



## ORDINANCE 2020-007

### **APPROVING ANNEXATION INTO THE CITY OF SHERWOOD AND CLEAN WATER SERVICES DISTRICT OF APPROXIMATELY 29.61 ACRES, COMPRISED OF 2 TAX LOTS AND ADJACENT SW TONQUIN AVENUE RIGHT-OF-WAY WITHIN THE TONQUIN EMPLOYMENT AREA**

**WHEREAS**, Woodburn Industrial Capital Group, as the applicant and property owners of two tax lots of approximately 28.17 acres, respectively, have submitted an application for annexation of certain land, as described in Exhibits A and B to this Ordinance, to the City of Sherwood; and

**WHEREAS**, the applicant and property owners initiated this annexation in accordance with ORS Chapter 222 and SB 1573 (2016); and

**WHEREAS**, SB 1573 requires City approval, without submission to the electors, of annexation requests submitted by all owners of land in the territory proposed to be annexed, regardless of any local charter or ordinance requirements to the contrary, when:

- (a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;
- (b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;
- (c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right-of-way or body of water; and
- (d) The proposal conforms to all other requirements of the city's ordinances; and

**WHEREAS**, the Tonquin Employment Area, which includes the territory proposed to be annexed, was brought into the Urban Growth Boundary in 2004 by Metro via Ordinance 04-1040B; and

**WHEREAS**, the City of Sherwood developed a concept plan for that area and adopted the concept plan and implementing ordinances in 2010 via Ordinance 2010-014; and

**WHEREAS**, the lots (the territory) that is proposed to be annexed is contiguous to the current city limits; and

**WHEREAS**, the subject territory will be added to the Clean Water Services district boundary upon annexation under the authority of ORS 199.510(2)(c); and

**WHEREAS**, the annexation of the 28.17 acre property requires 1.44 acres of right of way for SW Tonquin Road adjacent to the property on the west; and

**WHEREAS**, the City does not presently have any other ordinance requirements applicable to this annexation request; and

**WHEREAS**, the properties proposed to be annexed are currently in unincorporated Washington County and part of the Washington County Service Districts for Enhanced Law Enforcement; 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 Tonquin Employment Area; and

**WHEREAS**, these properties must be within the City limits in order to be developed for the urban uses and densities planned for in the Tonquin Employment Area Concept Plan; and

**WHEREAS**, after proper legal notice, a public hearing was held on the proposed annexation by the City Council on September 1, 2020, at which public comments and testimony were received and considered; and

**WHEREAS**, the Council reviewed and considered the staff report with proposed findings and conclusions for the decision which is included as Exhibit 1 to the Council staff report.

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

**Section 1.** The territory proposed to be annexed is specifically identified in the legal description (Exhibit A) and map (Exhibit B) attached to this Ordinance.

**Section 2.** The territory annexed by this Ordinance and described in Section 1 will be added to the Clean Water Services district under ORS 199.510(2)(c).

**Section 3.** The applicant has demonstrated that the annexation of the territory proposed to be annexed to the City of Sherwood meets all applicable requirements, as documented in Exhibit 1 to the City Council Staff Report.

**Section 4.** Upon annexation, the Comprehensive Plan zoning designation of Employment Industrial (EI) adopted via Ordinance 2010-014 implementing the Tonquin Employment Area Concept Plan, will apply to the territory proposed to be annexed.

**Section 5.** Pursuant to ORS 222.520 and 222.120(5), the City Council declares that upon the effective date of the annexation, the annexed territory will be withdrawn from the Washington County Service Districts for Enhanced Law Enforcement.

**Section 6.** The territory proposed to be annexed is hereby declared annexed to the City of Sherwood.

**Section 7.** This Ordinance shall become effective 30 days from its adoption

**Duly passed by the City Council this 1<sup>st</sup> of September, 2020.**

  
Keith Mays, Mayor

9/1/2020  
Date

Attest:

  
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Griffin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brouse	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Garland	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rosener	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mays	<input checked="" type="checkbox"/>	<input type="checkbox"/>