



## RESOLUTION 2013-048

### **A RESOLUTION CALLING AN ELECTION ON AND APPROVING A BALLOT TITLE, SUMMARY, AND EXPLANATORY STATEMENT FOR THE ANNEXATION OF 12 TAX LOTS COMPRISING 97.5 ACRES OF LAND IN THE BROOKMAN ROAD PLAN AREA FOR THE NOVEMBER 5, 2013 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 Ordinance 2009-004; and

**WHEREAS**, the properties proposed to be annexed within the Brookman area are currently in unincorporated Washington County; and

**WHEREAS**, Washington County and the City of Sherwood have entered into an agreement acknowledging that the City of Sherwood should be the ultimate provider of services in the Brookman area; and

**WHEREAS**, these properties must be in the City in order to be developed for the urban uses and densities planned for in the Brookman Concept Plan; and

**WHEREAS** The Holt Group, Inc., on behalf of the owners of 12 tax lots has submitted an application for annexation of the land into the City of Sherwood; and

**WHEREAS**, the property owners initiated this annexation in accordance with ORS 222.170; and

**WHEREAS**, after proper legal notice, a public hearing was held on the proposed annexation by the City Council on August 20, 2013, at which public 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, see staff report; and

**WHEREAS**, ORS 250.035 requires the notice for a ballot measure be prepared by the City and submitted to Washington County Elections Department by September 5, 2013 in order to appear on the ballot for the November 5, 2013 election; and

**WHEREAS**, under Section 3 of the City of Sherwood Charter, annexation to the City takes place only upon voter approval. Approval of the proposed annexation would annex 97.5 acres into the City,

comprised of 12 tax lots bordered on the north by the existing Sherwood City Limits, and the south by Brookman Road; and

**WHEREAS**, if annexed, the area will be re-zoned consistent with the Comprehensive Plan which was updated via Ordinance 2009-004 to implement the Brookman Concept Plan and will include the following zones: Medium Density Residential Low and Medium Density Residential High, 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; and

**WHEREAS**, the City has prepared a ballot title and explanatory statement to be certified by the City Council and be filed with the Washington County Elections Department for publication for the November 5, 2013 election as provided by state law.

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

**Section 1.** The City Council approves Annexation AN 13-01, based on the staff report to the City Council dated August 8, 2013, and the proposed findings and conclusions, contingent upon approval by the electors in the City of Sherwood.

**Section 2.** Subject to voter approval, the City Council approves Annexation 13-01, and will annex the territory described in attached map, Exhibit 1 to the City of Sherwood.

**Section 3.** A City election on this annexation is called for November 5, 2013.

**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 97.5 ACRES INTO THE CITY OF SHERWOOD

**QUESTION:** Should 97.5 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 97.5 acres to the city, consisting of approximately 12 separate lots and parcels. The request to annex was made on behalf of one hundred percent of the owners in the area to be annexed. 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, included within the Brookman 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 residential uses at densities consistent with the Medium Density Residential low and Medium Density Residential High zoning districts. If approved by the voters of Sherwood, the Area will be annexed into the City of Sherwood.

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

**Section 8.** The Mayor is authorized to sign, and the City Recorder is authorized to submit, the following explanatory statement for the Washington County voters' pamphlet on behalf of the City. The explanatory statement for this measure will read as follows:

**EXPLANATORY STATEMENT:**

The Sherwood City Charter requires Sherwood voters to approve the annexation of any new territory to the city. This measure proposes annexing 97.5 acres of land located in the Brookman Road Area and was approved by the Sherwood City Council on August 20, 2013.

The proposed annexation consists of 12 separate lots and parcels, totaling approximately 97.5 acres. All of the property owners have consented to the annexation. The area lies generally south of the current city boundary, north of Brookman Road, east of Highway 99W and west of Ladd Hill. The area was added to the Metro urban growth boundary in 2004.

The area is part of the Brookman Concept Plan that was approved by the City Council in June, 2009. The Brookman Concept Plan is the result of a five-year public process that included multiple public hearings before the Sherwood Planning Commission and City Council. Under the Concept Plan, the area will be zoned for a mix of residential uses at densities consistent with the Medium Density Residential Low, and Medium Density Residential High zoning classifications.

If approved by the voters of Sherwood, the annexation will become effective upon certification and adoption of the election results by the City Council.

**Section 9.** The City Recorder will publish 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 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, see staff report Exhibit C for reference.

**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 20<sup>th</sup> day of August 2013.**

  
\_\_\_\_\_  
Bill Middleton, Mayor

Attest:

  
\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder

