

COPY

CITY OF SHERWOOD

ORDINANCE NO. 2001-1109

AN ORDINANCE APPROVING OF ANNEXATION PROPOSAL AN-03-00 SUBJECT TO APPROVAL AT ELECTION PROVIDING FOR A CITY ELECTION TO BE HELD IN THE CITY OF SHERWOOD, OREGON, MAY 15, 2001, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF SHERWOOD THE QUESTION OF APPROVING ANNEXATION PROPOSAL AN 03-00 PURSUANT TO CITY CHARTER

WHEREAS, there has been submitted a consent petition of property owners and by registered voters meeting the requirements for initiation of annexation to the City set forth in ORS 222.170(2) and Metro Code Section 3.09.050(a); and

WHEREAS, after due and legal notices, a public hearing was held on the proposal for annexation by the City Council on January 9, 2001, at which public hearing comment and testimony was received and heard and considered; and

WHEREAS, the property proposed for annexation contains 3.94 acres consisting of Tax Lot 300 and Tax Lot 500, Washington County Assessor's Map No. 2S132DD, is legally described on Exhibit A attached hereto, and maps showing said parcels are included in the staff report attached as Exhibit B; and

WHEREAS, the Council has received, reviewed and considered the staff report dated December 22, 2000, prepared by Ken Martin and proposed findings and reasons for decision attached as Exhibit A to the staff report; and

WHEREAS, the City Charter requires voter approval of annexation to the City of Sherwood, and it appears the matter should be submitted to the voters at the May 15, 2001 special election, provided applicant pays the annexation fees and costs for said special election.

NOW, THEREFORE, THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1. The City Council finds that the annexation proposal, AN-03-00, should be approved and the property described in Exhibit A should be and is hereby approved, subject to obtaining approval of the voters at election. In so finding, the City Council having considered the record herein, hereby approves and adopts the "Findings and Reasons for Decision" submitted in Exhibit A of the staff report attached to this Ordinance as Exhibit B.

Section 2. It is necessary and required by the Sherwood City Charter that there be submitted to the legal voters of the City of Sherwood at the May 15, 2001 election date, the proposition hereinafter set forth for annexation, for which purpose an election is called on said date.

Section 3. There shall be submitted to the voters of the City of Sherwood for their approval or rejection, the following measure for which following ballot title is prescribed:

Measure No. _____

Caption

PROPOSAL TO ANNEX TO CITY
TWO PARCELS TOTALLING 3.94 ACRES

Question

"SHALL LOTS 300 AND 500, ASSESSOR'S MAP NO. 2S132DD,
BE INCLUDED WITHIN CITY OF SHERWOOD CORPORATE BOUNDARY?"

YES ()
NO ()

Summary

Approval of this ballot measure would allow annexation of a 1.95 acre parcel of land (known as Tax Lot 300, Assessor's Map 2S132DD) and a 1.99 acre parcel of land (known as Tax Lot 500, Assessor's Map 2S132DD) to within the corporate boundaries of the City of Sherwood. The petitioners for this annexation are the property owners, Richard and Cheryl Barry, and David and Jennifer Crawford. The City Council has approved the petition to annex, but pursuant to City Charter, the annexation must be submitted to the voters of the City. A legal description for the parcels and maps of the parcels are on file at the Sherwood City Hall, as well as the application, staff report, and council findings for public inspection.

Section 4. In addition to such notice as the County Elections Officer shall give, the Recorder shall give notice of the election in the manner required by §8.3 of the City Charter. The form of the notice shall be substantially as follows:

Notice of Election on Annexation Proposal
to the City of Sherwood

Notice is hereby given that pursuant to Ordinance No. 2001-1109 enacted by the City Council on January 9, 2001, there will be submitted to the qualified voters of the City of Sherwood for their approval or rejection at the election to be held May 15, 2001, the following proposition:

Measure No. _____

Caption

PROPOSAL TO ANNEX TO CITY
TWO PARCELS TOTALLING 3.94 ACRES

Question

"SHALL LOTS 300 AND 500, ASSESSOR'S MAP NO. 2S132DD,
BE INCLUDED WITHIN CITY OF SHERWOOD CORPORATE BOUNDARY?"

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Summary

Approval of this ballot measure would allow annexation of a 1.95 acre parcel of land (known as Tax Lot 300, Assessor's Map 2S132DD) and a 1.99 acre parcel of land (known as Tax Lot 500, Assessor's Map 2S132DD) to within the corporate boundaries of the City of Sherwood. The petitioners for this annexation are the property owners, Richard and Cheryl Barry, and David and Jennifer Crawford. The City Council has approved the petition to annex, but pursuant to City Charter, the annexation must be submitted to the voters of the City. A legal description for the parcels is on file at the Sherwood City Hall, as well as the application, staff report, and council findings for public inspection..

Location of Property

Plat maps showing the location of the lot proposed for annexation are attached to this notice. The territory to be annexed is located generally on the northeast edge of the City on the west edge by SE Murdock Road, north of the Clackamas and Washington County line, and south of Cornerstone Lane.

Balloting

This election will be by mail, conducted as determined by the County Elections Officer, in accordance with voting by mail procedure prescribed by Oregon law, using the mails and ballot drop sites designated by the County Elections Officer.

Dated this _____ day of _____, 2001.

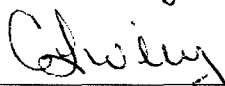
Chris Wiley, City Recorder
City of Sherwood

Section 5. The City Recorder be and she is hereby authorized and directed to cause the County Elections Officer to have prepared ballots in due and legal form as herein prescribed and to take any and all other and further actions necessary to conduct the election in accordance with the laws regulation and governing elections.

Section 6. Pursuant to ORS 222.520 and 222.120(5), the City Council declares that upon approval of the annexation by the voters and the annexation becoming effective, the territory so annexed to the City shall be thereupon withdrawn from the Washington County Urban Road Maintenance District, the Washington County Enhanced Sheriff's Patrol District, and the Washington County Service District for Vector Control, to the extent said territory may be within said Districts.

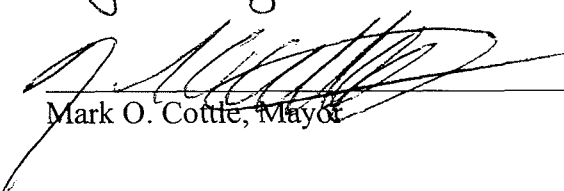
Section 7. This ordinance shall become effective on the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council
this 9th day of January, 2001



Chris Wiley, City Recorder

Approved by the Mayor this 9th day
of January, 2001



Mark O. Cottle, Mayor

	<u>Aye</u>	<u>Nay</u>
Heironimus	<input checked="" type="checkbox"/>	___
Durrell	<input checked="" type="checkbox"/>	___
Claus	<input checked="" type="checkbox"/>	___
Weeks	<input checked="" type="checkbox"/>	___
Mays	<input checked="" type="checkbox"/>	___
Fox	<input checked="" type="checkbox"/>	___
Cottle	<input checked="" type="checkbox"/>	___

EXHIBIT A

Description for Tax Lot 300, Map 2S132DD

A tract of land situated in the SE 1/4, SE 1/4, Section 32, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington, and State of Oregon, more particularly described as follows:

Beginning at the SW corner of CHARLES BURCK HEIGHTS NO.2, a duly recorded plat, Washington County Records; thence along the South line of said plat, N89°59'31"E, 461.32 feet to a point on the westerly right of way of SE Murdock Road; thence along said right of way S16°58'28"E, 183.13 feet to a point; thence leaving said right of way S89°37'22"W, 510.31 feet more or less to the point on the East line of WHISPERING FIRS NO.2, a duly recorded plat, Washington County Records; thence N00°22'38"W, 175.50 feet to the point of beginning.

Containing 1.95 Acres

Description for Tax Lot 500, Map 2S132DD

A tract of land situated in the SE 1/4, SE 1/4, Section 32, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington, and State of Oregon, more particularly described as follows:

Beginning at the SE corner of WHISPERING FIRS NO.2, a duly recorded plat, Washington County Records; thence N00°22'38"W, 145.21 feet to a point; thence N89°37'22"E, 578.50 feet to a point on the westerly right of way of SE Murdock Road; thence following said right of way along a 1115.92 foot radius non-tangent curve to the right a distance of 159.40 feet more or less to a point on the South line of Section 32; thence leaving said right of way S89°37'22"W, 620.10 feet more or less to the point of beginning.

Containing 1.99 Acres

TO: Sherwood City Council
FROM: Ken Martin - Local Government Boundary Office
DATE: December 22, 2000
RE: Boundary Change Proposal No. AN 03-00, Annexation to Sherwood
Scheduled for Hearing Date of January 9, 2001

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 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

PROPOSAL NO. AN-0300 CITY OF SHERWOOD - Annexation

Petitioners: Property Owners / Voters: Richard & Cheryl Barry, David & Jennifer Crawford

Proposal No. AN-0300 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 222.170 (2) (double majority annexation law) 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.

The territory to be annexed is located generally on the southeast edge of the City, on the west edge of SE Murdock Road, north of the Clackamas-Washington County line and south of Cornerstone Lane. The territory contains 3.94 acres, two single family dwellings, a population of 4 and has an assessed value of \$461,660.

REASON FOR ANNEXATION. The property owners desire annexation to acquire city services to facilitate development. The property would be developed with low density residential single family houses.

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 ORS 195 agreements or ORS 195 annexation plans. [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. Annexation plans are timelines for annexations that may only be done after all

required 195 agreements are in place and that 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 between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.
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 northern parcel slopes slightly to the north and has some trees along the north part. The south parcel is relatively flat with grass and trees to the east. Neither parcel contains significant drainage basins or flood plains.

REGIONAL PLANNING

General Information

This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

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 adopted two functional plans - the Urban Growth Management Functional Plan and the Regional Transportation Plan. The Urban Growth Management Plan has been codified in Metro Code Chapter 3.07 and is included as an appendix to the Regional Framework Plan. The Regional Transportation Plan (RTP) was just adopted in August and has not yet been codified.

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.

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 controls this area.

County Planning. The Washington County Sherwood Community Plan designates the parcels (both plan designation and zoning) as R6, Residential 6 Units per Acre. This permits lower density (detached and attached) residential development on lots with a minimum lot size of 5,000 square feet.

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. 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.

CITY PLANNING

City Planning. 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 as Low Density Residential (LDR), 5 Dwelling Units per Acre. The City has a one map planning and zoning system, so zoning on the site is LDR as well. The City intends to apply this zoning to the property upon annexation.

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. There is a 8-inch water line in Murdock Road at the northeast corner of the northern parcel and an 8-inch line at the end of Lowell Lane on the west edge of the northern parcel. These properties will be developed in conjunction with the intervening parcel which is already in the City. Thus these lines can be connected when development occurs so that the water system will be looped.

The City obtains water from four wells tapping the ground water of the Columbia River Basalt. Sherwood also has an agreement with the City of Portland, Tualatin Valley Water District and the City of Tualatin to obtain Bull Run water (up to 12 MGD) through Tualatin Valley Water District and Tualatin lines. A physical connection has been made along NE Oregon Street, allowing the City to use water from this source.

The City has an existing 2.0-MG reservoir located on the south side of Division St. east of S. Pine Street. The four wells and the Bull Run Transmission line feed directly into the City's water system, and if the reservoir depletes to a level of 80% full capacity, then the water sources feed into the reservoir.

The City bases its rates on gallon consumption, and charges \$4.55 per month base rate plus \$.233 per 100 gallons. The City has a water systems development charge of \$2,960 per 3/4" meter.

Sewer. The City has an 8-inch sanitary sewer line in Murdock Road at the northeast corner of the northern parcel. The line is downhill from the combined site so the whole site can be served by extension of this line.

The territory is within the Unified Sewerage Agency service area, as is the City, and is served by the Durham regional treatment plant. The area of USA'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. These parcels lie in the Rock Creek sub-basin and sewage will flow to the trunk line in that Basin.

The Unified Sewerage Agency has a standard agreement with the large cities within the Agency (Beaverton, Forest Grove, Hillsboro, Tigard, Tualatin and Sherwood). In that agreement the Cities agree to: 1) comply with the Agency's construction and maintenance standards for sanitary and storm water sewer facilities, 2) follow and accomplish the Agency's work program for storm and surface water, 3) obtain the Agency's consent before issuing construction permits within wetlands, floodways and floodplains. The agreement provides that the city owns and is responsible for sanitary sewer lines under 24-inches in diameter within the City limits and for storm water facilities within the City limits as identified on a map (virtually all facilities). The Unified Sewerage Agency is responsible for all industrial waste discharges both in and out of cities. The Unified Sewerage Agency agreed not to extend sanitary sewer service to areas outside the City within the City's Urban Planning Area unless the City approves.

Storm Drainage. The U.S.A. has responsibility for surface water management within the Washington County urban growth boundary. U.S.A. has entered into an intergovernmental agreement with Sherwood for allocation of the City and the U.S.A. responsibilities. The City has responsibilities for operations and maintenance of storm and surface water facilities within the City. In the County, responsibility for maintaining drainage associated with roads remains with the Department of Land Use and Transportation. Therefore, road related drainage facilities do not transfer to the City upon annexation unless the road transfers to the City.

The City may not issue permits for construction within or modification to a wetland, floodway or floodplain without first receiving approval from U.S.A.

The subject site lies within the Rock Creek Drainage basin. Storm sewers are only ditches in this area. There is a ditch on the west side of Murdock Road which ends at Cornerstone Lane. Water goes under Murdock Road to wetlands on the east.

Parks and Recreation. The City of Sherwood maintains the following developed parks: Stella Olsen, which is 13 acres in size, a 0.4 acre park adjacent to City Hall, and a 0.21 community campus park adjoining the Sherwood Community Center. In addition, there are 3.2 acres of city property at the end of Roy Street reserved for a future park site. 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 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.

Murdock Road is a city owned and maintained street. It is designated as bikeway route and as a "minor arterial" street on the City's transportation plan. A minor arterial with a bike lane requires a right of way of 80 feet and a pavement width of 76 feet. The plan calls for

6-inch curbs and sidewalks in all road improvements and subdivision developments. Access onto minor arterials is limited. On-street parking is not permitted on arterial streets.

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 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 value will no longer apply.

Upon annexation police services will be provided by the 17 member Sherwood Police department which provides 24-hour/day protection. The City's population of 9,600 is served by a level of 1.77 officers per thousand population.

Vector Control. 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).

RECOMMENDATION

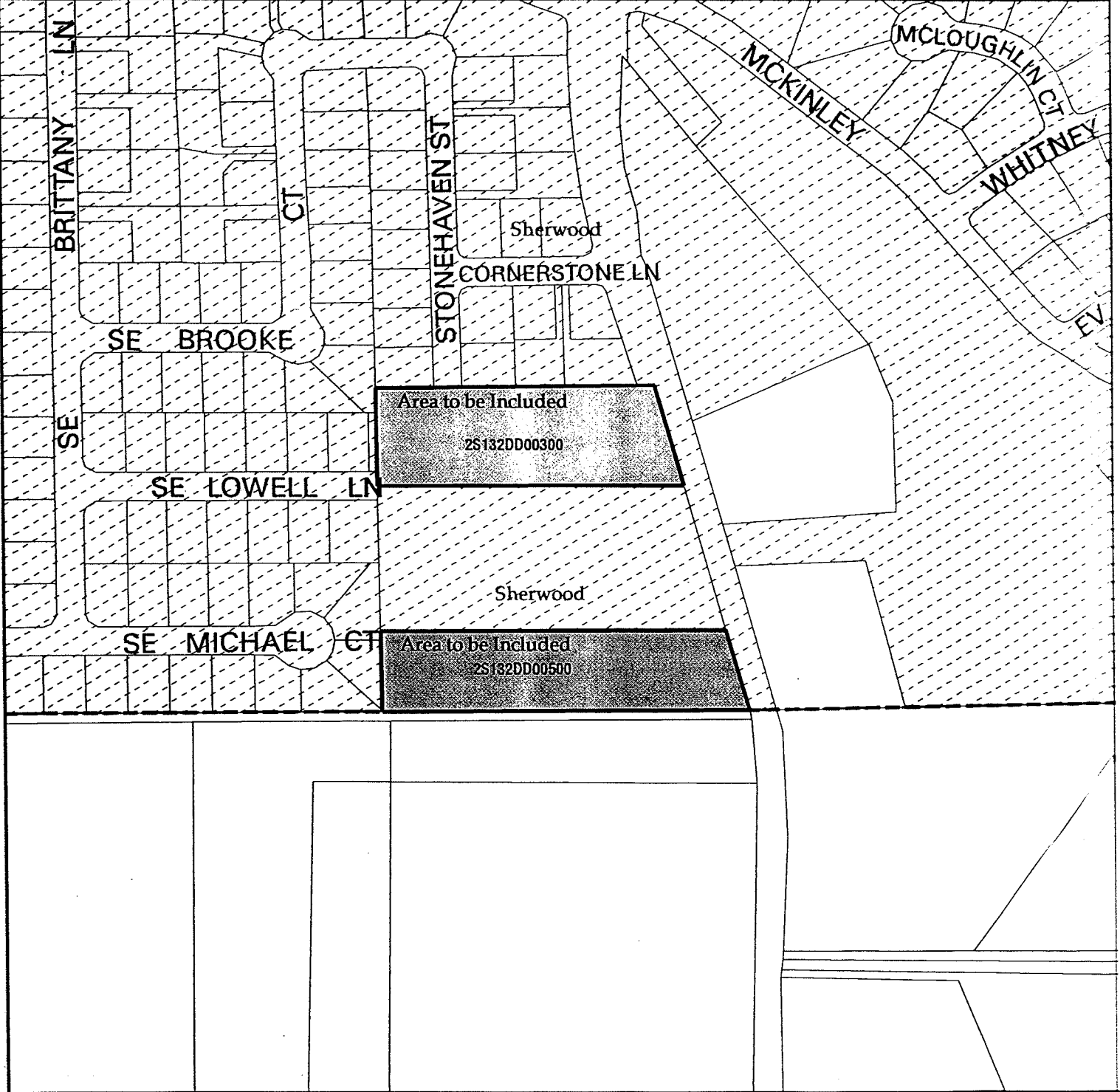
Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit A, the staff recommends Proposal No. AN-0300 be *approved*.

Proposal No. AN-03-00

2S1W32

Annexation to the City of Sherwood

Washington Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1908
Email dro@metro-region.org

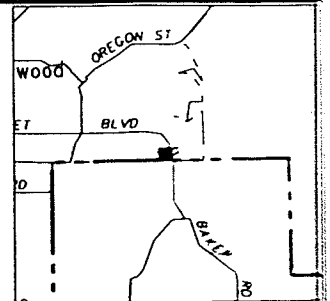
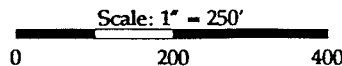
METRO

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.

- County lines
- City
- Annexation boundary

Urban Growth Boundary

Proposal No. AN-03-00
CITY OF SHERWOOD
Figure 1

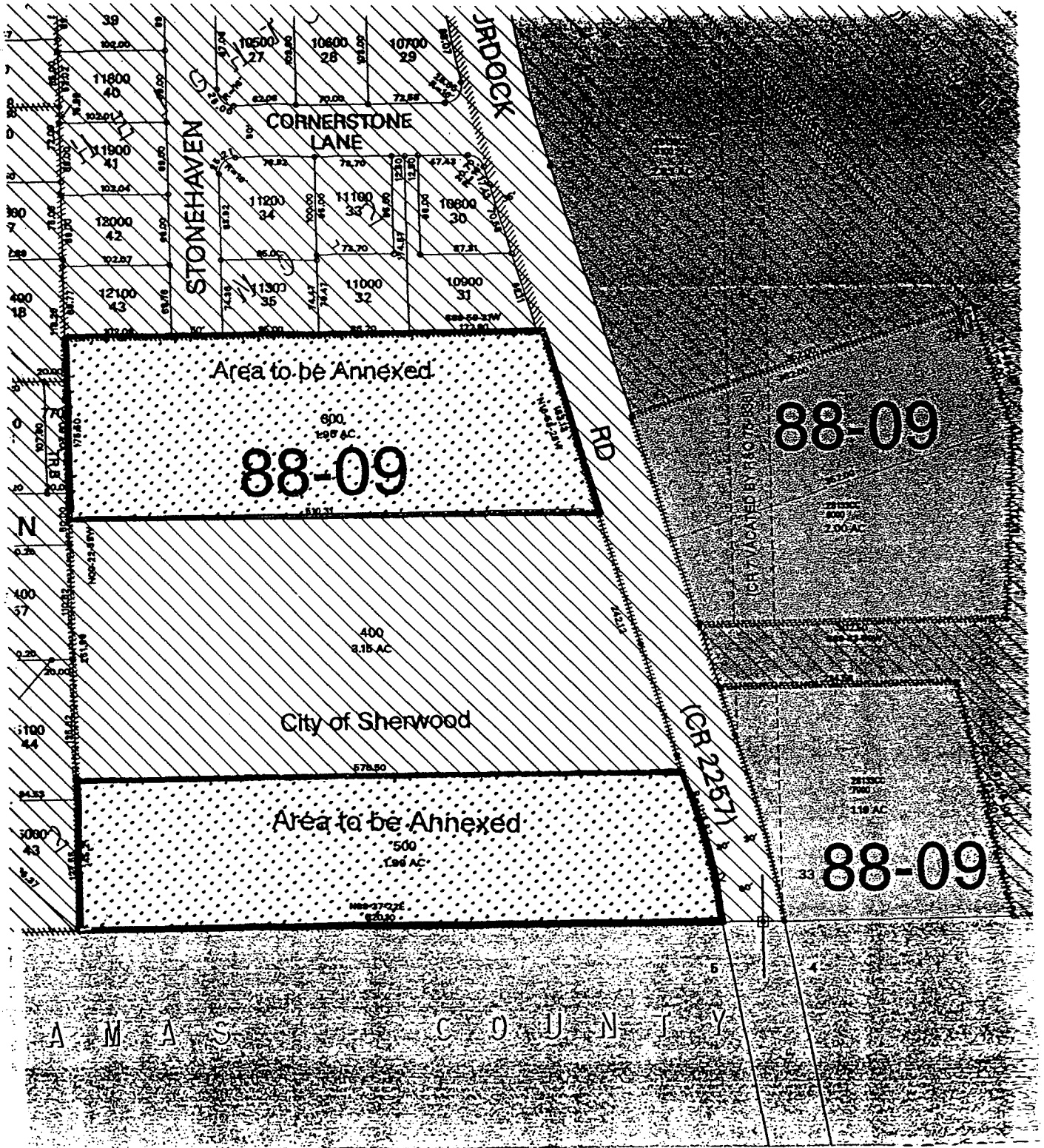


Proposal No. AN-03-00



600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

Annexation to the City of Sherwood
Washington Co.
Section 2S1W32



PROPOSAL NO. AN-03-00
CITY OF SHERWOOD
Figure 2

FINDINGS

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

1. The territory to be annexed contains 3.94 acres, two single family dwellings, a population of 4 and has an assessed value of \$461,660.
2. The property owners desire annexation to acquire city services to facilitate development. The property would be developed with low density residential single family houses.
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 ORS 195 agreements or ORS 195 annexation plans. [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. Annexation plans are timelines for annexations that may only be done after all required 195 agreements are in place and that 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 between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.

6. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.
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. The northern parcel slopes slightly to the north and has some trees along the north part. The south parcel is relatively flat with grass and trees to the east. Neither parcel contains significant drainage basins or flood plains.
5. This territory 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 adopted two functional plans - the Urban Growth Management Functional Plan and the Regional Transportation Plan. The Urban Growth Management Plan has been codified in Metro Code Chapter 3.07 and is included as an appendix to the Regional Framework Plan. The Regional Transportation Plan (RTP) was just adopted in August and has not yet been codified.

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 controls this area.

The Washington County Sherwood Community Plan designates the parcels (both plan designation and zoning) as R6, Residential 6 Units per Acre. This permits lower density (detached and attached) residential development on lots with a minimum lot size of 5,000 square feet.

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.

7. 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.
8. 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.
9. 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 as Low Density Residential (LDR), 5 Dwelling Units per Acre. The City has a one map planning and zoning system, so zoning on the site is LDR as well. The City intends to apply this zoning to the property upon annexation.

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.

10. 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.

11. There is a 8-inch water line in Murdock Road at the northeast corner of the northern parcel and an 8-inch line at the end of Lowell Lane on the west edge of the northern parcel. These properties will be developed in conjunction with the intervening parcel which is already in the City. Thus these lines can be connected when development occurs so that the water system will be looped.

The City obtains water from four wells tapping the ground water of the Columbia River Basalt. Sherwood also has an agreement with the City of Portland, Tualatin Valley Water District and the City of Tualatin to obtain Bull Run water (up to 12 MGD) through Tualatin Valley Water District and Tualatin lines. A physical connection has been made along NE Oregon Street, allowing the City to use water from this source.

The City has an existing 2.0-MG reservoir located on the south side of Division St. east of S. Pine Street. The four wells and the Bull Run Transmission line feed directly into the City's water system, and if the reservoir depletes to a level of 80% full capacity, then the water sources feed into the reservoir.

The City bases its rates on gallon consumption, and charges \$4.55 per month base rate plus \$.233 per 100 gallons. The City has a water systems development charge of \$2,960 per 3/4" meter.

12. The City has an 8-inch sanitary sewer line in Murdock Road at the northeast corner the northern parcel. The line is downhill from the combined site so the whole site can be served by extension of this line.

The territory is within the Unified Sewerage Agency service area, as is the City, and is served by the Durham regional treatment plant. The area of USA'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. These parcels lie in the Rock Creek sub-basin and sewage will flow to the trunk line in that Basin.

The Unified Sewerage Agency has a standard agreement with the large cities within the Agency (Beaverton, Forest Grove, Hillsboro, Tigard, Tualatin and Sherwood). In that agreement the Cities agree to: 1) comply with the Agency's construction and maintenance standards for sanitary and storm water sewer facilities, 2) follow and accomplish the Agency's work program for storm and surface water, 3) obtain the Agency's consent before issuing construction permits within wetlands, floodways and floodplains. The agreement provides that the city owns and is responsible for sanitary sewer lines under 24-inches in diameter within the City limits and for storm

water facilities within the City limits as identified on a map (virtually all facilities). The Unified Sewerage Agency is responsible for all industrial waste discharges both in and out of cities. The Unified Sewerage Agency agreed not to extend sanitary sewer service to areas outside the City within the City's Urban Planning Area unless the City approves.

13. The U.S.A. has responsibility for surface water management within the Washington County urban growth boundary. U.S.A. has entered into an intergovernmental agreement with Sherwood for allocation of the City and the U.S.A. responsibilities. The City has responsibilities for operations and maintenance of storm and surface water facilities within the City. In the County, responsibility for maintaining drainage associated with roads remains with the Department of Land Use and Transportation. Therefore, road related drainage facilities do not transfer to the City upon annexation unless the road transfers to the City.

The City may not issue permits for construction within or modification to a wetland, floodway or floodplain without first receiving approval from U.S.A.

The subject site lies within the Rock Creek Drainage basin. Storm sewers are only ditches in this area. There is a ditch on the west side of Murdock Road which ends at Cornerstone Lane. Water goes under Murdock Road to wetlands on the east.

14. The City of Sherwood maintains the following developed parks: Stella Olsen, which is 13 acres in size, a 0.4 acre park adjacent to City Hall, and a 0.21 community campus park adjoining the Sherwood Community Center. In addition, there are 3.2 acres of city property at the end of Roy Street reserved for a future park site. 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.
15. 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.

Murdock Road is a city owned and maintained street. It is designated as bikeway route and as a "minor arterial" street on the City's transportation plan. A minor arterial with a bike lane requires a right of way of 80 feet and a pavement width of 76 feet. The plan calls for 6-inch curbs and sidewalks in all road improvements and subdivision developments. Access onto minor arterials is limited. On-street parking is not permitted on arterial streets.

16. 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.
17. 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 value will no longer apply.

Upon annexation police services will be provided by the 17 member Sherwood Police department which provides 24-hour/day protection. The City's population of 9,600 is served by a level of 1.77 officers per thousand population.

18. 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. 10 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. 9, 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 11-18.
6. The Council concludes that the territory should be withdrawn from Washington County Urban Roads Maintenance District, Washington County Service District for Enhanced Law Enforcement and Washington County Service District for Vector Control. The services provided by these districts will be provided by the City subsequent to annexation.

EXHIBIT A

Description for Tax Lot 300, Map 2S132DD

A tract of land situated in the SE 1/4, SE 1/4, Section 32, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington, and State of Oregon, more particularly described as follows:

Beginning at the SW corner of CHARLES BURCK HEIGHTS NO.2, a duly recorded plat, Washington County Records; thence along the South line of said plat, N89°59'31"E, 461.32 feet to a point on the westerly right of way of SE Murdock Road; thence along said right of way S16°58'28"E, 183.13 feet to a point; thence leaving said right of way S89°37'22"W, 510.31 feet more or less to the point on the East line of WHISPERING FIRS NO.2, a duly recorded plat, Washington County Records; thence N00°22'38"W, 175.50 feet to the point of beginning.

Containing 1.95 Acres

Description for Tax Lot 500, Map 2S132DD

A tract of land situated in the SE 1/4, SE 1/4, Section 32, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington, and State of Oregon, more particularly described as follows:

Beginning at the SE corner of WHISPERING FIRS NO.2, a duly recorded plat, Washington County Records; thence N00°22'38"W, 145.21 feet to a point; thence N89°37'22"E, 578.50 feet to a point on the westerly right of way of SE Murdock Road; thence following said right of way along a 1115.92 foot radius non-tangent curve to the right a distance of 159.40 feet more or less to a point on the South line of Section 32; thence leaving said right of way S89°37'22"W, 620.10 feet more or less to the point of beginning.

Containing 1.99 Acres