LAND USE APPLICATION
CITY OF SHERWOOD, OREGON

ANNEXATION

Annexation of a portion of Lots 3900 & 4400, Tax Map 3S1 06AA

August 6, 2026

OWNER/APPLICANT:
Westwood Homes, LLC
12700 NW Cornell Road
Portland, OR 97229

OWNER:
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

APPLICANT'S REPRESENTATIVE:
Pioneer Design Group
9020 Washington Square Road, Suite 170
Portland, OR 97223
Contact: Matthew L. Sprague
Phone: 503-643-8286
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FACT SHEET

Project Name:	**Annexation**
Proposed Action:	Annexation of a small area within the Cedar Creek Gardens Plat into the City of Sherwood
Tax Map/Lot:	3S1 06AA, Portions of TLs 3900 & 4400
Addresses:	16813 SW Sugar Pine Dr, Sherwood, OR 97140 and No Address (The parcels are lot 39 and Tract C of the recently recorded Plat of Cedar Creek Gardens
Location:	On the north side of SW Sugar Pine Drive including small portions of lot 39 and Tract C.
Zoning:	MDRL – Medium Density Residential Low

Owner/Applicant:
Westwood Homes, LLC
12700 NW Cornell Road
Portland, OR 97229
Contact: Bill Wagoner
Phone: 503-330-2215
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Applicants Representative:
Planning/Survey/Eng./Landscape
Pioneer Design Group
9020 SW Washington Square Rd, Ste. 170
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Contact: Matthew L. Sprague
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Email: msprague@pd-grp.com

Owner:
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

GENERAL INFORMATION

On January 12, 2024, the City of Sherwood issued final approval of the Type I Lot Line Adjustment between tax lots 106 and 107 of Washington County Assessor's Map 3S106. This lot line adjustment confirmed and corrected the property alignment and allowed for an accurate survey and deeds to be recorded. The relocation of the lot line has resulted in a portion of Tax lot 106 to be outside of the boundary of the City of Sherwood. In April 2026, the Cedar Creek Gardens plat was recorded, which resulted in the current tax lot layout. As a result, the area requiring annexation is now located within Tax Lots 3900 and 4400 which are portions of Lot 39 owned by Westwood Homes and Tract C owned by the City of Sherwood.

The applicant in coordination with the City of Sherwood requests that the described property, which is now located within Tax Lots 3900 and 4400, be annexed into the City of Sherwood to properly clean up the city boundary.

The site is within the Brookman Road Concept Plan area, which was adopted by the Sherwood City Council in 2009, and is zoned Medium Density Residential Low (MDRL) by the City of Sherwood.

APPLICABLE REVIEW CRITERIA

City of Sherwood Code of Ordinances

Division IV. PLANNING PROCEDURES

Chapter 16.81 ANNEXATIONS

16.81.010 Generally

A. Purpose: The procedures and standards in this chapter are established in order to:

1. Facilitate efficient and orderly development opportunities when transferring jurisdiction of property within the Urban Growth Boundary (UGB) from Washington County and Clackamas County to the City of Sherwood;

RESPONSE: The proposed property for annexation into the City of Sherwood is within the Urban Growth Boundary and Washington County.

2. Comply with the requirements of Oregon Revised Statutes (ORS) 222 and Metro Code Chapter 3.09;

RESPONSE: See below in this narrative for responses addressing the applicable Oregon Revised Statutes.

3. *Ensure that public facilities are or will be available to serve land annexed to the City*

RESPONSE: The Cedar Creek Subdivision provided the public facilities necessary to serve the subject property. The portion of Tax Lot 3900, (Tract C) owned by Sherwood does not need service as an open space tract.

4. *Establish a system for measuring and evaluating the physical, environmental, fiscal, and related social effects of proposed annexation; and*

RESPONSE: The proposed annexation area is fully contained within a recently recorded subdivision plat and therefore, no physical, environmental, or social effects would result from the annexation. The fiscal impact of approving the annexation permits home construction on tax lot 3900. Fiscally, the result of not annexing the property would be a loss to the owner and a reduction in viable taxable property values.

5. *Avoid the creation of irregular boundaries or annexations that create "island," "cherry stem" or "shoestring" annexations, where possible.*

RESPONSE: The proposed annexation is adjacent to the existing City of Sherwood boundary and straightens the line more consistently. Therefore the annexation avoids the creation of island, cherry stem or shoestring annexations.

B. *Application Type and Review Procedure: An annexation application is subject to a Type IV procedure for quasi-judicial applications or a Type V procedure for legislative applications, including public notice, public hearing, a recommendation by Planning Commission, and final decision by the City Council. The applicable review procedure shall be determined by the City based on the size and scope of the request.*

The following is the review procedure for all annexation applications.

1. *Pre-Application conference;*
2. *Submission of completed application;*
3. *Staff recommendation of approval or denial;*
4. *Review and recommendation by Planning Commission;*
5. *Review by City Council; and*
6. *Approval or denial by City Council.*

RESPONSE: The proposed annexation is subject to a Type IV procedure and subject to the SB1573 Method. In coordinate with the applicant, the City has stated that a pre-app conference is not necessary in this case where the application is a simple clean up of the city boundary to where the intended boundary is supposed to be.

C. *Submittal Requirements*

1. *An annexation application must include the information set forth in Oregon Revised Statues (ORS) 222 and Metro Code 3.09 and the*

applicable application deposits and fees based on the current City of Sherwood fee schedule.

RESPONSE: The required information from the Oregon Revised Statues (ORS) 222 and Metro Code 3.09 is provided in this narrative (see below). The applicable application deposits and fees based on the current City of Sherwood fee schedule has also been provided with the submittal.

2. *Request for annexation shall include all information and requirements within the City's annexation checklist.*

RESPONSE: All information and requirements within the city's annexation checklist are included in the application package.

3. *An owner-initiated annexation application shall include a preliminary annexation agreement consistent with Section 16.81.020 (Annexation Agreements), unless waived pursuant to Section 16.81.020(D). Need agreement or waived??*

RESPONSE: In this case, a waiver is requested pursuant to Section 16.81.020(D) as addressed below.

4. *Meet all applicable requirements in accordance with Section 16.70.030 (Application Requirements)*

RESPONSE:

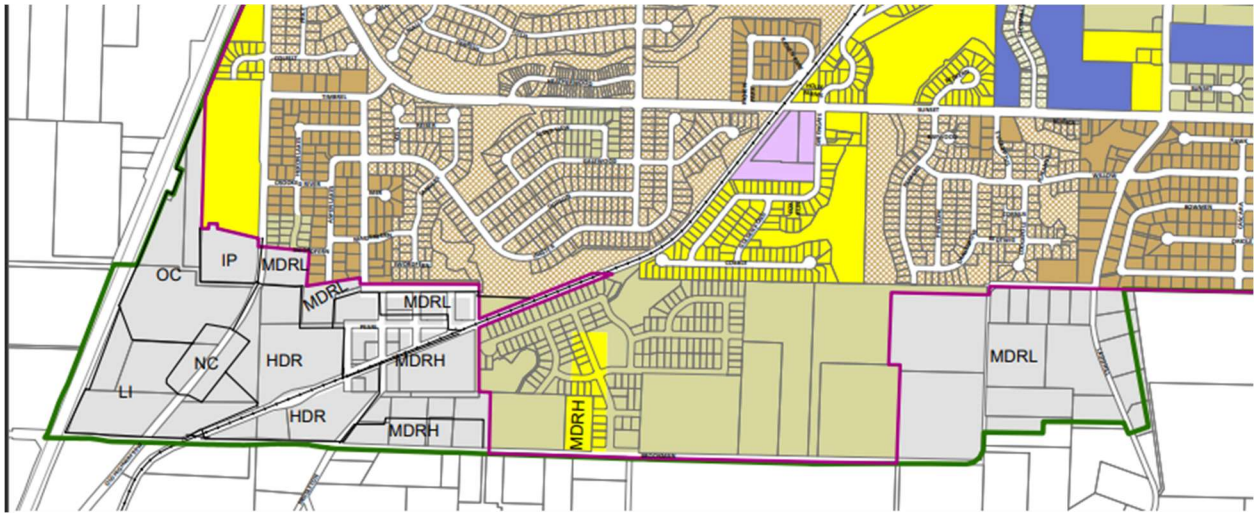
D. *Zone Change Process Concurrent with Annexation Application*

RESPONSE: The proposed annexation does not include a zone change for the subject area. The area is already zoned.

E. *Zoning of Annexed Areas*

1. *All land within the City of Sherwood designated planning area, established under Metro's Urban Growth Boundary (UGB), have been classified with a zoning district as shown on the Official Plan and Zoning Map. Once annexation of the territory is approved, the zoning identified on the Zoning Map is directly applied to the territory without application of Chapter 16.80 (Plan Amendments).*

RESPONSE: The proposed area for annexation is within the City of Sherwood designated planning area and is classified as Medium Density Residential Low as shown in the Official Plan and Zoning Map. No plan amendment is proposed with this annexation request.



F. *Approval Criteria. The City may approve an annexation application if the City determines that the following criteria are met:*

1. *Provisions set forth in Oregon Revised Statutes (ORS) 222 and Metro Code Chapter 3.09.*

2. *Applicable policies of the Sherwood Comprehensive Plan.*

RESPONSE: The compliance narrative addresses the applicable sections of the Oregon Revised Statutes, Metro Code and the Sherwood Comprehensive Plan.

3. *The application demonstrates how the property is served or will be served by adequate public facilities and services, assuming the maximum intensity land uses authorized by the zoning district, as designated in the City's Official Plan and Zoning Map, in accordance with Division VI (Public Infrastructure) and the Engineering Design Manual. Public facilities and services include sanitary sewer, storm water, domestic water, and transportation.*

RESPONSE: The proposed area for annexation is included in the Cedar Creek Gardens Subdivision (LU 2021-023 SUB) which was approved by the City of Sherwood in 2022 and recorded in 2026. As part of this development, adequate public facilities and services are available to serve the site.

4. *Public facilities and services are provided in a manner consistent with the City's adopted Utility Master Plan, Comprehensive Plan, and Transportation Systems Plan. The application must demonstrate how the public facilities and services will be provided to the property in an orderly, efficient, and timely manner.*

RESPONSE: All public facilities and services have already been provided to the site through the development of the Cedar Creek Gardens subdivision. This annexation is a clean up stemming from a property line adjustment application to clear up boundary discrepancies.

5. *Proposed land uses are in accordance with applicable land use master plans.*

RESPONSE: There are no proposed land uses with this zone change. The property is fully developed in accordance with the applicable land use master plans.

6. *Subject to any constitutional limitations, parks, trails, and open space are, or will be, provided in accordance with applicable Parks and Trails Master Plan, and any other applicable area plan or master plan and an agreement is executed to convey to the City any land, within the annexation area designated in the adopted Parks and Trails Master Plan.*

7. *The application demonstrates how impacts to existing City public facilities and services (i.e. sewer, water, stormwater, and transportation) from the development of the property will be mitigated, if necessary.*

   Mitigation may include construction of on-site or off-site improvements or improvements to existing infrastructure to City standards and specifications. The application must include a preliminary financial plan that demonstrates the feasibility and adequacy of the proposed mitigation measures. If the financing requires City funds, the funding must be approved by the City Council prior to annexation.

RESPONSE: There is no proposed development associated with this annexation as the entire annexation area was developed as a part of the Cedar Creek Gardens subdivision and this annexation is a clean up of the city boundary.

8. *The application demonstrates that the annexation and zoning is consistent with the Transportation Planning Rule (TPR) and adopted comprehensive plan, or the applicant can demonstrate that additional TPR analysis is not required.*

RESPONSE: The application for annexation is on land that is fully developed consistent with the TPR. A TPR analysis is not required for the annexation of the proposed property, as a Transportation Impact Analysis prepared by Lancaster Mobley was included in the Cedar Creek Gardens Land Use Approval.

9. *The annexation is in the City's best interest after evaluating the proposal against the City's adopted Utility Master Plans, Comprehensive Plan including Land Use Master Plans, Transportation System Plan, Parks and Trails Master Plan, and any other applicable area plan or master plan.*

RESPONSE: The proposed annexation will allow the remainder of Tax Lots 3900 and 4400 to be within the City of Sherwood City Limits. In the current state, the majority of the tax lots are

within city limits however the small area that is proposed for annexation is located outside of the city boundary. It is in the best interest of the City to clean up this boundary so that an island does not result, city owned property is located within the city and a house can be constructed on Tax Lot 3900.

16.81.020 - Annexation Agreements

D. Waiver.

1. *The City Manager or designee may waive the requirement to execute and submit an annexation agreement if the City Manager or designee determines the agreement is not necessary and would not achieve the purposes described in Section 16.81.020(A). This determination may be made if one or more of the following apply:*

RESPONSE: The applicant is seeking a waiver from the annexation agreement requirement based on the findings below.

a. The property is already served by utility and facilities infrastructure necessary to support the proposed use; or

RESPONSE: The recently platted Cedar Creek Gardens plat provided all utilities and facilities infrastructure necessary to support the current use. There is no proposal for a future use given the property is fully developed.

b. The property is already developed at minimum urban densities and does not require additional utility and facilities coordination; or

RESPONSE: The property is fully developed to more than minimum urban densities through the construction and recording of the Cedar Creek Gardens Subdivision.

c. The proposed development demands minimal changes to the service area or that are unlikely to generate substantial infrastructure requirements as defined under Division VI - Public Infrastructure; or

RESPONSE: There is no proposed development as the properties are fully developed and therefore no changes to the service area demands will result. No additional infrastructure is required as it is already in place.

d. The applicant can clearly demonstrate, through supporting documentation, that the proposal will meet all the City's service and infrastructure requirements without additional contractual commitments.

RESPONSE: There is no proposal forthcoming because of the annexation. The recorded plat and constructed improvements for the Cedar Creek Gardens subdivision as signed off on by the city of Sherwood demonstrate that the City's service and infrastructure requirements are already met. No additional contractual requirements therefore are needed.

OREGON REVISED STATUTES

Chapter 222 – City Boundary Changes; Annexations; Consolidations; Withdrawals; Mergers

BOUNDARY CHANGES; ANNEXATIONS; WITHDRAWALS

CITIES

GENERAL PROVISIONS

222.005 Notice to public utilities of annexation; contents; effect

(1) When territory is approved for annexation to a city by city council action under ORS chapter 199 or this chapter, the recorder of the city or other city officer or agency performing the duties of recorder under this section, not later than 10 working days after passage of a resolution or ordinance approving the proposed annexation, shall provide by certified mail to all public utilities, electric cooperatives and telecommunications carriers operating within the city each site address to be annexed as recorded on county assessment and tax rolls, a legal description and map of the proposed boundary change and a copy of the city council's resolution or ordinance approving the proposed annexation.

(2) Additional or increased fees or taxes, other than ad valorem taxes, imposed on public utilities, electric cooperatives and telecommunications carriers as a result of an annexation of territory to a city shall become effective on the effective date of the annexation if notice of the annexation is given to public utilities, electric cooperatives and telecommunications carriers by certified mail not later than 10 working days after the effective date of the annexation. However, if notification of the effective date of the annexation is provided to the public utilities, electric cooperatives and telecommunications carriers later than the 10th working day after the effective date of the annexation, the additional or increased fees or taxes become effective on the date of notification.

(3) As used in this section:

(a) "Effective date of annexation" is the effective date described in ORS chapter 199 or this chapter, whichever is applicable.
(b) "Public utility" has the meaning given that term in ORS 757.005.
(c) "Telecommunications carrier" has the meaning given that term in ORS 133.721

RESPONSE: Notice to the required public utilities, electric cooperatives and telecommunication carriers will be provided by the City of Sherwood once the annexation is approved.

222.010 Report of city boundary changes; contents; time for filing; exception

(1) Every city, through its recorder or other city officer or agency designated to perform the duties of the recorder under this section, shall report to the county clerk and county assessor of the county within which the city is located all changes in the boundaries or limits of the city. The report shall contain a detailed legal description of the new boundaries established by the city. The report shall be filed by the city within 10 days from the effective date of the change of any boundary lines.

(2) For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225.

(3) Subsection (1) of this section does not apply to a minor boundary change ordered under ORS 199.410 to 199.519.

RESPONSE: The City of Sherwood will report to the county clerk and county assessor all changes in boundaries or limits of the city. The report will contain the information applicable in items 1-3 above.

222.030 Assessor to furnish statement of assessed valuation of property in territory to be annexed. *When a change of the boundaries of a city through the annexation of territory is proposed pursuant to ORS 199.410 to 199.519, or 222.111 to 222.180 or city charter, the assessor of the county or counties wherein the territory to be annexed is located, shall furnish upon official request within 20 days, a statement showing for the current fiscal year the assessed valuation of the taxable property in the territory to be annexed.*

RESPONSE: The Washington County assessor will furnish a statement showing for the current fiscal year the assessed valuation of the taxable property in the territory to be annexed.

222.040 Delay of effective date of actions under this chapter because of election; effective date of certain annexations and transfers of territory.

(1) Notwithstanding any provision of this chapter that provides a different effective date, an annexation, transfer of territory, consolidation or merger under this chapter, or any removal by a city by ordinance of a newly annexed area from a special district, shall not become effective during the period:

(a) Beginning after the 90th day before a primary election or general election and ending on the day after the election; or

(b) Beginning after the deadline for filing the notice of election before any other election held by any city, district or other municipal corporation involved in the annexation, transfer of territory, consolidation, merger or removal, and ending on the day after the election.

(2) If the effective date established for an annexation, transfer of territory, consolidation, merger or removal is a date that is prohibited under this section, the annexation, transfer of territory, consolidation, merger or removal shall become effective on the day after the election.

(3) For the purposes of ORS 308.225 only, the effective date of an annexation under ORS 222.180 shall be the date of filing of the abstract referred to in ORS 222.180.

RESPONSE: The date of the next Primary election in Oregon is November 3, 2026. The proposed annexation approval will likely become effective after that date and therefore should not be affected by any elections.

222.045 Written agreement required regarding unfunded PERS liability or surplus when cities split, consolidate or merge. *If a city splits into two or more cities, or two or more cities consolidate or merge, the cities affected by the split, consolidation or merger, including cities created by the split, consolidation or merger, must enter into a written agreement that addresses any unfunded Public Employees Retirement System liabilities or surpluses and deliver a copy of the agreement to the Public Employees Retirement Board as required by ORS 238.235.*

RESPONSE: The proposed annexation does not involve the splitting, consolidating or merging of cities. This section does not apply.

222.050 Certain consolidations and mergers; additional question concerning taxes authorized; requirements for approval

(1) This section applies if a consolidation or merger proposes to consolidate or merge two or more cities and at least one of the cities has not previously imposed ad valorem property taxes.

RESPONSE: The proposed annexation does not merge or consolidate two or more cities. This section does not apply.

ANNEXATION OF CONTIGUOUS TERRITORY

222.111 Authority and procedure for annexation; specifying tax rate in annexed territory.

(1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies

.

RESPONSE: The proposed annexation will be approved through ORS 222.111 to 222.180. The annexed property will extend the boundary of the City of Sherwood into the same county in which the city lies (Washington County). This criterion is met.

(2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

RESPONSE: The proposed annexation is initiated by a petition to the legislative body of the city by the owners of the property. The application package includes a petition signed by the owners of the subject site. This criterion is met.

(3)

(a) Except as provided in paragraph (b) of this subsection, the proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city.

(b) For purposes of paragraph (a) of this subsection, a proposal for annexation initiated by the legislative body of a city may provide for a duration of not more than 20 full fiscal years.

(c) The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal, but in no case may the proposal provide for a rate of taxation for city purposes in the annexed territory that exceeds the highest rate of taxation for city purposes applicable to other property in the city for the current year.

(d) If the annexation takes place pursuant to a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio that the proposal authorizes for that fiscal year.

(e) Notwithstanding paragraph (d) of this subsection, during the term of fiscal years provided for pursuant to paragraph (b) of this subsection, the ratio shall be 100 percent for property that is sold or transferred to new ownership, beginning with the first property tax year that begins after the sale or transfer.

RESPONSE: This section relates to the taxation of the annexed property which will be determined by the legislative body of the City of Sherwood.

(4)

(a) When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510, the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation.

(b) Notwithstanding paragraph (a) of this subsection, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

RESPONSE: The part of any district servicing the area as it sits outside of the City of Sherwood will receive city services and will be withdrawn from other districts as applicable and named in ORS 222.510.

(5) The legislative body of the city shall submit, except when not required under ORS 222.120, 222.170 and 222.840 to 222.915 to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 or 222.840 to 222.915 to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose.

(6) The proposal for annexation may be voted upon by the electors of the city and of the territory simultaneously or at different times not more than 12 months apart.

(7) Two or more proposals for annexation of territory may be voted upon simultaneously, but in the city, each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation, no proposal for annexing other territory may appear on the ballot.

RESPONSE: The proposed annexation shall be subject to the SB1573 method in which 100% of the property owners file a petition to be annexed and the City Council becomes the acting authority, and no vote of the public is required. Sections (5)-(7) are not applicable.

222.115 Annexation contracts; recording; effect. *A contract between a city and a landowner containing the landowner's consent to eventual annexation of the landowner's property in return for extraterritorial services:*

(1) Must be recorded; and
(2) When recorded, is binding on successors in interest in that property.

RESPONSE: The proposed annexation is not considered an annexation contract for eventual annexation. This section does not apply.

222.118 Provision of city services to airport without requiring annexation. *A city and an airport may enter into an agreement pursuant to which the city provides sewer and water services to the airport without requiring the annexation, or consent to eventual annexation, to the city of the territory on which the airport is situated..*

RESPONSE: The proposed property to be annexed does not include an airport or services to an airport. This section does not apply**.**

222.120 Procedure for annexation without election; hearing; ordinance subject to referendum.

(1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.

RESPONSE: The city is not submitting a proposal for this annexation to the electors.

(2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

RESPONE: The city is not submitting a proposal for this annexation to the electors however will hold a public hearing with the city council at which the electors of the city may appear and be heard on the question of annexation.

(3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

RESPONSE: The City of Sherwood will notice the hearing in accordance with these requirements.

(4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:

(a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;

(b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or

(c) Declare that the territory is annexed to the city where the Oregon Health Authority, prior to the public hearing held under subsection (1)

of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915

RESPONSE: After the hearing, the City Council will, by an ordinance containing a legal description of the territory in questions declare that the territory is annexed to the city in accordance with item (b) above.

(5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

RESPONSE: The part of any district servicing the area as it sits outside of the City of Sherwood will receive city services and will be withdrawn from other districts as applicable and named in ORS 222.510.

(6) The ordinance referred to in subsection (4) of this section is subject to referendum.

RESPONSE: The ordinance referred to in subsection (4) of this section is not subject to a referendum.

(7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded 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.

RESPONSE: 100% of the land owners have consented and signed the petition to annex the territory into the City of Sherwood.

222.125 Annexation by consent of all owners of land and majority of electors; proclamation of annexation. *The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by*

owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

RESPONSE: 100% of the owners and electors have consented in writing. The City Council, by resolution or ordinance will set the final boundaries of the area to be annexed by legal description and proclaim the annexation.

222.127 Annexation without election notwithstanding contrary city law upon petition of all owners of land; declaration of annexation.

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

(2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:
(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;

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

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

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

(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.

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

RESPONSE: The laws of the City of Sherwood do not require a petition proposing annexation of territory to be submitted to the electors of the city. This section does not apply.

222.130 Annexation election; notice; ballot title

222.150 Election results; proclamation of annexation.

222.160 Procedure when annexation is submitted to city vote; proclamation of annexation.

222.170 Annexation by consent before public hearing or order for election; proclamation of annexation

RESPONSE: The proposed annexation is subject to the SB1573 Method; therefore, an annexation election is not required. These sections do not apply.

222.173 Time limit for filing statements of consent; public records.

(1) For the purpose of authorizing an annexation under ORS 222.170 or under a proceeding initiated as provided by ORS 199.490 (2), only statements of consent to annexation which are filed within any one-year period shall be effective, unless a separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector and the city.

(2) Statements of consent to annexation filed with the legislative body of the city by electors and owners of land under ORS 222.170 are public records under ORS 192.311 to 192.478.

RESPONSE: The applicant acknowledges the one-year time limit and inclusion in public records for statements of consent to annexation.

222.175 City to provide information on taxes and services when soliciting statements of consent. *If a city solicits statements of consent under ORS 222.170 from electors and owners of land in order to facilitate annexation of unincorporated territory to the city, the city shall, upon request, provide to those electors and owners information on that city's ad valorem tax levied for its current fiscal year expressed as the rate per thousand dollars of assessed valuation, a description of services the city generally provides its residents and owners of property within the city and such other information as the city considers relevant to the impact of annexation on land within the unincorporated territory within which statements of consent are being solicited.*

222.177 Transmittal of annexation records to Secretary of State. *When a city legislative body proclaims an annexation under ORS 222.125, 222.150, 222.160 or 222.170, the recorder of the city or any other city officer or agency designated by the city legislative body to perform the duties of the recorder under this section shall transmit to the Secretary of State:*

(1) A copy of the resolution or ordinance proclaiming the annexation.
(2) An abstract of the vote within the city, if votes were cast in the city, and an abstract of the vote within the annexed territory, if votes were cast in the territory. The abstract of the vote for each election shall show the whole number of electors voting on the annexation, the number of votes cast for annexation and the number of votes cast against annexation.

(3) If electors or landowners in the territory annexed consented to the annexation under ORS 222.125 or 222.170, a copy of the statement of consent.
(4) A copy of the ordinance issued under ORS 222.120 (4).
(5) An abstract of the vote upon the referendum if a referendum petition was filed with respect to the ordinance adopted under ORS 222.120 (4).

RESPONSE: The annexation will not be subject to a vote and the City of Sherwood will comply with the applicable standards of the sections above.

222.179 Exempt territory.

The amendments to ORS 222.210, 222.230, 222.240 and 222.270 made by chapter 702, Oregon Laws 1985, do not apply in territory subject to the jurisdiction of a local government boundary commission.

RESPONSE: The subject territory is not subject to the jurisdiction of a local government boundary commission. The City Council will hear and decide the matter.

222.180 Effective date of annexation.

(1) The annexation shall be complete from the date of filing with the Secretary of State of the annexation records as provided in ORS 222.177 and 222.900. Thereafter the annexed territory shall be and remain a part of the city to which it is annexed. The date of such filing shall be the effective date of annexation.

(2) For annexation proceedings initiated by a city, the city may specify an effective date that is later than the date specified in subsection (1) of this section. If a later date is specified under this subsection, that effective date shall not be later than 10 years after the date of a proclamation of annexation described in ORS 222.177.

RESPONSE: Upon filing with the Secretary of State, the annexation territory will be and remain a part of the city to which it is annexed. The filing will be the effective date of the annexation. The city did not initiate the annexation proceedings although they are an owner of a portion of the territory.

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 applicant has submitted the required documents with the proper information as required by this section. Those include the signed petition of consent for the City of Sherwood, map exhibit and legal description. There are no residents and therefore no electors within the affected territory.

3.09.045 Expedited Decisions

(a) The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of 100 percent of property owners and at least 50 percent of the electors, if any, within the affected territory. No public hearing required.

RESPONSE: The applicant has included an executed petition including one hundred percent of property owners within the affected territory. Additionally, the proposed property to be annexed into the City of Sherwood is already within the Metro boundary. The City of Sherwood City Council will hold a public hearing regarding the matter.

3.09.050 Hearing and Decision Requirements for Decision Other Than Expedited Decisions

(a) The following requirements for hearings on petitions operate in addition to requirements for boundary changes is ORS chapters 198, 221 and 222 and the reviewing entity's charter, ordinance or resolutions.

(b) Not later than 15 days prior to the date set for a hearing the reviewing entity must make available to the public a report that addresses the criteria identified in subsection (d) of this section and includes the following the information:

(1) The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;

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

(3) The proposed effective date of the boundary change.

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

(d) To approve a boundary change, the reviewing entity must apply the criteria and consider the factors set forth in section 3.09.045(d) and (e).

RESPONSE: The City will provide a public report 15 days prior to the date set for the hearing that addresses the criteria identified in subsection (d). That report will include required elements of items (1) through (3) above.

3.09.060 Process to Make Boundary Change Effective

(a) After a reviewing entity makes a final decision on a boundary change, the entity and Metro must follow the process set forth below:

(1) The reviewing entity must send its final decision, with the map, legal description and other supporting materials required by law, to the Oregon Department of Revenue (DOR);

(2) The DOR will review the materials to determine whether they are in final approval form and notify the reviewing entity of its determination;

(3) The reviewing entity must send its final decision, with supporting materials and the DOR approval, to Metro;

(4) Metro must record and map the final decision, with supporting materials and DOR determination, and send to the Secretary of State (SOS), the reviewing entity, the appropriate county assessor's and elections offices, making the final decision effective of the date of Metro's submittal;

(5) The SOS will send its filing letter to Metro;

(6) Metro must post the final decision, supporting materials, the DOR determination and the SOS filing letter of Metro's website.

(b) If a reviewing entity notifies Metro that the entity needs expedited treatment of its final decision at the time the entity sends its decision to the DOR, Metro must complete Step 4 in subsection (a) of this section within one working day of its receipt of the final decision and DOR determination from the entity.

(c) The COO may establish a fee structure establishing the amounts to be paid by the reviewing entity with submittal of its final decision in Step 3 of subsection (a) of this section to cover Metro's costs for the services set forth in this section. The COO must file a fee schedule they establish with the Clerk of the Metro Council and send it to all cities, counties and special districts in the Metro Boundary.

(d) Metro must create and keep current maps of district boundaries and the boundaries of all cities and counties within the Metro Boundary. The maps and any additional

information requested that relates to boundary changes must be made available to the public at a price that reimburses Metro for its costs.

RESPONSE: This section relates to the actions taken by The City of Sherwood, Metro and DOR after the final decision. The applicant acknowledges these procedures.

3.09.070 Changes to the Metro Boundary

RESPONSE: The proposed annexation does not change the Metro boundary. This section does not apply.

CITY OF SHERWOOD COMPREHENSIVE PLAN

Goals and Policies

Governance and Growth Management

Goal 1
Coordinate with adjacent jurisdictions, local service provides and regional and state governmental agencies to manage growth and development in Sherwood.

Policy 1.1
Maintain a Comprehensive Plan and associated implementation tools consistent with the Metro Urban Growth Management Functional Plan, Regional Framework Plan, and Regional Transportation Plan; the Oregon Statewide Planning Goals; and all other applicable state and federal regulations.

RESPONSE: The territory being annexed has is located within the Brookman Road Concept Plan. As such, the city has already coordinated with adjacent jurisdictions, local service providers and regional and state governmental agencies to manage growth and development for the affected area.

Policy 1.2
Ensure that land use and plan administration procedures are compatible with the goals and policies in the Comprehensive Plan, consider relevant agreements with and plans by other local jurisdictions, and comply with regional, state, and federal plans and regulations.

RESPONSE: The city has already assured that the land use and plan administration procedures for the subject territory are compatible with the goals and policies in the Comprehensive Plan. The area was planned as a part of the Brookman Road Concept Plan.

Policy 1.3
Routinely verify whether the City's supply of developable land is sufficient to meet short- and long-term employment and housing needs and coordinate with Metro and Washington County to request additional lands for urbanization when Sherwood's growth areas will not accommodate the 20-year projected demand for employment and/or housing

RESPONSE: The subject territory was previously reviewed under this policy when the city adopted the Concept plan for the Brookman Road Area.

Policy 1.4
Establish and periodically update urban service, urban planning, and other formal intergovernmental agreements as needed to support urbanization, annexation, and urban service provision.

RESPONSE: The city adopted the Brookman Road Concept Plan and permitted the construction and platting of a subdivision in which the territories are located. As such this policy has been addressed.

> ***Goal 2***
> ***Provide timely, efficient and fiscally responsible delivery of public facilities and services to balance the development of complete neighborhoods, employment areas, schools and public spaces.***

RESPONSE: The city has approved and permitted a plat recording for the Cedar Creek Gardens plat in which the subject annexation territory exists. This goal is met through the process of development approved by the city.

> ***Goal 3***
> ***Ensure that the rate, amount, type, location and cost of new development will preserve and enhance Sherwood's quality of life so that it is accessible to all community members.***

RESPONSE: The territory proposed for annexation is located within a city approved and platted development thereby ensuring that this goal has been met. The annexation is a simple clean up of the city boundary which was not included in prior annexation applications by others.

> *Policy 3.1*
> *Maintain a Comprehensive Plan comprised of coordinated and interrelated components developed with guidance from the community-wide vision so that the consistent implementing tools further the aspirations of the Plan and, subsequently, the vision in day-to-day land use decisions and actions.*

RESPONSE: The Comprehensive Plan was updated with approval of the Brookman Road Concept planning process. This policy was met through that process as well as subsequent land use approvals for the Cedar Creek Garden subdivision in which the small annexation territory exists.

> *Policy 3.2*
> *Designate land uses in a manner that accommodates projected population and employment growth and ensure development is consistent and compatible with the community's needs and resources.*

RESPONSE: The Brookman Road Concept plan previously designated land uses to accommodate projected population and employment growth. The city's land use decision for the Cedar Creek Gardens subdivision ensured development is consistent and compatible with the community's needs and resources.

> *Policy 3.3*
> *Provide for compatible, phased and orderly transition from rural to suburban or urban uses, reflecting Sherwood's landform on adjacent land outside Sherwood city limits or the Metro urban Growth Boundary*

RESPONSE: The territory involved is an area platted within the Cedar Creek Gardens subdivision and therefore this policy is met as it accomplished an orderly transit from rural to urban uses. This annexation corrects the location of the city boundary in reference to the approved plat boundary that was not previously described as intended by prior annexations to the city by others.

Policy 3.4
Ensure annexation to the City occurs in an orderly and coordinated manner, and services are provided to support urban growth consistent with the 2040 Vision. Consider annexation proposals which meet the following criteria:

a) The subject property must be located within the Metro Urban Growth Boundary.

RESPONSE: The proposed annexation area is located within the Metro Urban Growth Boundary

b) The subject property must be contiguous to the existing City limits or separated from it only by a public right of way.

RESPONSE: The proposed annexation area is contiguous to the existing City limits.

c) Right-of-way that is not within City limits may be annexed for road reconstruction or modification or for the placement of utilities.

RESPONSE: No Rights-of-way are affected by the location of this territory for annexation.

d) The proposed use for the site complies with the Sherwood Comprehensive Plan and with the designation(s) thereon. If a re-designation of the plan map is requested after an annexation is finalized, the uses allowed under the proposed designation must comply with the Comprehensive Plan.

RESPONSE: The need for the annexation is to allow both: 1. An owner to obtain a building permit for one of the affected lots within the Cedar Creek Gardens subdivision and; 2. To allow the city owned property within the territory to be within the city. Both uses for the territory were approved by the city for the Cedar Creek Gardens development (LU 2021-023 SUB**)** which complies with the Sherwood Comprehensive Plan

e) An adequate level of urban services and infrastructure are available or can be extended in a cost effective and efficient manner to the area.

RESPONSE: Urban Services were provided to the territory to be annexed through the construction and platting of the Cedar Creek Gardens subdivision.

f) The proposed annexation represents a logical direction for City expansion, promotes an orderly, reasonable and economically feasible

expansion of the City boundaries and, in the judgment of the City, serves the present and future interests of the City.

RESPONSE: The purpose of the annexation is to clean up the city boundary along the plat boundary of the Cedar Creek Gardens subdivision to ensure all territory within the platted area is located within the City of Sherwood. Rather than an expansion, it is an approval of land to be annexed into the city that was not included in prior annexation applications by others when intended to be. It is a logical clean up of the boundary in a direction the city intended to expand. Its orderly, reasonable and has no negative economic impacts.

g) Improvements for needed infrastructure may be secured by a funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of Sherwood generally.

RESPONSE: All the infrastructure needed for the territory has already been installed. No further funding is necessary.

IV. Conclusion

The required findings have been made, and this written narrative and submitted materials demonstrate the application is consistent with the applicable provisions of the State of Oregon, Metro, and the City of Sherwood Comprehensive Plan and Community Development Code. Accordingly, the applicant respectfully requests approval of the annexation of the subject property into the City of Sherwood.