

Final Documents

for
Annexation to
Sherwood

WA0207

Resolution: 2007-015

Annexation: AN 01-07

DOR: 34-1876-2007

Secretary of State: AN 2007-0261

Office of the Secretary of State

BILL BRADBURY
Secretary of State



Archives Division
MARY BETH HERKERT
Director

800 Summer St. NE
Salem, Oregon 97310
(503) 373-0701

Facsimile (503) 373-0953

July 25, 2007

Metro
Linda Martin
600 NE Grand Ave
Portland, Oregon 97232-2736

Dear Ms. Martin:

Please be advised that we have received and filed, as of July 25, 2007, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
2007-015 (Sherwood)	AN 2007-0261

For your records please verify the effective date through the application of ORS 199.519.

Our assigned file number(s) are included in the above information.

Sincerely,

Linda Bjornstad
Official Public Documents

cc: County Clerk(s)
Department of Revenue
ODOT
Population Research Center

Notice to Taxing Districts

ORS 308.225



Cadastral Information Systems Unit
 PO Box 14380
 Salem, OR 97309-5075
 (503) 945-8297, fax 945-8737

City of Sherwood
 Director of Finance
 90 NW Park Street
 Sherwood, OR 97140

Description and Map Approved
July 23, 2007
As Per ORS 308.225

Description Map received from: METRO
 On: 7/13/2007, 7/18/2007

This is to notify you that your boundary change in Washington County for

ANNEX TO CITY OF SHERWOOD; WITHDRAW FROM VECTOR CONTROL, EN LAW
 ENF, URBAN RD MAINT AN 01-07, WA0207

RES 2007-015/2007-047

has been: Approved 7/23/2007
 Disapproved

Notes:

Department of Revenue File Number: 34-1876-2007

Prepared by: Carolyn Sunderman, 503-945-8882

Boundary: Change Proposed Change
 The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge



RESOLUTION 2007-015

A RESOLUTION APPROVING ANNEXATION PROPOSAL AN-07-01 AND CALLING AN ELECTION FOR CITY VOTERS AND VOTERS IN THE AREA TO BE ANNEXED TO APPROVE THIS ANNEXATION

WHEREAS, Washington County has a policy that unincorporated areas of the County should be annexed to cities so that urban services for those areas can be provided by cities as opposed to the County; and

WHEREAS, the Sherwood City Council agrees with the County annexation policy and believes that areas outside the current City boundaries and within the City Urban Growth Boundary should ultimately be annexed to the City; and

WHEREAS, the City initiated this annexation by Resolution 2007-002 under ORS 222.111; and

WHEREAS, after legal notices, a public hearing was held on this proposal for annexation by the City Council on March 6, 2007, where comments and testimony were received and considered; and

WHEREAS, the Council reviewed and considered the staff report dated February 15, 2007, prepared by Ken Martin, Annexation Consultant for the City, with proposed findings and reasons for the decision attached; and

WHEREAS, Under Section 3 of the Sherwood's Charter, annexation to the City takes place only upon voter approval. Approval of this annexation would annex of 91.42 acres to the City, comprised of 11 parcels bordered on the north by Edy Road and on the west by Elwert Road; and

WHEREAS, under the City initiated annexation procedures identified in ORS 222.111 a majority of the registered voters in the affected territory to be annexed must approve the annexation; and

WHEREAS, The affected territory currently contains eight single-family dwellings. If annexed, the area will be re-zoned and include Institutional and Public (IP), Medium Density Residential (MDRH) and Neighborhood Commercial (NC) zones.

Approximately 40 acres of the affected territory is planned for an elementary and middle school (IP), approximately 24 acres for residential (MDRH) and approximately 3 acres for commercial (NC). The remaining approximately 24 acres will be used for rights-of-way and open space.

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

Section 1. The City Council adopts Annexation Application AN 07-01, the staff report to the City Council dated February 15, 2007, and the proposed findings and conclusions and reasons for decision attached as Exhibit A.

Section 2. The City Council approves Annexation 07-01, and the annexation to the City of Sherwood of the territory legally described in Exhibit B.

Section 3. A City election on this annexation is called for May 15, 2007.

Section 4. The Washington County Elections Department will conduct the election.

Section 5. The precincts for the election are all those that include territory included within the corporate limits of the City and a separate precinct including only the affected territory to be annexed.

Section 6. The ballot title, previously adopted by the Council for the May election by Resolution 2007-012 will read as follows:

CAPTION: PROPOSAL TO ANNEX 91.42 ACRES TO SHERWOOD

QUESTION: Should 91.42 acres on the City's northwestern boundary be annexed to Sherwood?

SUMMARY: Under Sherwood's Charter, annexation to the City takes place only upon voter approval. Approval of this measure permits annexation of 91.42 acres to the City, comprised of eleven (11) parcels bordered on the north by Edy Road and on the west by Elwert Road.

The eastern, southern and northern boundaries of the proposed annexation area are contiguous to the City; if approved, the western boundary of the area will form part of the City's western boundary.

The proposed annexed area currently has eight (8) single family dwellings. If annexed, the area would be variously zoned, including Institutional and Public (IP), Medium Density Residential (MDRH) and Neighborhood Commercial (NC).

Approximately 40 acres are planned to be developed with an elementary and middle school (IP), 24 acres as residential (MDRH) and 3 acres as commercial (NC). The remaining 24 acres would be used for rights-of-way and open space.

Section 7. The City Recorder will give notice of the election in the manner required by law.

Section 8. The City Recorder is authorized to submit an impartial explanatory statement for the Washington County voters' pamphlet on behalf of the City.

Section 9. The City Recorder has previously published the ballot title in compliance with state law.

Section 10. Under ORS 222.520 and 222.120(5), the City Council declares that upon approval of the annexation by the voters the annexed territory will be withdrawn from the County Service Districts for Vector Control, Enhanced Law Enforcement and Urban Road Maintenance effective on the date this annexation takes effect.

Section 11. If this annexation takes effect, the annexed territory will be designated in accordance with the zoning adopted into the Comprehensive Plan as part of the Area 59 concept plan implementation.

Section 12. This Resolution shall take effect immediately upon its passage by the Council and signature by the Mayor.

Duly passed by the City Council this 6th day of March, 2007.


Keith S. Mays, Mayor

ATTEST:


Sylvia Murphy, City Recorder

TO: Sherwood City Council
FROM: Ken Martin - Local Government Boundary Consultant
DATE: February 15, 2007
RE: Boundary Change Proposal No. AN 01-07, Annexation to Sherwood
Scheduled for Hearing Date of March 6, 2007

1. Recommendation/Action Requested: Approval
2. Background/Analysis: See Attached Staff Report
3. Financial Impact: None
4. Legal Issues: None
5. Controversial Issues: None
6. Link to Current City Policies: City Charter requires a vote in the City on annexation if approved by the City Council. The relationship to the City Comprehensive Plan is covered in the attached staff report.
7. Citizen Participation: Notice of this hearing invites testimony from any interested party. Notice consisted of: 1) Posting 4 notices in the City 45 days prior to the hearing; 2) Publishing notice twice in the Tualatin Times; 3) Mailed notice sent to affected local governments, and all property owners within 100 feet of the area to be annexed
8. Other Government Participation: None, except as noted above, possible participation in the hearing

March 6, 2007 Hearing

PROPOSAL NO. AN 01-07 CITY OF SHERWOOD - Annexation

Petitioners: None. City Council Initiated.

Proposal No. AN 01-07 was initiated by the Sherwood City Council. This meets the requirement for initiation set forth in ORS 222.111 (2) and Metro Code 3.09.050 (a) (Metro's minimum requirements for a petition).

The Council must review the proposal and determine whether it is in compliance with all applicable criteria. If the City Council decides that the annexation should be approved it is required by Charter to submit the annexation to the electors of the City and by state statute to submit the annexation to the electors of the territory to be annexed. The next available election will be May 15, 2007. To be effected, the annexation must be approved in the City and in the territory to be annexed.

The territory to be annexed is located generally on the northwest edge of the City, on the east edge of SW Elwert Road and the south edge of SW Edy Road. The territory contains 91.42 acres, 8 single family dwellings and is evaluated at \$2,971,430.

REASON FOR ANNEXATION. The area was brought into the Urban Growth Boundary in 2002 and the required Concept Plan was recently completed and implemented. Before development consistent with the Concept Plan can occur, the property needs to be annexed into the City.

CRITERIA FOR DECISION-MAKING

There are no specific criteria for deciding city boundary changes within the statutes. However, the Legislature has directed Metro to establish criteria, which must be used by all cities within the Metro boundary.

The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195. [ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place for this area. Annexation plans are timelines for annexation which can only be done after all required 195 agreements are in place and which must have been voted on by the City residents and the residents of the area to be annexed.]

2. Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party.
3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.
4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. The territory lies within the Urban Growth Boundary.
7. Consistency with other applicable criteria for the boundary change in question under state and local law.

The Metro Code also contains a second set of 10 factors which are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those 10 factors are not applicable at this time to this annexation because no necessary party has contested the proposed annexation.

LAND USE PLANNING

SITE CHARACTERISTICS

The property slopes gently from south to north. Agriculture and rural residential are the primary land uses.

REGIONAL PLANNING

General Information

The property is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB). It was added to the UGB in 2002 through Metro Ordinance 02-969B

Regional Framework Plan

The law that requires Metro to adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are now part of Metro's Regional Framework Plan. The Regional Framework Plan also includes the 2040 Growth Concept. Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern and which mandate local plan changes. Metro has adopted two functional plans - the Urban Growth Management Functional Plan and the Regional Transportation Plan.

The Urban Growth Management Functional Plan requires cities and counties to amend their comprehensive plans and implementing ordinances to accord with elements in the Functional Plan. Included in these requirements are such items as minimum density standards, limitations on parking standards, mandated adoption of water quality standards and rules relating to Urban Growth Boundary expansion. None of these requirements relate directly to the issue of annexation to a city.

The Urban Growth Management Functional Plan does contain one provision in its Title 11 component which speaks to annexations and prescribes a directly applicable standard or criterion for an annexation boundary change. Title 11, Section 3.07.1110.A, Interim Protection of Areas Brought into the Urban Growth Boundary, concerns "annexations" of land added to the UGB. It requires local comprehensive plan amendments for land added to the UGB to include "provisions for annexation to the (Metro) district and to a city or any necessary service district prior to urbanization of the territory . . . to provide all required urban services". By its terms, this Title 11 provision requires local comprehensive plans to assure the provision of adequate public facilities and services to land added to the UGB through annexation of such lands to the Metro District, the affected city and/or any special service district responsible for providing such facilities and services to the land prior to its urban development.

The Regional Transportation Plan deals with design guidelines, standards for street connectivity, etc. but does not contain any specific criteria applicable to the changing of local government boundaries.

The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

WASHINGTON COUNTY PLANNING

The Metro Code states that the Commission's decision on this boundary change should be ". . . consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans, public facility plans . . ." Thus the applicable plans must be examined for "specific directly applicable standards or criteria."

The Washington County Comprehensive Plan currently covers this area.

County Planning. Washington County has zoned this area FD-20, Future Development, 20 acre minimum lot size except for Tax Lots 800 & 900 which are zoned County R-9, nine units per acre. FD-20 is intended to prohibit premature development without adequate services to support urban densities.

Washington County has adopted urban growth management policies that require urban development to be accompanied by adequate urban services. The growth management policies define both urban development and necessary urban services. Public sewer, public water, and a balanced urban-level transportation system are the primary urban services considered.

County 2000. Washington County reviewed its role in service provision in its County 2000 program, the County's financial management plan. The County established a policy of supporting a service delivery system which distinguishes between municipal and county-wide

services. To achieve tax fairness and expenditure equity in the provision of public services the County's policy is to provide only countywide services with general fund revenues. The County policy favors municipal services being provided either by cities or special districts.

Urban Growth Management Agreement

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. This area is not covered by the UPAA since it was only recently added to the UGB.

CITY PLANNING

City Planning. The City has adopted a Concept Plan for this area under Ordinance 2006-018. The Plan provides for a mix of uses including School, Park, Single Family, Townhome/Small Lot, Neighborhood Commercial/Mixed Use and Natural Area. Projected uses include an elementary and middle school, medium density residential, neighborhood commercial and open space. No specific development plans have been submitted.

The Growth Management Chapter of the City's Comprehensive Plan contains several policy objectives (Chap. 3 section B.2.):

- a. Focus growth into areas contiguous to existing development rather than "leap frogging" over developable property.
- b. Encourage development within the present city limits, especially on large passed-over parcels that are available.
- c. Encourage annexation inside the UGB where services are available.
- d. When designating urban growth areas, consider lands with poorer agricultural soils before prime agricultural lands.
- e. Achieve the maximum preservation of natural features.
- f. Provide proper access and traffic circulation to all new development.
- 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.
- h. Provide for phased and orderly transition from rural to suburban or urban uses.

The Growth Management chapter of the City Plan also contains the following City Limits Policies (Chap. 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.

* * *

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

The following provision concerning the application of City Plan and Zoning designations is from the Land Use Chapter 4 section N.3.:

To simplify the understanding and administration of the Comprehensive Plan, the zones detailed on the Plan/Zone Map will serve as "zoning districts" within the current incorporated limits of the City of Sherwood. Washington County zoning will continue to apply in unincorporated areas within the Sherwood Urban Growth Boundary until annexation occurs. When annexation occurs, the annexed properties will be subject to change to the zone on the Plan/Zone Map. The procedure detailed in the City Zoning Code Section 1.102 applies to all requests for changes in the Plan/Zone Map.

Section 1.102.04 of the Zoning and Development Code provides:

The zoning districts on the Official Plan and Zoning Map, for land outside of the incorporated area of the City but within the Urban Growth Boundary, shall serve as a guide to development in these areas. Actual land use regulation and development shall be controlled under the terms of the Urban Planning Area Agreement between the City and Washington County. This Agreement is made part of this Code by reference and is attached as Appendix H. An area incorporated into the City shall, upon annexation, be given an interim zoning consistent with the Official Plan and Zoning Map. The City shall provide notice of this interim zoning as per Section 3.202.03. No hearing shall be required and the interim zoning shall be considered final thirty (30) days after mailing of said notice.

In general, Chapter 6 of the City Zoning and Development Code requires new development to be served by public domestic water, sewer, drainage and fire flow facilities adequate to serve the development.

FACILITIES AND SERVICES

ORS 195 Agreements. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but no urban service agreements have yet been adopted in this part of Washington County.

Water. Twelve, ten and eight inch water lines lie adjacent to this area within the City. The Concept Plan envisions a sixteen inch line running north and south roughly in the center of the territory to be annexed. The City is supplied water from ground water sources and through a contract with Tualatin Valley Water District to bring Portland Bull Run Water to the City.

Sewer. Sewer service is available from 8-inch lines to the south, east and north of the territory.

The City is within the Clean Water Services County Service District and is served by the Durham regional treatment plant. Except for TL's 800 & 900 (.12 acres) the territory to be annexed is not within the District and will need to be annexed to the District prior to development. The area of Clean Water Service's sewer system that serves Sherwood consists of two sub-basins centered on Cedar Creek and Rock Creek for which each sub-basin is named. The area to be annexed is in the Cedar Creek Basin.

Storm Drainage. Storm drainage issues will be dealt with in the future as part of the development process.

Parks and Recreation. The City of Sherwood maintains a number of developed parks and open spaces. Additionally the City maintains over 300 acres of Greenway/greenspace/natural areas. The parks and open space system is funded out of the General Fund. The City also assesses a Parks and Open Space System Development Charge on residential development. The Zoning Code identifies the requirements of the Parks and Open Space System Development Charge.

Transportation. The area is served by Elwert Road, an arterial, on the west and Edy Road, a collector, on the north. Improvements and r-o-w acquisitions would be dealt with as a part of individual developments.

Tax Lots 800 & 900 are within the boundary of the Washington County Urban Roads Maintenance District. The City may withdraw the territory from the District upon annexation. ORS 222.520 and 222.120(5). If the City declares the territory withdrawn from the District, on the effective date of the annexation the District's tax levy value will no longer apply to those lots.

Fire. The territory is within the boundary of the Tualatin Valley Fire and Rescue District, which also serves the City of Sherwood. No change in service results from annexation to the City.

Police. The bulk of the territory is served with a rural level of service by Washington County.

Tax Lots 800 & 900 are within the Washington County Enhanced Sheriff's Patrol District which, included with the basic County-wide level of protection, provides .94 officers per 1000 population. The City may withdraw those tax lots from the District upon annexation. ORS 222.520 and 222.120(5). If the City declares the lots 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 to the entire annexation area by the Sherwood Police Department which is staffed by 18 patrol officers and 7 uniformed supervisors and specialists.

RECOMMENDATION

Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit A, the staff recommends Proposal No. AN 01-07 be **approved** subject to the required elections. It is further recommended that if annexed the area of Tax Lots 800 & 900 be withdrawn from the Enhanced Law Enforcement District and the Urban Roads Maintenance District.

FINDINGS

Based on the study and the public hearing the City Council found:

1. The territory to be annexed contains 91.42 acres, 8 single family dwellings and is evaluated at \$2,971,430.
2. The area was brought into the Urban Growth Boundary in 2002 and the required Concept Plan was recently completed and implemented. Before development consistent with the Concept Plan can occur, the property needs to be annexed into the City.
3. There are no specific criteria for deciding city boundary changes within the statutes. However, the Legislature has directed Metro to establish criteria, which must be used by all cities within the Metro boundary.

The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

8. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195. [ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place for this area. Annexation plans are timelines for annexation which can only be done after all required 195 agreements are in place and which must have been voted on by the City residents and the residents of the area to be annexed.]
9. Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party.
10. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.
11. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan.
12. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
13. The territory lies within the Urban Growth Boundary.

14. Consistency with other applicable criteria for the boundary change in question under state and local law.

The Metro Code also contains a second set of 10 factors which are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those 10 factors are not applicable at this time to this annexation because no necessary party has contested the proposed annexation.

4. The property slopes gently from south to north. Agriculture and rural residential are the primary land uses.
5. The property is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB). It was added to the UGB in 2002 through Metro Ordinance 02-969B

The law that requires Metro to adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are now part of Metro's Regional Framework Plan. The Regional Framework Plan also includes the 2040 Growth Concept. Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern and which mandate local plan changes. Metro has adopted two functional plans - the Urban Growth Management Functional Plan and the Regional Transportation Plan.

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6. The Metro Code states that the Commission's decision on this boundary change should be "... consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans, public facility plans . . ." Thus the applicable plans must be examined for "specific directly applicable standards or criteria."

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Washington County reviewed its role in service provision in its County 2000 program, the County's financial management plan. The County established a policy of supporting a service delivery system which distinguishes between municipal and county-wide services. To achieve tax fairness and expenditure equity in the provision of public services the County's policy is to provide only countywide services with general fund revenues. The County policy favors municipal services being provided either by cities or special districts.

7. 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. This area is not covered by the UPAA since it was only recently added to the UGB.
8. The City has adopted a Concept Plan for this area under Ordinance 2006-018. The Plan provides for a mix of uses including School, Park, Single Family, Townhome/Small Lot, Neighborhood Commercial/Mixed Use and Natural Area. Projected uses include an elementary and middle school, medium density residential, neighborhood commercial and open space. No specific development plans have been submitted.

The Growth Management Chapter of the City's Comprehensive Plan contains several policy objectives (Chap. 3 section B.2.):

- a. Focus growth into areas contiguous to existing development rather than "leap frogging" over developable property.
- b. Encourage development within the present city limits, especially on large passed-over parcels that are available.
- c. Encourage annexation inside the UGB where services are available.
- e. When designating urban growth areas, consider lands with poorer agricultural soils before prime agricultural lands.
- e. Achieve the maximum preservation of natural features.
- f. Provide proper access and traffic circulation to all new development.
- 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.
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* * *

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Section 1.102.04 of the Zoning and Development Code provides:

The zoning districts on the Official Plan and Zoning Map, for land outside of the incorporated area of the City but within the Urban Growth Boundary, shall serve as a guide to development in these areas. Actual land use regulation and development shall be controlled under the terms of the Urban Planning Area Agreement between the City and Washington County. This Agreement is made part of this Code by reference and is attached as Appendix H. An area incorporated into the City shall, upon annexation, be given an interim zoning consistent with the Official Plan and Zoning Map. The City shall provide notice of this interim zoning as per Section 3.202.03. No hearing shall be required and the interim zoning shall be considered final thirty (30) days after mailing of said notice.

In general, Chapter 6 of the City Zoning and Development Code requires new development to be served by public domestic water, sewer, drainage and fire flow facilities adequate to serve the development.

9. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but no urban service agreements have yet been adopted in this part of Washington County.
10. Twelve, ten and eight inch water lines lie adjacent to this area within the City. The Concept Plan envisions a sixteen inch line running north and south roughly in the center of the territory to be annexed. The City is supplied water from ground water sources and through a contract with Tualatin Valley Water District to bring Portland Bull Run Water to the City.
11. Sewer service is available from 8-inch lines to the south, east and north of the territory.

The City is within the Clean Water Services County Service District and is served by the Durham regional treatment plant. Except for TL's 800 & 900 (.12 acres) the territory to be annexed is not within the District and will need to be annexed to the District prior to development. The area of Clean Water Service's sewer system that serves Sherwood consists of two sub-basins centered on Cedar Creek and Rock Creek for which each sub-basin is named. The area to be annexed is in the Cedar Creek Basin.

12. Storm drainage issues will be dealt with in the future as part of the development process.
13. The City of Sherwood maintains a number of developed parks and open spaces. Additionally the City maintains over 300 acres of Greenway/greenspace/natural areas. The parks and open space system is funded out of the General Fund. The City also assesses a Parks and Open Space System Development Charge on residential development. The Zoning Code identifies the requirements of the Parks and Open Space System Development Charge.
14. The area is served by Elwert Road, an arterial, on the west and Edy Road, a collector, on the north. Improvements and r-o-w acquisitions would be dealt with as a part of individual developments.

Tax Lots 800 & 900 are within the boundary of the Washington County Urban Roads Maintenance District. The City may withdraw the territory from the District upon annexation. ORS 222.520 and 222.120(5). If the City declares the territory withdrawn from the District, on the effective date of the annexation the District's tax levy value will no longer apply to those lots.

15. The territory is within the boundary of the Tualatin Valley Fire and Rescue District, which also serves the City of Sherwood. No change in service results from annexation to the City.
16. The bulk of the territory is served with a rural level of service by Washington County.

Tax Lots 800 & 900 are within the Washington County Enhanced Sheriff's Patrol District which, included with the basic County-wide level of protection, provides .94 officers per 1000 population. The City may withdraw those tax lots from the District upon annexation. ORS 222.520 and 222.120(5). If the City declares the lots 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 to the entire annexation area by the Sherwood Police Department which is staffed by 18 patrol officers and 7 uniformed supervisors and specialists.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, City Council Determined:

1. The Metro Code at 3.09.050(d)(3) calls for consistency between the City's decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans. . . ." The Council has reviewed both the County comprehensive plan which currently applies to this parcel and the City Comprehensive Plan which will apply upon annexation. The County Plan does not contain any criteria directly applicable to annexations. The County 2000 program suggests that the County supports all urban lands annexing to cities. The City's plan suggests that it expects to annex and be the service provider to all lands within its urban service area. The plan encourages annexations contiguous to developed land. This site is adjacent to development.

The plan encourages annexation where services are available. All services are available. The Council concludes that the annexation is consistent with the applicable plans.

2. Metro Code 3.09.050(d)(1) requires the Council's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195. As noted in Finding No. 9 there are no such plans or agreements in place. Therefore the Council finds that there are no inconsistencies between these plans/agreements and this annexation.
3. The Council notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in Finding No. 7, the Sherwood-Washington County UPAA specifically says that the County assumes this area will be served by the City. Therefore, the Council finds the annexation to be consistent with the UPAA.
4. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. As noted in Finding 5, Title 11 of the Urban Growth Management Functional Plan requires the annexation of this land to an entity capable of providing necessary urban services to support urban development. Annexation to the City will fulfill that requirement. Because this proposal is consistent with this provision and there were no directly applicable criteria for boundary changes found in the Regional Framework Plan or the Regional Transportation Plan (see Finding No. 5) the Council concludes the annexation is consistent with this criterion.
5. Metro Code 3.09.050(e)(3) states that another criterion to be addressed is that the annexation will not interfere with the timely, orderly and economic provision of public

services and facilities. As development has occurred, services have been extended. Now all necessary services to support urban development of this land have been extended to or near the property. The Council finds the City's services are adequate to serve this area and that their timely provision will be enhanced by the annexation. Those services are covered in more detail in Findings 10-16.

6. Metro Code 3.09.050 (d) (6) requires "consistency with other applicable criteria for the boundary change in question under state and local law." The staff has examined state statutes and local laws relative to boundary changes and found no other applicable criteria.
7. The Council concludes that the portion of the territory which lies within the Washington County Urban Roads Maintenance District and the Washington County Service District for Enhanced Law Enforcement should be withdrawn from those districts. The services provided by those districts will be provided by the City subsequent to annexation.



RESOLUTION 2007-047

A RESOLUTION CANVASSING RETURNS OF THE MAY 15, 2007 ELECTION, PROCLAIMING RESULTS AND DIRECTING THE RECORDER TO ENTER ELECTION RESULTS IN THE RECORD.

WHEREAS, there has been duly and regularly certified to the City, by the Washington County Clerk, the following returns of the election held in the City of Sherwood on May 15, 2007, where at the election the questions shown in Exhibit A hereon were presented to the voters; and

WHEREAS, pursuant to ORS 255.295 the Council is required to canvass the said returns and proclaim the results and direct the Recorder to enter the results in the records of the Council proceedings;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

The official results of said election are shown as Exhibit A to this document:

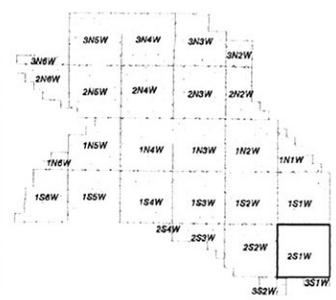
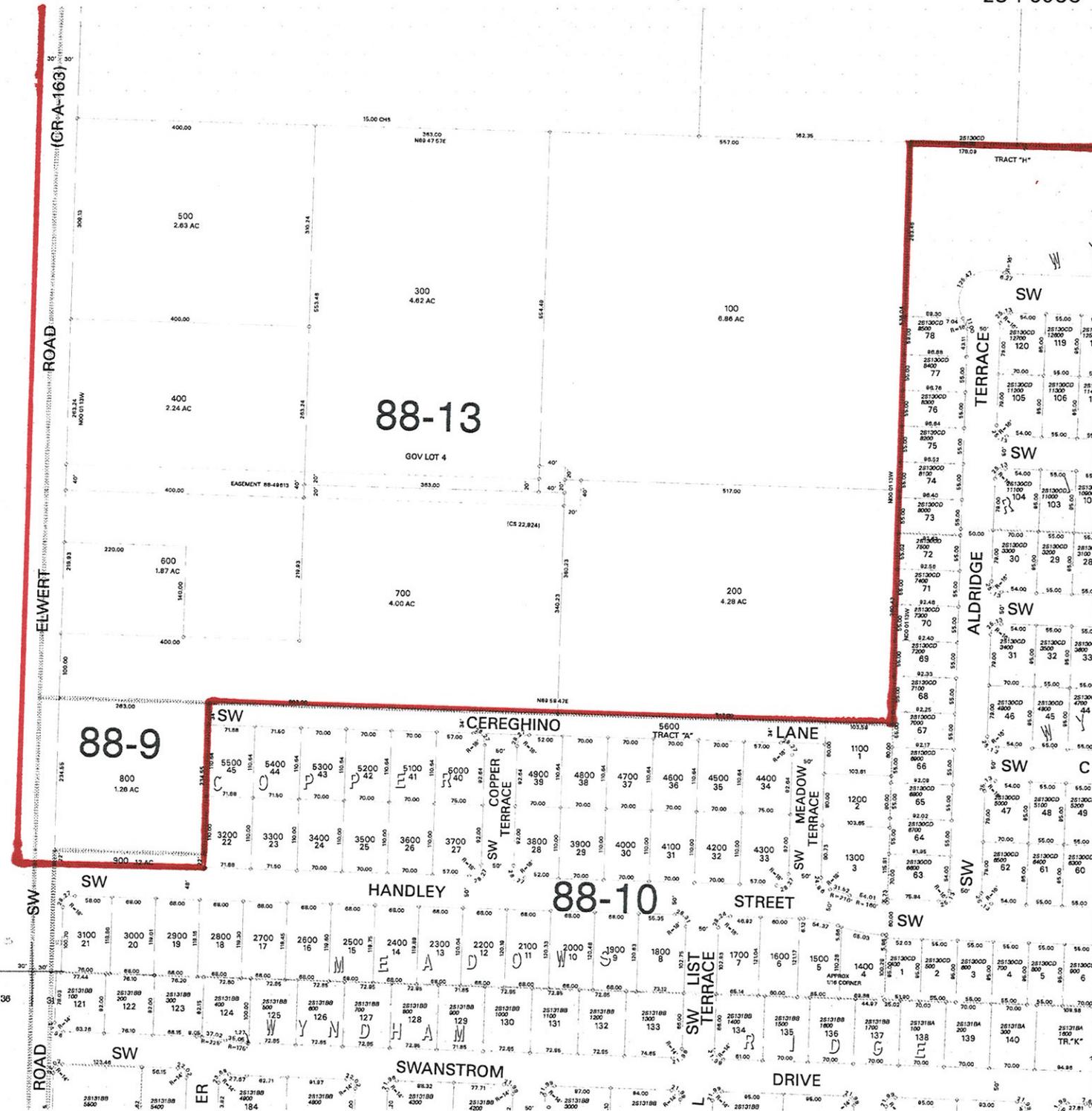
BE IT FURTHER RESOLVED that the Recorder be, and is hereby directed to enter a copy of this Resolution in the record of the journal of the proceedings of this Council.

Duly passed by the City Council on this 19th day of June, 2007.


Keith S. Mays, Mayor

Attest:

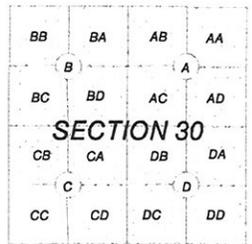

Sylvia Murphy, City Recorder



WASHINGTON COUNTY OREGON
SW1/4 SW1/4 SECTION 30 T2S R1W W.M.
SCALE 1" = 100'

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

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



Cancelled Taxlots For: 2S130CC
1000.



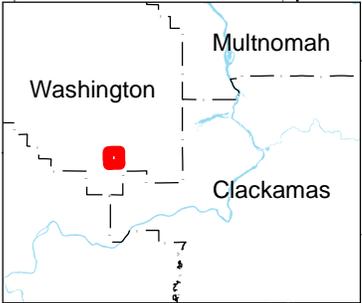
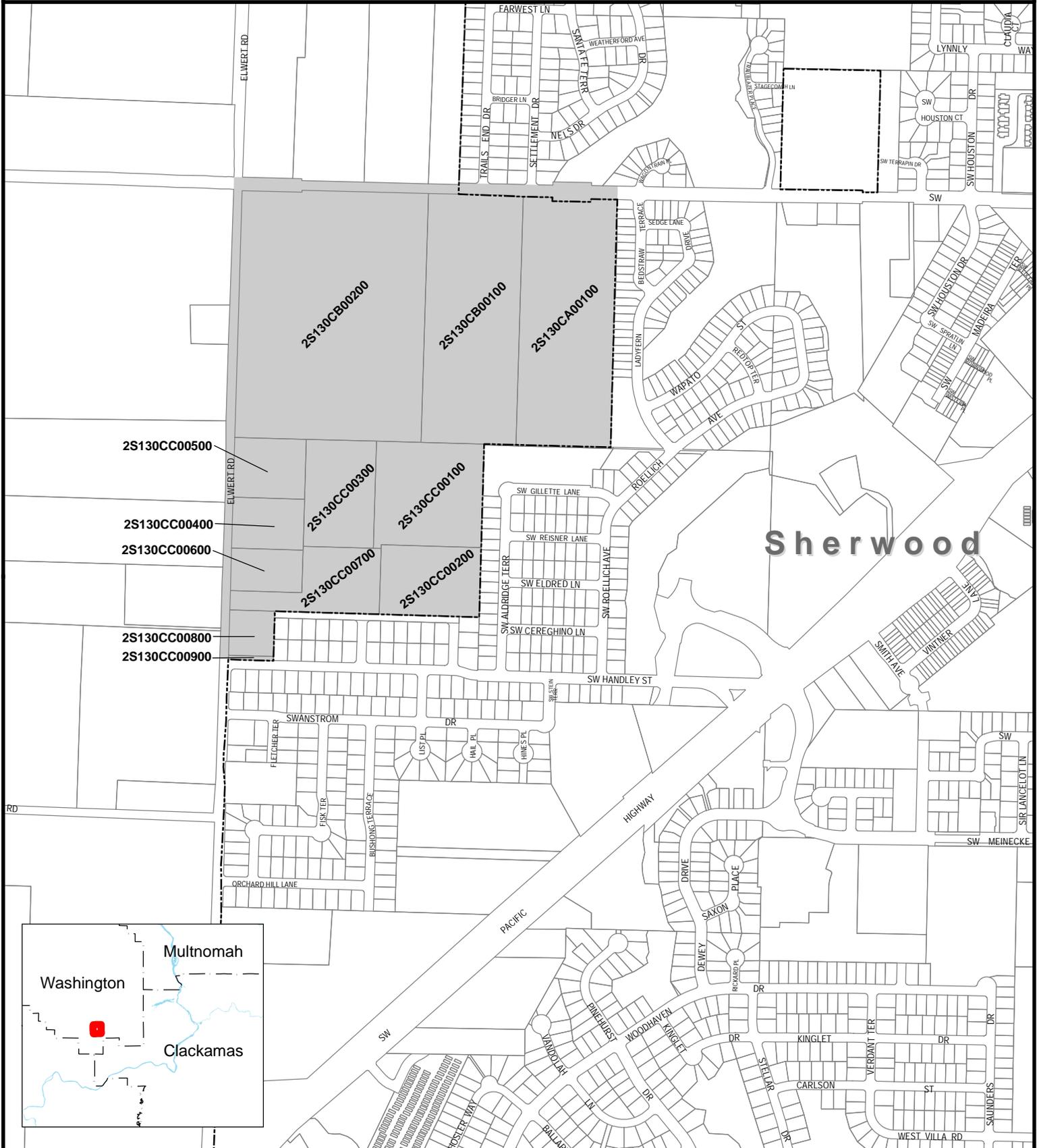
PLOT DATE: December 14, 2006
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE
Map areas delineated by a thin gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

Annexation: AN-01-07

2S1W30 NW1/4

Annexation to City of Sherwood

Washington County



Data Resource Center
 600 NE Grand Ave
 Portland, OR 97232-2736
 (503) 797-1742
<http://www.metro-region.org/drc>

--- City Limits
 ■ Area to be annexed
 1:8,000

AN-01-07
 WA0207

Ken Martin Consulting
 P.O. Box 29079
 Portland, OR 97296-9079
 (503) 222-0955



Area 59, Sherwood School District
Annexation
Project No. 1990-01
January 5, 2007

PROPERTY DESCRIPTION

A tract of land located in west 1/2 of Section 30, Township 2 South, Range 1 West, and the east 1/2 of Section 25, Township 2 South, Range 2 West, Willamette Meridian, Washington County, Oregon; being all of that portion of the SW 1/4 of said Section 30, lying: north of COPPER MEADOWS subdivision, west of WYNDHAM RIDGE subdivision, west and north of WYNDHAM RIDGE NO. 2 subdivision, and west of MILLER'S LANDING and MILLER'S LANDING No. 2 subdivisions; together with the adjoining road right-of-ways, and being more particularly described as follows:

Beginning at point on west line of said Section 30, which bears North 0°01'53" West 166.60 feet from the Southwest corner thereof, and being at the intersection of said west line and a westerly extension of the south line of that tract conveyed by said Document No. 94-064960 (also being the north right-of-way line of S.W. Handley Street, 23-foot half width); thence, along a westerly extension of said south line, South 89°58'00" West 30.00 feet, to a line which is parallel with and 30-foot west of the west line of said Section 30 (the west right-of-way line of S.W. Elwert Road); thence, along said parallel line, North 0°01'53" West 2,499.07 feet, to a line which is parallel with and 35-foot north of the centerline of S.W. Edy Road (the north right-of-way line of S.W. Edy Road); thence along said northerly right-of-way the following ten courses:

North 89°45'38" East 366.37 feet, to an angle point (width change),

South 0°14'22" East 10.00 feet to an angle point, (25-foot north of the centerline of S.W. Edy Road)

North 89°45'38" East 813.42 feet, to an angle point (width change),

North 0°27'14" East 8.00 feet, to an angle point (33-foot north of the centerline of S.W. Edy Road, the south line of OREGON TRAIL subdivision),

North 89°45'38" East 386.67 feet, to an angle point in the right of way,

North 89°29'43" East 99.79 feet, to an angle point (width change),

North 0°30'17" West 17.00 feet, to an angle point, (50-foot north of the centerline of S.W. Edy Road)

North 89°29'43" East 200.00 feet, to an angle point (width change),

South 0°30'17" East 15.00 feet, to an angle point (35-foot north of the centerline of S.W. Edy Road), and

North 89°29'43" East 134.95 feet, to a point on a northerly extension of the west line of MILLER'S LANDING subdivision;

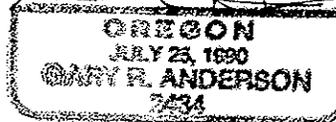
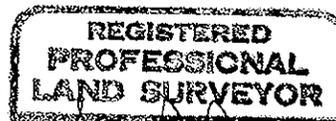
thence along said northerly extension and the west line of MILLER'S LANDING subdivision, South $0^{\circ}05'21''$ East 120.01 feet, to an angle point therein; thence continuing along said west line the following seven courses:

South $1^{\circ}18'42''$ East 171.03 feet, to an angle point,
South $0^{\circ}44'07''$ East 82.00 feet, to an angle point,
South $2^{\circ}33'04''$ West 41.05 feet, to an angle point,
South $2^{\circ}29'18''$ East 41.03 feet, to an angle point,
South $0^{\circ}12'05''$ West 123.00 feet, to an angle point,
South $89^{\circ}48'26''$ West 3.78 feet, to an angle point,
South $0^{\circ}05'21''$ East 410.00 feet, to the northwest corner MILLER'S LANDING No. 2 subdivision;

thence along the west line of MILLER'S LANDING No. 2, South $0^{\circ}05'21''$ East 365.25 feet, to the north line of WYNDHAM RIDGE NO. 2 subdivision; thence along the north line of WYNDHAM RIDGE NO. 2, South $89^{\circ}47'57''$ West 652.48 feet, to the northwest corner thereof; thence along the west line of WYNDHAM RIDGE NO. 2 and the west line of WYNDHAM RIDGE subdivision, South $0^{\circ}01'13''$ East 896.44 feet, to the north line of COPPER MEADOWS subdivision; thence along the north line of COPPER MEADOWS, South $89^{\circ}58'00''$ West 1,057.08 feet, to the most northerly northwest corner thereof; thence along the west line thereof, South $0^{\circ}01'53''$ West 256.63 feet, to an angle point; thence along the most westerly north line of COPPER MEADOWS, South $89^{\circ}58'00''$ West 262.88 feet to the Point of Beginning.

Said described tract of land contains 91.423 acres, more or less.

Bearings are based on WYNDHAM RIDGE NO. 2.



Revised 2/3/07

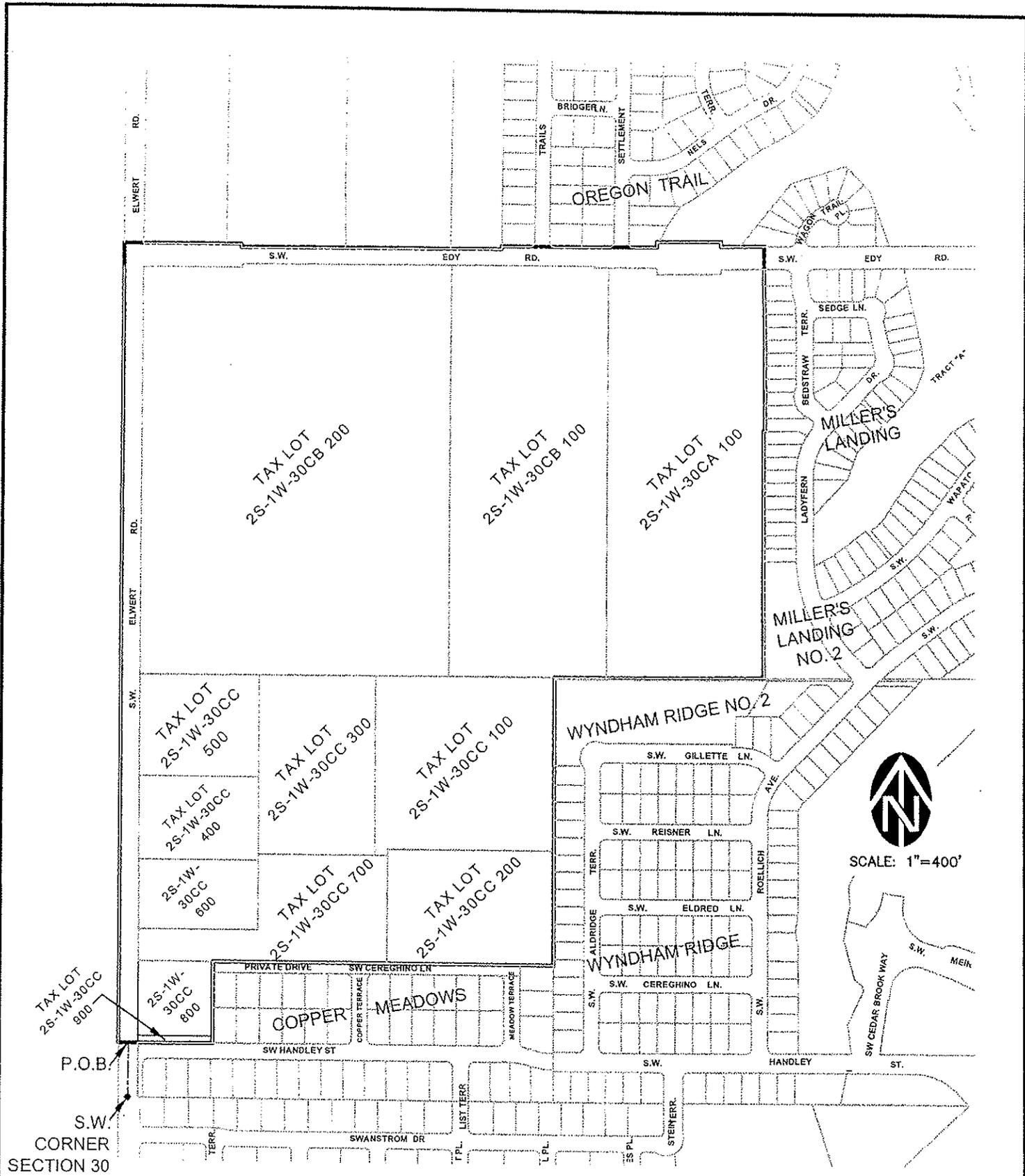


EXHIBIT OF ANNEXATION
 AREA 59, SHERWOOD SCHOOLS
 SW 1/4 SECTION 30, T. 2 S., R. 1 W., W.M.
 WASHINGTON COUNTY, OREGON

DATE	1/05/07
DRAWN BY	GRA
CHECKED BY	
REVISIONS	
JOB NO.	1990-01

WESTLAKE
 CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

PACIFIC CORPORATE CENTER
 15115 S.W. SEQUOIA PARKWAY, SUITE 150
 TIGARD, OREGON 97224

(503) 684-0652
 FAX (503) 624-0157

01/12/07 03:29 FAX

02

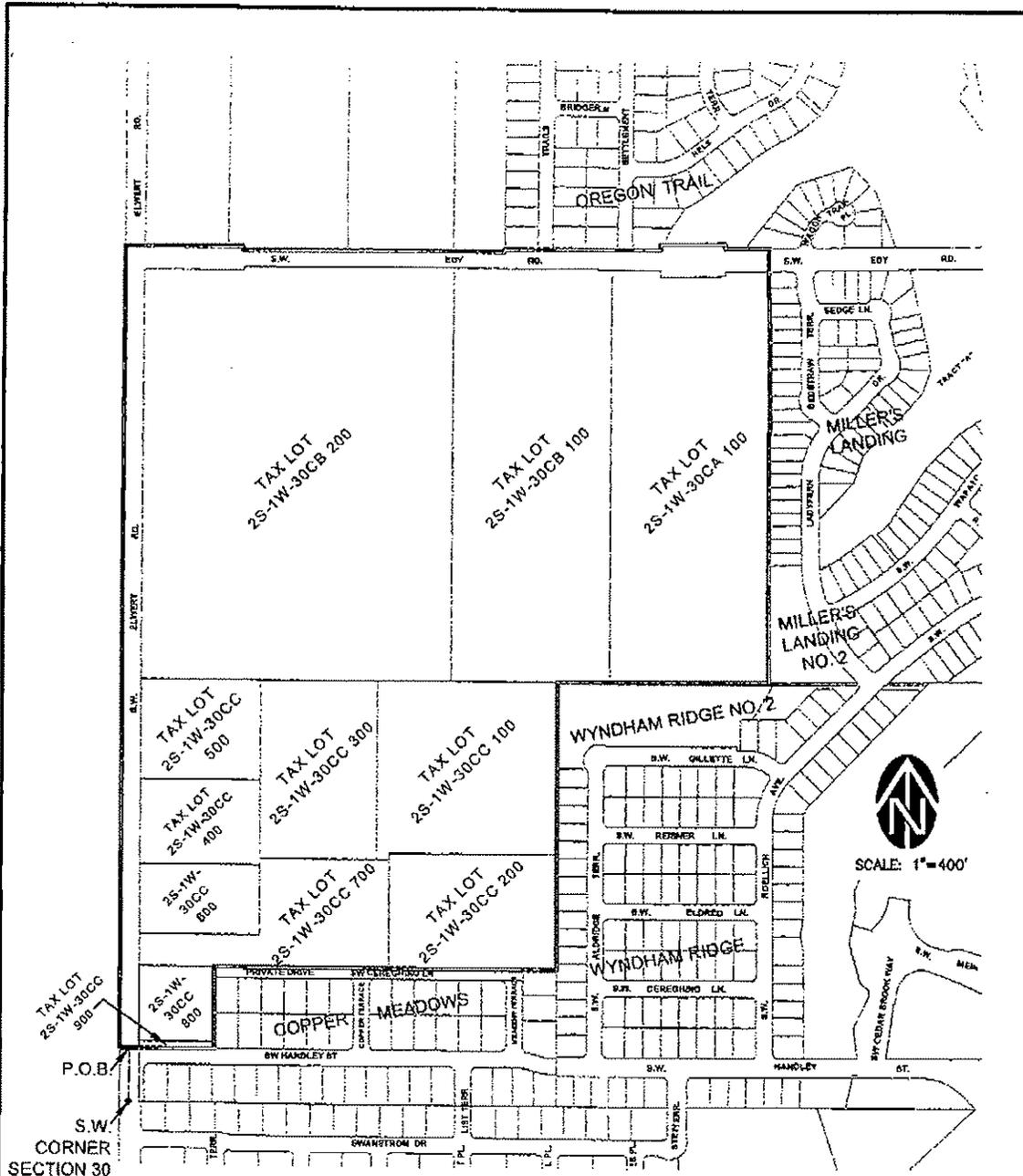


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