



RESOLUTION 2011-074

A RESOLUTION APPROVING ANNEXATION PROPOSAL AN 11-01 AND CALLING FOR AN ELECTION

WHEREAS, the Brookman Concept Plan area was brought into the Urban Growth Boundary in 2002 by Metro via Ord. 02-0969B; and

WHEREAS, the City of Sherwood developed a concept plan for the area and adopted the Concept Plan and implementing Ordinances in 2009 via Ord 09-004; and

WHEREAS, the Brookman area is currently in unincorporated Washington County and Clackamas County; and

WHEREAS, Washington County and Clackamas County have both entered into agreements acknowledging that the City of Sherwood should be the ultimate provider of services in the Brookman area; area outside the City limits and inside the Urban Growth Boundary; and

WHEREAS, this area must be in a City in order to be developed to urban densities planned for in the Brookman Concept Plan; and

WHEREAS, the City has determined that it would be more efficient to bring the entire Brookman area in at once rather than piece-meal as individual property owners petition for annexation; and

WHEREAS, the City initiated this annexation by Resolution 2011-062 under ORS 222.111; and

WHEREAS, after properly legal notice, a public hearing was held on this proposal for annexation by the City Council on August 16, 2011, where comments and testimony were received and considered; and

WHEREAS, the Council reviewed and considered the staff report with proposed findings and reasons for the decision attached; and

WHEREAS, the City Council has determined that there is an economic development benefit to offering a gradual phase in for the assessment of property taxes within the Brookman Area; and

WHEREAS, ORS 222.111(3) authorizes a local jurisdiction to delay the assessment of City taxes for up to 10 years for areas annexed into a City; 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 258 acres to the City, comprised of 66 tax lots bordered on the north by the existing Sherwood City Limits, the south by Brookman road, the west by Pacific Highway and the east by five parcels laying east of Ladd Hill 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, If annexed, the area will be re-zoned consistent with the Comprehensive plan which was updated via Ordinance 09-004 to implement the Brookman Concept Plan and will include the following zones: Medium Density Residential Low, Medium Density Residential High, High Density Residential, Light Industrial, Neighborhood Commercial, Office Commercial and Institutional and Public, and

WHEREAS, The extension of Red Fern Street into the Brookman area is considered an area of special concern due to existing development constraints and upon subsequent annexation shall only be deemed appropriate for bicycle, pedestrian and emergency vehicle access consistent with the findings adopted with the adoption and implementation of the Brookman Concept Plan.

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

Section 1. The City Council adopts Annexation AN 11-01, the staff report to the City Council dated August 16, 2011, and the proposed findings and conclusions and reasons for decision attached as Exhibit 1.

Section 2. The City Council approves Annexation 11-01, and the annexation to the City of Sherwood of the territory described in Exhibit 2.

Section 3. A City election on this annexation is called for November 8, 2011.

Section 4. The Washington County Elections Department will conduct the election and will coordinate with Clackamas County for the properties in that County.

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 November 8, 2011 election by Resolution 2011-067 will read as follows:

CAPTION: PROPOSAL TO ANNEX 258 ACRES TO CITY

QUESTION: Should 258 acres on the southern boundary of the City of Sherwood be annexed to the City of Sherwood?

SUMMARY: Approval of this ballot measure will annex 258 acres to the city, consisting of approximately 66 separate lots and parcels. The area to be annexed lies generally south of the current city boundary, north of Brookman

Road, east of Highway 99W and west of Ladd Hill, with 10 parcels east and south of Brookman Road where it curves north toward Ladd Hill and 5 parcels directly east of Ladd Hill Road also included within the plan area. The area is subject to the Brookman Concept Plan that was approved by the City Council on June 2, 2009. Under the Brookman Concept Plan, the area will be zoned for a mix of uses including Medium Density Residential low, Medium Density Residential High, High Density Residential, Office Commercial, Neighborhood Commercial, Light Industrial and Institutional Public. Following annexation, city taxes will be phased in over a period of 10 years. If approved by the voters of Sherwood, the Area may be annexed following approval by a majority of voters or property owners in the Brookman Area.

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 and subsequent acceptance of the election results by the Sherwood City Council via separate resolution, 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 Brookman Concept Plan, attached as Exhibit 3 for reference.

Section 12. The City of Sherwood property tax rate will be implemented in this area in a phased manner pursuant to ORS 222.111(3), beginning in fiscal year 2012-13, the area will be assessed as follows:

Assess 50% of the taxes in 5 years (fiscal year 2017-18) and increase by 10% per year for an additional 5 fiscal years

Section 13. This Resolution shall take effect immediately upon its passage by the Council and signature by the Mayor.

Duly passed by the City Council this 16th day of August 2011.


Keith S. Mays, Mayor

Attest:


Sylvia Murphy, CMC, City Recorder

City of Sherwood
Staff Report for Brookman Annexation:

August 16, 2011
File No: AN 11-01

Signed:


Julia Hajduk, Planning Manager

Proposal:

I. BACKGROUND

- A. Applicant: **N/A – City initiated**
- B. Location: South of the existing Sherwood City limits, generally north of Brookman Road, east of Pacific Highway and west of Ladd Hill, however there are 5 parcels directly east of Ladd Hill and 10 parcels south of Brookman near the intersection of Brookman and Ladd Hill that are included in the proposal. A map of the project area is attached as Attachment 1 and a list of tax lots within the area to be annexed is included as Attachment 2.
- C. Review Type: An annexation is a legislative decision by the City Council and the City Charter requires a vote on annexation if approved by the City Council. Any appeal of the City Council decision would go directly to the Land Use Board of Appeals.
- D. Public Notice and Hearing: Notice of the August 16, 2011 City Council hearing on the proposed annexation was provided to affected agencies and service providers, posted in five public locations around town and mailed to all property owners within the area to be annexed on July 27, 2011. Notice of the hearing was published in The Times on August 4th and August 11th, 2009.
- E. Review Criteria: While the Oregon Revised Statutes (ORS 222) guide the process for annexations, there are no specific criteria for deciding city boundary changes with the statutes. Metro, the regional government for this area, has legislative authority to provide criteria for reviewing (Metro Code 3.09). In addition, the City of Sherwood Comprehensive Plan Growth Management policies for urbanization are applicable and will be addressed (Chapter 3, Section B.2 and F.1.b).
- F. Legislative history: The area was brought into the Sherwood Urban Growth Boundary in 2002 via Metro Ordinance 02-0969B to provide for needed residential land. The area, comprised of 66 tax lots and approximately 258 acres was concept planned between 2007-2009. In June 2009, via Ord 09-004 the City approved the concept plan and implementing comprehensive plan and map amendments.
- G. Site Characteristics: The Brookman area includes approximately 258 acres of land with a variety of characteristics. The area is bisected by the Cedar Creek corridor in 3 locations. The easternmost portion is moderately sloped down to a heavily wooded natural area and floodplain west of the curve in Brookman road. The

middle portion of the area is lightly sloped. A railroad line, currently not utilized, bisects the westernmost portion of the area. The western portion of the area is gently to moderately sloped. The existing stream corridors and railroad limit access options between sections of the area.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The following agencies: Tri-Met, NW Natural Gas, Sherwood Broadband, Bonneville Power Administration, City of Sherwood Public Works, Tualatin Valley Fire and Rescue, Sherwood School District, ODOT, Pride Disposal, Allied Waste, Waste Management, Sherwood Engineering, Raindrops2Refuge, PGE, Washington County, Clackamas County, Metro, and Clean Water Services. No comments have been received at the time of this report.

Public:

As of the time of this staff report, no written comments have been submitted.

III. REQUIRED CRITERIA AND FINDINGS FOR ANNEXATION AND BOUNDARY CHANGE

State

Oregon revised Statute 222 guides the process for annexations. While ORS 222.111 provides for City initiated annexations which does not require property owner or elector approval prior to consideration; however an election is required with a majority of those voting in the area approving the annexation. In addition, the City of Sherwood charter requires all annexations to be approved by the electors within the city. Therefore, ORS 222.160 is applicable. ORS 222.160 states that when the annexation is put to the electors, the City shall proclaim the annexation via resolution or ordinance if it receives a majority vote. Assuming the annexation is approved by the voters, a resolution proclaiming the annexation and forwarding notification to the Secretary of State, Department of Revenue and affected agencies and districts will be prepared for Council approval.

Regional Standards

There are no specific criteria for deciding city boundary changes within the Oregon statutes. However, the Legislature has directed Metro to establish criteria, which must be used by all cities within the Metro boundary. This area is within the Urban Growth Boundary; however Metro has not extended their jurisdictional boundaries to include this area. Regardless, the City will err on the side of caution and review the annexation for compliance with the applicable Metro Code Chapter, Chapter 3.09 (Local Government Boundary Changes).

3.09.050 Hearing and Decision Requirements for Decisions Other Than Expedited Decisions

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

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

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

The Brookman Area Concept Plan identifies the location and size of urban services including water, sanitary and storm sewer. The Water System Master Plan, Storm Water Master Plan and Sanitary Sewer Master Plan already include assumptions for the Brookman area and upgrades needed to serve the Brookman area are already programmed in. Therefore, while urban services are not immediately available within the Brookman area, they can be extended to serve the area. It is important to note that this analysis is based on the entire plan area coming in and may not apply the same if only portions of the area were to be annexed.

Water: The Water System Master Plan identifies the need for several major improvements to extend water service to the area. These projects include: the seismic upgrade to the existing reservoirs; construction of new reservoirs; installation of a pressure reducing valve; and the addition of several pipeline segments. These improvements are required to provide a “backbone” network that will serve the area. Several of these items, including a seismic upgrade of the Main Reservoir and a new 4.0 million gallon reservoir have been completed. The Southwest Sherwood Pressure Reduction Valve (PRV) station and associated piping will be constructed in the right-of-way of Old Highway 99 at the border of the 455-foot pressure zone. This connection will provide service to the western portion of the concept plan area, located in the 380- foot pressure zone. The PRV reduces the water pressure in the piping as it moves from the 455-foot pressure zone to the lower pressure, 380-foot pressure zone. This project is programmed for 2024/ 2025, however may be completed sooner as development occurs.

Sewer: The Sanitary Sewer Master Plan identifies a system upgrade to a 12 inch line running along the Cedar Creek corridor is needed to serve the plan area. The City is currently in the process of completing this upgrade to the existing City limits.

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 not currently within the District and will require separate annexation request to CWS.

Storm Drainage. The Concept Plan and Storm Water Master Plan identifies regional water quality facilities to meet the storm water needs of the area. The concept plan identifies several ideal locations for these facilities, however, they do not currently exist and it is unlikely funding will be available in the near future to provide for these facilities prior to development. Developments will be required to provide private on-site storm water facilities if a regional facilities is not available at the time of development.

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, commercial and industrial development. The Zoning Code identifies the requirements of the Parks and Open Space System Development Charge.

Transportation. The area is within both Washington and Clackamas County Territory. A portion of the area (2 tax lots) 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 area occurs via several locations including Pacific Highway, Brookman Road, Ladd Hill, Middleton Road, Old Highway 99W, Pinehurst and Timbrel. Road upgrades will be necessary with development. Transportation improvement needs were identified in the development of the concept plan and the funding plan that will be adopted by Council prior to the approval of the Brookman annexation demonstrates that these identified transportation improvements are "reasonably likely" to be funded with existing local, county, regional and state funding sources.

Fire. The territory is within the boundary of the Tualatin Valley Fire and Rescue District, which is served by Station 33 located on SW Oregon Street. Station 35 in King City and Station 34 in Tualatin are also in close proximity. This will not change with annexation.

Police. Only a small portion of the area (2 tax lots) is the Washington County Enhanced Sheriff's Patrol 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 will no longer apply.

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

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

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

As discussed above, all of the properties are within a County vector control and will be withdrawn upon annexation. There are 2 parcels that are within the Washington County Enhanced Law Enforcement District and Urban Road Maintenance District which will be withdrawn from those districts.

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

Because of the City of Sherwood charter requirement that annexations be approved by the citizens of Sherwood, the annexation would not take effect until after voter approval at the November 8, 2011 election. The effective date of annexation will be finalized after the election and Council acceptance of the election results via resolution and filing the approval and election results with the Secretary of State, Department of Revenue, and other affected agencies.

The City Council is considering gradual phasing of the assessment of City taxes for this area. The ultimate determination will be made prior to placing the issue on the ballot concurrent with the annexation hearing.

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

This proposal is a City initiated annexation and this staff report will demonstrate that the proposed boundary change meets the applicable criteria.

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

The criteria are evaluated immediately below

Metro Criteria § 3.09.045 (d.)

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

Under the Washington County/Sherwood Urban Planning Area Agreement (UPAA), and the Clackamas County Urban Services Agreement, 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 and Urban Services Agreement the respective Counties agreed that the CITY would be responsible for comprehensive planning within the Urban Planning Area and would be responsible for the preparation, adoption and amendment of the public facility plan required by OAR 660-11 within the Urban Planning Area. The UPAA and Urban Services Agreement also identify the City as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within the urban planning area.

FINDING: As discussed within this report, the concept plan for the area was developed consistent with the UPAA and Urban Services Agreement. Both agreements specify that the City of Sherwood is the appropriate urban service provider for this area and the applicable County will not oppose

annexation. Therefore, the annexation is fully consistent with Washington County and Clackamas County policies and agreements.

(b) Any applicable annexation plan adopted pursuant to ORS 195.205

This is not applicable

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

The City is in the Clean Water Services District and this area will need to be annexed into the CWS district. The City and CWS have cooperative agreements that will not be affected by this annexation. The territory is also in the TVF&R service district which will not change upon annexation. Two parcels are within the Washington County Enhanced Sheriff Patrol District and Urban Road Maintenance District and will be withdrawn upon annexation. Both the City and Washington County will continue to honor the mutual aid agreements which ensure coverage of law enforcement regardless of the jurisdictional boundary. The area is also on the District and Vector Control. The area to be annexed will be withdrawn from these district as the City of Sherwood provides these services and the special district service will no longer be needed. Pursuant to the ORS, the cooperative agreements call for coordination of planning activities. As affected agencies, the both Clackamas and Washington County, CWS and TVF&R received notice of the proposed annexation and the opportunity to provide comments.

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

City Council reviewed and adopted the Brookman Concept Plan in June 2011. The Brookman Concept Plan incorporated the recommendations found in the City's water, sanitary sewer and storm water master plan and the Transportation System Plan. At that hearing the Council evaluated the Plan's consistency with the Comprehensive Plan and the applicable master plans and found that these were met.

(e) Any applicable comprehensive plan; and

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

2. Consider whether the boundary change would:

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

The annexation of the Brookman area will remove an existing barrier preventing property owners and developers from serious consideration of development of the area and extension of public facilities. By removing the barrier, the timely provision of public facilities is more likely. The annexation of the entire Brookman area will help ensure the orderly provision of public

facilities. If less than the whole area were to be annexed, additional evaluation would be needed to ensure that the portion being considered was able to be served. Finally, by annexing the area, the City will be able to collect the SDC's necessary to make infrastructure improvements needed to serve the entire area and consistent with the applicable master plans.

(b) Affect the quality and quantity of urban services; and

Currently there are no urban services in the territory to be annexed, therefore annexation will provide the opportunity for extension of urban services to City standards. There are existing roads that vary in quality. Annexation will not immediately affect these positively or negatively, however as development occurs, road improvements will likely be required. Therefore the annexation positively affects the quality and quantity of urban services.

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

Currently, there are approximately 50 dwelling units in the area. These property owners most likely use City facilities such as the library and parks, while also relying upon County services for road maintenance and law enforcement. However, because of the proximity to the City, Sherwood would be a first responder on many emergency calls. In addition, there can sometimes be confusion on the part of both the City and residents when an area is developed in such close proximity to the City in regard to who the service provider is. Annexation will eliminate any confusion or potential duplication of services.

C. Local Standards

The territory is within the City's Urban Planning Area as identified in Sherwood/Washington County Urban Planning Area Agreement and the Sherwood/Clackamas County Urban Services Agreement. As such, the Comprehensive Plan goals and policies for urbanization apply. In addition, the city adopted the Brookman Concept Plan, including amendments to the Comprehensive Plan to implement the concept plan. Ordinance 09-004 designated zoning the properties in the area. A copy of the adopted comprehensive plan zoning map is attached as Exhibit C. This zoning will be applied upon annexation of the area.

The Growth Management Chapter of the City's Comprehensive Plan contains several policy objectives

Chapter 3, section B.2

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

The subject property is immediately south of existing fully built out development inside the City limits therefore this policy is addressed.

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

The area was brought into the UGB by Metro in 2002 to provide for residential development. The decision to annex the property provides for additional development opportunities within the City. Complimentary to the residential development, the area will provide for commercial and office opportunities as well. The annexation of this area will not significantly affect the ability for existing parcels inside the City limits to develop when and if they are ready to develop.

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

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

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

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

e. Achieve the maximum preservation of natural features.

The annexation of the area, in and of itself will not preserve natural features; however the development of the concept plan considered the natural environment and development of the area must be in compliance with Clean Water Services standards and the development code standards which will encourage preservation of natural area.

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

The concept plan for the area identifies transportation improvements necessary to serve the anticipated development of this area. As development occurs, new roads will be required in accordance with the existing Development Code which requires road connections every 530 feet and a maximum block length of 1,800 except for blocks adjacent to arterials. Development of this area will provide additional transportation options for existing developments in the City limits.

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

This is a goal that is achieved through the concept planning and public facility planning for new urban areas. This was done concurrent with the Brookman Area Concept Plan.

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

The concept plan that was developed to ensure that the urbanization of this area was orderly and met the needs of the community; therefore the annexation of the area is also consistent with the policies outlined above.

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

Chapter 3 section F.1.b

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

The proposed annexation is City initiated.

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

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

As discussed previously, while the area must still be annexed into the Clean Water Services District Boundaries, the subject area will have access to public sewer and water. Services have adequate capacity to service the area.

Policy 8 through 10 are not relevant to the annexation proposal.

Specific requirements of the Brookman Concept Plan include:

Chapter 8, Comp Plan policy 8.2:

To facilitate and ensure implementation in accordance with the concept plan policies, annexation of properties within the Brookman Addition concept plan area may not occur until development code amendments are made to implement applicable policies, including but not limited to policy 4.4.

Upon detailed review of the policies, the majority are already able to be implemented with the existing code standards. The City of Sherwood is in the process of a comprehensive development code clean-up project which will apply citywide, but will also specifically consider whether any additional standards need to be applied to better meet the policy objectives of the concept plan. The only specific policies found to applicable is 5.2 which called for the "Develop and open space requirement (e.g. as a percentage of land area) for all new development." This was addressed when the Council adopted new standards for Parks and Open Spaces via Ordinance 2011-009.

Policy 4.4, referenced in the implementation policy is specifically regarding the extension of Red Fern from the existing City limits into the area. Staff has determined that a development code amendment is not necessary as the Comprehensive Plan and Concept Plan already identify Red Fern as an area of special concern. However, to ensure this is understood, it is recommended that the annexation approval also specify this.

- a. prior to or concurrent with annexation, and assignment of zoning of properties within the Brookman addition area, a plan shall be prepared and adopted by Council to ensure that necessary infrastructure improvements will be available and a funding mechanism or combination of funding mechanisms are in place for the necessary infrastructure improvements consistent with the funding options identified in the concept plan and in full compliance with the Transportation Planning Rule. The plan for annexation may address all or part of the concept plan area, subject to Council approval.”**

The City has prepared a funding plan that will be considered prior to the annexation public hearing. The funding plan identifies that the infrastructure improvements identified in the Concept Plan are available to serve the area and funding will be available to extend the infrastructure into the area with the collection of SDC's and the allocation of transportation funds. The funding plan also acknowledges that some property owners may wish to develop their property prior to adequate funds being collected to install the infrastructure and, in those instances, the responsibility to extend will be the developers with SDC credits or the possibility of development of a reimbursement district being options to recoup the costs incurred in the extension. Because this is being considered concurrent with the annexation proposal, this criterion is met.

IV. RECOMMENDATION

Based on the analysis and findings in this report Staff recommends Proposal No. AN 11-01 be **approved** subject to the following conditions:

1. The required election of the City of Sherwood registered voters voting in the majority to approve the annexation.
2. The majority of registered voters in the area voting in the election approve the annexation or petition of property owners and registered voters meeting the requirements of ORS 222.125, ORS 222.170(1) or ORS 222.170(2).
3. If the annexation is approved by the voters, the area shall be withdrawn from the Vector Control District, the Enhanced Law Enforcement District and the Urban Roads Maintenance District.
4. The annexation approval shall specify that the extension of Red Fern into the Brookman area is considered an area of special concern due to existing development constraints and shall only be deemed appropriate for bicycle, pedestrian and emergency vehicle access consistent with the findings adopted with the adoption and implementation of the Brookman Concept Plan.

V. EXHIBITS

- A. Legal description of area to be annexed
- B. Vicinity map of area to be annexed
- C. Comprehensive zoning map adopted via Ord. 2009-004

Area 54-55, Brookman Study Area
City of Sherwood
Project No. 1333-012
July 11, 2011

PROPERTY DESCRIPTION

A tract of land located in Section 1, Township 3 South, Range 2 West; Section 36, Township 2 South, Range 2 West; Section 31, Township 2 South, Range 1 West; and Section 6, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon; and Section 5, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon; being more particularly described as follows:

Beginning at the Northwest corner of said Section 5 (also being the Northeast corner of said Section 6);

thence, along the North line of said Section 5, Easterly 1089 feet, more or less, to the Northwest corner of Partition Plat No. 1992-183, Clackamas County Records;

thence, along the Westerly line of said Partition Plat, Southeasterly 1084 feet, more or less, to the Southerly line of that Tract as reestablished on Record of Survey PS 6272, Clackamas County Surveys;

thence, along said South line and its westerly projection, Southwesterly 178 feet, more or less, to the Westerly right of way line of Parrot Mt. Rd. being 40-foot wide;

thence, along said Westerly right of way line, Northwesterly 75.00 feet, more or less, to the South line of that Tract conveyed by Deed Document No. 75-008688, Clackamas County Deed Records;

thence, along said South line, Westerly 400 feet, more or less, to the East line of "Apple Lane" (Plat No. 2057);

thence, along said East line, Southerly 148 feet, more or less, to the Southeast corner of said "Apple Lane";

thence, along the South line of "Apple Lane", Westerly 655 feet, more or less, to the East right of way line of Brookman Road being 40-foot wide;

thence, along said East right of way line, Southerly 145 feet, more or less, to the South right of way line of Brookman Road being 40-foot wide;

thence, along said South right of way and its westerly projection, Westerly 4944 feet, more or less, to the Westerly right of way line of Middleton Road being 40-foot wide;

thence, along last said Westerly right of way line, Northeasterly 16 feet, more or less, to the South right of way line of Brookman Road being 40-foot wide;

thence, along last said South right of way line, Westerly 565 feet, more or less, to an angle point therein;

thence continuing along said South right of way line, Southerly 14 feet, more or less, to an angle point in the South right of way line of Brookman Road being 50-foot wide;

thence, along last said South right of way line, Southwesterly 23 feet, more or less, to an angle point therein;

thence continuing along said South right of way line, Westerly 506 feet, more or less, to the Easterly right of way line of the Southern Pacific Railroad being 60-foot wide;

thence, along last said Easterly right of way line, Northeasterly 24 feet, more or less, to the South right of way line of Brookman Road being 40-foot wide;

thence, along last said South right of way line, Westerly 327 feet, more or less, to the Easterly right of way line of SW Old Hwy. 99W being 60-foot wide;

thence, along last said Easterly right of way line, Southwesterly 26 feet, more or less, to an easterly projection of the South right of way line of Brookman Road being 80-foot wide;

thence, along said easterly projection of and said South right of way line and its westerly projection, Westerly 796 feet, more or less, to a southerly projection of the Westerly right of way line of Pacific Highway [99W] being 184-foot wide;

thence, along said Westerly right of way line of Pacific Highway (width varies), Northeasterly 2871 feet, more or less, to a point perpendicular to the Northeast corner of that Tract reestablished on SN 21,617 Washington County Surveys;

thence, along said perpendicular line, Southeasterly 174 feet, more or less, to said Northeast corner;

thence, along the East line of last said Tract, Southerly 965 feet, more or less, to the Northwest corner of "Middleton Cemetery";

thence, along the North line of said "Middleton Cemetery" and its easterly projection, Southeasterly 503 feet, more or less, to the Easterly right of way line of SW Old Highway 99W being 60-foot wide;

thence, along last said Easterly right of way line, Northerly 195 feet, more or less, to the Northwest corner of "Northfield" subdivision;

thence, along the North line of "Northfield", Easterly 344 feet, more or less, to the Northwest corner of "Quail Meadows" subdivision;

thence, along the West line of "Quail Meadows", Southerly 534 feet, more or less, to the North line of Lot 5 of "Northfield";

thence, along last said North line, Northeasterly 410 feet, more or less, to the West right of way line of Middleton Road being 65-foot wide;

thence, along last said West right of way line, Southerly 46 feet, more or less, to a westerly projection of the North right of way line of S.W. Harrison St. being 60-foot wide;

thence, along said westerly projection and North right of way line, Easterly 900 feet, more or less, to the most southerly West line of "Woodhaven" subdivision;

thence, along last said West line, Southerly 91 feet, more or less, to the South line of "Woodhaven";

thence, along last said South line, Easterly 382 feet, more or less to the Northerly right of way line of said Southern Pacific Railroad being 60-foot wide;

thence, perpendicular to said Northerly right of way, Southeast 60 feet, more or less, to the Southerly right of way line of said Southern Pacific Railroad;

thence, along said Southerly right of way line, Northeasterly 874 feet, more or less, to the West line of "Abney Revard" subdivision;

thence, along last said West line, Southerly 121 feet, more of less, to the South line of "Abney Revard";

thence, along said South line, Easterly 1697 feet, more or less, to the Southwest corner of "Arbor Lane" subdivision;

thence, along the South line of "Arbor Lane", Easterly 910 feet, more or less, to the West right of way line of Brookman Road being 40-foot wide;

thence, along last said West right of way line, Northerly 20 feet, more or less, to the northerly terminus of said West right or way;

thence, along said terminus, Easterly 40 feet, more or less, to the East right of way line of said Brookman Road;

thence along said East right of way line, South 20 feet, more or less, to the point of beginning.

Containing approximately 258 acres, more or less.



Revised 12/31/11

Brookman Addition Zoning- May 14, 2009

Exhibit 3 -
Adopted Comprehensive Plan
designations in Brookman Plan area

