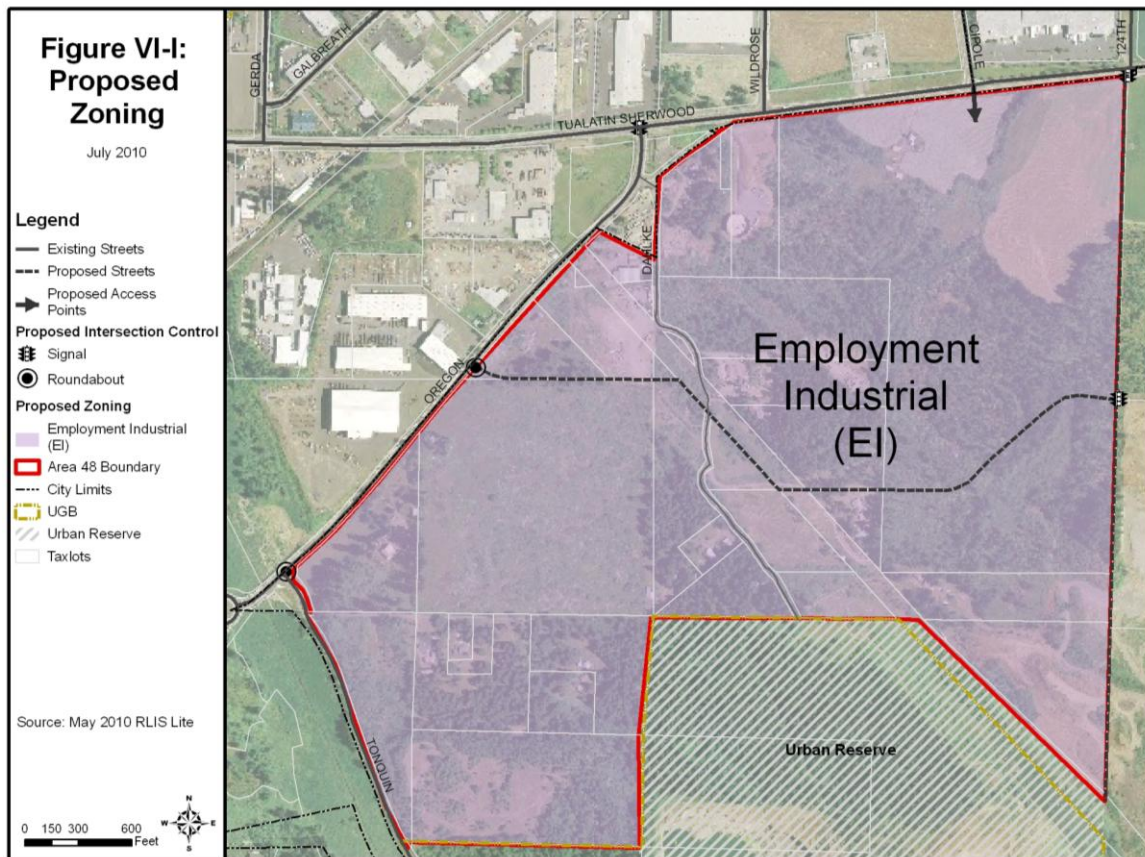


OREGON
JULY 25, 1995
MICHAEL D. RENNICK
2718

EXPIRES: DECEMBER 31, 2022

JOB NO. 6107

Figure VI-1: Proposed Zoning



Engineering Department Annexation Review Comments



To: Joy Chang, Senior Planner
From: Bob Galati P.E., City Engineer
Project: Sherwood Commerce Center Phase 2 Annexation (LU 2021-024 AN)
Date: March 2, 2022

Engineering staff has reviewed the information provided for the above cited project. Review of the proposed annexation materials is based on data of existing City infrastructure and the proposed improvement necessary to provide services to the area covered by the annexation request.

The criterion for provided information is an explanation of the existing nearest public utility systems, a description of the proposed public utility system needed to provide service to the annexation area, a description of the ability of the proposed public utility systems to provide service to upstream development areas, and an associated cost estimate of the proposed public utility system in terms of construction and maintenance to the City.

Transportation Comments

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

The subject site is located west of Tonquin Road and south of Oregon Street, both roads are under WACO jurisdictional authority. There is private property between these roads and the subject site, but these properties have been annexed into the City limits in previous land use actions. Both WACO roads have the capacity to provide service to the proposed annexation, and future development of the adjacent properties will provide transportation access.

A TIA will be required to be conducted as part of the site development land use review process, where transportation mitigation requirements will be identified and conditioned.

Conclusion: *Generally speaking, the site currently has access to Tonquin Road and SW Oregon Street, both of which have capacity to provide service to the annexation site.*

Sanitary Sewer System Comments

The nearest public sanitary sewer system is located within the right-of-way of the Oregon Street. The extension of a public sanitary sewer mainline will occur with adjacent site development which has received Land Use approval.

The adjacent site development is already conditioned to extent the public sanitary sewer through their property to meet the “to and through” requirement for providing public facilities to upstream adjacent development lands.

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 or public utility easements to provide service to the site.*

Water System Comments

The proposed annexation site has access to public water from a 12" diameter water main located within Oregon Street. An extension of the public water system through the site development is expected to provide service to the proposed annexation property. The extension is necessary to meet the "to and through" requirement for providing public facilities to upstream adjacent development lands.

It is anticipated that internal public water systems will need to be looped to provide the system redundancy required by the City.

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.*

Stormwater System Comments

The site is located to adjacent properties that are within the City limits. Extension of public storm water systems will be conditioned of the adjacent site developments to meet the "to and through" requirement for providing public facilities to upstream adjacent development lands.

Conclusion: *Generally speaking, the site currently has access to public storm water systems due to the ability to connect to adjacent site development public stormwater conveyance systems, which appear to be of sufficient size to handle the anticipated flows from the developed site.*

Overall Conclusion: *Generally speaking, the submittal has met the Engineering Department's requirements necessary to support approval of the annexation request.*

End of Comments

Disclaimer

The comments provided above are for the purpose of annexation only and reflect the basis for supporting or not supporting the proposed annexation request. Final development conditions will be established for the full site development during other the Land Use Approval processes.

From: [Hap English](#)
To: [Joy Chang](#); [r2g@nwnatural.com](#); [Travis Smallwood](#); [Jose Marquez](#); [humphreysj@CleanWaterServices.org](#); [spieringm@CleanWaterServices.org](#); [kmenroachmentspacific@kindermorgan.com](#); [kTabscott@pridedisposal.com](#); [raindrops2refuge@gmail.com](#); [eva_kristofik@fws.gov](#); [mwerner@gwrr.com](#); [dxsmith@bpa.gov](#); [jetrose@sherwood.k12.or.us](#); [pjohanson@sherwood.k12.or.us](#); [tumpj@trimet.org](#); [baldwinb@trimet.org](#); [DevelopmentReview@trimet.org](#); [landusenotifications@oregonmetro.gov](#); [kurt.A.MOHS@odot.state.or.us](#); [Jill.M.HENDRICKSON@odot.state.or.us](#); [Naomi_Vogel@co.washington.or.us](#); [stephen_roberts@co.washington.or.us](#); [Theresa_Cherniak@co.washington.or.us](#); [Bryan_Robb@co.washington.or.us](#); [ty.darby@tvfr.com](#); [Bob Galati](#); [Brad Crawford](#); [Richard Sattler](#); [Jason Waters](#); [Craig Christensen](#); [Craig Sheldon](#); [Jo Guediri](#); [Andrew Stirling](#); [Colleen Resch](#); [Scott McKie](#); [Ty Hanlon](#); [Jon Carlson](#); [hoon.choe@USPS.gov](#); [mlrr.info@oregon.gov](#); [Ian Crawford](#); [christine.stevenson@state.or.us](#); [ODOT_R1_DevRev@odot.oregon.gov](#); [Eric Rutledge](#)
Cc: [Erika Palmer](#)
Subject: RE: Request for Comments for LU 2021-024 Annexation (Commerce Center Phase II)
Date: Tuesday, February 22, 2022 6:18:50 PM

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.

Hi Joy,

PGE has 3 phase power available at SW Tonquin Rd. and single phase power available at the NW corner of the proposed annexation.

Thanks,

Hap

From: Joy Chang <ChangJ@SherwoodOregon.gov>
Sent: Tuesday, February 22, 2022 11:35 AM
To: r2g@nwnatural.com; Hap English <Henry.English@pgn.com>; Travis Smallwood <Travis.Smallwood@pgn.com>; Jose Marquez <Jose.Marquez@pgn.com>; humphreysj@CleanWaterServices.org; spieringm@CleanWaterServices.org; kmenroachmentspacific@kindermorgan.com; kTabscott@pridedisposal.com; raindrops2refuge@gmail.com; eva_kristofik@fws.gov; mwerner@gwrr.com; dxsmith@bpa.gov; jetrose@sherwood.k12.or.us; pjohanson@sherwood.k12.or.us; tumpj@trimet.org; baldwinb@trimet.org; DevelopmentReview@trimet.org; landusenotifications@oregonmetro.gov; kurt.A.MOHS@odot.state.or.us; Jill.M.HENDRICKSON@odot.state.or.us; Naomi_Vogel@co.washington.or.us; stephen_roberts@co.washington.or.us; Theresa_Cherniak@co.washington.or.us; Bryan_Robb@co.washington.or.us; ty.darby@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>; Ty Hanlon <HanlonT@SherwoodOregon.gov>; Jon Carlson <CarlsonJ@SherwoodOregon.gov>; hoon.choe@USPS.gov; mlrr.info@oregon.gov; Ian Crawford <icrawford@wcca.com>; christine.stevenson@state.or.us; ODOT_R1_DevRev@odot.oregon.gov; Eric Rutledge <RutledgeE@SherwoodOregon.gov>
Cc: Erika Palmer <PalmerE@SherwoodOregon.gov>
Subject: Request for Comments for LU 2021-024 Annexation (Commerce Center Phase II)

Boundary Change Preliminary Review**DOR 34-P837-2022**

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

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

February 16, 2022

Documents received: 2/14/2022
From: Joy Chang

This letter is to inform you that the Description and Map for your planned --Annex to City of Sherwood; & --Annex to Clean Water Services ((LU 2021-024 AN) -(Sherwood Commerce Ctr.)) 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.

--Please include a higher resolution better copy of the legal description in the Final packet.

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

December 9, 2021

ERIC RUTLEDGE

City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

Project: Sherwood Commerce Center – Phase 2

Re: Annexation Application for tax lots 200, 201, 300, 401, 403, and 25' ROW.

Dear Eric,

Enclosed is an application for annexation of multiple contiguous lots currently within unincorporated Clackamas County. The applicant wishes to annex these lots so that they may then consolidate with tax lot 600 to the north, and then permit a second phase of development on this enlarged lot similar in nature to the phase 1 development currently proposed.

Sincerely,
VLMK Engineering + Design

Jennifer Kimura
Permit Coordinator

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1 EXECUTIVE SUMMARY

Applicant/Owner:

Sherwood Commerce Center LLC
1121 SW Salmon Street, Suite 500
Portland, OR 97205

Contact: Andrew Goodman

Phone: (503)-242-2900

Email: andrewg@harsch.com

Applicant's Consultant:

VLMK Engineering + Design
3933 S Kelly Avenue
Portland, OR 97239

Contact: Jennifer Kimura

Phone: (503)-222-4453

Email: jenniferk@vlmk.com

Properties:

Washington County Assessor's Map 2S13300, tax lots 200, 201, 300, 401, 403 and a 25' strip of adjacent ROW per book 926, page 721 (herein referred to as just "25' ROW").

The Applicant is seeking approval to annex the Properties to the City of Sherwood. The Properties are located within the Tonquin Employment Area (TEA) 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 TEA including transportation and infrastructure and adopted a Preferred Concept Plan consistent with growth in the Urban Reserve. Annexation of the Properties into the City of Sherwood is the next step in progressing the City's vision of this area.

This written narrative, together with the preliminary plans and other documentation included with this application, 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 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, storm and surface water management.

2 SITE DESCRIPTION

The Properties are located southeast of SW Oregon Street and are adjacent to an unnamed roadway/access that lies within the 25' ROW and connects to SW Tonquin Road to the west. The Properties are occupied by single-family homes and a variety of outbuildings. The Properties are currently within Washington County jurisdiction and have an FD-20 zoning designation. The Properties are identified in Area 48 of the TEA, and further designated as Employment Industrial (EI) on the Sherwood Comprehensive Plan.

Transportation

The Properties currently all have roadway access via the 25' ROW. Annexation will have no impact on this access. Furthermore, the Owner intends to consolidate the Properties with tax lot 600 to the north after annexation. Tax lot 600 is currently in for Land Use (LU 2021-012). Access to existing Oregon Street is proposed under LU 2021-012. Future construction of Tonquin Court and Ice Age Drive to serve tax lot 600, paired with consolidation of the Properties to tax lot 600, will provide improved access to the subject lands.

Public Utilities

The Properties are currently served by overhead power and data that runs through the 25' ROW. It is assumed that water supply is provided by well, sanitary sewerage is provided by septic systems, and stormwater management is addressed with onsite flow dispersal. Development under LU 2021-012 will provide water, sanitary and storm mains to the Properties within the east half-ROW dedication for future Tonquin Court.

3 APPLICABLE REVIEW CRITERIA

OREGON REVISED STATUTES

Senate Bill 1573:

Section 2. (2)

Notwithstanding a contrary provision of the city charter or a city ordinance, open 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 properties that are all located within the Portland Metro Urban Growth Boundary. The Owner owns all Properties, and has signed the required petition for each of the Properties, thus 100% of the land owners have signed annexation petitions. This petition is included in the application materials (Exhibit D).

- (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 TEA Concept Plan, which includes a Comp Plan Zoning Map, was adopted by the City Council on October 5, 2010. The Properties are in the TEA, and upon approval of this annexation application, will all be zoned Employment Industrial (EI), as shown on Figure VI-I Proposed Zoning of the TEA Concept Plan Zoning 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 a body of water.

Response: As shown on the legal descriptions and map, the Properties included in this application are contiguous to the City limits.

- (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.

Section 2. (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 TEA Concept Plan. Access is available currently via unnamed roadway in 25' ROW. Further access is proposed to lot 600 on Oregon Street under LU 2021-012, and when paired with consolidation of the Properties to tax lot 600, will provide improved access to the subject lands. Future construction of Tonquin Court and Ice Age Drive will provide additional access to the subject lands. Similarly, water, sanitary and stormwater services will be provided under LU 2021-012 in the east half-ROW dedications proposed for future Tonquin Court.

Section 2. (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 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 Properties prepared by a Professional Land Surveyor is included in the application materials (Exhibit I).

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: Senate Bill 1573 was signed by the Governor and became effective on March 15, 2016.

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 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 Properties are included in Exhibit I. The names and mailing addresses of persons owning property in the affected territory, per tax assessor and County Clerk records are included in Exhibit H. Finally, a statement of

consent from the requisite owner and/or elector is included in Exhibit D. The criteria are met.

3.09.045 Expedited Decisions

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

Response: The Washington County-Sherwood Urban Planning Area Agreement contains guidance to coordinate planning efforts for properties added to the urban growth boundary within the City of Sherwood's boundaries. This agreement outlines the process to coordinate shared planning efforts between Washington County and Sherwood for development of lands within an Urban Reserve Planning Area.

The TEA Concept Plan dated October 2010 guides development of properties within the TEA. It identifies infrastructure need that will support development of this employment area and shows that public utilities can be made available to serve this site and others within this area. The criteria are met.

2. Consider whether the boundary change would:
 - a. Promote the timely, orderly and economic provisions of public facilities and services;
 - b. Affect the quality and quantity of urban services; and
 - c. Eliminate or avoid unnecessary duplication of facilities or services.

Response: The proposed boundary change will promote the timely and economic provision of public facilities and services and will avoid duplication of the same. The TEA Concept Plan describes how and when these facilities and services can be provided. The criteria are met.

- E. A city may not annex a 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 Properties are located within the Tonquin Employment Area (TEA) that was added to the Urban Growth Boundary (UGB) by the Metro Council in 2004.

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 the accompanying exhibits respond to applicable State and local requirements pertaining to boundary changes. Additionally, Metro Code Section 3.09 and Sherwood Development Code implement the applicable annexation provisions from ORS Chapters 198, 221, and 222. This narrative demonstrates that applicable boundary change requirements have been met. 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 Properties to a level consistent with City and CWS standards. The criterion is met.

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, 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 withdraw Properties from the current Washington County jurisdictional boundary. The legal description of the area to be withdrawn from the Washington County jurisdictional boundary is included in Exhibit I.

3. The proposed effective date of the boundary change.

Response: The Applicant anticipates approval of the Annexation application by October 2021. 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

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 Properties are contiguous with Sherwood City limits. Therefore, this application does not require “leap frogging” over developable property.

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

Response: This application involves Properties that are located within the TEA and annexation of the Properties will allow industrial land use to occur within City limits in a location that would be harmonious with other nearby industrially zoned properties.

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

Response: The Properties included in this annexation application were brought into the UGB in 2004. Services have been identified in the City's TEA Concept Plan to be available or available for extension in this area.

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

Response: The Properties included in this application are part of the City's TEA 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.

- e. Achieve the maximum preservation of natural features.

Response: Upon annexation of the Properties into the 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 Clean Water Services, which apply to sensitive areas.

- 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 TEA Concept Plan and Transportation System Plan (TSP) and will further be reviewed at the time of a future development application.

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

Response: The extension for community services and public facilities to serve the area were considered in the TEA Concept Plan and were found to be available or able to be appropriately extended with the future development in the area.

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

Response: The Properties are in the TEA and are designated as EI in the City's Comprehensive Plan. The TEA was extensively planned by the City to help guide future development of the area in an orderly fashion.

F. GROWTH MANAGEMENT POLICY

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

1. GROWTH AREAS

a. URBAN GROWTH AREA BOUNDARY POLICIES

Policy 5

Changes in the City limits map 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.

Policy 7

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

b. CITY LIMITS POLICIES

Policy 6

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

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

Response: The City of Sherwood entered into a UPAA dated September 20, 2017 (Ordinance No. 821). A copy of this agreement is included in this application (Exhibit K). This agreement includes this property within the Urban Planning Area as shown on Exhibit A of the agreement. The Properties included in this annexation are contiguous to the existing City boundaries within the TEA. The TEA has been extensively planned to help meet the needs of the City of Sherwood for future employment growth. The TEA: Preferred Concept Plan Report dated October 2010 identifies the key infrastructure in order to serve this area. The criteria are met.

CHAPTER 8 URBAN GROWTH BOUNDARY ADDITIONS

D.4 Area 48 – Tonquin Employment Area Implementation

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

Response: The City of Sherwood has amended the Zoning and Community Development Code to include an 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.

Response: Upon annexation of the Properties into the City of Sherwood, the Properties will be zoned EI.

4 CONCLUSION

The submittal requirements have been met and the required findings have been 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 APPLICATION FORM AND CHECKLIST



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: VLMK Engineering + Design - Jennifer Kimura

Phone: 503.222.4453

Applicant Address: 3933 S Kelly Avenue Portland, Oregon 97239

Email: jenniferk@vlmk.com

Owner: Sherwood Commerce Center LLC

Phone: 503.242.2900

Owner Address: 1121 SW Salmon Street, Suite 500 Portland, Oregon 97205

Email: andrewg@harsch.com

Contact for Additional Information: VLMK Engineering + Design - Jennifer Kimura

Property Information:

Street Location: 14250 SW Tonguin Road (TL - 300), 14240 SW Tonguin Road (TL 403), 14260 SW Tonguin Road (TL 201), TL 200 & TL 403 do not have assigned addresses

Tax Lot and Map No: 2S1330000300/200/401/403/201

Existing Structures/Use: Houses, outbuildings

Existing Plan/Zone Designation: SFR/FOR/VAC

Size of Property(ies) TL 300 - .82 acres, TL 200 - 7 acres, TL 401 - 7.89 acres, TL 403 - 1.05 acres, TL 201 - 3 acres

Proposed Action:

Purpose and Description of Proposed Action:

Annexation by Petition of Owner

Proposed Use: Commercial/Industrial

Proposed No. of Phases (one year each): N/A

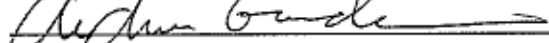
LAND USE APPLICATION FORM

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.

Sherwood Commerce Center, LLC



Applicant's Signature

October
November 28, 2021

Date

Sherwood Commerce Center, LLC



Owner's Signature

October
November 28, 2021

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.



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 from 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.

EXHIBIT B – WASHINGTON COUNTY ASSESSOR’S MAP

SCALE 1"=400'

CANCELLED TAX LOTS
1700, 1400, 1500, 1801, 1600,
1601, 1602, 1603, 1604, 1900,
2000, 1200, 2300, 500, 2400,
2100, 2200, 1800, 2600, 2700,
1802,

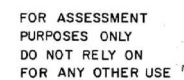


EXHIBIT C – EXISTING CONDITIONS PLAN

LEGAL DESCRIPTION (TITLE A)

PARCEL 1:
THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON.

EXCEPTING THEREFROM THAT PORTION DESCRIBED IN DOCUMENT RECORDED JANUARY 7, 1974 IN BOOK 95B, PAGE 754, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON; THENCE NORTH ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, 349 FEET TO A POINT; THENCE EAST AND PARALLEL TO THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, 375 FEET TO A POINT; THENCE SOUTH AND PARALLEL WITH SAID WEST LINE, 349 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE WEST ALONG SAID SOUTH LINE 375 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:
BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON; THENCE NORTH ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, 349 FEET TO A POINT; THENCE EAST AND PARALLEL TO THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, 375 FEET TO A POINT; THENCE SOUTH AND PARALLEL WITH SAID WEST LINE, 349 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE WEST ALONG SAID SOUTH LINE 375 FEET TO THE TRUE POINT OF BEGINNING.

THE LEGAL DESCRIPTION SHOWN ABOVE DESCRIBES ALL THAT PROPERTY IN THE PRELIMINARY TITLE REPORT IDENTIFIED AS "TICOR TITLE COMPANY OF OREGON" ORDER NUMBER 36262004449, WITH AN EFFECTIVE DATE OF MAY 26, 2020.

LEGAL DESCRIPTION (TITLE B)

A TRACT OF LAND IN THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 33, RUNNING THENCE EAST ALONG THE NORTH LINE OF SAID SECTION, 157-1/2 FEET TO THE NORTH LINE OF SAID SECTION; THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF SAID SECTION, 250 FEET; THENCE EAST AND PARALLEL WITH THE NORTH LINE OF SAID SECTION, 157-1/2 FEET; THENCE NORTH AND PARALLEL WITH THE WEST LINE OF SAID SECTION, 250 FEET TO THE NORTH LINE OF SAID SECTION; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION, 345 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF PROPERTY CONVEYED TO HAROLD E. SEVERSON AND LORANE R. SEVERSON, BY DEED RECORDED AT DEED BOOK 400, PAGE 106, WASHINGTON COUNTY, OREGON; THENCE SOUTH AND PARALLEL TO THE WEST LINE OF SAID SECTION, 660 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE SAID SEVERSON PROPERTY; THENCE WEST AND PARALLEL TO THE NORTH LINE OF SAID SECTION TO A POINT, 660 FEET MORE OR LESS, TO A POINT SOUTH OF THE POINT OF BEGINNING OF THE TRACT HEREIN CONVEYED; THENCE NORTH AND PARALLEL TO THE WEST LINE OF SAID SECTION, 660 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID SECTION AND TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY: A PORTION OF THAT TRACT OF LAND IN THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, CONVEYED TO IVAN C. REED, ET UX, BY DEED RECORDED APRIL 22, 1960, IN BOOK 429, PAGE 692, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, DEED RECORDS; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO JOHN J. GOULD, JR., BY DEED RECORDED JANUARY 25, 1965, IN BOOK 538, PAGE 438, RECORDS OF WASHINGTON COUNTY, OREGON; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID REED TRACT, 75 FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID SECTION 33, A DISTANCE OF 270 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID REED TRACT, 325 FEET TO THE NORTH LINE OF SAID REED TRACT; THENCE WEST ALONG THE NORTH LINE OF SAID REED TRACT, 112.50 FEET TO THE NORTHEAST CORNER OF SAID GOULD TRACT; THENCE SOUTH ALONG THE EAST LINE OF SAID GOULD TRACT, 250 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE WEST ALONG THE SOUTH LINE OF SAID GOULD TRACT, 157.50 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THE NORTH 25 FEET THEREOF, BEING THAT PORTION DEDICATED TO THE PUBLIC AS PUBLIC WAY BY DEDICATION DEED RECORDED MAY 25, 1973 IN BOOK 926, PAGE 721, RECORDS OF WASHINGTON COUNTY, OREGON.

THE LEGAL DESCRIPTION SHOWN ABOVE DESCRIBES ALL THAT PROPERTY IN THE PRELIMINARY TITLE REPORT IDENTIFIED AS "TICOR TITLE COMPANY OF OREGON" ORDER NUMBER 36262004447, WITH AN EFFECTIVE DATE OF MAY 26, 2020.

NOTES CORRESPONDING TO SCHEDULE B (TITLE A)

TICOR TITLE COMPANY OF OREGON: ORDER NO: 36262004449; EFFECTIVE DATE: MAY 26, 2020;

THE FOLLOWING SURVEY RELATED ITEMS WERE FOUND IN SAID TITLE REPORT AND ARE REFERENCED ON THIS MAP.

[B] RESERVATION OF MINERAL RIGHTS RECORDED DECEMBER 22, 1888 IN BOOK Z, PAGE 311. SAID ITEM IS BLANKET IN NATURE OVER THE SUBJECT PROPERTY AND IS THEREFORE NOT SHOWN HEREON.

NOTES CORRESPONDING TO SCHEDULE B (TITLE B)

TICOR TITLE COMPANY OF OREGON: ORDER NO: 36262004447; EFFECTIVE DATE: MAY 26, 2020;

THE FOLLOWING SURVEY RELATED ITEMS WERE FOUND IN SAID TITLE REPORT AND ARE REFERENCED ON THIS MAP.

[B] RESERVATION OF MINERAL RIGHTS RECORDED DECEMBER 22, 1888 IN BOOK Z, PAGE 311. SAID ITEM IS BLANKET IN NATURE OVER THE SUBJECT PROPERTY AND IS THEREFORE NOT SHOWN HEREON.

GENERAL NOTES

- THE LOCATION OF UTILITIES SERVING THE SUBJECT PROPERTY CAN ONLY BE DETERMINED BY OBSERVED EVIDENCE TOGETHER WITH PLANS AND MARKINGS PROVIDED BY CLIENT, UTILITY COMPANIES, AND OTHER APPROPRIATE SOURCES. THE LOCATION OF UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY FOR THIS SURVEY WAS DETERMINED BY OBSERVATION OF ABOVE GROUND EVIDENCE. THIS SURVEY WOULD NOT SHOW UTILITIES COVERED BY VEHICLES, OR OVERGROWTH OF FOLIAGE, TREES, BUSH OR SHRUBS.
 - THE BUILDING FOOTINGS WERE NOT EASILY ACCESSIBLE AND THEREFORE THE BUILDING LIMITS SHOWN HEREON, AND THE BUILDING SQUARE FOOT CALCULATIONS, WERE MEASURED ALONG THE BUILDING FASCIA.
 - ITEM NUMBERS SHOWN HEREON ARE STATED AS MATTERS ON REFERENCED COMMITMENT. NO RESPONSIBILITY FOR THE COMPLETENESS, ACCURACY, OR CONTENT OF SAID REPORT IS ASSUMED BY THIS MAP.
 - THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BLDG. ADDITIONS WITHIN RECENT MONTHS.
 - THERE ARE NO CHANGES IN STREET RIGHT OF WAY LINES EITHER COMPLETED OR PROPOSED TO THE BEST OF OUR KNOWLEDGE, AND AVAILABLE FROM THE CONTROLLING JURISDICTION.
 - THERE IS NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
 - THERE IS NO OBSERVABLE EVIDENCE OF SITE USE AS A CEMETERY.
 - THIS SURVEY MAP CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY.
 - THERE ARE NO DISCREPANCIES BETWEEN THE BOUNDARY LINES OF THE PROPERTY AS SHOWN ON THIS SURVEY MAP AND AS DESCRIBED IN THE LEGAL DESCRIPTION PRESENTED IN THE TITLE COMMITMENT.
 - THE BOUNDARY LINE DIMENSIONS AS SHOWN ON THIS SURVEY MAP FORM A MATHEMATICALLY CLOSED FIGURE WITHIN +/-0.1'.
 - THE BOUNDARY LINES OF THE PROPERTY ARE CONTIGUOUS WITH THE BOUNDARY LINES OF ALL ADJOINING STREETS, HWYS., RIGHTS OF WAY AND EASEMENTS, PUBLIC OR PRIVATE, AS DESCRIBED IN THEIR MOST RECENT RESPECTIVE LEGAL DESCRIPTIONS OF RECORD.
 - EXCEPT AS OTHERWISE NOTED BELOW, IF THE PROPERTY CONSISTS OF TWO OR MORE PARCELS, THERE ARE NO GAPS OR GORES BETWEEN SAID PARCELS.
 - THE SUBJECT PROPERTY HAS DIRECT ACCESS TO/FROM AN UN-NAMED DEDICATED ROAD, BEING A PUBLIC RIGHT-OF-WAY, GAINING INDIRECT ACCESS TO/FROM SW TONQUIN ROAD BY WAY OF SAID UN-NAMED ROAD.
 - THE SUBJECT PARCEL IS LANDSCAPED WITH TREES/SHRUBS. THIS SURVEY REFLECTS MEASUREMENTS OF HARDSCAPE ONLY AND THEREFORE LANDSCAPING, LANDSCAPE LIGHTING AND IRRIGATION SYSTEMS ARE NOT SHOWN HEREON.
 - ELEVATIONS CONTOURS HEREON ARE SHOWN AT 2 FOOT INTERVALS, AND ARE BASED ON A MIX OF TERRESTRIAL AND AERIAL DATA. CERTAIN PORTIONS OF THE PROPERTY WERE TO OVERGROWN TO GET ANY ELEVATION DATA AT THE TIME OF THE SURVEY, AS NOTED HEREON.
- ELEVATIONS ARE SHOWN ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929. ELEVATIONS WERE ESTABLISHED BY OPUS RESOLUTION USING GEOID 18, WHICH GAVE AN ELEVATION IN THE NORTH AMERICAN VERTICAL DATUM OF 1988. THE ELEVATION WAS MODIFIED TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 BY SUBTRACTING 3.471 FEET, AS DETERMINED THROUGH NCAT.

SITE RESTRICTIONS

ZONING INFORMATION WAS NOT PROVIDED TO SURVEYOR PURSUANT TO TABLE A ITEM 6.

EXISTING PARKINGS:
NO STRIPED PARKING EXISTS ON THE SUBJECT PROPERTY.

STATEMENT OF POSSIBLE ENCROACHMENTS

- A- WIRE FENCED AREA EXTENDS UP TO 98.6' WESTERLY INTO THE ADJOINING PROPERTY.
- B- MONUMENT SIGN EXTENDS UP TO 8.6' NORTHERLY INTO THE UN-NAMED DEDICATED ROADWAY.
- C- WIRE FENCE EXTENDS UP TO 4.5' NORTHERLY INTO THE UN-NAMED DEDICATED ROADWAY.
- D- WIRE FENCE EXTENDS UP TO 4.8' EASTERLY INTO THE ADJOINING PROPERTY.
- E- WIRE FENCE EXTENDS UP TO 2.3' NORTHERLY INTO THE ADJOINING PROPERTY.
- F- WIRE FENCE EXTENDS UP TO 2.5' WESTERLY INTO THE ADJOINING PROPERTY.
- G- WIRE FENCE EXTENDS UP TO 11.0' SOUTHERLY INTO THE ADJOINING PROPERTY.

LAND AREA

THE LAND AREA OF THE PROPERTY DESCRIBED IN TITLE A IS 429,307 SF (9.86 ACRES). THE LAND ARE OF THE PROPERTY DESCRIBED IN TITLE B IS 331,967 SQUARE FEET (7.62 ACRES).

BASIS OF BEARINGS

THE BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 EAST, W.M. AS SHOWN ON A RECORD OF SURVEY, FILED AS SURVEY NO. 33413 IN THE OFFICE OF THE WASHINGTON COUNTY SURVEYOR, STATE OF OREGON, BEING SOUTH 00°50'52" EAST.

FLOOD NOTE

THE SUBJECT PROPERTY LIES WITHIN ZONE "X" (UNSHADED) OF THE FLOOD INSURANCE RATE MAP NO. 41067C0602F, COMMUNITY PANEL NO. 410238 0602 F, WHICH BEARS AN EFFECTIVE DATE OF OCTOBER 19, 2018. ZONE "X" (UNSHADED) IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

SURVEYOR'S CERTIFICATION

TO: HARSCH INVESTMENT PROPERTIES, LLC; FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 6(A), 6(B), 7(A), 7(B)(1), 7(C), 8, 9, 13, 14, 16, AND 17 OF TABLE A THEREOF.

THE FIELDWORK WAS COMPLETED ON: 7/27/2020
DATE OF LAST REVISION:

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
FEBRUARY 19, 1999
MICHAEL A. HOFFMANN
57847LS
EXPIRES: 30 JUNE, 2021



8196 SW HALL BOULEVARD, SUITE #201
BEAVERTON, OR 97008; PH: 503/860-2255

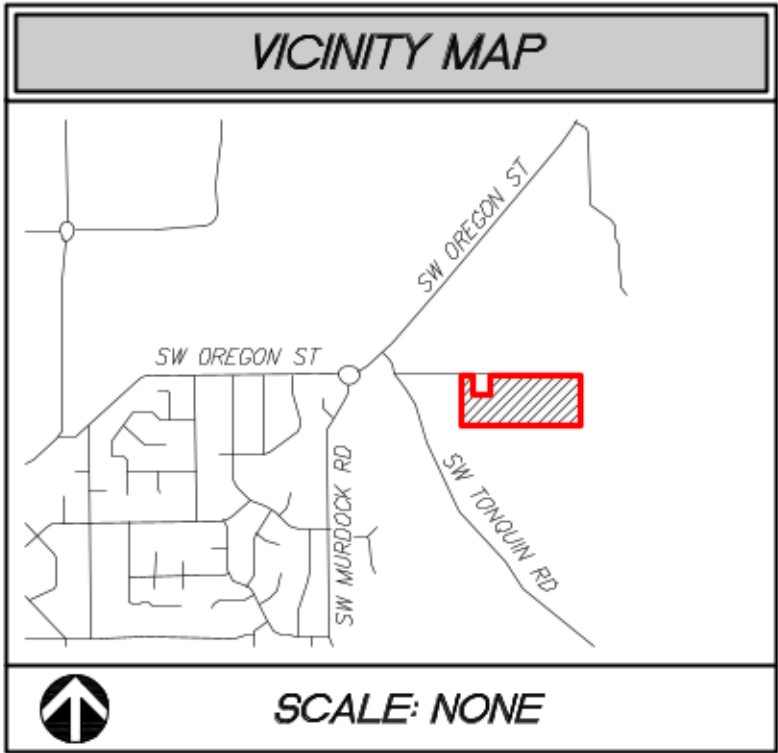
ALTA/NSPS LAND TITLE SURVEY

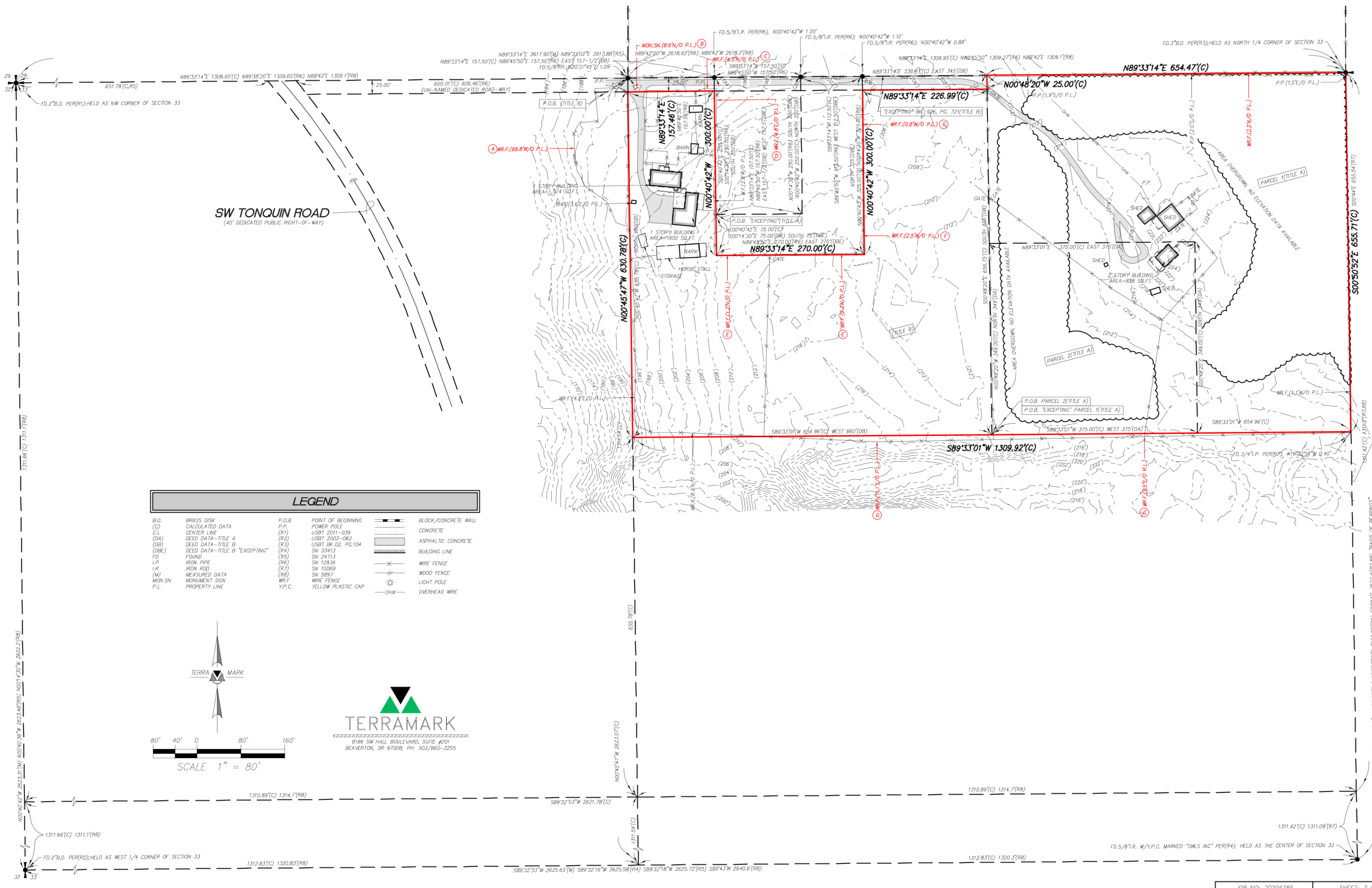
SHERWOOD COMMERCE CENTER

14240 & 14260 SW TONQUIN RD
SHERWOOD, OREGON 97140

DATE: 7/29/2020	DRAWN BY: K.J.M.
SCALE: 1" = 80'	CHECKED BY: M.A.H.

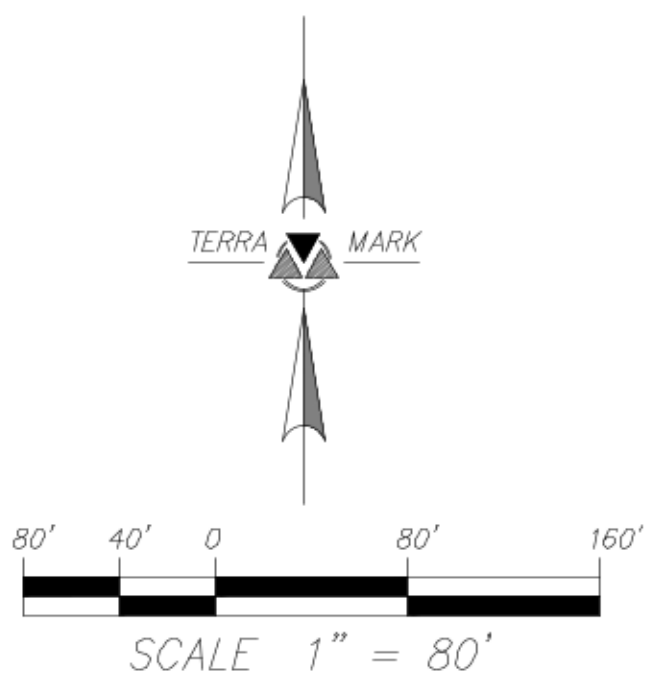
JOB NO: 20204285	SHEET: 1 OF 2
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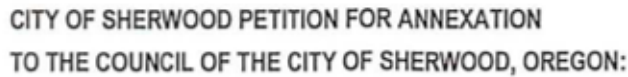
LEGEND

B.D.	BRASS DISK	P.O.B.	POINT OF BEGINNING	—	BLOCK/CONCRETE WALL
(C)	CALCULATED DATA	P.P.	POWER POLE	—	CONCRETE
C.L.	CENTER LINE	(R1)	USBT 2011-039	—	ASPHALTIC CONCRETE
(DA)	DEED DATA-TITLE A	(R2)	USBT 2002-062	—	BUILDING LINE
(DB)	DEED DATA-TITLE B	(R3)	USBT BK.02, PG.104	—	WIRE FENCE
(DBE)	DEED DATA-TITLE B "EXCEPTING"	(R4)	SN 33413	—	WOOD FENCE
FD.	FOUND	(R5)	SN 24713	—	LIGHT POLE
I.P.	IRON PIPE	(R6)	SN 12936	—	OVERHEAD WIRE
I.R.	IRON ROD	(R7)	SN 10069		
(M)	MEASURED DATA	(R8)	SN 5897		
MON.SN.	MONUMENT SIGN	WR.F.	WIRE FENCE		
P.L.	PROPERTY LINE	Y.P.C.	YELLOW PLASTIC CAP		



TERRAMARK
8196 SW HALL BOULEVARD, SUITE #201
BEAVERTON, OR 97008, PH: 503/860-2255

EXHIBIT D – PETITION TO ANNEX



LEGEND: PO - Property Owner RV - Registered Voter OV - Property Owner & Registered Voter

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

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 DSI-C-05, Evansburg@farsah.com, DuFarsah Investment Properties, C/E Andrew Goodman
 Date: 2011-10-19 13:52:48-0700

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EXHIBIT E – BOUNDARY CHANGE DATA SHEET

BOUNDARY CHANGE DATA SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED OR WITHDRAWN

A. General location: 14250, 14240, 14260 SW Tonquin Road plus 2 lots.

B. Land Area: Acres 19.76 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.)
The sites are located along an unnamed County roadway off Tonquin Rd and
consists of multiple single-family houses and out buildings. It gently slopes
southwest and is mostly forested.

D. Describe Land uses on surrounding parcels. Use tax lots as reference points.

North: Tax Lot 600 (2S128C)

East: Tax Lot 100 (2S13300)

South: Tax Lot 400 (2S13300)

West: Tax Lot 100 (2S133BB)

E. Existing Land Use:

Number of single-family units 3 Number of multi-family units 0

Number of commercial structures 0 Number of industrial structures 0

Public facilities or other uses n/a

What is the current use the land proposed to be annexed: Residential

F. Total current year Assessed Valuation: \$ 577,730

G. Total existing population: <10

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.

See enclosed narrative.

- 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.

See enclosed narrative.

III. LAND USE AND PLANNING

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

Inside

- B. What is the applicable County Planning Designation? FD-20

Or City Planning Designation? _____

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

The area to be annexed is consistent with the Tonquin Employment Area

Concept Plan which complements the City of Sherwood Comp Plan.

- C. What is the zoning on the territory to be served?

Washington County FD-20

- 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.

n/a

- 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		2004	N/A
City of County Plan Amendment			N/A
Pre-Application Hearing (City or County)			N/A
Preliminary Subdivision Approval			N/A
Final Plat Approval			N/A
Land Partition			N/A
Conditional Use			N/A
Variance			N/A
Sub-Surface Sewage Disposal			N/A
Building Permit			N/A

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.

Washington County CPO5 (inactive)

IV. SERVICES AND UTILITIES

- A. Please indicate the following:

- Location and size of nearest water line that can serve the subject area.
Water Main in Tonquin Court proposed with Sherwood CC phase 1 LU,
otherwise existing main through Oregon Street.
- Location and size of nearest sewer line which can serve the subject area.
Sanitary main in Tonquin Court proposed with Sherwood CC phase 1 LU,
otherwise existing manhole in Oregon Street near Rock Creek.
- Proximity of other facilities (storm drains, fire engine companies, etc.) which can serve the subject area.
Storm main in Tonquin Court proposed with Sherwood CC phase 1 LU.
TVF&R station located within one mile of site.

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

Services will be available upon annexation to the City.

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

The cost of extending necessary utilities will be paid upon future site dev.

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

n/a

- 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	n/a	Rural Fire Dist.	TVF&R
County Service Dist.	Washington	Sanitary District	n/a
Hwy. Lighting Dist.	n/a	Water District	n/a
Grade School Dist.	Sherwood SD	Drainage District	n/a
High School Dist.	Sherwood SD	Diking District	n/a
Library Dist.	WCCLS	Park & Rec. Dist.	n/a
Special Road Dist.	n/a	Other District Supplying Water Service	n/a

- 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.

TVF&R currently serves the area and will continue to do so once annexed.

V. APPLICANT INFORMATION

APPLICANT'S NAME Andrew Goodma

MAILING ADDRESS 1121 SW Salmon Street, Suite 500
Portland, OR 97205

TELEPHONE NUMBER 503-242-2900 (Work)
 (Res.)

REPRESENTING Sherwood Commerce Center LLC

DATE September 13th, 2021

EXHIBIT G – WORKSHEET FOR ANNEXATION

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	
2S13300 Tax Lot 300	Sherwood Commerce Center LLC	0.82	\$155,150	Yes	
2S13300 Tax Lot 200	Sherwood Commerce Center LLC	7.00	\$3,450	Yes	
2S13300 Tax Lot 401	Sherwood Commerce Center LLC	7.89	\$233,320	Yes	
2S13300 Tax Lot 403	Sherwood Commerce Center LLC	1.05	\$17,340	Yes	
2S13300 Tax Lot 201	Sherwood Commerce Center LLC	3.00	\$168,470	Yes	
Totals:		19.76	\$577,730		

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: 0
 NUMBER OF REGISTERED VOTERS WHO SIGNED PETITION: 0
 PERCENTAGE OF REGISTERED VOTERS WHO SIGNED PETITION: 0
 TOTAL ACREAGE IN THE PROPOSAL: 19.76
 ACREAGE SIGNED FOR: 19.76

PERCENTAGE OF ACREAGE SIGNED FOR: 100
 TOTAL NUMBER OF SINGLE-FAMILY UNITS: 3
 TOTAL NUMBER OF MULTI-FAMILY UNITS: 0
 TOTAL NUMBER OF COMMERCIAL STRUCTURES: 0
 TOTAL NUMBER OF INDUSTRIAL STRUCTURES: 0

EXHIBIT H – 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: 10/25/21

* "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 TF

OCT 25 2021

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

EXHIBIT I – 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 25 1 33) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME TED FOSTER
TITLE GIS TECH
DEPARTMENT CARTOGRAPHY
COUNTY OF WASHINGTON
DATE 10/25/21

ANNEXATION CERTIFIED

BY TF

OCT 25 2021

**WASHINGTON COUNTY A & T
CARTOGRAPHY**



6950 SW Hampton St., Ste. 170
Tigard, OR 97223-8330
Ph.: (503) 941-9585
Fax: (503) 941-9640
www.weddlesurveying.com

October 20, 2021

Job No. 6107

LEGAL DESCRIPTION for Annexation

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael D. Rennick

OREGON
JULY 25, 1995
MICHAEL D. RENNICK
2718

RENEWS: DECEMBER 31, 2022

EXHIBIT "A"

A tract of land for City Annexation purposes in the Northwest 1/4 of Section 33, Township 2 South, Range 1 West, Willamette Meridian, in Washington County, Oregon, described as follows:

All of those tracts of land described in Statutory Warranty Deeds to Sherwood Commerce Center, LLC, recorded September 10, 2020, as Document Nos. 2020-087327 and 2020-087329 and a portion of that tract of land described in Statutory Warranty Deed to Sherwood Commerce Center, LLC, recorded May 20, 2021 as Document No. 2021-059814, Washington County Records, more particularly described as follows:

Beginning at the Northwest corner of the Northeast 1/4 of the Northwest 1/4 of said Section 33, thence parallel with the West line of said Section 33, South 660 feet, more or less, to the Southwest corner of said Document No. 2020-087327;

Thence along the South line of said Document No. 2020-087327 and continuing along the South line of said Document No. 2020-087329, East 1320 feet, more or less to the Southeast corner thereof;

Thence along the East line of said Document No. 2020-087329, North 660 feet, more or less, to the North quarter corner of said Section 33;

Thence along the North line of said Section 33, West, 1320 feet more or less to the Point of Beginning.

Containing therein 20 acres, more or less.

ANNEXATION CERTIFIED

BY *VF*

OCT 25 2021

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

BY

OCT 25 2021

WASHINGTON COUNTY A & T
CARTOGRAPHY

EXHIBIT 'B'

A TRACT OF LAND LOCATED IN
THE N.W. 1/4 OF SECTION 33
T.2S., R.1W., W.M.
WASHINGTON COUNTY, OREGON

POINT OF BEGINNING
NW CORNER OF THE
NE 1/4 OF THE NW
1/4 OF SECTION 33

NORTH 1/4 CORNER
SECTION 33
WEST 1320 FEET (MORE OR LESS)

SOUTH 660 FEET (MORE OR LESS)

SECTION 33

2S1 33BB-
TAX LOT 100

S.W. TONQUIN ROAD

DOC. NO. 059814

DOC. NO. 087327

(20 ACRES
MORE OR LESS)

DOC. NO. 087328

NORTH 660 FEET (MORE OR LESS)

TAX LOT 100

EAST 1320 FEET (MORE OR LESS)

TAX LOT 400

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael D. Rennick

OREGON
JULY 25, 1995
MICHAEL D. RENNICK
2718



6950 SW HAMPTON ST., STE. 170, TIGARD, OR 97223
PH: (503) 941-9585 FAX: (503) 941-9640
www.weddlesurveying.com



SCALE: 1" = 200'
OCTOBER 20, 2021

EXPIRES: DECEMBER 31, 2022

JOB NO. 6107

Joe Nelson, Ex Officio
Washington County Clerk
155 N 1st Avenue Suite 130, MS 9
Hillsboro, Or 97124
PHONE 503-846-8752

Receipt #: 1034909
Station: 34
Receipt Name: VMLK

Receipt Date: 10/26/2021 09:44 AM
Cashier: T FOSTER

Comments: SHERWOOD COMMERCE CENTER CERTIFICATION

Thank You
Retain this receipt for your records

Miscellaneous Fees			
# OF ANNEXATION 1/2 HRS	1		\$33.50

Receipt Total **\$33.50**
CREDIT CARD 3816738487 \$33.50

EXHIBIT J – DOCUMENTS REFERENCED IN LEGAL DESCRIPTION AND MAP

EXHIBIT B

STATUTORY WARRANTY DEED

Recording requested by and
When recorded, return to:

Sherwood Commerce Center, LLC
ATTN: John W. Raborn, Vice President
1121 SW Salmon Street, Suite 500
Portland, Oregon 97205

**Until a change is requested, all tax
statements shall be sent to:**

same as above.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Wayne DePriest and Karen DePriest, ("Grantors"), hereby conveys and warrants to Sherwood Commerce Center, LLC, an Oregon limited liability company, ("**Grantee**"), the real property in Washington County, State of Oregon described as follows free of encumbrances except as provided herein:

14250 SW Tonquin Rd., Sherwood, Oregon 97140-8345 having the following legal description attached hereto as **Exhibit "A"** (the "Property").

Such Property is free from encumbrances except only for those matters shown on **Exhibit "B"** which is attached hereto and incorporated herein by this reference.

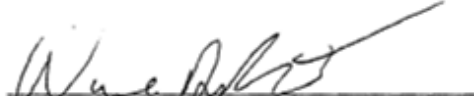
The true consideration for this conveyance is **NINE HUNDRED THOUSAND AND NO/100S DOLLARS (\$900,000.00)**.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT

WARRANTY DEED

THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

GRANTOR:


WAYNE DEPRIEST

STATE OF OREGON)
) ss.
County of Washington)

This instrument was acknowledged before me on this 11 day of March, 2021 by individual **WAYNE DEPRIEST**.

Notary Public for Oregon

GRANTOR:


KAREN DEPRIEST

STATE OF OREGON)
) ss.
County of Washington)

This instrument was acknowledged before me on this ____ day of March, 2021 by **KAREN DEPRIEST**.

Notary Public for Oregon

WARRANTY DEED

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL I:

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

Beginning at the Northwest corner of the said Northwest one-quarter of the Northeast one-quarter of the Northwest one-quarter of said Section 33; running thence East along the North line of said section, 157-1/2 feet to a point in the North line of said section, which is true point of beginning of the tract hereinafter described; thence South and parallel with the West line of said section, 250 feet; thence East and parallel with the North line of said section, 157-1/2 feet; thence North and parallel with the West line of said section, 250 feet to a point in the North line of said section; thence West along the North line of said section, 157-1/2 feet to the point of beginning.

PARCEL II:

A portion of that tract of land in the Northwest one-quarter of the Northeast one-quarter of the Northwest one-quarter of Section 33, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon, conveyed to Ivan C. Reed, et ux, by Deed recorded April 22, 1960, in Book 429, Page 692, Washington County, Oregon, Deed Records, more particularly described as follows: Beginning at the Southwest corner of that tract of land conveyed to John J. Gould, Jr., by Deed recorded January 25, 1965, in Book 538, Page 438, Records of Washington County, Oregon; thence South parallel with the West line of said Reed tract, a distance of 75 feet; thence East parallel with the North line of said Section 33, a distance of 270 feet; thence North parallel with the West line of said Reed tract, a distance of 325 feet to the North line of said Reed tract; thence West along the North line of said Reed tract, a distance of 112.5 feet to the Northeast corner of said Gould tract; thence South along the East line of said Gould tract, a distance of 250 feet to the Southeast corner thereof; thence West along the South line of said Gould tract, a distance of 157.5 feet to the point of beginning.

PARCEL III:

An easement for ingress and egress as set forth in Document recorded December 9, 1970, in Book 800, Page 749, Records of the County of Washington and State of Oregon, described as follows:

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

An easement for roadway purposes over the North 25 feet of that portion of the Northwest one-quarter of the Northwest one-quarter lying East of Tonquin Road and also over that portion of the Northwest one-quarter of the Northeast one-quarter of the Northwest one-quarter lying West of the West line of that tract of land conveyed to John J. Gould, Jr., by Deed recorded January 25, 1965, in Book 538, Page 438, Records of Washington County, Oregon.

EXHIBIT "B"
TO
STATUTORY WARRANTY
Permitted Exceptions to Title:

WARRANTY DEED



02604242202000480390020020

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

Margaret Garza, Interim Director of Assessment and Taxation, Ex-Officio County Clerk



Recording requested by and
When recorded, return to:

Sherwood Commerce Center, LLC
Attn: Wes Raborn, Senior General Counsel
1121 SW Salmon Street, Suite 500
Portland, OR 97205

Until a change is requested, all tax
statements shall be sent to:

same as above.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

BARGAIN & SALE DEED

John Niemeyer ("Grantor"), conveys to Sherwood Commerce Center, LLC, an Oregon limited liability company, ("Grantee"), the real property in Washington County, State of Oregon described as follows:

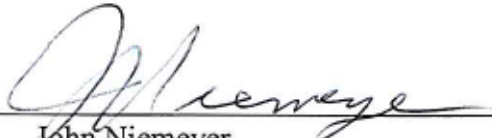
That portion of the Southeast one-quarter of the Southwest one-quarter of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon, which lies South of County Road N. 492.

The true consideration for this conveyance is other valuable consideration, the receipt of which is hereby acknowledged.

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

DATED this 4th day of June, 2020

GRANTOR:

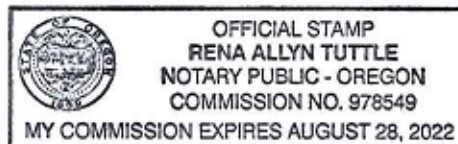
By 
John Niemeyer

State of Oregon
County of Clackamas)

On June 4, 2020 before me, Rena Allyn Tuttle, personally appeared John Niemeyer, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature  (Seal)



Washington County, Oregon **2020-087327**
D-DW **09/10/2020 12:37:56 PM**
Stn=7 C LOUCKS
\$20.00 \$11.00 \$5.00 \$60.00 \$1,300.00 **\$1,396.00**

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

Margaret Garza, Director of Assessment and Taxation, Ex-Officio County Clerk

Recording requested by and
When recorded, return to:

Harsch Investment Properties, LLC
Attn: Wes Raborn, Senior Counsel
1121 SW Salmon Street, Fifth Floor
Portland, OR 97205

Until a change is requested, all tax
statements shall be sent to:

Harsch Investment Properties, LLC
1121 S.W. Salmon Street, Fifth Floor
Portland, OR 97205
Attention: Tax Department

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Martin D. Walker and Cynthia Walker, as tenants by the entirety ("Grantor"), conveys and warrants to Sherwood Commerce Center, LLC, an Oregon limited liability company, ("Grantee"), the real property in Washington County, State of Oregon described as follows free of encumbrances except as provided herein:

2S1330-000401, Sherwood, OR 97140 having the following legal description attached hereto as Exhibit "A" (the "Property").

Such Property is free from encumbrances except only for those matters shown on Exhibit "B" which is attached hereto and incorporated herein by this reference.

The true consideration for this conveyance is One Million Three Hundred Thousand AND NO/100S DOLLARS (\$1,300,000.00).

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

Recorded by TICOR TITLE 36262004447

Recording requested by and
When recorded, return to:

Harsch Investment Properties, LLC
Attn: Wes Raborn, Senior Counsel
1121 SW Salmon Street, Fifth Floor
Portland, OR 97205

Until a change is requested, all tax
statements shall be sent to:

Harsch Investment Properties, LLC
1121 S.W. Salmon Street, Fifth Floor
Portland, OR 97205
Attention: Tax Department

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Martin D. Walker and Cynthia Walker, as tenants by the entirety ("Grantor"), conveys and warrants to Sherwood Commerce Center, LLC, an Oregon limited liability company, ("Grantee"), the real property in Washington County, State of Oregon described as follows free of encumbrances except as provided herein:

2S1330-000401, Sherwood, OR 97140 having the following legal description attached hereto as Exhibit "A" (the "Property").

Such Property is free from encumbrances except only for those matters shown on Exhibit "B" which is attached hereto and incorporated herein by this reference.

The true consideration for this conveyance is One Million Three Hundred Thousand AND NO/100S DOLLARS (\$1,300,000.00).

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

Recorded by TICOR TITLE 3626200447

INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER
ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424,
OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND
SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this 8 day of sept, 2020

GRANTOR:

Martin D. Walker

By: *[Signature]*

Cynthia Walker

By: *Cynthia Walker*

STATE OF OREGON)
County of *Yamhill* ss. *[Signature]*
[Signature]

This instrument was acknowledged before me on this *8th* day of *Sept*, 2020 by Martin
D. Walker and Cynthia Walker.

[Signature]
Notary Public for Oregon
My commission

expires: *6/16/2024*

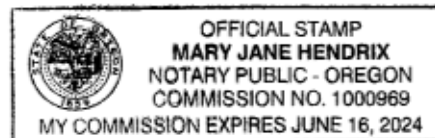


EXHIBIT A

(Legal Description)

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

Beginning at the Northwest corner of said Northwest one-quarter of the Northeast one-quarter of the Northwest one-quarter of said Section 33; running thence East along the North line of said Section, 157-1/2 feet to the North line of said section; thence South and parallel with the West line of said Section, 250 feet; thence East and parallel with the North line of said Section, 157-1/2 feet; thence North and parallel with the West line of said section, 250 feet to the North line of said section; thence East along the North line of said section, 345 feet, more or less, to the Northwest corner of property conveyed to Harold E. Severson and Lorane R. Severson, by deed recorded at Deed Book 400, Page 106, Washington County, Oregon; thence South and parallel to the West line of said section, 660 feet, more or less, to the Southwest corner of the said Severson property; thence West and parallel to the North line of said section to a point, 660 feet, more or less, to a point South of the point of beginning of the tract herein conveyed; thence North and parallel to the West line of said section, 660 feet, more or less, to a point on the North line of said section and true point of beginning.

EXCEPTING THEREFROM the following described property: A portion of that tract of land in the Northwest one-quarter of the Northeast one-quarter of the Northwest one-quarter of Section 33, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon, conveyed to Ivan C. Reed, et ux, by deed recorded April 22, 1960, in Book 429, Page 692, in the County of Washington and State of Oregon, deed records; more particularly described as follows:

Beginning at the Southwest corner of that tract of land conveyed to John J. Gould, Jr., by deed recorded January 25, 1965, in Book 538, Page 438, Records of Washington County, Oregon; thence South parallel with the West line of said Reed tract, 75 feet; thence East parallel with the North line of said Section 33, a distance of 270 feet; thence North parallel with the West line of said Reed tract, 325 feet to the North line of said Reed tract; thence West along the North line of said Reed tract, 112.50 feet to the Northeast corner of said Gould tract; thence South along the East line of said Gould tract, 250 feet to the Southeast corner thereof; thence West along the South line of said Gould tract, 157.50 feet to the point of beginning.

ALSO EXCEPTING THEREFROM the North 25 feet thereof, being that portion dedicated to the public as public way by Dedication Deed recorded May 25, 1973 in Book 926, Page 721, Records of Washington County, Oregon.

EXHIBIT B

(Permitted Exceptions)

GENERAL EXCEPTIONS:

1. The Land has been classified as Forestland, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
2. Rights of the public, riparian owners and governmental bodies as to the use of the waters of unnamed creek and the natural flow thereof on and across that portion of the subject land lying below the high water line of said waterway.
3. Reservation, exception or other severance of minerals, contained in or disclosed by instrument,

In favor of: Oregon and California Railroad Company
Reservation of: See document for details
Recording Date: December 22, 1888
Recording No.: Book "Z", Page 311
4. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2020-2021

Recorded by TICOR TITLE 36262004449

Recording requested by and
When recorded, return to:

Harsch Investment Properties, LLC
Attn: Wes Raborn, Senior Counsel
1121 SW Salmon Street, Fifth Floor
Portland, OR 97205

Washington County, Oregon **2020-087329**
D-DW 09/10/2020 12:38:39 PM
Str=61 N MEJIA
\$20.00 \$11.00 \$5.00 \$60.00 \$1,648.00 **\$1,744.00**

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

Margaret Garza, Director of Assessment
and Taxation, Ex-Officio County Clerk

Until a change is requested, all tax
statements shall be sent to:

Harsch Investment Properties, LLC
1121 S.W. Salmon Street, Fifth Floor
Portland, OR 97205
Attention: Tax Department

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Gertrude S. Barnard, an individual ("Grantor"), conveys and warrants to Sherwood Commerce Center, LLC, an Oregon limited liability company ("Grantee"), the real property in Washington County, State of Oregon described as follows free of encumbrances except as provided herein:

2S13300-00200 and 2S13300-00201, Sherwood, OR 97140 having the following legal description attached hereto as Exhibit "A" (the "Property").

Such Property is free from encumbrances except only for those matters shown on Exhibit "B" which is attached hereto and incorporated herein by this reference.

The true consideration for this conveyance is One Million Six Hundred Forty-Seven Thousand Six Hundred Sixty AND NO/100S DOLLARS (\$1,647,660.00).

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

Recording requested by and
When recorded, return to:

Harsch Investment Properties, LLC
Attn: Wes Raborn, Senior Counsel
1121 SW Salmon Street, Fifth Floor
Portland, OR 97205

Until a change is requested, all tax
statements shall be sent to:

Harsch Investment Properties, LLC
1121 S.W. Salmon Street, Fifth Floor
Portland, OR 97205
Attention: Tax Department

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Gertrude S. Barnard, an individual ("Grantor"), conveys and warrants to Sherwood Commerce Center, LLC, an Oregon limited liability company ("Grantee"), the real property in Washington County, State of Oregon described as follows free of encumbrances except as provided herein:

2S13300-00200 and 2S13300-00201, Sherwood, OR 97140 having the following legal description attached hereto as Exhibit "A" (the "Property").

Such Property is free from encumbrances except only for those matters shown on Exhibit "B" which is attached hereto and incorporated herein by this reference.

The true consideration for this conveyance is One Million Six Hundred Forty-Seven Thousand Six Hundred Sixty AND NO/100S DOLLARS (\$1,647,660.00).

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

Recorded by TICOR TITLE 36262004449

OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this 8 day of Sept., 2020.

GRANTOR:

Gertrude S. Barnard

By: Gertrude S. Barnard

STATE OF OREGON

County of Clatsop ss.

This instrument was acknowledged before me on this 8th day of Sept., 2020 by Gertrude S. Barnard.

Mary J. Hendrix
Notary Public for Oregon
My commission expires: 16/16/2024



EXHIBIT A

(Legal Description)

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

EXCEPTING THEREFROM that portion described in document recorded January 7, 1974 in Book 958, Page 754, described as follows:

Beginning at the Southwest corner of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 33, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon; thence North along the West line of said Northeast quarter of the Northeast quarter of the Northwest quarter, 349 feet to a point; thence East and parallel to the South line of said Northeast quarter of the Northeast quarter of the Northwest quarter, 375 feet to a point; thence South and parallel with said West line, 349 feet to a point on the South line of said Northeast quarter of the Northeast quarter of the Northwest quarter; thence West along said South line 375 feet to the true point of beginning.

PARCEL 2: Beginning at the Southwest corner of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 33, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon; thence North along the West line of said Northeast quarter of the Northeast quarter of the Northwest quarter, 349 feet to a point; thence East and parallel to the South line of said Northeast quarter of the Northeast quarter of the Northwest quarter, 375 feet to a point; thence South and parallel with said West line, 349 feet to a point on the South line of said Northeast quarter of the Northeast quarter of the Northwest quarter; thence West along said South line 375 feet to the true point of beginning.

EXHIBIT B

(Permitted Exceptions)

1. The Land has been classified as Forestland, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
2. Rights of the public, riparian owners and governmental bodies as to the use of the waters of unnamed creek and the natural flow thereof on and across that portion of the subject land lying below the high water line of said waterway.
3. Reservation, exception or other severance of minerals, contained in or disclosed by instrument,

In favor of: Oregon and California Railroad Company
Reservation of: See document for details
Recording Date: December 22, 1888
Recording No.: Book "Z", Page 311
4. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2020-2021

EXHIBIT K – WASHINGTON COUNTY – SHERWOOD URBAN PLANNING AREA 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:

1. An Urban Planning Area Agreement incorporating both a site-specific Urban Planning Area within the UGB within which both the COUNTY and the CITY maintain an interest in comprehensive planning and an Urban Reserve Planning Area outside the UGB where both the COUNTY and the CITY maintain an interest in concept planning; and

Agreement amended by
Washington County Land Use A-Engrossed Ordinance No. 821
Adopted September 26, 2017

2. A process for coordinating comprehensive planning and development in the Urban Planning Area and concept planning in the Urban Reserve Planning Area; and
3. Policies regarding comprehensive planning and development in the Urban Planning Area and concept planning in the Urban Reserve Planning Area; and
4. A process to amend the Urban Planning Area Agreement.

NOW THEREFORE, THE COUNTY AND THE CITY AGREE AS FOLLOWS:

I. Location of the Urban Planning Area and Urban Reserve Planning Area

The Urban Planning Area and Urban Reserve Planning Area, mutually defined by the COUNTY and the CITY, include the areas designated on the Washington County - Sherwood UPAA Map "Exhibit A" to this Agreement.

II. Coordination of Comprehensive Planning and Development

A. Amendments to or Adoption of a Comprehensive Plan or Implementing Regulation

1. Definitions

Comprehensive Plan means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive Plan" amendments do not include small tract comprehensive plan map changes.

Implementing Regulation means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan. "Implementing regulation" does not include small tract zoning map amendments, conditional use permits, individual subdivision, partitioning or planned unit development approvals or denials, annexations, variances, building permits and similar administrative-type decisions.

2. The COUNTY shall provide the CITY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the COUNTY comprehensive plan or implementing regulations. The CITY shall provide the COUNTY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the CITY comprehensive plan or implementing regulations. The following procedures shall be followed by the COUNTY and the CITY to notify and involve one another in the process to amend or adopt a comprehensive plan or implementing regulation.

Agreement amended by
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
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Adopted September 26, 2017

tract zoning or comprehensive plan map amendments, conditional or special use permits, land divisions, planned unit developments, variances, and other similar actions requiring a quasi-judicial hearings process.

2. The COUNTY will provide the CITY with the opportunity to review and comment on proposed development actions requiring notice within the designated Urban Planning Area and Urban Reserve Planning Area. The CITY will provide the COUNTY with the opportunity to review and comment on proposed development actions requiring notice within the CITY limits that may have an effect on unincorporated portions of designated Urban Planning Area or the COUNTY's transportation network.
3. The following procedures shall be followed by the COUNTY and the CITY to notify one another of proposed development actions:
 - a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall send by first class mail or as an attachment to electronic mail a copy of the public hearing notice or comment period notice with no public hearing which identifies the proposed development action to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than ten (10) days prior to the date of the scheduled public hearing or end of the comment period. The failure of the responding agency to receive a notice shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
 - b. The agency receiving the notice may respond at its discretion. Comments may be submitted in written or electronic form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.
 - c. If received in a timely manner, the originating agency shall include or attach the comments to the written staff report and respond to any concerns addressed by the responding agency in such report or orally at the hearing.
 - d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

C. Additional Coordination Requirements

1. The CITY and the COUNTY shall do the following to notify one another of proposed actions which may affect the community, but are not subject to the

Agreement amended by
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Adopted September 26, 2017

notification and participation requirements contained in subsections A and B above.

- a. The CITY or the COUNTY, whichever has jurisdiction over the proposed actions, hereinafter the originating agency, shall send by first class mail or as an attachment to electronic mail a copy of all public hearing agendas which contain the proposed actions to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than three (3) days prior to the date of the scheduled public hearing. The failure of the responding agency to receive an agenda shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
- b. The agency receiving the public hearing agenda may respond at its discretion. Comments may be submitted in written or electronic form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered “no objection” to the proposal.
- c. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

III. Concept Planning for Urban Reserve Areas

A. Definitions

1. Urban Reserve means those lands outside the UGB that have been so designated by Metro for the purpose of:
 - a. Future expansion over a long-term period (40-50 years), and
 - b. The cost-effective provision of public facilities and services when the lands are included within the UGB.
2. Urban Reserve Planning Area means those Urban Reserves identified as ultimately being governed by the CITY at such time as the UGB is amended to include the Urban Reserve Area.
3. Urban Reserve - Planning Responsibility Undefined means those Urban Reserves that the CITY and at least one other city may have an interest in ultimately governing, but no final agreement has been reached. These areas are not considered part of the Urban Reserve Planning Area.

- B. The CITY’s Urban Reserve Planning Area and the Urban Reserve - Planning Responsibility Undefined are identified on “Exhibit A” to this Agreement.

Agreement amended by
Washington County Land Use A-Engrossed Ordinance No. 821
Adopted September 26, 2017

- C. The CITY and COUNTY shall be jointly responsible for developing a concept plan for the Urban Reserve Planning Area in coordination with Metro and appropriate service districts. The concept plan shall include the following:
 - 1. An agreement between the COUNTY and CITY regarding expectations for road funding, jurisdictional transfer over roadways to and from the CITY and COUNTY, and access management for county roads in the Urban Reserve Planning Area. The agreement should describe any changes to the CITY and/or COUNTY Transportation System Plans, other Comprehensive Plan documents, or codes that have been adopted or will be necessary to implement this agreement.
 - 2. An agreement between the COUNTY and CITY that preliminarily identifies the likely providers of urban services, as defined in ORS 195.065.(4), when the area is urbanized.
- D. The concept plan shall be approved by the CITY and acknowledged by the COUNTY.
- E. Upon completion and acknowledgement of the concept plan by the CITY and COUNTY, and the addition of the area into the UGB by Metro, the affected portion of the Urban Reserve Planning Area shall be designated as part of the Urban Planning Area. Inclusion in the Urban Planning Area is automatic and does not require an amendment to this agreement.

IV. Comprehensive Planning and Development Policies for Urban Planning Areas

A. Definition

Urban Planning Area means the incorporated area and certain unincorporated areas contiguous to the incorporated area for which the CITY conducts comprehensive planning and seeks to regulate development activities to the greatest extent possible. The CITY's Urban Planning Area is designated on "Exhibit A" to this Agreement.

- B. The CITY shall be responsible for comprehensive planning within the Urban Planning Area.
- C. The CITY and COUNTY will implement the applicable Urban Reserve concept plan and related agreements as the comprehensive plan is prepared for the Urban Planning Area to ensure consistency and continuing applicability with the original concept plan. If modifications to the original concept plan are made during the comprehensive planning process, the parties will update the related agreements to reflect these changes, which may include transportation, access and funding.
- D. The CITY shall be responsible for the preparation, adoption and amendment of the

Agreement amended by
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Adopted September 26, 2017

public facility plan required by OAR 660-011 within the Urban Planning Area.

- E. As required by OAR 660-011-0010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within the Urban Planning Area. Exceptions include facilities provided by other service providers subject to the terms of any intergovernmental agreement the CITY may have with other service providers; facilities under the jurisdiction of other service providers not covered by an intergovernmental agreement; and future facilities that are more appropriately provided by an agency other than the CITY.
- F. The COUNTY shall not approve land divisions within the unincorporated Urban Planning Area that are inconsistent with the provisions of the Future Development 20-Acre District (FD-20).
- G. The COUNTY shall not approve a development proposal in the Urban Planning Area if the proposal would not provide for, nor be conditioned to provide for, an enforceable plan for redevelopment to urban densities consistent with the CITY's Comprehensive Plan in the future upon annexation to the CITY as indicated by the CITY Comprehensive Plan.
- H. The COUNTY will not oppose any orderly, logical annexation of land to the CITY within the CITY's Urban Planning Area.

V. Amendments to the Urban Planning Area Agreement

- A. The following procedures shall be followed by the CITY and the COUNTY to amend the language of this agreement or the Urban Planning Area Boundary:
 - 1. The CITY or COUNTY, whichever jurisdiction originates the proposal, shall submit a formal request for amendment to the responding agency.
 - 2. The formal request shall contain the following:
 - a. A statement describing the amendment.
 - b. A statement of findings indicating why the proposed amendment is necessary.
 - c. If the request is to amend the planning area boundary, a map that clearly indicates the proposed change and surrounding area.
 - 3. Upon receipt of a request for amendment from the originating agency, the responding agency shall schedule a review of the request before the appropriate reviewing body, with said review to be held within forty-five (45) days of the date the request is received.

4. The CITY and COUNTY shall make good faith efforts to resolve requests to amend this agreement. Upon completion of the review, the reviewing body may approve the request, deny the request, or make a determination that the proposed amendment warrants additional review. If it is determined that additional review is necessary, the following procedures shall be followed by the CITY and COUNTY:
 - a. If inconsistencies noted by both parties cannot be resolved in the review process as outlined in Section V. A. (3), the CITY and the COUNTY may agree to initiate a joint study. Such a study shall commence within thirty (30) days of the date it is determined that a proposed amendment creates an inconsistency, and shall be completed within ninety (90) days of said date. Methodologies and procedures regulating the conduct of the joint study shall be mutually agreed upon by the CITY and the COUNTY prior to commencing the study.
 - b. Upon completion of the joint study, the study and the recommendations drawn from it shall be included within the record of the review. The agency considering the proposed amendment shall give careful consideration to the study prior to making a final decision.
 - B. The parties will jointly review this Agreement periodically, or as needed, to evaluate the effectiveness of the processes set forth herein and to make any necessary amendments. Both parties shall make a good faith effort to resolve any inconsistencies that may have developed since the previous review. If, after completion of a sixty (60) day review period inconsistencies still remain, either party may terminate this Agreement.
 - C. Any boundary changes due to annexation into the CITY or updates to the UGB are automatic and do not require an amendment to "Exhibit A".
- VI. This Agreement shall become effective upon full execution by the COUNTY and the CITY and shall then repeal and replace the Washington County-Sherwood Urban Planning Area Agreement effective March 3, 2010. The effective date of this Agreement shall be the last date of signature on the signature page.

IN WITNESS WHEREOF the parties have executed this Urban Planning Area Agreement on the date set opposite their signatures.

CITY OF SHERWOOD

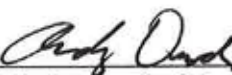
By  Date 10/17/17
~~Mayor~~ *Jennifer Harris, Council President*

Approved as to Form:

By  Date 10/23/17
City Attorney

By  Date 10/23/2017
City Recorder

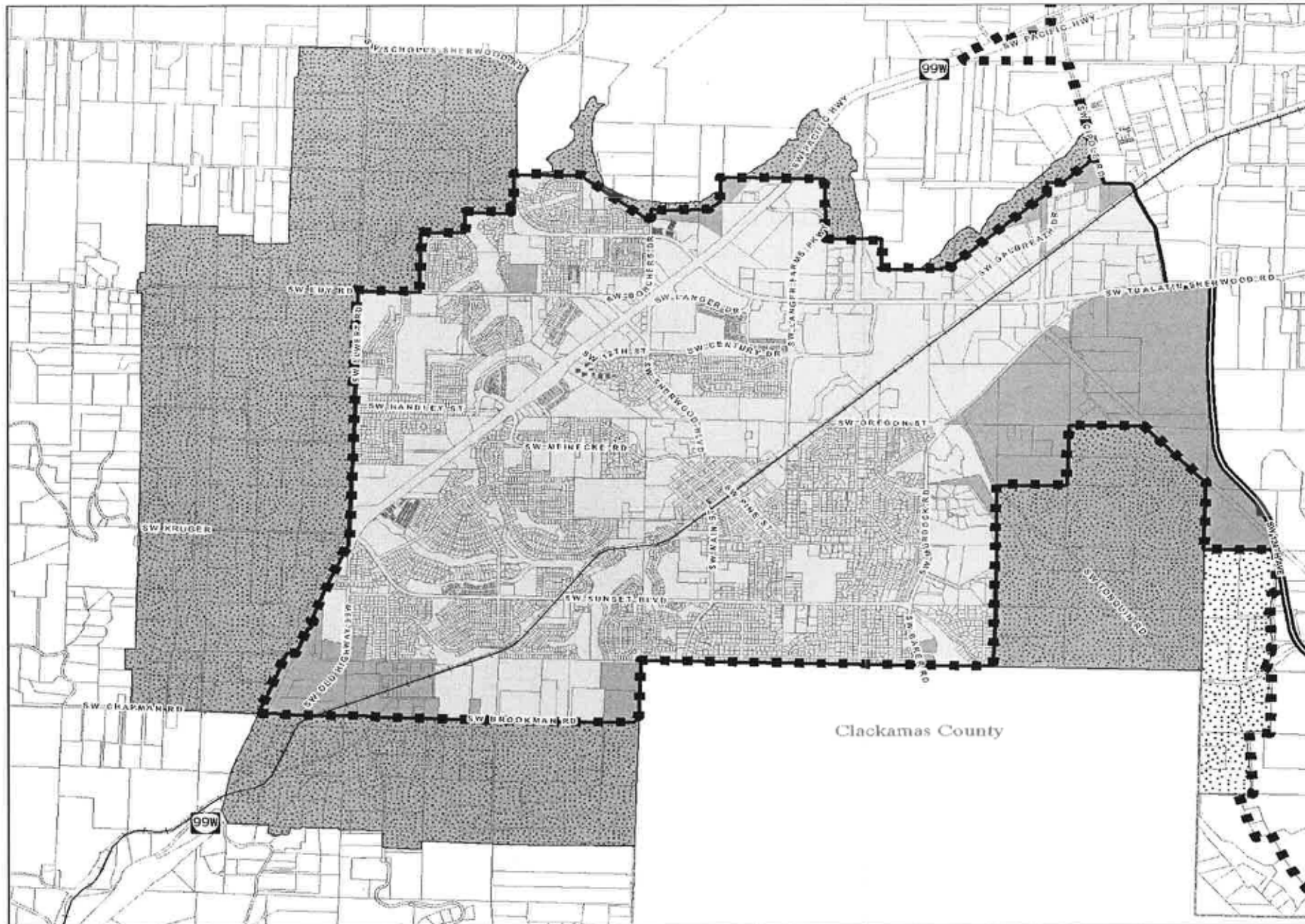
WASHINGTON COUNTY

By  Andy Duyck Date 11-7-17
Chair, Board of Commissioners *RO 17-99 9-26-17*

Approved as to Form:

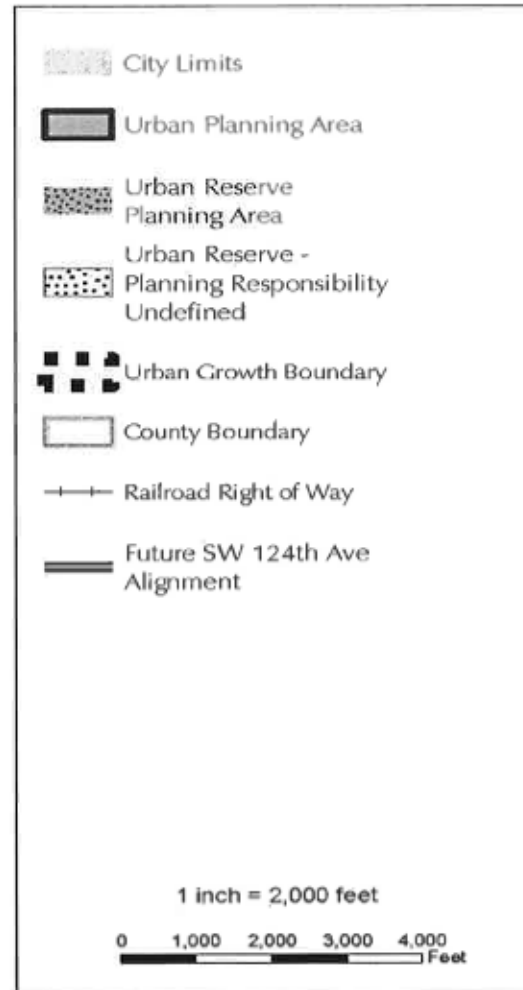
By  Date 11/3/17
County Counsel

By _____ Date _____
Recording Secretary



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



* CUSTOM LIST
1000' BUFFER AROUND
2S1330000200_201_300_401_403
CREATED 8/18/21
BY TERI HEINO, WASHCO LUT

2S128C000501
ALLIED SYSTEMS CO
21433 SW OREGON ST
SHERWOOD OR 97140

2S133BC00300
BAYNE, BROOKS & ANNALISA M
22515 SW FAIROAKS CT
SHERWOOD OR 97140

2S133BC00400
CONROW, DEREK & MONICA
22500 SW FAIROAKS CT
SHERWOOD OR 97140

2S128D000800
GRONLI, STEVE
WILDER, RENEE
21700 SW DAHLKE LN
SHERWOOD OR 97140

2S128D000601
LIZARRAGA, ULDO GEOVANNI
21905 SW DAHLKE LN
SHERWOOD OR 97140

2S128D000600
MOREY, DON F & CORBY A
21825 SW DAHLKE LN
SHERWOOD OR 97140

2S128D000602
MUNGER, DOUGLAS S REV LIV TRUST
BY DOUGLAS S MUNGER TR
21775 SW DAHLKE LN
SHERWOOD OR 97140

2S128D000900
OREGON ASPHALTIC PAVING LLC
PO BOX 4810
TUALATIN OR 97062

2S128C000500
POLLEY, BRUCE D & KAREN M
PO BOX 1489
SHERWOOD OR 97140

2S128C000500
POLLEY, BRUCE D & KAREN M
PO BOX 1489
SHERWOOD OR 97140

2S128D000700
RIVERA, RICHARD & CARLA
PO BOX 688
SHERWOOD OR 97140

2S128C000600
SHERWOOD COMMERCE CENTER LLC
ATTN RABORN, WES
1121 SW SALMON ST STE 500
PORTLAND OR 97205

2S1330000403
SHERWOOD COMMERCE CENTER LLC
1121 SW SALMON ST STE 500
PORTLAND OR 97205

2S1330000401
SHERWOOD COMMERCE CENTER LLC
BY HARSCH INVESTMENT PROPERTIES LLC
1121 SW SALMON ST FIFTH FLOOR
PORTLAND OR 97205

2S1330000300
SHERWOOD COMMERCE CENTER LLC
1121 SW SALMON ST STE 500
PORTLAND OR 97205

2S1330000201
SHERWOOD COMMERCE CENTER LLC
BY HARSCH INVESTMENT PROPERTIES LLC
1121 SW SALMON ST FIFTH FLOOR
PORTLAND OR 97205

2S1330000200
SHERWOOD COMMERCE CENTER LLC
BY HARSCH INVESTMENT PROPERTIES LLC
1121 SW SALMON ST FIFTH FLOOR
PORTLAND OR 97205

2S133BB00300
SHERWOOD, CITY OF
22560 SW PINE ST
SHERWOOD OR 97140

2S1330001100
SNYDER LLC
10175 SW MARJORIE LN
BEAVERTON OR 97008

2S1330001100
SNYDER LLC
10175 SW MARJORIE LN
BEAVERTON OR 97008

2S133BC00500
SPARKS FAMILY LIVING TRUST
BY SPARKS, LINDSAY & BRIAN TRS
22520 SW FAIROAKS CT
SHERWOOD OR 97140

2S1330000402
TUAL VALLEY SPORTSMENS CLUB
7430 SW VARNIS
TIGARD OR 97223

2S1330000100
TUALATIN VALLEY SPORTSMEN'S CLUB
7430 SW VARNIS ST
TIGARD OR 97223

2S133BC01600
UNITED STATE OF AMERICA
BY US FISH & WILDLIFE SERVICE
911 NE 11TH AVE
PORTLAND OR 97232

2S1330002500
UNITED STATES OF AMERICA
FISH & WILDLIFE SERVICE
PORTLAND EASTSIDE FEDERAL COMPLEX
911 NE 11TH AVE
PORTLAND OR 97232

2S1330002500
UNITED STATES OF AMERICA
FISH & WILDLIFE SERVICE
PORTLAND EASTSIDE FEDERAL COMPLEX
911 NE 11TH AVE
PORTLAND OR 97232

2S133BB00400
UNITED STATES OF AMERICA
FISH & WILDLIFE SERVICE
PORTLAND EASTSIDE FEDERAL COMPLEX
911 NE 11TH AVE
PORTLAND OR 97232

2S133BB00200
UNITED STATES OF AMERICA
FISH & WILDLIFE SERVICE
PORTLAND EASTSIDE FEDERAL COMPLEX
911 NE 11TH AVE
PORTLAND OR 97232

2S128C000400
WASHINGTON COUNTY
ATTN PROPERTY MANAGEMENT
169 N FIRST AVE, MS 42
HILLSBORO OR 97124

2S128C000400
WASHINGTON COUNTY
ATTN PROPERTY MANAGEMENT
169 N FIRST AVE, MS 42
HILLSBORO OR 97124

2S1330000400
WOODBURN INDUSTRIAL CAPITAL GROUP LLC
395 SHENANDOAH LN
WOODBURN OR 97071

2S1330000600
WOODBURN INDUSTRIAL CAPITAL GROUP LLC
PO BOX 1060
WOODBURN OR 97071

2S133BB00100
WOODBURN INDUSTRIAL CAPITAL GROUP LLC
PO BOX 1060
WOODBURN OR 97071

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: 14250 SW Tonquin Road (lot 300)

Housing type:

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

Occupancy:

- ☐ Owner occupied
- ☐ Renter occupied
- ☐ Vacant
- ☐ Seasonal

Resident Information:

LAST NAME	FIRST NAME	SEX	AGE
DePriest	Wayne	M	Unknown

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: 14240 SW Tonquin Road (lot 401)

Housing type:

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

Occupancy:

- ☐ Owner occupied
- ☐ Renter occupied
- ☐ Vacant
- ☐ Seasonal

Resident Information:

LAST NAME	FIRST NAME	SEX	AGE
Walker	Martin D	M	Unknown
Walker	Cynthia	F	Unknown

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: 14260 SW Tonquin Road (lot 201)

Housing type:

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

Occupancy:

- ☐ Owner occupied
- ☐ Renter occupied
- ☐ Vacant
- ☐ Seasonal

Resident Information:

LAST NAME	FIRST NAME	SEX	AGE
Barnard	Gertrude S	F	Unknown

ANNEXATION QUESTIONNAIRE

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

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

Fill out one sheet per property that is being annexed.

Address: no address, tax lot 200 _____

Housing type:

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

N/A - Site is Vacant

Occupancy:

- ☐ Owner occupied
- ☐ Renter occupied
- ☐ Vacant
- ☐ Seasonal

Resident Information:

LAST NAME	FIRST NAME	SEX	AGE

ANNEXATION QUESTIONNAIRE

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

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

Fill out one sheet per property that is being annexed.

Address: no address, tax lot 403

Housing type:

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

N/A - Site is Vacant

Occupancy:

- ☐ Owner occupied
- ☐ Renter occupied
- ☐ Vacant
- ☐ Seasonal

Resident Information:

N/A - Site is Vacant

LAST NAME	FIRST NAME	SEX	AGE



LETTER OF TRANSMITTAL

To: City of Sherwood
22560 SW Pine Street
Sherwood, Oregon 97140

Attention: Eric Rutledge

Date: 12-09-2021

Project: Sherwood CC
Annexation

Project Number: 20210190

WE ARE SENDING YOU

Copies	Date	Description
1		Annexation Fee - \$7,500.00

REMARKS

RECEIPT		DATE <u>12/10/21</u>	No. <u>745874</u>
RECEIVED FROM <u>VLMK</u>		\$ <u>7,500.00</u>	
<u>Seven</u> Seven <u>Seven Thousand Five Hundred and 00/100</u> DOLLARS			
☐ FOR RENT			
☒ FOR <u>LU 2021-024 AN COMMERCE CENTER</u>			
ACCOUNT		☐ CASH	✓ # <u>39224166</u> FROM _____ TO _____ BY <u>er</u>
PAYMENT	<u>7,500.00</u>	☒ CHECK	
BAL. DUE	<u>0.00</u>	☐ MONEY ORDER	
		☐ CREDIT CARD	

3-11



ORDINANCE 2022-003

APPROVING ANNEXATION OF APPROXIMATELY 20.0 ACRES TO THE CITY OF SHERWOOD AND CLEAN WATER SERVICES WITHIN THE TONQUIN EMPLOYMENT AREA, COMPRISED OF FIVE TAX LOTS AND AN ADJACENT UNNAMED RIGHT-OF-WAY

WHEREAS, Sherwood Commerce Center LLC, property owner of 14240, 14250, and 14260 SW Tonquin Road (Tax Map 2S13300, Tax Lots 200, 201, 300, 401 and 403), have applied for annexation of certain land and adjacent right-of-way, as described in Exhibits A and B 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 lots (the territory) that are proposed to be annexed are contiguous to the current city limits; and

WHEREAS, the total land proposed to be annexed to the City of Sherwood is approximately 20.0 acres which includes 19.76-acre parcels and 0.24 acres of adjacent right-of-way and;

WHEREAS, the subject territory is not currently within Clean Water Services boundaries and 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 March 15, 2022, 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 and Clean Water Services is specifically identified in a legal description (Exhibit A) and map (Exhibit B), attached to this Ordinance.

Section 2. The subject territory annexed by this Ordinance and described in Section 1 will be added to the Clean Water Services district under ORS 199.510(2)(c).

Section 3. The applicant has demonstrated that the annexation of the territory proposed to be annexed 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. All of the territory proposed to be annexed is hereby declared annexed to the Clean Water Services District.

Section 8. This Ordinance shall become effective 30 days from its adoption.

Duly passed by the City Council this 15th of March, 2022.

Keith Mays, Mayor

Date

Attest:

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Scott	_____	_____
Brouse	_____	_____
Young	_____	_____
Garland	_____	_____
Rosener	_____	_____
Mays	_____	_____



6950 SW Hampton St., Ste. 170
Tigard, OR 97223-8330
Ph.: (503) 941-9585
Fax: (503) 941-9640
www.weddlesurveying.com

October 20, 2021

Job No. 6107

LEGAL DESCRIPTION for Annexation



EXHIBIT "A"

A tract of land for City Annexation purposes in the Northwest 1/4 of Section 33, Township 2 South, Range 1 West, Willamette Meridian, in Washington County, Oregon, described as follows:

All of those tracts of land described in Statutory Warranty Deeds to Sherwood Commerce Center, LLC, recorded September 10, 2020, as Document Nos. 2020-087327 and 2020-087329 and a portion of that tract of land described in Statutory Warranty Deed to Sherwood Commerce Center, LLC, recorded May 20, 2021 as Document No. 2021-059814, Washington County Records, more particularly described as follows:

Beginning at the Northwest corner of the Northeast 1/4 of the Northwest 1/4 of said Section 33, thence parallel with the West line of said Section 33, South 660 feet, more or less, to the Southwest corner of said Document No. 2020-087327;

Thence along the South line of said Document No. 2020-087327 and continuing along the South line of said Document No. 2020-087329, East 1320 feet, more or less to the Southeast corner thereof;

Thence along the East line of said Document No. 2020-087329, North 660 feet, more or less, to the North quarter corner of said Section 33;

Thence along the North line of said Section 33, West, 1320 feet more or less to the Point of Beginning.

Containing therein 20 acres, more or less.

ANNEXATION CERTIFIED

BY VF

OCT 25 2021

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

BY 

OCT 25 2021

WASHINGTON COUNTY A & T
CARTOGRAPHY

EXHIBIT 'B'

A TRACT OF LAND LOCATED IN
THE N.W. 1/4 OF SECTION 33
T.2S., R.1W., W.M.
WASHINGTON COUNTY, OREGON

POINT OF BEGINNING
NW CORNER OF THE
NE 1/4 OF THE NW
1/4 OF SECTION 33

NORTH 1/4 CORNER
SECTION 33

SECTION 28

SECTION 33

2S1 33BB-
TAX LOT 100

S.W. TONQUIN ROAD

WEST 1320 FEET (MORE OR LESS)

SOUTH 660 FEET (MORE OR LESS)

NORTH 660 FEET (MORE OR LESS)

TAX LOT 100

(20 ACRES
MORE OR LESS)

DOC. NO. 059814

DOC. NO. 087327

DOC. NO. 087328

EAST 1320 FEET (MORE OR LESS)

TAX LOT 400

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 25, 1995
MICHAEL D. RENNICK
2718



**WEDDLE
SURVEYING**
Excellence is our benchmark, INC.

6950 SW HAMPTON ST., STE. 170, TIGARD, OR 97223
PH: (503) 941-9585 FAX: (503) 941-9640
www.weddlesurveying.com



SCALE: 1" = 200'
OCTOBER 20, 2021

EXPIRES: DECEMBER 31, 2022

JOB NO. 6107