



## **RESOLUTION 2006-008**

### **A RESOLUTION APPROVING ANNEXATION PROPOSAL AN-01-05 AND CALLING AN ELECTION FOR CITY VOTERS 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 has received a petition of property owners and registered voters meeting the requirements for initiation of annexation to the City under ORS 222.170(2) and Metro Code Section 3.09.040(a); and

**WHEREAS**, after legal notices, a public hearing was held on the proposal for annexation by the City Council on February 7, 2006, where comment and testimony was received and considered; and

**WHEREAS**, the Council reviewed and considered the staff report dated January 6, 2006, prepared by Ken Martin, Annexation Consultant for the City, with proposed findings and reasons for the decision attached; and

**WHEREAS**, the property proposed for annexation contains 10.36 acres, one single family dwelling with a population of two, and assessed value of \$456,610; and

**WHEREAS**, the property proposed for annexation is zoned R-6 under Washington County zoning, and surrounding property within the City is zoned Very Low Density Residential (VLDR) under City zoning; and

**WHEREAS**, Section 1.3 of the City Charter requires City voter approval for annexations.

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

**Section 1.** The City Council adopts Annexation Application 01-05, the staff report to the City Council dated January 6, 2006, and the proposed findings and conclusions and reasons for decision attached as Exhibit A.

**Section 2.** The City Council approves Annexation Application 01-05, 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 16, 2006.

**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.

**Section 6.** The ballot title will read as follows:

**CAPTION:** PROPOSAL TO ANNEX 10.36 ACRES TO CITY

**QUESTION:** Should 10.36 acres on the southeast boundary be annexed to the City of Sherwood?

**SUMMARY:** Approval of this ballot measure will annex a 10.36-acre parcel to the City of Sherwood. The parcel is on the southeast city boundary. The north, west and south parcel boundaries are contiguous with city boundaries. The parcel is east of S.W. Murdock Road and north of McKinley Drive. It presently has one single-family dwelling and a population two. A legal description and maps of the parcel are on file at the Sherwood City Hall.

**Section 7.** The City Recorder will give notice of the election in the manner required by section 8.3 of the City Charter.

**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 will publish the ballot title as provided by 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 VLRD under City zoning. Unless the owners of the territory proposed for annexation agree in writing to this zoning, and also sign a written waiver any actual or potential right

to file a Measure 37 or other claim against the City for alleged reduction in the value of the territory as a result of this zone change, the annexation will not take effect.

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

**Duly passed by the City Council this 7th day of February, 2006.**

  
Keith S. Mays, Mayor

ATTEST:

  
Donna M. Martin, Interim City Recorder

## **FINDINGS**

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

1. The territory to be annexed contains 10.36 acres, 1 single family dwelling, a population of 2 and is evaluated at \$456,610.
2. The property owners desire city services to facilitate future residential development. There are no development plans at this time.
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:

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 area agreements 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.

4. According to the applicant: "The property is moderately sloped, and partially vegetated with both deciduous and evergreen trees and shrubs. It drains to the south toward a wetland that is located on an adjacent property. No stream channel or wetland area is evident on the subject property."
5. The property is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

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 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.

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.”

The Washington County Comprehensive Plan currently covers this area.

The Washington County Sherwood Community Plan designates the parcel R-6, Residential, six units to the acre maximum density (both plan designation and zoning designation).

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.

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. In the UPAA the County agreed that:

III. Comprehensive Planning and Development Policies

A. Definition

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

- B. The CITY shall be responsible for comprehensive planning within the Urban Planning Area.

- C. The CITY shall be responsible for the preparation, adoption and amendment of the public facility plan required by OAR 660-11 within the Urban Planning Area.

- D. As required by OAR 660-11-010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within the urban planning area. Exceptions include facilities provided by other service providers subject to the terms of any intergovernmental agreement the CITY may have with other service providers; facilities under the jurisdiction of other service providers not covered by an intergovernmental agreement; and future facilities that are more appropriately provided by an agency other than the CITY.

- E. The COUNTY shall not approve land divisions within the unincorporated portions of the Urban Planning Area which would create lots that are less than 10 acres in size.

- F. The COUNTY shall not approve a development proposal in the Urban Planning Area if the proposal would not provide for, nor be conditioned to provide for, an enforceable plan for redevelopment to urban densities consistent with the CITY'S Comprehensive Plan in the future upon annexation to the City as indicated by the CITY Comprehensive Plan.
  - G. The COUNTY shall not oppose annexations to the CITY within the CITY'S Urban Planning Area.
8. The territory is within the City's Urban Planning Area as identified on the acknowledged Sherwood Comprehensive Land Use Plan and the Sherwood/Washington County Urban Planning Area Agreement. Sherwood has a single document encompassing its Comprehensive Plan, its zoning ordinances and facility master plans. This "active plan" covers the lands within the City's portion of the regional Urban Growth Boundary.

The City Plan designates the territory to be annexed as Very Low Density Residential (VLDR). The City has a one map planning and zoning system, so zoning on the site is VLDR as well. This designation would allow one unit per acre or potentially nine additional units on the subject property. The City Code calls for application of this zoning on an interim basis upon annexation of the property to the City.

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.

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. An 8-inch water line serving the Ironwood Acres subdivision to the south runs across the “flagpole” section of the territory to be annexed. This line can serve the subject territory.
11. Sewer service is available from an 8-inch line crossing the “flagpole” portion of the subject property.

The City is within the Clean Water Services County Service District and is served by the Durham regional treatment plant. The territory to be annexed is also within the District. 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 Rock Creek Basin.

12. A small wetland exists in the southeast section of the property. Storm drainage issues would ultimately 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 territory is within the boundary of the Washington County Urban Road 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.

Access to the site is via SW Murdock Road.

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 territory is 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 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 will no longer apply.

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

17. The territory is within the County Service District for Vector Control. The City may withdraw the territory from the District upon annexation. ORS 222.520 and 222.120(5).

### **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. Because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan or the Regional Transportation Plan (see Finding No. 5) the Council concludes the annexation is not inconsistent 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 not be affected by the annexation. Those services are covered in more detail in Findings 10-17.
6. The Council concludes that the portion of the territory which lies within the Washington County Service District for Vector Control, 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.

NOV 13 1966

Beginning at an iron rod on the East line of the Northwest one-quarter of the Southwest one-quarter of Section 33, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, which bears North  $0^{\circ} 45' 56''$  West, 874.54 feet from the Southeast corner of said Northwest one-quarter; thence continuing North  $0^{\circ} 45' 56''$  West, 440.0 feet to the Northeast corner of said Northwest one-quarter; thence South  $89^{\circ} 29' 17''$  West along the North line of said Northwest one-quarter, 580.0 feet to an iron rod; thence South  $05^{\circ} 53' 10''$  West, 863.26 feet to an iron rod; thence North  $65^{\circ} 41' 52''$  West, 679.60 feet to an iron rod on the Easterly line of County Road No. 2257, (S.W. Murdock Road); thence South  $21^{\circ} 09' 26''$  West along said Easterly line, 50.07 feet to an iron rod; thence South  $65^{\circ} 41' 52''$  East, 700.25 feet to an iron rod; thence North  $54^{\circ} 34' 40''$  East, 826.66 feet to the place of beginning.

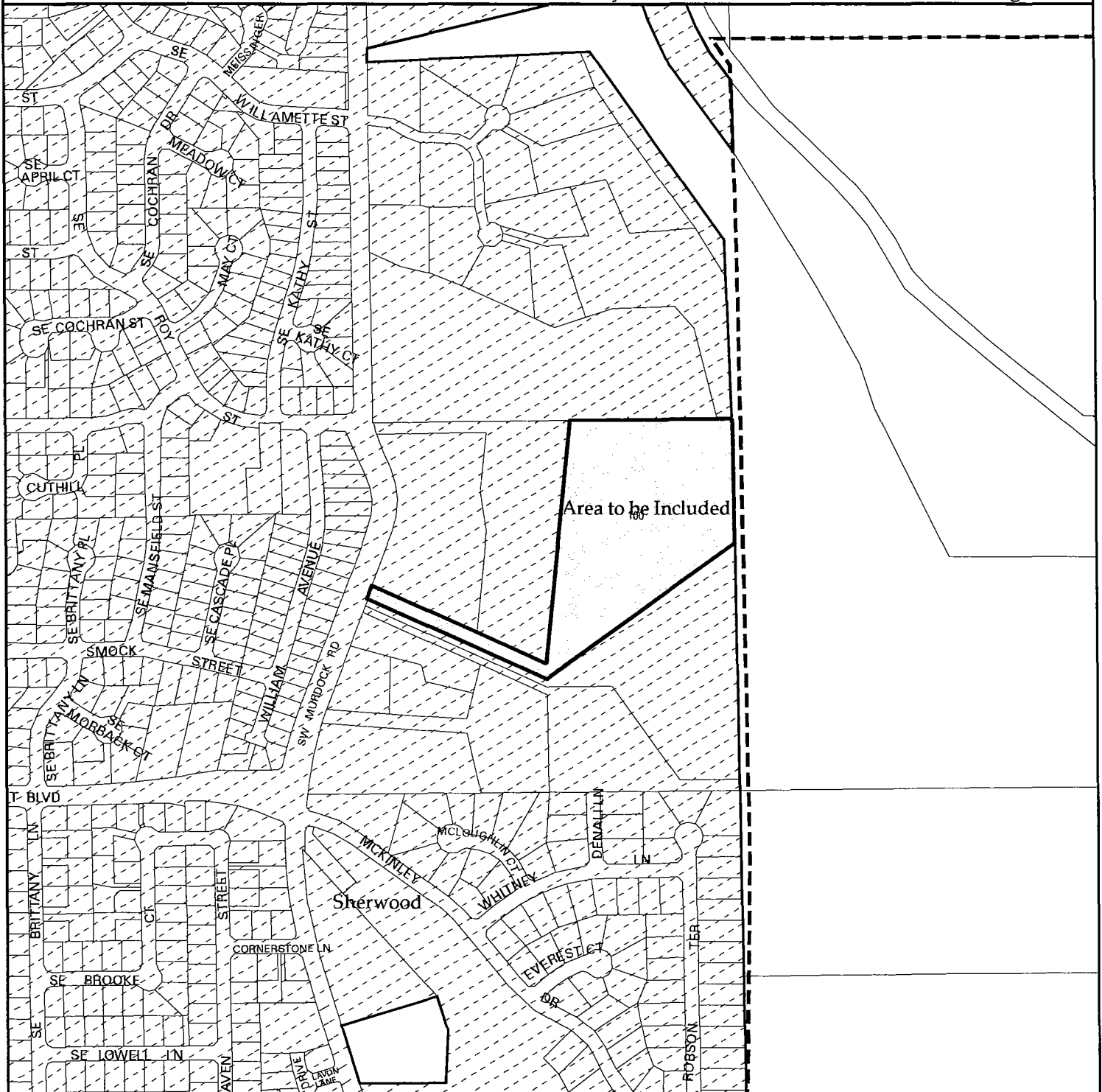
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# Proposal No. AN-01-05

2S1W33CB

## Annexation to the City of Sherwood

Washington Co.



REGIONAL LAND INFORMATION SYSTEM



**METRO**

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

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County lines



City

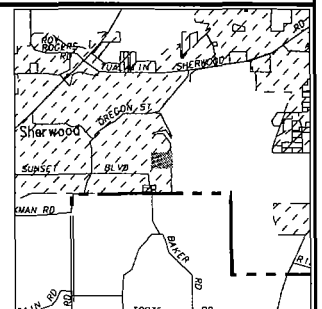
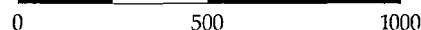


### Annexation boundary

Urban Growth  
Boundary

Proposal No. AN-01-05  
CITY OF SHERWOOD  
Figure 1

Scale: 1" = 500'

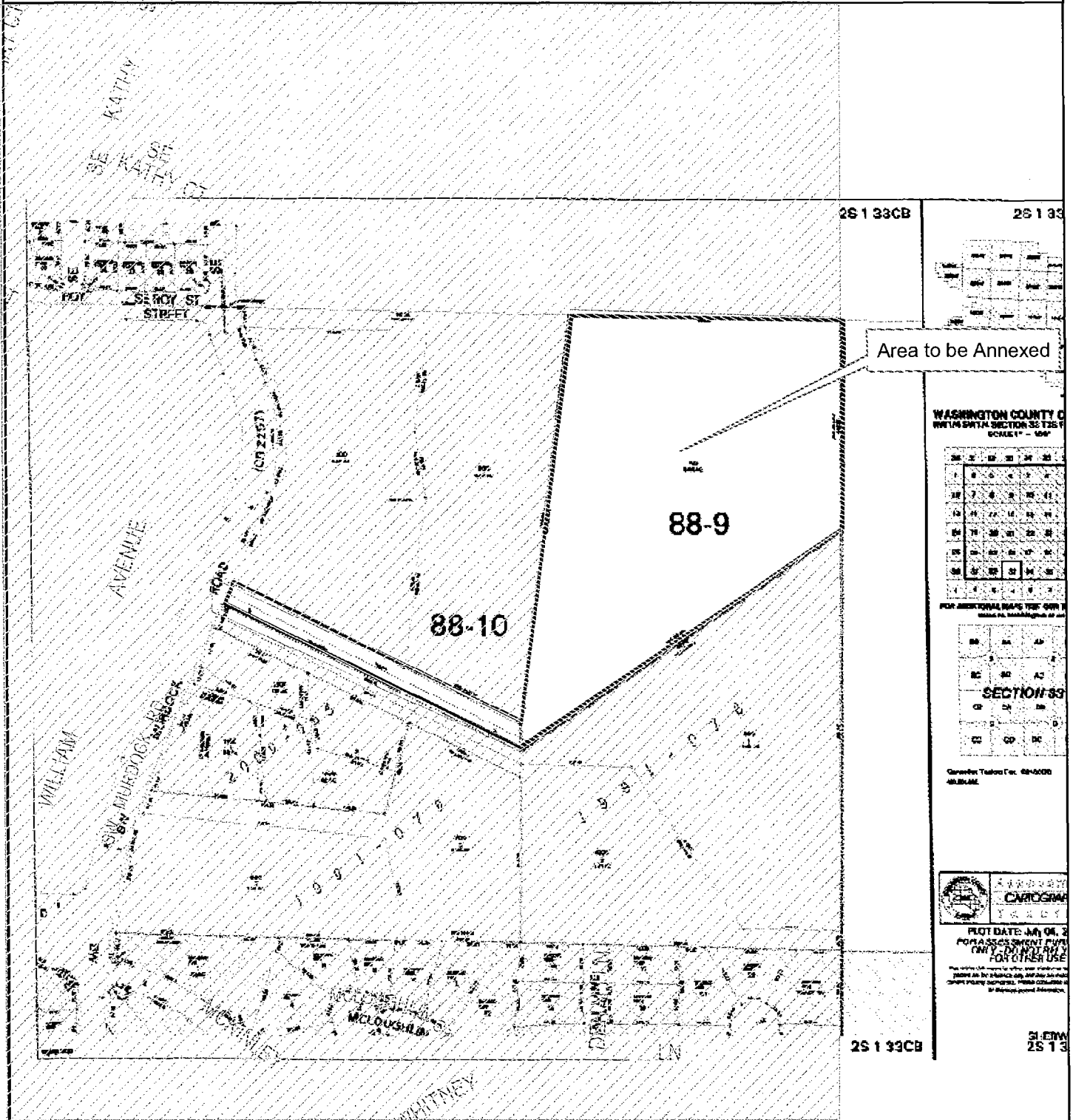


# Proposal No. AN-01-05

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Annexation to the City Sherwood  
Washington County  
2S1W33CB



1 inch equals 300 feet

PROPOSAL No. AN-01-05  
City of Sherwood  
Figure 2