



*Home of the Tualatin River National Wildlife Refuge*

# **CITY COUNCIL MEETING PACKET**

**FOR**

**Tuesday, February 18, 2014**

**Sherwood City Hall  
22560 SW Pine Street  
Sherwood, Oregon**

**7:00 pm City Council Regular Meeting**



Home of the Tualatin River National Wildlife Refuge

## AGENDA

**SHERWOOD CITY COUNCIL**  
**February 18, 2014**

**7:00 pm City Council Regular Meeting**

**Sherwood City Hall**  
**22560 SW Pine Street**  
**Sherwood, OR 97140**

### REGULAR CITY COUNCIL MEETING

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. CONSENT**
  - A. Approval of February 4, 2014 City Council Meeting Minutes**
  - B. Resolution 2014-007 Appointing a Budget Officer for the FY14-15 Budget**
  - C. Resolution 2014-008 Authorizing the City Manager to sign the 2014 IGA with the Portland Police Bureau for the purposes of participation in the Regional Justice Information Network**
  - D. Resolution 2014-009 Authorizing the City Manager to enter into a contract with General Pacific, Inc. to supply an Advanced Metering Infrastructure (AMI) System**
  - E. Resolution 2014-010 Authorizing the Marjorie Stewart Senior Center name change to the Marjorie Stewart Center**
- 5. PRESENTATIONS**
  - A. TSP Update (Bob Galati, City Engineer)**
- 6. NEW BUSINESS**
  - A. City Recorder Performance Evaluation**
  - B. Resolution 2014-011 Amending the FY 2013-14 Fee Schedule to comply with State Building Codes regarding Investigative Fees (Scott McKie, Building Official)**
  - C. Ordinance 2014-003 Temporarily Prohibiting the Location of Medical Marijuana Facilities within the City of Sherwood and Declaring an Emergency (Julia Hajduk, Community Development Director)**
- 7. PUBLIC HEARINGS**
  - A. Ordinance 2014-004 Approving an amendment to the Transportation System Plan and Comprehensive Plan regarding extension and designation of SW Langer Farms Parkway north of Highway 99w and West (Brad Kilby, Planning Manager)**

**B. Ordinance 2014-005 Approving an amendment to the Transportation System Plan and Comprehensive Plan regarding extension and designation of SW Baler Way north of Tualatin-Sherwood Road (Brad Kilby, Planning Manager)**

**8. CITIZEN COMMENTS**

**9. COUNCIL ANNOUNCEMENTS**

**10. CITY MANAGER AND DEPARTMENT REPORTS**

**11. ADJOURN**

**How to Find Out What's on the Council Schedule:**

City Council meeting materials and agenda are posted to the City web page at [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov), by the Friday prior to a Council meeting. Council agendas are also posted at the Sherwood Library/City Hall, the YMCA, the Senior Center, and the City's bulletin board at Albertson's. Council meeting materials are available to the public at the Library.

**To Schedule a Presentation before Council:**

If you would like to appear before Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder Sylvia Murphy by calling 503-625-4246 or by e-mail to: [murphys@sherwoodoregon.gov](mailto:murphys@sherwoodoregon.gov)



**SHERWOOD CITY COUNCIL MEETING MINUTES  
22560 SW Pine St., Sherwood, Or  
February 4, 2014**

**EXECUTIVE SESSION**

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 6:00 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Krisanna Clark, Bill Butterfield and Matt Langer. Councilor Robyn Folsom arrived at 6:05 pm. Councilor Dave Grant was absent.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, City Recorder Sylvia Murphy and City Attorney Pam Beery.
4. **TOPICS:**
  - A. Performance Evaluation of City Recorder, Pursuant to ORS 192.660(2)(i).

**5. ADJOURN:**

Mayor Middleton adjourned the executive session at 6:10 pm and convened to a work session.

**WORK SESSION**

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 6:15 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Robyn Folsom, Krisanna Clark, Bill Butterfield, and Matt Langer. Councilor Dave Grant was absent.
3. **STAFF AND LEGAL COUNSEL PRESENT:** Joseph Gall City Manager, Tom Pessemier Assistant City Manager, Julia Hajduk Community Development Director, Julie Blums Finance Director, Bob Galati City Engineer, Colleen Resch Administrative Assistant and Sylvia Murphy City Recorder. City Attorney Pam Beery.

**4. Transportation SDC's**

Community Development Director Julia Hajduk gave a presentation on Transportation SDC's, (see record, Exhibit A). She noted that the County traffic impact fee (TIF) was adopted by voters in 1990 and was assessed on new development at the time of building permits, but only covered a small percentage of actual impact and the County capped the rates for certain uses. She stated the City completed an

update of the TSP in 2005 and identified necessary projects and potential funding costs. She said it was clear that existing resources did not address the identified need so the City developed a methodology and adopted the City Transportation SDC in 2006 with the intent to make up the difference between the projected need and the Washington County TIF so that development paid 100% of their share. She explained they took the projected need minus the TIF to determine the Sherwood SDC. Tom Pessemier said the projected needs were identified in the Transportation Plan.

She explained that shortly after the SDC was adopted, a 25% discount was implemented across the board in 2008 so we could be more competitive since we are the only city in the County with SDC fees. She stated Washington County voters approved Measure No. 34-164 establishing a Transportation Development Tax (TDT). She said the TDT replaced the TIF and increased the previous TIF rates but due to economic conditions, the County implemented an immediate discount with the intent to phase in over 4 years. She stated the final phase has now been delayed an additional year to 2015. She commented that once fully phased-in, the TDT will more than double the rates (compared to the TIF) developers pay for the impact new development has on the transportation system. She noted because the TDT more than doubled the TIF rates, one could assume that the Sherwood SDC could go down by the same amount but the issue is complicated because certain uses in the TDT and TIF were "capped" which effectively reduced the amount due and initially resulted in higher proportion of local SDC in certain categories and the City's 25% reduction was a factor. Discussion of the trip caps followed.

She explained there are 85 ITE code categories identified in the local transportation SDC so they categorized them into 5 general categories for simplification: residential, institutional/medical, commercial, office, and industrial and for estimation they took out certain uses that are unlikely and distort the averages (eg truck terminal and state motor vehicle department). She referred to a table showing the total percentage of actual costs being collected by the TDT and SDC for the 5 general categories and the adjustments that need to be made to cover 100% of the costs and gave the example of the residential category and explained that we are collecting more than the actual costs but on commercial we are still not collecting 100% of the amount.

She suggested a few things for the Council to consider and noted that the Council and staff routinely hear from developers that our fees are higher than most neighboring jurisdictions and this has the potential to impact economic development. She stated the City is undertaking an update to the TSP which could result in changes (+or-) to the overall transportation costs. She also commented that anytime changes are made to fees, it has the potential to affect land values and one person benefits and the other loses. She said reductions in SDC will have effects on credits already banked and staff may need to come back with a mechanism to transfer banked credits to TDT credits. She noted that SDC and TDT credits are calculated differently so it is not a simple 1 to 1 transfer so that will need to be considered.

She said staff is recommending lowering SDCs, effective July 1, 2014 and provided three options to consider. She first suggested an across the board reduction of 35%. She suggested an adjustment by category: reduce residential 54%, reduce institutional 12%, increase commercial 6%, reduce office 32%, and reduce industrial 37%. She suggested reviewing each ITE code and adjusting them accordingly. She discussed the pros of the first option and stated it would be easier to administer and implement and there would be economic development benefits by making assessments closer to what other cities charge. She said the downside is residential, which will still be contributing more than 100% and commercial is not covering their entire share. She commented on the pros of the second option and said

it is generally easy to administer and implement and allows reductions (or increases) to be more closely tied to actual costs and impacts. She said the downside is it provides less of an economic development relief especially for uses where the TDT capped trips and the local SDC was intended to make up the difference and could result in an increase in commercial SDC's. She discussed the pros of option 3 and said this would ensure each category contributes 100% of their share of costs. She said the downside is it would use complex calculations and is not a simple fix, trip caps in TDT will result in excessive local fees in many categories, and it would have an impact on economic development and our competitiveness in the region. Discussion followed using the options on various categories particularly non trip capped such as single family detached homes versus trip capped such as hotel/motel and convenience stores.

Mayor Middleton clarified that Sherwood is the only city in Washington County that charges SDC. Tom said that is correct.

Discussion followed regarding the hotel scenario and Mayor Middleton asked why we don't eliminate the SDC's and have a hotel tax. Julia reminded the Council that these are extreme cases with trip caps.

Councilor Folsom said that in 2006 when this was implemented we had a problem with explosive growth and development and no way to fund the transportation upgrades and projects that were needed and the County TDT was not doing much so we had to impose an SDC to cover the projects. She said now we are at a point where we need to review, particularly concerning hotels.

Julia recommended the first option as it is fair across the board and said staff needs direction from the Council to do the SDC reduction by April or May with an effective date of July 1, 2014. She said once the TSP is updated staff will work on a methodology.

Mayor Middleton said he has a problem with this and would leave the residential and institutional the same and suggested reducing others to encourage economic development to be more competitive. Tom said they are giving this to Council to have a policy discussion and heard the Mayors concerns about competitiveness and suggested a discussion with the City attorneys regarding selectively adjusting rates. He also noted that if we drop rates too far we will have to remove some of the transportation projects we have planned.

Councilor Folsom asked how the other communities that do not have SDC's manage to fund their transportation projects. Tom said the TIF at the time was so low compared to need and Sherwood was growing so fast that their needs were significantly more than other communities. He said we still have the impacts of that growth.

Mayor Middleton asked Tom to provide a list of projects that would not get funded if they removed the SDCs from the commercial category. Tom said he would need specific reductions to determine the effect on projects. Tom reminded the Council that with the staff recommendation of a 35% reduction of the SDCs all transportation projects will still be funded but if you reduce by more they may have to cut some projects. Council discussed possibly raising the SDCs in some categories and significantly reducing in others to improve economic development and they were advised against this as it is showing preferential treatment.

City Attorney Pam Beery commented that from her experience in other jurisdictions without SDCs the transportation dollars are scarce. She commended staff for having the discussion and realizing that the model is out of whack and the need to correct it now as the TSP is still 14 months away. She advised against preferential treatment.

Mayor Middleton said it would make sense to leave the residential and institutional categories the way they are and reduce the others to encourage economic development. Ms. Beery said she would look into it but did not believe you could selectively reduce SDCs.

Julia asked for direction on what information the Council would like in the future. Ms. Beery reminded the Council that changes could not be arbitrary or capricious. Councilor Langer suggested that staff provide more scenarios of option 1 and with larger reductions in SDCs and the effect that would have on the transportation projects. Julia agreed to come back with more scenarios. Council President Henderson asked for a summary of what SDCs were collected in 2013. Councilor Langer asked staff to provide some sort of economic development tool. Tom said they will look at the next two years as the wild card, when the County will start paying the full TDT.

Julia commented that at an upcoming Washington County Coordinating Meeting, Mayor Middleton will be asked to weigh in on the issue of the County TDT and she suggested that the City of Sherwood encourage the County to implement the full TDT to eliminate the disparity and uncertainty we face.

Mayor Middleton adjourned the work session at 7:02 pm and convened to the regular Council meeting.

## **REGULAR CITY COUNCIL MEETING**

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 7:10 pm.
2. **PLEDGE OF ALLEGIANCE:**
3. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Robyn Folsom, Krisanna Clark, Bill Butterfield and Matt Langer. Councilor Dave Grant was absent.
4. **STAFF AND LEGAL COUNSEL PRESENT:** Joseph Gall City Manager, Tom Pessemier Assistant City Manager, Jeff Groth Police Chief, Julia Hajduk Community Development Director, Julie Blums Finance Director, Craig Sheldon Public Works Director, Kristen Switzer Community Services Director, Bob Galati City Engineer, Michelle Miller Senior Planner, Planning Manager Brad Kilby, Colleen Resch Administrative Assistant and Sylvia Murphy City Recorder. City Attorney Pam Beery.

Mayor Middleton stated that the agenda would be amended to remove the City Records Performance Evaluation from New Business and continue to the next meet. No objections from the Council were received.

5. **CONSENT**
  - A. **Approval of January 7, 2014 City Council Meeting Minutes**
  - B. **Approval of January 21, 2014 City Council Meeting Minutes**
  - C. **Resolution 2014-004 Appointing Jennifer Harlow to the Cultural Arts Commission**
  - D. **Resolution 2014-005 Appointing Ramin Rouhbakhsh to the Cultural Arts Commission**

**E. Resolution 2014-006 Authorizing the City Manager to sign an Operating Agreement between the City of Sherwood and Meals On Wheels People, Inc.**

**MOTION: FROM COUNCILOR FOLSOM TO ADOPT THE CONSENT AGENDA, SECONDED BY COUNCIL PRESIDENT HENDERSON, MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR, (COUNCILOR DAVE GRANT WAS ABSENT).**

Mayor Middleton addressed the next agenda item.

**6. PRESENTATIONS**

**A. City Audit, Rob Moody with TKW CPA's and Consultants**

Mr. Moody came forward and informed Council that the audit has been filed and the process went well and commended staff for being ready and responsive. He discussed the letter to the Council dated January 31, 2014 (see record, Exhibit B) and said that it is the statement and auditing standard, SAS 1-14, which is a professional standard that requires certain communications and by providing it in writing means they have met the requirement. He said pages 3 and 4 highlight audit adjustments and they were all made and posted so he can give the Council a clean opinion on financial statements which is the highest level of assurance that they can give as an independent CPA. He noted on page 5 there are new statements coming but the one most talked about is GASB 68 which will require the City to put PERS liabilities on the face of your financial statement. He said it is not unreasonable that it may have a negative impact on the reporting of your equity for the City but not your operating. He said every organization and government is impacted by this and said this will not affect the credit reporting because it is a level playing field. He stated in terms of implementing for fiscal year 2015 there is a lot to be done. He said they are trying to introduce legislation that will allow PERS the statutory authority to generate this information and pay for it. He said there will be more information to come.

Mayor Middleton asked why the State is requiring this to be put on the budget.

Mr. Moody responded that it is not the State but a Governmental Accounting Standards Board that ruled it is a true liability that has been earned by employees and should be put there with the other liabilities.

Mr. Moody referred to the financial statements for the City and said these are your financials prepared by your staff and he only contributed the reports at the beginning and the end (see record, Exhibit C). He commented on the amount of work that goes into these reports and said they include a clean opinion which means we have done enough work to determine there are no material errors. He referred to the Management Discussion and Analysis on page 4 and said it is important and gives insight into where you were last year and where you finished this year and encouraged the Council to read this section. He said on page 72 there is a report that is required and there are 7 or 8 compliance items and this says that we had no exceptions with these items which is a compliment to staff. He referred to the URA financial statements and the explanatory letter and said they also have a clean opinion of that as well (see record, Exhibits D and E).

He commented on the other letter dated January 31, SAS 1-15 and said this is required communication when we identify an internal control weakness, which is a material weakness where it is reasonable that an internal control could appear but does not mean that it did occur (see record, Exhibit F). He said the

fact that they identified it is not the issue but what they do about it is and he feels that staff has a plan to correct this. He said they are satisfied that this will not come up again next year.

Council President Henderson referred to GASB 68, which requires us to report the unfunded PERS amount and asked if they had to put that in the budget and financial reports. Mr. Moody said no, it won't impact your budget just the amount you pay for the rates. He said this is not an operational issue but a reporting issue. She asked where we would report it. Mr. Moody said you will not report it in your financial system, just in this book as a whole liability.

Mayor Middleton addressed the next agenda item and the City Recorder read the public hearing statement.

## 7. PUBLIC HEARINGS

### A. Ordinance 2014-001 Amending the Comprehensive Plan and Zoning Map to re-designate a parcel from General Commercial to High Density Residential

Senior Planner Michelle Miller came forward and provided a presentation to the Council, (see record, Exhibit G). She stated there are two issues before the Council and the first is a zone change on property from general commercial (GC) to high density residential (HDR). She referred to the map and said the property is located on the northwestern side of the Hwy 99W near Meinecke Way. She stated the property is 5.77 acres and relatively flat with 2.75 acres to be developed. She said it was originally part of a 3-lot minor land petition (MLP) in 2005 with the construction of the SW Meinecke intersection and roundabout. She referred to the zoning map overlay and said the surrounding properties are zoned HDR, GC as well as a lower density residential (LDR). She said the HDR that is proposed is for single family and multi-family with a density of 16.8-24 dwelling units per acre. She noted for this development it would be 46-66 units and said examples from this map of other HDR would be the Vintner Townhomes Development that is across the street, the apartments to the east and Sherwood Village. She stated to have a zone change the proposal must comply with local plans such as the TSP, the Development Code and the Comprehensive Plan and there must be an existing need for the uses and zoning proposed, the application must be timely, considering the pattern of development and other lands are not available for the use proposed area. She referred to the table comparing GC to HDR buildable land in Sherwood and noted that there are currently 130 acres of GC zoned land and 28 acres are vacant which is 22% and there are currently 121 acres of HDR zoned land within the City and 10 acres are vacant which is less than 8%. She referred to the map of vacant properties over 2 acres and stated there is no property of this size that is zoned HDR. She referred to the map of vacant GC properties and noted they are generally located along Hwy 99W near this development. She said another criterion they use for comprehensive plan amendments is consistency with the transportation planning rule and comprehensive plan policies that would effect this zone change.

She stated the comments received at the Planning Commission were generally supportive and neutral on the change from commercial to residential and felt that traffic would be less with a HDR. She said parking issues were raised and she noted that all future development must comply with our parking requirements. She said school capacity issues were raised and stated that by state law you can't mandate whether that is part of the decision making process, but they have been working closely with the School District.

She stated the Planning Commission recommended approval of the zone change and noted the site is suitable for residential over commercial zoning and saw a need for smaller lot single family attached and detached homes. She said they were supportive of findings that excluded multi-family development on this property and that was part of their recommendation but not part of the initial staff recommendation because HDR generally allows for multi-family development. She said the Planning Commission stated that the analysis showed a need for single family homes as opposed to multi-family homes. She noted that the exclusion does tie up the property so that not all of the generally allowed uses are available to the site. She referred to the contents of the packet and asked if the Council had any questions.

With no questions from the Council Mayor Middleton asked the applicant to come forward and stated they had 30 minutes to present.

Mike Cerbone a land use planner with Cardno came forward with Bill Reid an economist. He said he would speak to the zone change and why they feel it is appropriate and answer questions. He said the zone change is a bit more straight forward than the other applications before the Council this evening and said they were able to look at the Comprehensive Plan and measure things in the community in terms of what the trips from the site will be and look at the needs and aspirations of the community and set a straight forward situation for the Council to consider. He said the text amendment is up to the Council discretion and how they feel it fits in with the community. He referred to the transportation piece and said they looked at the site and analyzed it for the transportation planning role. He said the transportation planning role in the State of Oregon requires them to look at the property and assess it for what the reasonable worst case scenario for development that could occur on the site under the current zoning. He said then we look at what the reasonable worst case scenario of what could occur on the site under the proposed zoning. He said under the existing zoning it is commercial and we looked at 2.5 FAR, which is floor area ratio on the site and we considered a commercial shopping mall with a fast food restaurant tenant. He said under that approach you will have significantly more trips in and out of the system in the PM hours and AM peak hours. He said under the residential development we looked at 66 residential units on the site. He said this is the first test, if the zone change is approved is it going to break the transportation system or make it function outside of what you have anticipated in your TSP. He said under that review, it does not force your system to be out of whack. He said this was confirmed by staff and ODOT.

He said the second component is to determine if the zone change is appropriate, such as, do you have enough commercial zoned property in your community currently or enough residential zoned property currently and do you need additional. He said Bill Reid will explain why they feel it's appropriate. He said he will conclude with locational factors on why they believe the site has not being developed along Hwy 99W.

Mr. Reid with PNW Economics said he was charged with looking over a standard 20 year land use planning period, what type of residential land needs the Council is looking at, from the standpoint of for sale homeownership, whether it's attached row houses and townhouses or detached single family homes, but for sale homeownership. He said under conservative assumptions over a 20 year period the City is looking at the majority of new population, looking for homes for sale in the income ranges of \$35,000 annually to \$100,000 annually for a typical home price for sale, those households would be looking for homes that are priced as low as \$150,000, which would typically be an attached type of housing unit. He said on a high end, up to \$400,000 single family detached home. He said the single biggest growth in households for Sherwood for the next 20 years are in what we consider middle of the

road moderately priced homes, which throughout the metro area is being met with attached single family or detached with smaller lots in a higher density community type development or infill. He said over the next 20 years roughly 780 housing units for sale will be needed in Sherwood to meet that demand for households that will be looking to buy here. He said in looking at the supply of land inventory that's currently zoned HDR, approximately 8 gross acres available and believes some was publically owned, and said once you account for natural resource issues on site, he found going through your inventory there is under 3 acres of buildable HDR land. He said the amount of demand from households moving here is greater than the amount of land available to meet that need.

Mr. Cerbone said there is a need in the community and the type of people that are looking for this type of housing are small families looking for entry level and you will have people looking at downsizing, looking for smaller yards and people who are single. He said the other application tonight he will speak of had more concerns at the Planning Commission level, the text amendment, and said it is integral to the development plans to the site as the developer plans to build single family detached and attached homes on small lots. He said currently the PUD ordinance requires 5000 square feet minimum lots. He said there is a need for the use within the community, the location is next to HDR and is an area that is screened from the 99 corridor and it's not an area that many retailers or restaurateurs will want to open a business because of lack of access and visibility off the corridor. He said he believes this is why it has been vacant. He said it has good infrastructure up to it and has good access off 99. He said the high density residential, if you look at patterns in the area, makes sense based on what is adjacent to it. He offered to answer questions.

Mayor Middleton opened the public hearing to receive testimony.

Mara Broadhurst 28440 SW Ladd Hill Road, came forward and said she was not in favor. She stated Sherwood has never been fond of apartments but rezoning general commercial land to HDR and then not allow apartments is the most creative deterrent yet. She said building fees have always discouraged apartment builders in the past and developers prefer the more lucrative single-family lot. She said the first vision the Council voted for in this area was to rezone the land the Cedar Creek Apartments were later built on, from HDR to General Commercial. She said combined with the existing Handley General Commercial it would create 20 level acres capable to attracting prime general commercial use. She said this did not occur and the next approved plan for the Handley commercial was for two class A office buildings which are built and an elder care facility with its own parking provided on site below the building. She said this plan partially occurred leaving the areas 5 acres of commercial capable and ready to develop and provide services. She said we own commercial property in the neighborhood and the other rezones to general commercial have made development in this area hard to start. She said this will further stifle development and devalue the other commercial land in the process. She commented regarding rezoning eliminating their competition and said commercial development depends on location and needs other businesses to attract and make success of the area, especially at major intersections. She said a lot of public money was spent improving the 99W intersection, building the traffic circle and City paybacks for the built section of Cedar Brook Way. She said taking advantage of the distressed fire sale commercial price and infrastructure improvements, then rezoning and amending the code to allow the smallest single family lots possible to maximize profits makes this application feasible but not in the City's best interest. She said the policy she has always been told was no rezone from 99 commercial land to residential was warranted and any residential use on commercial land would be secondary or behind the commercial use. She said this rezone changes what the improvements were built for and the existing bonded for residential inventory, she asked does this impact the ability of land

already zoned residential in the area to develop as before? She said please make sure to protect those rights first before granting new entitlements. She said we received notice of the latest revision site plan for a 66 lots HDR PUD, 18 are detached on about 2200 square foot lots with 2 hanging off the wetland buffer side and access by the traffic circle. She said the remaining 48 are attached row houses on 1500 square foot lots and there are many street, sidewalk and setback variances the PUD will allow and new issues with the alley and substandard street connecting Meinecke and Cedar Brook Way. She said pulling on and off Meinecke Parkway from this street will confuse merging 99W traffic. She said clogging up the rest of Cedar Brook Way with parking might make up for the lost spaces from the McFall subdivision driveways and developing the traffic circle stub, but not provide for this new impact too. She said if this rezone is allowed, every advantage an HDR PUD can give a developer will be made use of. She asked if this helps the problems or does it benefit Sherwood? She said don't sacrifice a valuable commercial location when there are other lands zoned residential where the idea of smaller lots can be entertained. She said maybe the City will zone some of its 20 acres on Elwert for such a project or the land in the Brookman Concept Plan zoned MDRH. She asked wasn't any land in the recently annexed UGB land around Edy and Elwert zoned for a higher density where a smaller lot PUD could be allowed. She said this rezone will increase the areas problems and make them permanent, smaller lots should be allowed and planned for, but not here. She said please keep the best 5 level acres of commercial in the area and most likely to develop next to the greater benefit to the City and its citizens than an overcrowded subdivision in an overcrowded neighborhood with no amenities or retail services. She said the schools are studying the problems and asked what the police think of the overcrowding, will this need immediate calming? She asked how will we protect Cedar Creek from another plat that shows more houses on the wetland side of Cedar Brook Way. She said the Handley's donated pristine wetlands for all people to enjoy.

Mayor Middleton asked for other public testimony, with none received, he called the applicant forward for rebuttal.

Mr. Cerbone approached the Council and said he understand Ms. Broadhurst's concerns and said the area has been zoned commercial and it is not seeing any activity. He said typically people that want to maximize the value of their property rezone it to commercial and commercial can typically bring better values on the property. He said in this instance the where property is located, while it is flat, it doesn't have the access and visibility to the 99 corridor that would make it a viable commercial piece of property. He said the concerns about the PUD, those are valid and said a PUD is a process where an applicant goes through and request variances or adjustments to your standards. He said the text amendment that will be before the Council tonight, he believes addresses those concerns and provides the community more discretion on how you issue a PUD decision. He said currently you have clear and objective standards in your code that an applicant would need to meet. He said under the proposed revisions the applicant would actually have to demonstrate compliance with the Comprehensive Plan, which would be all applicable goals and policies that the reviewing authority sees appropriate to apply to the site. He said it affords the reviewing body, in this case the Planning Commission, more discretion in how you allow for those deviations from the code. He noted the applicant would have to demonstrate that the PUD is actually meeting the goals and policies and the vision for the community. He said the reason he wrote it this way is because he believes it gives the community more control over how that land use application is reviewed and approved within your community. He said under the current PUD approach there is some discretion that allows for deviations from the standards but it does not tie back directly to the Comprehensive Plan. He said he believes they have demonstrated that in a 20 year planning horizon the City has a need for high density residential. He stated high density residential is

best suited in close proximity to commercial services, clustered in other areas where you have that type of development and putting it on the edge of the urban growth boundary or out in an area that is undeveloped is not the most appropriate location for that area. He said you would then still be left with a vacant commercial property. Mr. Cerbone offered to answer Council questions.

Mayor Middleton asked for Council questions.

Councilor Butterfield asked if they had any preliminary idea of what type of facilities they will be building and what they look like.

Mr. Cerbone said we do and planned on showing them as part of the text amendment proposal as it is strongly tied to why they requested the text amendment. He said the minimum lot size and the removal from the PUD ordinance, we do have a lot layout and examples of the housing stock and said the other concerns we heard at the Planning Commission level, is there is an existing parking problem and the community is concerned and said the commercial neighbors in the area are concerned about how potential development could impact their parking. He said we have studied this and have this information as well.

Mayor Middleton asked for other Council questions for the applicant, with none heard, he closed the public hearing.

Council President Henderson asked staff to remind the Council and referred to page 129 of the Council packet, a map indicating zoning, and said one would wonder why general commercial did not go into the site where Cedar Brook is. She asked if there was a zone change request for the apartment complex that is there. She commented regarding street access and visibility from the road, and asked if staff recalled, as the Mayor implied it would have made more sense to put residential near residential and potentially put commercial services for those residents.

Michelle Miller said she reviewed the original notice of decision but does not recall whether there was a zone change request with it. Julia replied she has been with the City since 2005 and it has been zoned this way since that time, high density residential, and she doesn't recall in the background review, and doesn't believe there was a zone change but is not sure.

Ms. Henderson stated there was at one point a development that was going into that location that included an assisted living facility correct? Michelle replied, in 2008 we received an application for an independent living facility for seniors that would be on one site and that received approval from the Planning Commission and it was a conditional use permit. She said the property was acquired and bank owned and no development has occurred since and the land use approval expired last December.

Ms. Henderson stated and those types of senior facilities are not an approved use in a residential zone, correct? Michelle replied it would be considered a high density residential use, and Julia added it would be conditional and referred to the Springs being on high density residential zoned land.

Ms. Henderson referred to the tannery location and discussion followed and Julia stated this was a different issue.

Ms. Henderson referred to the two-step process this evening and asked if we are under a time schedule. Michelle replied yes and said this first zone change is quasi-judicial, which requires 120 days which expires on February 13<sup>th</sup> unless granted a continuance and we have to have a final decision by the local government by that date.

Councilor Folsom asked why the Planning Commission would recommend this without apartments. Mayor Middleton replied due to parking issues and they did not feel it would fit into that location.

Julia added her recollection was the market analysis that was done demonstrated a need for the type of product that they are proposing which is small lot single-family development and because of the way the process works they have to come back through the land use process for a PUD and there was some concern with, what happens if we change the zone and have sold this as a product that we generally support and then something happens and someone else wants to come in for an apartment development. She said it was a concern of how the timing would work and the fear that things could change and someone could come in with an apartment. Discussion followed with recapping of the Planning Commission meeting.

Ms. Folsom said she hears staff saying that economic factors, that the applicant did not believe they would support the apartments and they were fine with the recommendation. She asked if this is okay and if the City can do that.

Julia replied she doesn't know that the economic conditions did not support it, the economic conditions did not address it. She said yes, we can do conditional zone changes and have in the past, it is awkward. She provided an example.

Ms. Folsom referred to the previous application and it expiring and asked if we are changing the zone because we want it to develop and it's been sitting vacant as a commercial lot do we want to make it that restrictive and asked staff how they felt about the Planning Commission recommendation.

Michelle replied staff did not initially recommend that exception, the density would be the same regardless of what type of use and she believes in this circumstance providing the option, the option that is permitted in the code is the acceptable resolution to allow all varieties of housing types as the density doesn't change.

Ms. Folsom stated traffic and parking were the big concerns. Mayor Middleton commented that there was not a proposal for an apartment and said this was brought up later. Michelle replied the traffic was generated for the residential use with the density amount that could be put on that, regardless of whether it's apartments or high density residential, and she believes this is how the analysis was for that site, it was based on the number of trips and the number of potential units.

Ms. Folsom referred to commercial zoning and a map and asked if it continues down highway 99 along that corridor. The Council reviewed the map and Michelle stated the properties south, and referred to the Elk's and said this is low density residential and referred to other properties on the vacant commercial map and the zonings and also reviewed the City zoning map.

Council President Henderson asked when the Planning Commission considered traffic impact analysis and changing it from general commercial to residential traffic impact goes down, given what they have

proposed, correct? Julia replied, yes this is her understanding. She said the way the transportation planning rule works is you look at the reasonable worst case and you have to make sure you're not changing it. She stated it's not necessarily what they are specifically proposing, but they look at the reasonable worst case for the existing and for the proposed and that is where the numbers go down because the commercial impacts are potentially much greater than a residential impact.

City Engineer Bob Galati came forward and said what staff did when they initially received the application, they reviewed the traffic analysis and staff discussed this with the City's traffic engineer DKS and had them write a scope for the applicant. He said normally the traffic impact is looked at the PM peak hour and if you have a development that has a lot of families involved, when does the peak hour traffic flow really occurring. He said usually in that area because of the school locally, it's a morning hour commute time because in the afternoon kids get out about 3:30 pm and then the work traffic flow is later, which is still less than that peak hour during the afternoon. He said we had them write a scope and check the traffic flows during the morning hours so that we actually peaked out the maximum flow, not only from the local area but also for the pass-through traffic. He said it still came up less than what it would be with commercial.

Ms. Henderson asked if staff had a percentage of how much less. Bob replied it did not change by much and did not have the numbers with him. He said the impacts were not significant enough to warrant us to do something as far as a traffic impact project.

Ms. Henderson asked if during the Planning Commission process, if we had many people voicing concerns about this turning into residential versus staying general commercial. Michelle replied there was one person that lived in the neighborhood that was primarily concerned with the issues of parking and the schools and said she was neutral.

Councilor Clark said she read a letter from a resident that was concerned about the parking issue and asked when they apply for the PUD they will have to follow all the codes for parking. Michelle replied correct and clarified it will be reviewed first by the Planning Commission and they will review the application and review all parking issues and concerns specific to this site and there will be minimum parking requirements that they will have to meet. She said there are other alternatives that you can go beyond that because it is a PUD. She said the Planning Commission makes a recommendation to the Council and the Council will approve the overlay for the PUD and take another look at it again in the final development plan with the Planning Commission.

Ms. Clark said since it will go through that PUD, is there a necessity to put a cumbersome attachment of the "no apartment" on it or will that be addressed in the PUD process? Michelle replied that scenario is if the PUD doesn't go through and if there were to be another applicant or another developer coming in that could have apartments, it would not necessarily have a PUD process. Julia added if the zone where to change to HDR and the developer or owner went away and you did not have a caveat that said you can't have apartments and someone came in with apartments, you're still not going to have the parking issues that we have at the Cedar Brook Apartments, because we have changed the parking standards partly in response to the issues at Cedar Brook Apartments to now require guest parking.

Ms. Henderson said our code requires the developer to have a neighborhood meeting and said he is having this meeting next Thursday. She referred to the developer gathering information on concerns and this information not getting back to the Council and how this could change the nature of how the meeting

was advertised. Michelle replied this application was for a zone change and the text amendment and they held a meeting earlier this fall about that particular issue, not necessarily the PUD. She said they are moving forward with the PUD process and with that process before an application comes in to the City we ask that they hold a neighborhood meeting to gather input so they can maybe change their plan before they submit a formal application. She said they are moving ahead with the PUD process a bit ahead of schedule in terms of this process. She said they have already held a neighborhood meeting concerning the zone change and text amendment and that information is in your packet. Discussion followed regarding the neighborhood meeting and noticing.

Councilor Langer said he is hearing that the density and the traffic would be similar with the product the applicant presented at the Planning Commission as compared to the apartments. Michelle replied she believes so, and it's a similar amount of number of trips. He said he is also hearing the Council say not to include that restriction on the property for a variety of reasons, he asked if we have a copy of the ordinance prepared for tonight that doesn't include that restriction? Michelle replied the ordinance before the Council refers to the findings of the Planning Commission recommendation, and the language in Exhibit 1 includes, the first paragraph talks about what occurred at the Planning Commission and their recommendation. She stated if you were to strike that provision from the Planning Commission, Exhibit 1 that would clarify the issue.

Michelle read, "After considering the staff report, applicant testimony, and the public comments, the Commission recommended approval of the zone change, as proposed but with a limitation that the property could not be developed as multifamily residential, a use traditionally permitted in the High Density Residential zone". Staff commented that part of this could be struck from the exhibit to clarify the issue. It was asked if this language was in the ordinance and Michelle replied not, it's referred to as a finding in the Planning Commission recommendation.

Councilor Clark said she believes the concern is if this PUD doesn't come through, then their recommendation is they did not feel that an apartment complex was a use that they felt was attractive and what they are proposing is not that, but as Julia said, if we strike it and for some unforeseen reason their PUD doesn't go through, it opens us up for an apartment complex, which is what they don't want in their recommendation.

Michelle added in the general commercial zone apartments are a permitted use.

Ms. Folsom said she heard from staff that the Planning Commissions concern about apartments came later. Michelle replied though the course of deliberations and discussions. Ms. Folsom commented she is leaning towards striking it and referred to Sun Field Lakes and that development being more than 5 acres. Discussion followed regarding the current zoning which allows apartments and Councilor Langer said he doesn't see the value of jumping through hoops to restrict the land use when it's currently allowed and they are not asking to put in apartments. He said why have staff mess with it and let's just approve the zone change and move on.

Ms. Clark said the current zoning accepts the apartment and she doesn't know if the Planning Commission talked about this. She said considering it's already allowed, to strike it makes sense because we are not changing the way it is already coded.

Council President Henderson asked for clarification on appropriate motion language.

City Attorney Pam Beery stated to confirm, even though we have posted the ordinance with that, under the City Charter we have read the change aloud and that permits the City to make the change this evening.

The following motion was received.

**MOTION: FROM COUNCIL PRESIDENT HENDERSON TO READ CAPTION AND ADOPT ORDINANCE 2014-001 STRIKING THE CONDITION LISTED IN THE THIRD PARAGRAPH OF THE STAFF REPORT THAT "THE PROPERTY COULD NOT BE DEVELOPED AS A MULTI-FAMILY RESIDENTIAL DEVELOPMENT" AND SO THE ORDINANCE IS AMENDING THE COMPREHENSIVE PLAN AND ZONING MAP TO REDESIGNATE A PARCEL FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL, SECONDED BY COUNCILOR CLARK. MOTION PASSED 6:0, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR, (COUNCILOR GRANT WAS ABSENT).**

Mayor Middleton addressed the next agenda item and the City Recorder informed the Council the next business item is legislative and a public hearing statement is not necessary, but the Council should receive public comments.

**B. Ordinance 2014-002 Amending Section 16.40 of the Zoning and Community Development Code relating to Planned Unit Developments**

Michelle Miller Senior Planner came forward and presented information to the Council, (see record, Exhibit H). She said we are here to discuss the PUD changes that are proposed by the applicant. She said PUD standards generally require 5000 square foot minimum lot sizes for single-family homes in all zones. She noted the applicant is requesting that this provision be removed from the PUD standards. Michelle explained what a PUD is and said they are considered on 5 acres parcels that have some challenges to development compared to other available properties, they allow the applicant to apply flexible design standards that result in greater public benefit than a strict code enforcement of certain provisions. She said they provide an innovative plan for development, a variety of housing types and there needs to be areas of open space that are generally greater than what would be required in a standard subdivision of 15% for PUD's. She said the underlying zoning applies as well as the density applies to the standards as well. She said it was reviewed and approved by the Planning Commission and the City Council.

Michelle said some examples of PUD's currently in the community are Woodhaven, Arbor Terrace, Miller's Landing, Arbor Lane and Sherwood View Estates. She explained a map in the presentation of areas of vacant residential land that this could apply to in the future. She said we have the Brookman area and the properties within the City boundaries. She reminded Council the properties east of Murdock could also come in for a PUD and said staff has put some standards in place that limits that development as well as the density within the area would still apply. She said the criteria for the text amendment is basically the same, it looks at our transportation planning rules and comprehensive plan policies identified especially residential land use and availability of a variety of housing types.

She referenced the text amendment proposal and said for PUD's only, remove the minimum lot size and add language that they are not subject to the minimum lot size, but the applicant must demonstrate the

proposal meets the purpose and intent of the zoning and development code as well as the comprehensive plan.

Michelle said the Planning Commission recommended denial of the text amendment, they thought the 5000 lot minimum standard should be a policy decision made by the City Council and if the City Council were to consider approval of the text amendment they recommended considering a sunset provision, similar to ordinance 2004-007 which is exhibit 1-H in your materials. She said during deliberations they talked about Arbor Terrace and this is what they applied for that development and they thought this was a good use of the provision for reducing the minimum lot size and it was a product that was reviewed by the Planning Commission and the City Council.

She said before you tonight you have the proposed ordinance and staff has included a "sunset" provision that the Planning Commission talked about and you have the same exhibits that were in the earlier ordinance with the Planning Commission recommendation as well as the attached exhibits.

Mayor Middleton opened the public hearing.

Mike Cerbone with Cardno WRG came forward to speak on the proposed text amendment and said as stated earlier a zone change is something that can be measured. He said the text amendment is more of a value judgment. He stated they looked at the opportunity to provide for different housing opportunities from what the community currently has. He said Andy Tiemann, the contract purchaser responsible for developing the property is here tonight and will show the Council examples of the product.

Mr. Cerbone shared his personal experience with the Council on where he resides and the size and layout of his residence. He said currently the way the City's zoning code is set up it precludes the ability to do this type of residence in the community. He said currently the options in Sherwood are single family dwellings on a 5000 square foot lot or a condominium or a townhome. He said one of the things we looked at is how to reach our goal and we looked at how we could reduce the minimum lot size in the base zones. He noted this did not make sense as this is probably not what you want throughout the community. He said we want to give you as the decision makers for the community the most control over the decision as it happens and the PUD seemed like a good vehicle. He stated it limits it to the applications of lots that are 5 acres or larger, typically it limits it to properties that have natural resource issues or odd configurations. He said what we proposed to do with the text amendment by removing the lots size was to put as much decision making authority in your hands and this is why we tied it back to intent of the zoning code. He said we also proposed for it to be consistent with the comprehensive plan. He said the comprehensive plan is your goals and policies and is a broad policy document and it gives the Council latitude in interpreting what the document means and how it applies to each development.

He said if the Council approves the text amendment tonight, what we intend to do is submit a PUD and that PUD will go before staff for review and staff would interact with the applicant and maybe encourage revisions to the plan and then a public hearing before the Planning Commission would be held with notices sent to adjacent property owners.

Note: The City Recorder confirmed with staff the amount of time allowed for testimony for the legislative hearing, Julia indicated it was up to the Council as the testimony is coming from an applicant and said at the Planning Commission level the applicant is allowed 30 minutes like a quasi-judicial hearing.

The Council allowed the applicant to continue.

Mr. Cerborne continued and said the application would be posted and the community members could provide testimony in writing or attend the hearing. He commented regarding the processes and opportunities regarding the reviewing process and it resulting in a Planning Commission recommendation that then comes before the Council. He said the information would have regards to parking, building layout and esthetics and any deviations that maybe requested for a setback, they would have to be justified. He said he understood the concerns at the Planning Commission and they were concerned with approving this without understanding how it could impact the community and how it could apply to other properties in the community, he said he believes this gives the Council more control over what actually occurs in the community.

Mr. Tiemann approached the Council and said he is the project manager for DR Horton, who is under contract to purchase the property. Mr. Tiemann referenced a presentation (see record, Exhibit I) and the concept plan they are proposing and said they want to build single family detached and single family attached homes. He said to the east of the site are apartments and to the west are single family detached and we wanted to have a transition from the multi-family apartment development and have a single family attached along the apartments and further to the west have a single family detached. He said they plan on having a neighborhood meeting on Thursday to discuss the concept plan and if the text amendment is approved tonight we would like to move forward with the application for this PUD. He said when we originally looked at the site with the restriction of having a 5000 square foot lot we struggled with the ability to build a simple single family home because of this restriction. He said we wanted to get a baseline of what can be done on this site with HDR and no 5000 square foot amendment. He said this is a plan we came up with and they are condominiums. He said they are a builder that develops homes and sells, they don't rent. He said condominium we can build, we don't like to and provide an example of a project that could happen with HDR. He said we don't want to do this, but this will meet your code. He said similar to this site plan what they would like to do is a combination of front-loaded single family attached, alley-loaded single family attached and detached single family. He said on this site plan we showed how we met parking requirements and will go into detail with staff on our submittal of the PUD. He said this is a concept plan and we have met with staff and this is becoming more feasible with developing this site with this plan. He referenced the presentation (Exhibit I) and renderings of homes they would like to build and explained.

He said they are proposing 265 parking spaces and 66 homes so approximately 4 parking spaces per home. He stated the homes range from 1300-1500 sq. ft. 3 bedrooms and fee simple homeownership. He said they would like to move forward with the development this summer and start building in the fall. He said the text amendment should be approved and believes it allows flexibility and said long term any property with HDR will give them flexibility. He said they are currently building in Sherwood. He said a lot of the text amendment would not change anything as a PUD process is still needed to get variations. He explained it will reduce steps that a development has to go through and gave an example. He recommended the Council approve the text amendment and removed the cap of 5000 square feet. He said this could change as they will be having a neighborhood meeting and will meet with staff.

Mr. Cerbone commented on neighborhood outreach and said they held a meeting and had about 5 people in attendance and explained the feedback they received from the attendees, none of which had negative comments.

Mr. Tiemann added the proposed lot size for this plan would be 1500-2500 square feet and explained.

Councilor Henderson asked about open space requirements and Mr. Tiemann referenced the exhibit and explained and said they will look at adding amenities (playground equipment, park benches, etc.) to the open spaces and the detail will be in the PUD submittal, and said this plan has 15% open space.

Ms. Henderson asked for clarification the proposed parking spaces. He said there will be 77 on street spaces, 94 driveway spaces and 94 garage spaces. Comments were received regarding HOA and CCNR's.

Ms. Henderson commented regarding hearing concerns about parking in the Handley area and commented regarding a permitted parking district. Discussion followed regarding parking and she asked if he was certain that parking was allowed on both sides of the street. Mr. Teimann replied and explained and referenced the exhibit. Discussion followed regarding parking, a permitted district and looking at the details and a solution in the PUD.

Councilor Clark asked about alley parking and Mr. Tiemann explained and referenced the exhibit and confirmed there was no parking in the alley, being 20 feet wide to meet fire requirements. He commented regarding the constraints of the site and explained.

Councilor Butterfield asked how the street width compares to the Woodhaven area. Julia replied she doesn't know what is proposed and said the details will be forthcoming and through the PUD process the City could indicate requirements if there was a concern.

Mr. Tiemann stated the road running north and south will be 28' wide allowing for 1 side of parking and 20' of clearance for 2 way traffic and fire and explained. He said Cedar Brook and Meinecke Road will remain the same width. Councilor Butterfield said his concern is parking on both sides of the road and explained issues with current neighborhoods allow 1 way traffic. Mr. Teimann explained their proposal for parking.

Mayor Middleton opened the public hearing to receive testimony.

Gene Stewart approached the Council and said it seems like a good concept but he is concerned about whether the city has fulfilled their citizen involvement requirement under OAR 660-015 0000(1) which states "the general public, through the local citizen involvement programs, should have opportunity to review and make recommendation on proposed changes in comprehensive land-use plans prior to the public hearing process to formally consider the proposed changes" and reiterated the word "prior". He said this has not been done and the Planning Commission is not that body and the Council needs to look at what citizen involvement Goal 1 really is and if the City meets the requirement or not. He asked if the City attorney has an opinion on the requirements, he would like to see a written opinion made public.

City Attorney Pam Beery responded that he is correct the statewide goals envision, particularly Goal 1, envision citizen involvement, however the City has an acknowledged comprehensive plan that includes policies that address Goal 1, and that plan has been acknowledged by the Land Conservation and Development Commission and therefore the goals don't apply directly. She said the text amendment

findings that staff has presented are finding of consistency with the comprehensive plan so there is a hierarchy that we are required to meet. She said the policy question of the Council is whether we have adequate citizen involvement and this is a very different question and not something that should be addressed here.

Mayor Middleton called forward Jennifer Harris.

Jennifer Harris Sherwood resident came forward and explained her background being in HR and said she is speaking to something that she doesn't really understand completely. She said one of her concerns with this text change and what she has noticed within the last year or two coming to these meetings, is that the rule makers and changers tend to do what the rules and laws allow regardless of how they feel about it. She said by changing this text, while it might fit this particular development, and with a future development it doesn't fit, but you've approved it because it's written. She commented regarding hearing they have the ability to allow if for this development without actually changing the text so it doesn't have unintended consequences in the future. She said she doesn't know if this is an option for this particular development. She said she is a homeowner in the area who attended the Planning Commission meeting and while the apartment complex issue is an issue, she thinks the development she saw in the exhibit with condo's is not much different that apartments. She said she would prefer to see something more single family friendly and while she appreciates the speaker reference to his personal home, she doesn't think we have an influx of people wanting to come and live in Sherwood and believes we have young families looking to move to Sherwood for a better life and give their kids more, to have more open space. She said she doesn't know how the 5000 square foot lot fit into this and said Councilor Henderson spoke to many of her concerns. Ms. Harris referenced the 77 street parking spaces and they being filled up with visitors and dwellers and while a single load may have a garage, it's still a single driveway and most homeowners will probably be two parent working families. She commented regarding a single driveway with a garage may technically be two or three parking spots, chances are it's going to 1 or 2, because people will want to park on the street. She said she is fine with the zone change and understands the need for that, but she doesn't completely understand how the 5000 square feet issue works. She said she is concerned about the parking as it is an issue there and weekend drivers can see that.

Mayor Middleton asked the applicant if they wanted to provide rebuttal.

Mr. Cerbone came forward and stated the comprehensive plan is acknowledged and the code is articulated from the comprehensive plan and the code required us to host neighborhood meetings and they held a meeting. He said we discussed a text amendment and the zone change and showed different product types that could occur on the site and answered all the questions from those that attended. He said once we submitted our application and it was deemed complete the City mailed notice which provided an opportunity for community members to provide written comments into the record for both hearings this evening. He said there was a hearing before the Planning Commission allowing community members an opportunity to provide testimony and there's tonight's hearing. He said this is a lot of opportunity for public involvement in the process. He said he heard the concerns of Ms. Harris and said a simple way to think about what is before the Council tonight, if we developed without the text amendment and there is 30 pages of code that would apply to the site, if you adopt the text amendment, there are hundreds of pages that could potentially apply to the development.

He said in response to concerns of the lot size, one of the only ways we have in the State of Oregon to allow, reduce the barrier to home development, is through controlling the size of the house and the size of the lot. He said we don't have the ability to do what is called re-clusionary zoning and requires certain price points in Oregon, and one of the few ways you have the ability to allow homeownership to people in the community or for people to downsize, is by controlling the size of the lot or the home. He said we heard parking concerns and understand it and referred to the plan presented to the Planning Commission and said we know this is a big deal and are prepared to address it should the Council approve the amendment.

Mayor Middleton asked for Council questions.

Council President Henderson said she recalls the last time we did a text amendment with a sunset provision was for the Arbor Terrace development, correct and the sunset was a year. Julia confirmed and said this is her understanding was that it was for 1 year.

Ms. Henderson asked if issues came up that we didn't anticipate with having the sunset provision for a year. Julia said not that she is aware of. She said the issues that could come up, if she understands correctly, did anybody else come in, where there issues with the development. Julia stated, no, no one came in except for that developer and said someone could if you had this open and it was sunset'ed for a year, another development could come through the PUD process and was able to demonstrate that smaller lot sizes and a PUD was a good trade-off for the benefits they were providing to the community, it's possible. She said this did not occur with the Arbor Terrace and she is not aware of any issues through the development of the Arbor Terrace subdivision. She noted they had very strict design standards and design criteria through the PUD process and had questions through the process, but nothing she is aware of regarding the lot size.

Councilor Langer commented on the parking issue and said if the 77 street parking spaces are taken up by apartment residents that still leaves 188 which is 2.85 parking spaces per unit and asked if that number meets the parking requirement for our code. Julia responded yes. Mr. Langer stated it sounds to him that if there is a parking problem with the apartments, this development is actually a solution, he not sure why they are getting criticized for a parking problem.

Councilor Clark said she believes we are mixing up two topics and said we are talking about the PUD and the parking, we need to talk about the text amendment. She confirmed with staff the sunset provision in the ordinance is for 1 year, and it not only being for this development, it is a text amendment for the entire City. Julia confirmed yes and said as Michelle mentioned, this was based on the Planning Commissions original recommendation of denial, as they were concerned, but they discussed being open to the possibility. She said the Council could take the Planning Commission's recommendation and deny it or approve it with a sunset or without a sunset, she said these are the options immediately before the Council.

Councilor Folsom referred to Ms. Harris's comments and asked if we are ready as a community to accept lot sizes that are smaller than 5,000 sq. ft. She said she thinks she is hearing from the Planning Commission and others, not really. She commented regarding the text amendment and it being more subjective than it is currently. She asked staff if that is accurate, and Julia clarified more subjective than what? Discussion followed and Julia conclude that it gives a lot of flexibility and the ability to control the product, she referred to the Arbor Terrace development.

Councilor Folsom referred to Mr. Stewart's comments regarding citizen involvement, and the response from the City attorney. She commented there has been a lot of citizen involvement but has also heard from the applicant that we have offered the citizen involvement but there hasn't been more than 5 people at the meetings. She asked staff to confirm.

Julia stated what Ms. Folsom has heard is correct and added that the notice in Sherwood is 1000' from the property which is larger than any other city in Oregon.

Ms. Folsom commented regarding the citizen involvement opportunities and it being a choice if people attend.

Mayor Middleton commented that he is not in favor of losing the 5000 square feet and we have plenty of areas with smaller lots that have been built out. He commented regarding the driveways and currently having sidewalks blocked because cars are backed in two at a time or inability to use garages due to stored stuff. He commented regarding being in favor of the current 5000 square foot lot size. Discussion followed.

Councilor Folsom referred to the success of Arbor Terrace PUD. She shared her experiences with HDR areas and issues with sidewalks and parking.

City Attorney Pam Beery called for a point of order and asked if the Mayor was finished taking public comment.

Mayor Middleton confirmed and closed the public hearing.

Councilor Butterfield gave a scenario of purchasing land and going through the process and asked if it could be done within a year. Julia replied yes, but as Michelle indicated earlier, there are not a lot of vacant pieces of land in the City. She said you are also limited by the density and explained and said to go through the PUD process, it is feasible. Tom added that they only have to make an application for a PUD within a year period. Discussion followed and Tom explained the process.

Council President Henderson asked if we were up against the 120 day clock. Michelle said not for this issue as it's a text amendment and legislative.

Councilor Henderson commented regarding continuing the business to the 18<sup>th</sup> and if there would be any benefits to that, she commented regarding the lot being undeveloped for many years and commented regarding the number of 66 lots being the applicants make it or break it. She asked if any more information would come to light if we waited two weeks and asked for more information. She referred to Woodhaven being a PUD and said she believes a PUD is a useful tool. She commented regarding getting vacant land back on the tax rolls, commented regarding being a family community and some not being able to afford a \$400,000 house. She commented regarding wanting to be flexible and provide businesses an opportunity to develop without sacrificing the things we appreciate about the neighborhoods we live in or visit.

Councilor Clark referred to the second line of the ordinance and commented regarding high density discussion and commented regarding a sunset provision, and suggested an amendment of removing

language of, "all zones" and replacing it with "high density residential zones". Michelle said yes and that is up to the Council's discretion and you can limit it to high density, you can limit the lot size. Discussion followed and Michelle explained language options. Discussion followed regarding a possible two week postponement or moving forward tonight.

Council agreed to amend the ordinance to state "high density residential zones".

**MOTION TO AMEND: FROM COUNCILOR CLARK TO AMEND ORDINANCE 2014-002 BY STRIKING "IN ALL ZONES" AND REPLACE WITH "IN HIGH DENSITY RESIDENTIAL ZONES", SECONDED BY COUNCILOR LANGER, MOTION PASSED 6:0, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR, (COUNCILOR GRANT WAS ABSENT).**

The City Recorder asked to do a roll call vote on the ordinance as amended. Procedural discussion followed on the amendment and vote. The following motion was then received on the amended ordinance.

**MOTION: FROM COUNCILOR CLARK TO READ CAPTION AND ADOPT THE AMENDED ORDINANCE 2014-002, SECONDED BY COUNCIL PRESIDENT HENDERSON, MOTION PASSED 6:0, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR, (COUNCILOR GRANT WAS ABSENT).**

Mayor Middleton addressed the next agenda item.

## **8. CITIZEN COMMENTS**

Selma Broadhurst, Sherwood resident, came forward and petitioned the City to remove the unattractive cement posts (monuments) on the corners of the main streets of the City. She said they are obtrusive and suggested other more appropriated uses. She said they are dangerous and she has witnessed incidents.

City Manager Joe Gall responded that he has heard concerns and said City Engineer Bob Galati is prepared to address the issue and noted if the monuments are removed there are lighting issues and staff can explore that further if the Council provides that direction. Discussion followed with the monuments serving a purpose and Bob stated they hold up the lights and signage and there are electrical vaults underneath them. He said he can do a technical analysis and get a cost estimate and get back to the Council.

Jan Hatcher, Sherwood Resident, approached the Council and commented on the intersections at 12<sup>th</sup> and Gleneagle and 12<sup>th</sup> and Sherwood Blvd. and said apparently people can't see the signs and asked for some rumble strips so she can hear the traffic coming on off of Hwy 99. She suggested a flashing light or crosswalk, said it was dangerous and commented regarding others with disabilities that live in the area. Mayor Middleton said we will be addressing this in the TSP.

Gene Stewart came forward and commented on the Sherwood Senior Center and said Teresa can put together a report showing the number of people using the facility, averaging 150 people per day and said it would be beneficial for the Council to see. He said it is being used more and more, rentals are increasing and hopefully we will have a work session to get some policies put in place. He commented

regarding their website and a potential name change and said the problem is the proposal is coming through a steering committee and asked who is in charge and who can make these decisions.

Mayor Middleton addressed the next agenda item.

**9. COUNCIL ANNOUNCEMENTS**

Councilor Clark talked about struggles and the importance of encouragement and how it can change the atmosphere and she identified ways to give encouragement in our community. She acknowledged Sweet Story as a small business in Sherwood that needs help moving into a new location. She encouraged people to go to kickstart.com and support this cause. She also encouraged people to support the Egg Hunt for Hope for Brienne Dannon, a Sherwood High School teacher who is a breast cancer survivor. She encouraged everyone to be encouraging of one another.

Councilor Langer spoke of the recent tragedy at the YMCA with the passing of an infant and wanted the community to understand that the situation had nothing to do with the YMCA staff and it was due to a previous health condition of the infant. He said his thoughts go out to the family and all those involved.

Councilor Folsom commented on the Senior Center and how it is being used in our community. She encouraged people to attend the Sherwood High School Choir fundraiser tomorrow night at 7:00 pm. She noted the Cultural Arts Commission now has all 9 members.

Council President Henderson commented on the recent incidents in our community involving drugs, most recently a drug called 25i which is a synthetic form of acid. She encouraged people to talk to teenagers or students in classroom about the consequences of drugs and said she does not have all the answers but can't ignore four overdoses in a week. She suggested putting together a good team to deal with this issue before it is too late. She asked the community for ideas for outreach and/or drug education. She commented on the ground breaking of the Community Center and said it will be an amazing facility.

Mayor Middleton thanked everyone for their support in getting through the meeting materials.

Mayor Middleton addressed the next agenda item.

**10. CITY MANAGER AND DEPARTMENT REPORTS**

City Manager Gall acknowledged that the City received the GFOA Award again this year and congratulated Finance Director Julie Blums and her staff. He said the Charter Review committee has been working hard and asked if Council President Henderson had anything to add.

Council President Henderson stated that the Charter Review committee would like use of outside legal counsel to consider their recommendations.

Mr. Gall said that he could identify outside counsel and someone that is familiar with Charters and said that our City attorneys are in favor of us having a separate opinion. He said there will be an opportunity in February for the citizens to weigh in on some proposed changes. He noted the committee has been mostly spending time on election issues for the May ballot.

Council President Henderson stated that the Charter Review Committee would like to have a joint work session with the Council sometime in February.

Mayor Middleton addressed the next agenda item.

**11. ADJOURN**

Mayor Middleton adjourned the meeting at 9:58 pm.

Submitted by:

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Sylvia Murphy, MMC, City Recorder

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Bill Middleton, Mayor

Council Meeting Date: February 18, 2014

Agenda Item: Consent Agenda

**TO:** Sherwood City Council

**FROM:** Julie Blums, Finance Director  
**Through:** Joseph Gall, ICMA-CM, City Manager

**SUBJECT: Resolution 2014-007, appointing the Budget Officer for Fiscal Year 2014-15**

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**BACKGROUND:**

Oregon budget law requires that a Budget Officer be appointed by City Council or designated by the Charter for each budget cycle. Our current City Charter does not address this appointment. In previous years, the Finance Director has served as the Budget Officer for the City of Sherwood. The Budget Officer reports to the City Manager and is responsible for preparing and supervising preparation of the budget document.

**RECOMMENDATION:**

Staff respectfully recommends City Council adopt Resolution 2014-007, appointing Julie Blums, Finance Director, as the Budget Officer for Fiscal Year 2014-15.



**RESOLUTION 2014-007**

**A RESOLUTION APPOINTING THE BUDGET OFFICER FOR FISCAL YEAR 2014-15**

**WHEREAS**, Oregon budget law requires that a Budget Officer be appointed by the Council or designated by Charter for each budget cycle; and

**WHEREAS**, the Budget Officer is responsible for preparing the proposed budget for presentation to the Budget Committee, publishing required notices, and ensuring compliance with Oregon budget law;

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

**Section 1.** Julie Blums, Finance Director for the City of Sherwood, is appointed as the Budget Officer.

**Section 2:** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 18<sup>th</sup> day of February 2014.**

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

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

Agenda Item: Consent Agenda

**TO:** Sherwood City Council

**FROM:** Ty Hanlon, Police Captain  
**Through:** Jeff Groth, Chief of Police, Paul Elsner, City Attorney, and Joseph Gall, ICMA-CM, City Manager

**SUBJECT:** Resolution 2014-008, authorizing the City Manager to sign a successor Intergovernmental Agreement (IGA) with Portland Police for membership in Regional Justice Information Network (RegJIN)

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**Issue:**

Should the City Council authorize the City Manager to sign an Intergovernmental Agreement (IGA) with the Portland Police Bureau, enabling the City of Sherwood to participate in the Regional Justice Information Network (RegJIN)?

**Background:**

The Portland Police Data System (PPDS) is a central database that the Sherwood Police Department and many other agencies use as their Records Management System. PPDS is owned and managed by the Portland Police Bureau.

The Portland Police Bureau is upgrading and replacing PPDS with the new Regional Justice Information Network, known as RegJIN. RegJIN will continue to function in the same fashion as PPDS and will be owned and managed by the Portland Police Bureau. RegJIN will include new technology and capabilities.

Our Police department staff has participated in the user group and planning for this transition during the past year.

**Financial Impacts:**

Funding for participation in RegJIN is contained in the Police Department budget. Currently, we pay \$750 a month for use and access (\$9,000 per year). These costs will increase to \$1500 a month, but includes new technology and enhanced capabilities, including mobile field reporting (\$18,000 per year).

**Recommendation:**

Staff respectfully requests City Council adopt Resolution 2014-008 authorizing the City Manager to sign a successor Intergovernmental Agreement (IGA) with Portland Police for membership in Regional Justice Information Network (RegJIN).



**RESOLUTION 2014-008**

**AUTHORIZING THE CITY MANAGER TO SIGN THE 2014 IGA WITH THE PORTLAND POLICE BUREAU FOR THE PURPOSES OF PARTICIPATION IN THE REGIONAL JUSTICE INFORMATION NETWORK**

**WHEREAS**, the duly elected governing body of the City of Sherwood, Oregon, having been presented with information about the need for enhanced public safety with regard to its participation with the Regional Justice Information Network (RegJIN); and

**WHEREAS**, the Sherwood City Council hereby resolves that participation in Intergovernmental Agreement with the Portland Police Bureau meets the public safety needs of the citizens of the City of Sherwood and authorizes the City Manager to sign the 2014 IGA with the Portland Police Bureau for purposes of participation in the Regional Justice Information Network (RegJIN).

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

**Section 1.** The City Manager is authorized to sign the 2014 Agreement with the Portland Police Bureau, attached as Exhibit A.

**Section 2.** This Resolution shall be effective upon its approval and adoption

**Duly passed by the City Council this 18th day of February 2014.**

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

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**REGJIN  
MASTER  
IGA**

**MASTER INTERGOVERNMENTAL AGREEMENT FOR THE USER BOARD OF THE  
REGIONAL JUSTICE INFORMATION SYSTEM (RegJIN)  
No. 30003644**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into, pursuant to Oregon Revised Statutes ("ORS") 190.003 to 190.085, and Revised Code of Washington ("RCW") 39.34.030 by and among the City of Portland, an Oregon municipal corporation ("City"), and the Regional Partner Agencies (herein collectively, the "RPA").

**RECITALS**

WHEREAS, the City has acquired a law enforcement Records Management System ("RMS") to maintain a multi-agency, multi-jurisdictional set of law enforcement applications and associated databases; and

WHEREAS, the City and RPA find that a primary objective of the region is to develop a shared common database available in the RMS in order to cooperatively prevent criminal activity, track resource utilization, facilitate rapid and efficient communications, provide immediate and coordinated assistance among agencies for day-to-day, tactical, and strategic operations, improve the ability of law enforcement to prevent and solve criminal activity through shared system functionality and cooperative operations, effectively prosecute criminals, and identify short and long term leveraging opportunities for cost effective infrastructure investments to meet regional requirements; and

WHEREAS, the City and RPA desire to create a User Board to provide input, guidance and strategic direction for the RMS; and

WHEREAS, regionalization and interoperability provides a cost effective and efficient acquisition of the RMS and improvements through economies of scale, coordination and sharing; and

WHEREAS, use of the City's RMS assets with the RPA will increase overall system reliability and reduce duplicative systems while allowing for shared information; and

WHEREAS, creation of this Intergovernmental Agreement for the RMS may also be expanded to include other public safety technologies in the future; and

WHEREAS, the participating jurisdictions now desire to enter into this Agreement, and being fully advised; and

**NOW, THEREFORE, IN CONSIDERATION** of the mutual promises and covenants contained herein, it is agreed as follows:

**1. DEFINITIONS:**

The following is a definition of terms used herein:

- A. "Capital Cost" is the estimated and budgeted amount required, including but not limited to, the direct cost for hardware, software, project management, planning, design, engineering, procurement, labor and materials for designing, procuring, installation, testing, commissioning, training, and otherwise implementing the

RMS and its future components. Capital Cost does not include non-City RPA assets, non-City RPA specific applications, data conversion of data not contained in the Portland Police Data System (PPDS), the RPA side of RMS System interfaces, non-City user devices such as computer workstations, mobile computers, desktop and mobile computer operating system software and printers, and non-City network components.

- B. "Days" means calendar days, including weekdays, weekends and holidays, beginning at midnight and ending at midnight twenty-four hours later, unless otherwise specified by the Agreement.
- C. "City/RPA Confidential Information" means any information, in any form or media, including verbal discussions, whether or not marked or identified by the City and/or RPA, which is reasonably described by one or more of the following categories of information: (1) financial, statistical, personnel, human resources data or Personally Identifiable Information as described in the Oregon Consumer Identity Theft Protection Act of 2007; (2) business plans, negotiations, or strategies; (3) unannounced pending or future products, services, designs, projects or internal public relations information; (4) trade secrets, as such term is defined by ORS 192.501(2) and the Uniform Trade Secrets Act ORS 646.461 to 646.475; (5) Exempt per ORS 192.501 and/or ORS 192.502 (6) attorney/client privileged communications, (7) exempt per federal laws (including but not limited to Copyright, HIPPA, Computer Fraud and Abuse Act), (8) criminal history information that is not subject to disclosure based on State of Oregon, State of Washington, or Federal rules and regulations, (9) criminal investigation information, (10) tactical and strategic public safety information, and (11) information relating to or embodied by designs, plans, configurations, specifications, programs, or systems developed for the benefit of the City and/or RPA including without limitation, data and information systems, any software code and related materials licensed or provided to the City by third parties; processes; applications; codes, modifications and enhancements thereto; and any work products produced for the City.

"Confidential Information" includes, but is not limited to, any information that is disclosed in written, graphic, verbal, or machine-recognizable form, and is marked, designated, labeled or identified at the time of disclosure as being confidential or its equivalent; or if the information is in verbal form, it is identified as confidential or proprietary at the time of disclosure and is confirmed in writing within thirty (30) days of the disclosure. Confidential Information does not include any information that: is or becomes publicly known through no wrongful or negligent act of the receiving party; is already known to the receiving party without restriction when it is disclosed; is, or subsequently becomes, rightfully and without breach of this Agreement or any other agreement between the Parties or of any applicable protective or similar order, in the receiving party's possession without any obligation restricting disclosure; is independently developed by the receiving party without breach of this Agreement; or is explicitly approved for release by written authorization of the disclosing party.

- D. "Cost Sharing Formula" is the plan and periodic amendments thereof, adopted by the City based on recommendations by the User Board that apportions User

Fees, capital, operation, maintenance, repair and replacement costs and use of grant funding among the Entry and Inquiry Only RPA. The Cost Sharing Formula is attached as Exhibit A.

- E. "Entry RPA" includes the City of Portland and any authorized agency who enters data into the RMS. Entry RPA may take part in decisions or activities of the User Board in which the Entry RPA has discretion to participate. Entry RPA shall have full voting rights. The City shall be considered an Entry RPA for voting purposes.
- F. "Inquiry Only RPA" is an agency who has access to view the RMS data but does not input any data. Inquiry Only RPA have no voting rights on the User Board.
- G. "Operation and Maintenance Cost" are the budgeted amount required for the operation and maintenance of the RMS which may include, but not be limited to, the direct cost for: license fees, vendor support costs, software and hardware upgrade and/or replacement costs, maintenance, personnel, facilities use and rental costs, and training for the upcoming year. Operating and Maintenance Cost shall be allocated to the Entry and Inquiry Only RPA according to the Cost Sharing Formula.
- H. "Project" shall mean any effort undertaken by the System Manager, as recommended by the User Board, to improve or modify the RegJIN RMS.
- I. "Quorum of the Board" is comprised of fifty (50) percent of the Entry RPA, plus one.
- J. "RPA Asset" shall mean hardware, software, equipment, real property and fixtures, owned or leased by any RPA.
- K. "RPA" shall mean Inquiry Only and Entry Partners
- L. "Records Management System" is the tangible assets and/or Systems acquired or purchased by the City to develop, implement and operate the RegJIN RMS.
- M. "RegJIN RMS" is the law enforcement records management system acquired and implemented by the City of Portland for use by the RPA.
- N. "Strategic Plan" is the plan and periodic amendments thereof, setting forth the vision, strategy and benefits for the RegJIN RMS as recommended by the User Board and approved by the City.
- O. "System Manager" is the individual and his/her designated named backups appointed by the City of Portland to manage and operate the RMS on a daily basis.
- P. "Technology Management Plan" is the plan and periodic amendments thereof, that is recommended by the User Board and approved by the City that provides technical guidance for operation, maintenance, and repair of the RMS.

- Q. "Unanimous Vote" or "Unanimously" means that approval is required by the City and all Entry RPA present at a User Board meeting. A Quorum of the Board is required for all Unanimous Votes.
- R. "Upgrade Plan" is the Plan for upgrading the RMS, and periodic amendments thereof, that is recommended by the User Board and approved by the City, including, but not limited to, detailed technical designs, estimated budget for the capital costs of acquiring, constructing, and deploying the technical design, estimated budget for upgrading the RMS.
- S. "User Board" is the administrative body of the RegJIN User Board.
- T. "User Fees" are fees set by the City for RPA access and use of the RMS and as agreed to between the City and a RPA in a Participating IGA.
- U. "Withdrawal Plan" is a plan providing the manner of complete withdrawal for an RPA, or for an Entry RPA to move to an Inquiry Only RPA.

**2. ESTABLISHMENT OF USER BOARD:**

There is hereby established the RegJIN User Board ("User Board") for the purpose as described below and subject to the terms and conditions herein. The User Board is established to plan and advise the City of Portland in the operation of the RMS, which serves the geographic area encompassed by Clackamas, Columbia, Multnomah, and Washington Counties of Oregon State and Clark County of Washington State (along with future RPA). Thereafter, the RPA may recommend expansion of the System and pursue other services as agreed to by the City and Entry RPA.

**3. STATEMENT OF PURPOSE:**

General

The User Board is formed to create a user based structure for making recommendations to the City regarding the planning, funding, operations, and maintenance of the RMS including, but not limited to, transition planning, User and administrative training procedures, training equipment and facilities, uniform data entry, complying with federal and state reporting requirements, maintaining data integrity, operational efficiencies, physical backup and redundancy, and obtaining and managing additional resources such as grants to support RMS maintenance, enhancement, and extension. The User Board may perform functions, which may include, but are not limited to the following:

- A. Cooperatively develop or review and recommend changes or adoption of a Strategic Plan for maintaining the viability and efficiency of the RMS.
- B. Review and recommend which RMS data and applications will be shared among the City and RPA.
- C. Cooperatively develop or review and recommend changes or adoption of a coordinated long-term plan for capital and operating funding of the RMS, including methods to allocate costs.

- D. Review and recommend changes to established Standard Operating Procedures (SOPs) and technical standards for the operations and business continuity of the RMS.
- E. Review and recommend changes or adoption of the RMS Technology Management Plan.
- F. Review and recommend changes to the operational and maintenance procedures of the RMS for assets owned by the City in a manner that resolves operational interface issues with each RPA's local assets.
- G. Recommend admission of new RPA.
- H. Review and recommend changes to RMS operational and maintenance procedures with the goal of balancing regional requirements against Entry RPA data collection and reporting autonomies.
- I. Apply for grants and other available funding sources to fund RMS enhancements and capability extensions.
- J. Participate in, and recommend process changes to ensure the successful deployment of the RMS and, in the future, RMS extensions and enhancements.
- K. Review and recommend changes of the annual operational budget developed to support and fund the RMS.
- L. Review and recommend Changes to the RMS Cost Sharing Formula.

**4. ADMINISTRATIVE BODY:**

The User Board shall have the duties as provided below.

- A. The User Board, as an advisory group formed to furnish advice to the City of Portland, shall be subject to and comply with the requirements of the Oregon Public Meetings laws.
- B. The User Board shall be composed of one representative appointed by each Entry RPA, which includes one representative appointed by the City. The User Board shall elect a Chair, and Vice-Chair who shall each serve for a two year term. The Chair, or in the Chair's absence the Vice-Chair, shall preside over all User Board meetings.
- C. The Entry RPA, through the Board, shall administer the operation of the User Board. Each Entry RPA and the City shall have one vote. Each Entry RPA shall appoint, at its pleasure, one primary representative, and one alternate representative who may attend all Board meetings. The primary and alternate representatives may jointly participate in all discussions of the User Board; provided however that the vote of the Entry RPA shall be cast only by the primary representative, unless the primary representative is absent, in which event the alternate representative may cast the Entry RPA's vote. No User Board member

may grant proxy voting power to another User Board member from another Entry RPA. A tie vote shall not be sufficient to pass a measure or recommendation.

- D. The Board may meet monthly at the discretion of the Chair, but in no event less than twice per year. It may meet more frequently as determined by the Chair or as requested by any Entry RPA or the City.
- E. A Quorum of the Board is required for the User Board to make any official recommendation or action.
- F. Unless otherwise provided herein, all User Board actions shall require approval by a majority of the Entry RPA present at an official Board meeting.
- G. The User Board Chair shall be responsible for providing notices of public meetings and keeping of minutes in compliance with Oregon Public Records laws. The minutes shall summarize the discussions completed during Board meetings and include all official actions taken by the Board, along with any vote tallies associated with those actions.
- H. The Chair or designee shall represent the User Board at official public meetings as requested by the City or other Entry RPA during which the Chair or designee shall report on the opinion and/or recommendations of the Board regarding specific issues being discussed that are relevant to the Board or RMS. The Chair or designee shall limit their participation in this capacity to reporting on official actions and recommendations taken by the Board.
- I. The User Board shall undertake the following:
  - 1. Review and recommend changes to the Strategic Plan developed by or updated by the City.
  - 2. Review and recommend changes to the Technology Management Plan developed by or updated by the City.
  - 3. Review and recommend changes to the Cost Sharing Formula developed by or updated by the City.
  - 4. Review and recommend changes to the annual objectives and work plans developed by the System Manager.
  - 5. Review and recommend changes to the general policy guidelines and/or Standard Operating Procedures developed by the System Manager for the RMS.
  - 6. Provide oversight and direction regarding User Board operations.
  - 7. Establish committees and appoint committees as needed.
  - 8. Review and comment on all Plans at least once every four years.
  - 9. Makes other recommendations as necessary.

- J. The User Board shall review and make recommendations on the acceptance of any new RPA as outlined in Section 10. Recommendations on acceptance of a new RPA shall be by Unanimous vote.
- K. The User Board, at its first organizational meeting, or as soon thereafter as reasonable, shall adopt rules governing its procedures, and including at a minimum 1) time and place of regular meetings; 2) method and manner of calling special meetings; 3) method, term and manner of election of User Board officers; and 4) establish committees and appoint committee representatives from among the RPA; and 5) any other procedures deemed necessary as outlined in Section 7.

**5. PROJECTS AND FUNDING:**

- A. Funds for Capital Cost of the initial RMS implementation will be contributed by the City. Funds for the Capital Costs of future components of the RMS will be jointly contributed by the City and other RPA based on a recommended allocation formula, taking into account application of grant funding and credit for contributed assets, if any. The RPA agree to request such grant funding whenever possible.
- B. According to adopted Strategic and Cost Sharing Formulas, the User Board may recommend Projects which further improve, expand, enhance and support the RMS, including, but not limited to, acquisition of hardware, software and equipment, upgrades and other steps to improve and extend the RMS.
- C. Entry RPA may propose improvements to the RMS by giving written notice to the User Board, describing the proposed improvement and identifying its benefits. Within 90 days, the User Board shall meet to discuss the proposal and determine if there is interest in pursuing the proposed Project. If so, the User Board shall direct the System Manager to research the proposed Project to determine or confirm any cost and operational impacts and to report back on the findings to the User Board. Subsequent to receiving the System Manager's report, the User Board may hold a vote to recommend whether or not the proposed Project should be undertaken.
- D. Any significant changes to the RMS shall consider the following factors, including but not limited to, sources of funding (City, RPA, available grants and other sources), technical and business impact to the City and RPA, and the recommendation(s) of the User Board. Capital and Operating Costs for such changes shall be allocated among the City, Entry and Inquiry RPA as determined by the Cost Sharing Formula and incorporated into each RPA's Participating IGA as part of the User Fees.
- E. Each RPA agrees to inform the User Board of potential grant sources and thereupon the User Board shall determine if the User Board should pursue that source. If the User Board declines to pursue that source, then the individual RPA may seek those grant funds on its own and, if successful, may choose to apply

the grant funds for the benefit of the User Board or to its local match or share if it is an allowable use of grant proceeds.

- F. Any increase in either A, B, C and/or D above may be recommended by the User Board and approved by the City so long as the total cost impact per subsection to all RPA is no greater than 5% per year, and no greater aggregate than 10% per year. Any subsection with a cost impact greater than the 5% or 10%, shall be voted upon by a Quorum of the User Board and approved with a majority vote.

**6. USER BOARD MANAGEMENT, OPERATION AND FUNDING:**

- A. The User Board shall make recommendations as to the best method for the administration, management, and operation of the RMS. The User Board shall review and make recommendations on the annual budget prepared by the System Manager for managing and supporting the RMS.
- B. The User Board shall be self-sufficient in its operation. The City and RPA will participate at their own cost, time and expense.

**7. COMMITTEES:**

The User Board may establish committees from time to time as it deems necessary. Generally, the User Board will consider establishment of committees in the following areas:

- A. Engineering/Technical
- B. Policy
- C. Customer/User
- D. Finance/Budget

When a committee is established by the User Board, the City and each Entry RPA is entitled to have one voting representative on the committee. The Chair may limit these committees to an appropriate size for conducting its business. The Chair will recommend a procedure for limiting the size of the committees, which will then be approved by the Board. Each committee shall provide advice, counsel, and recommendations to the User Board or the Chair as requested.

The City and each Entry RPA may designate one voting committee member and an alternate. A majority of the voting committee creates a quorum. All decisions require a majority vote of the members in attendance. An alternate RPA committee member may vote if the designated RPA voting member is not present.

**8. CAPITAL CONTRIBUTION, CAPITAL COST DETERMINATION, AND INITIAL RPA RESPONSIBILITY:**

The Cost Sharing Formula shall establish the application of User Board grant proceeds, cost allocation formulas, rates, and appropriate service charges for such services

provided to Entry and Inquiry Only RPA, and for upgrading and maintaining the RMS which will be paid by the RPA. RPA responsibility for such allocations, rates and charges will be incorporated in, or amended to, each RPA's Participating IGA.

**9. PAYMENT:**

- A. Each Entry and Inquiry Only RPA will have an individual Participating IGA with the City that outlines the costs and terms and conditions of their participation in the RegJIN RMS. A Entry RPA's right to participate on the User Board under this Agreement is contingent upon execution of the Participating IGA.
- B. Failure to pay the City as due under the Participating IGA will suspend the Entry RPA's voting rights in the User Board until fully paid.

**10. NEW RPA:**

The User Board shall review and recommend the admitting of new Entry RPAs as part of the RMS. Any recommendations for admitting a new Entry RPA shall require a Unanimous Vote; admitting of any new Inquiry Only RPA shall be at the discretion of the System Manager. The System Manager will make the list of new Inquiry Only RPAs available to the User Board 30 days prior to granting access to the System. Recommendations on the addition of new Inquiry and Entry RPA must consider that the:

- A. The RMS contains highly confidential crime and other data and is reserved for law enforcement applications and will only be open to certified law enforcement agencies.
- B. If a new RPA is added, its addition is subject to the sections of the Cost Sharing Formula that govern the costs allocated to RPA(s) added to the RMS after the initial RMS cutover to operational (live) status.
- C. New RPA shall be bound by the terms and provisions of this Agreement and an individual Participating IGA.

**11. DURATION, WITHDRAWAL AND TERMINATION:**

- A. This Agreement is perpetual and the User Board shall continue from year to year unless otherwise terminated or dissolved by the methods described in this Agreement.
- B. The User Board may be dissolved upon unanimous agreement of all Entry RPA.
- C. Termination of an Entry RPA's Participating IGA shall revoke their participation on the User Board effective immediately.
- D. An Entry RPA that withdraws from the RMS may remove its RPA assets from the RMS including any data entered into the RMS by the withdrawing RPA. All costs associated with the reasonable removal of the withdrawing RPA's assets including costs of removing data entered by the RPA into the RMS will be the responsibility of the withdrawing RPA.

- E. A minimum of 180 days shall be allocated for the System Manager to withdraw an RPA's assets, including the withdrawal of the Entry RPA's data, from the RMS after the date upon which the RPA's withdrawal becomes effective. The withdrawing Entry RPA shall have full access to its assets including its data during the time period required to complete the removal of an Entry RPA's assets from the RMS.
- F. RPA may only withdraw from the RMS on January 1 of each year and must provide a minimum of 180 days written notice of their intention to withdraw.
- G. Notice of an RPA's intention to withdraw must be provided in writing to the User Board Chair. A copy of the withdrawal notice must be provided to the System Manger.

**12. INDEMNIFICATION:**

To the extent permitted by the Constitutions and laws of Oregon and Washington, each Entry RPA shall hold harmless and indemnify the other Entry RPA for the willful or negligent acts, actions or omissions to act of that Entry RPA's respective entity, commissioners, officers, employees, and agents in the performance of their respective responsibilities and duties under this Agreement.

**13. CONFIDENTIALITY:**

- A. **Maintenance of Confidentiality.** The City and RPA shall treat confidential any Confidential information that has been made known or available to them or that an Entry RPA has received, learned, heard or observed; or to which an RPA has had access. The City and RPAs shall use Confidential information exclusively for the City or RPA's benefit and in furtherance of this Agreement. Except as may be expressly authorized in writing by the City or affected RPA, in no event shall the City or a RPA publish, use, discuss or cause or permit to be disclosed to any other person such Confidential information. The City and RPA shall (1) limit disclosure of the Confidential information to those directors, officers, employees and agents of the City or RPA who need to know the Confidential information, (2) exercise reasonable care with respect to the Confidential Information, at least to the same degree of care as the City or RPA employs with respect to protecting its own proprietary and confidential information, and (3) return immediately to the City or RPA who provided the information, upon its request, all materials containing Confidential Information in whatever form, that are in the City or RPA's possession or custody or under its control. The City and RPA are expressly restricted from and shall not use Confidential intellectual property of the City or providing RPA without the City or that RPA's prior written consent.
- B. The RPA acknowledge that each RPA is subject to the Oregon or Washington Public Records Acts, as applicable, and Federal law. The RPA agree that each RPA will follow the laws of its home state. Third persons may claim that the Confidential Information may be, by virtue of its possession by the City or a RPA, a public record and subject to disclosure. RPA receiving a public records request agrees, consistent with its state public records law, not to disclose any information that includes a written request for confidentiality and as described above and specifically identifies the information to be treated as Confidential.

Specifically, Washington RPA shall abide by RCW 42.56 for cases involving public records contained in the City of Portland owned RegJIN System as outlined in this public safety Regional Intergovernmental Agreement. A RPA's commitments to maintain information confidential under this Agreement are all subject to the constraints of Oregon or Washington and federal laws. Within the limits and discretion allowed by those laws, the City and RPA will maintain the confidentiality of information.

- C. The RPA acknowledge and agree that the City and each RPA owns its own data in the RMS. RMS data can only be disclosed by the agency that entered it. In the event of a public record request for RMS data which belongs to the City or another RPA, the City or receiving RPA shall inform both the requestor and the appropriate agency within two business days that it is not the custodian of record for the requested data and identify the Entry RPA that may be able to comply with the public record request.
- D. The RPA acknowledge that unauthorized disclosure of Confidential Information will result in irreparable harm to the City or providing RPA. In the event of a breach or threatened breach of this Agreement, the City or affected RPA may obtain equitable relief prohibiting the breach, in addition to any other appropriate legal or equitable relief.

**14. WAIVER:**

No waiver or any breach of Agreement shall be held to be a waiver of any other or subsequent breach of this Agreement.

**15. REMEDIES:**

The remedies provided in this Agreement are cumulative, and may be exercised concurrently or separately. The exercise of any one remedy shall not constitute an election of one remedy to the exclusion of any other.

**16. SURVIVAL:**

All obligations relating to confidentiality; indemnification; publicity; representations and warranties; proprietary rights; perpetual licenses, including licensing obligations as stated in this Agreement shall survive the termination or expiration of this Agreement.

**17. NO THIRD PARTY BENEFICIARIES:**

The City and Entry RPA expressly agree that nothing contained in this Agreement shall create any legal right or inure to the benefit of any third party.

**18. ASSIGNMENT:**

The rights and obligations of each party under this Agreement may not be assigned in whole or in part.

**19. NOTICE:**

Notices to the City shall be provided as set forth below in writing and sent by either certified US mail, return receipt requested, or by personal delivery to:

**City of Portland  
RegJIN System Manager  
Portland Police Bureau  
1111 SW 2<sup>nd</sup> Avenue, Suite 1156  
City of Portland  
Portland, OR 97204**

**20. AMENDMENTS:**

This Agreement may only be changed, modified, or amended by unanimous vote of all Entry RPA.

**21. EFFECTIVE DATE:**

This Agreement shall be effective on July 1, 2012 and continue in perpetuity unless otherwise terminated.

**22. SEVERABILITY:**

The terms of this Agreement are severable and a determination by an appropriate body having jurisdiction over the subject matter of this Agreement that results in the invalidity of any part, shall not affect the remainder of this Agreement.

**23. INTERPRETATION:**

The terms and conditions of this Agreement shall be liberally construed in accordance with the general purposes of this Agreement and according to Oregon and Washington law.

**24. EXECUTION IN COUNTERPARTS:**

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute the same agreement.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Signature Authorization for Intergovernmental Agreement.

User Boards are:

**CITY OF PORTLAND**

By: Michael Reese

Printed Name: Michael Reese

Title : Police Chief

Date of Signing: 10/22/13

**APPROVED AS TO FORM**

Kate Walsh 10/29/2013  
Office of City Attorney

Signature Authorization for Intergovernmental Agreement.

**CITY OF SHERWOOD**

**APPROVED AS TO FORM**

By:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Office of City Attorney/Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date of Signing

\_\_\_\_\_  
Date of Signing

**TO:** Sherwood City Council

**FROM:** Craig Sheldon, Public Works Director  
Through: Joseph Gall, ICMA-CM, City Manager

**SUBJECT:** **Resolution 2014-009, authorizing the City Manager to enter into a contract with General Pacific, Inc. to supply an Advanced Metering Infrastructure (AMI) System**

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**ISSUE:**

Should the City of Sherwood install an Advanced Metering Infrastructure (AMI) system to provide efficiency, enhanced customer service, and usage analysis for future rate making decisions and higher level of meter billing accuracy?

**BACKGROUND:**

City Council approved \$300,000 in the FY2013/14 budget year to begin a scaled approach to the installation of an AMI system. In September 2013, staff met with Council in a work session to provide additional information and supporting justification (business case analysis, meter age information versus accuracy, etc.) for moving towards an AMI system.

In November 2013, the City issued an RFP for an Advanced Metering Infrastructure System through the Daily Journal of Commerce. The City received four (4) eligible quotes from metering companies. The RFP requested a total cost for all infrastructure, assets, software and 2 years of support costs necessary for integration with existing utility system.

The City assembled a team to review the proposals based on a two-step evaluation criteria outlined in the proposal. The panel consisted of various Public Work disciplines (billing, technical and operations) and Information Technology staff.

The first step evaluation was based on system capabilities and compatibilities with existing City system, qualifications, implementation of a support plan and technical responses. It was recommended by the panel that 2 of the firms advance to step two evaluations. Evaluation criteria for step two consisted of a field demonstration (is it compatible with our system), oral presentation (which was not required), system description/implementation plan and cost proposal (which was not considered until all other criteria had been evaluated).

The team selected the proposal from General Pacific Inc. as the preferred solution for an AMI system.

**Financials Impacts:**

City Council approved \$300,000 for a scaled implementation of an AMI system in the current FY 2013/14. The total cost of the AMI system is \$1,338,612.50.

**Recommendation:**

Staff respectfully requests City Council approve Resolution 2014-009 to award \$300,000 to General Pacific Inc for the current FY 2013-14 and enter into a multi-year contract with General Pacific, Inc. to provide an AMI System not to exceed \$1,338,612.50 (pending approval of future budgeted funds). Staff requests 10% be included for contingency (\$133,861.25). Total project cost not to exceed \$1,472,473.00.

Our current fee schedule covers the cost of installing this type of system on all new development. No fee increases are proposed for new development.



**RESOLUTION 2014-009**

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH  
GENERAL PACIFIC, INC. TO SUPPLY AN ADVANCED METERING  
INFRASTRUCTURE (AMI) SYSTEM**

**WHEREAS**, the City has a desire to update our current water metering system to improve efficiency, customer service and usage analysis; and

**WHEREAS**, City staff issued an Request for Proposals (RFP) and received four (4) proposals for Advanced Metering Infrastructure (AMI) per City and state contract rules; and

**WHEREAS**, General Pacific, Inc. was selected based on the criteria established per the RFP; and

**WHEREAS**, anticipated costs for this project is \$1,338,612.50; and

**WHEREAS**, staff recommends a contingency of 10% for a total contract amount not to exceed \$1,472,473.00 to cover any unanticipated development costs.

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

**Section 1.** The City Manager is authorized to enter a contract with General Pacific, Inc. to update the City's meter management and metering system.

**Section 2.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 18<sup>th</sup> day of February 2014.**

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

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**TO:** Sherwood City Council

**FROM:** Kristen Switzer, Community Services Director  
**Through:** Joseph Gall, ICMA-CM, City Manager

**SUBJECT:** Resolution 2014-010 authorizing the Marjorie Stewart Senior Center name change to the Marjorie Stewart Center

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**Issue:**

The Meals on Wheels Steering Committee for the Marjorie Stewart Senior Center and the Friends of the Marjorie Stewart Senior Center are requesting that the word “senior” be dropped from the name and that the facility now be simply known as the *Marjorie Stewart Center*.

**Background:**

The senior center is named after Marjorie Stewart and has been called the Marjorie Stewart Senior Center since it opened in 1982. There is a local and national trend to drop the word “senior” from senior centers in effort to draw in younger seniors. Often people in their 50’s and 60’s are reluctant to spend time at a “senior center”. By dropping the word “senior” you can often expand your clientele and appeal to a younger and more active group of seniors.

**Financial Impacts:**

The only financial impact to the City will be to change the name on the front of the building. This should be able to be done in-house and will not be a significant cost.

**Recommendation:**

Staff respectfully requests City Council adopt Resolution 2014-010, authorizing the Marjorie Stewart Senior Center name change to the Marjorie Stewart Center



**RESOLUTION 2014-010**

**AUTHORIZING THE MARJORIE STEWART SENIOR CENTER NAME CHANGE TO THE MARJORIE STEWART CENTER**

**WHEREAS**, the senior center is named after Marjorie Stewart and has been called the Marjorie Stewart Senior Center since it opened in 1982; and

**WHEREAS**, a local and national trend is to remove the word “senior” from such facilities in effort to revitalize the center and to appeal to younger seniors; and

**WHEREAS**, the Meals on Wheels Steering Committee for the Marjorie Stewart Senior Center and the Friends of the Marjorie Stewart Senior Center are both requesting that the word “senior” be dropped from the name; and

**WHEREAS**, the Marjorie Stewart Senior Center shall now be named the Marjorie Stewart Center.

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

**Section 1.** The Marjorie Stewart Senior Center shall now be known as the Marjorie Stewart Center.

**Section 2.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 18<sup>th</sup> day of February 2014.**

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

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**TO:** Sherwood City Council

**FROM:** Scott Mckie, Building Official  
Through: Julia Hajduk, Community Development Director and Joseph Gall, ICMA-CM,  
City Manager

**SUBJECT: Resolution 2014-011, amending the FY2013-14 Fee Schedule to comply with State Building Codes regarding Investigative Fees**

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**ISSUE:**

Should the City amend the current Fee Schedule to comply with State Building Codes?

**BACKGROUND:**

The Oregon State Legislature has enacted House Bill 2978 relating to the state building code. A portion of House Bill 2978 (2013) standardizes current state and local government policy for assessing investigative fees for work started without the required permit across all program areas. House Bill 2978 eliminates the term “*double permit*” fee and replaces it with “*investigative fee*” by specifying that a “*state or a municipality administering and enforcing a building inspection program, may assess an investigation fee against a person that is required to obtain a permit for work on the electrical, gas, mechanical, elevator, boiler, plumbing or other systems of a building or structure if the work commenced before the permit required for the work was obtained*”. House Bill 2978 further specifies that the amount of the investigation fee must be the “average” or “actual” additional cost of ensuring that a building, structure or system is in conformance with state building code requirements that results from the person not obtaining a required permit before work for which the permit is required commences.

To implement House Bill 2978, the State of Oregon Building Codes Division has adopted the language from House Bill 2978 replacing the term “double permit fee” with investigative fee and specifying the fee must be the “average” or “actual” additional cost of ensuring that a building, structure or system is in conformance with state building code requirements that results from the person not obtaining a required permit before work for which the permit is required commences.

The current city Fee Schedule uses the term Investigation Fee. The current fee amount equals 100% of required permit costs for working without a permit. This resolution would replace the words *investigation fee* with *investigative fee* to more closely follow the State Building Code; and allow a fee of \$70.00 per hour to enforce the code, \$70.00 minimum.

**FINANCIAL IMPACTS:**

N/A

**RECOMMENDATION:**

Staff respectfully requests City Council approval of Resolution 2014-011, amending the FY2013-14 Fee Schedule to comply with State Building Codes regarding Investigative Fees.



## RESOLUTION 2014-011

### AMENDING THE FY 2013-14 FEE SCHEDULE TO COMPLY WITH STATE BUILDING CODES REGARDING INVESTIGATIVE FEES

**WHEREAS**, the Oregon State Legislature has enacted House Bill 2978 relating to the state building code. A portion of House Bill 2978 (2013) standardizes current state and local government policy for assessing investigative fees for work started without the required permit across all program areas; and

**WHEREAS**, House Bill 2978 eliminates the term “*double permit*” fee and replaces it with “*investigative fee*” by specifying that a “*state or a municipality administering and enforcing a building inspection program, may assess an investigation fee against a person that is required to obtain a permit for work on the electrical, gas, mechanical, elevator, boiler, plumbing or other systems of a building or structure if the work commenced before the permit required for the work was obtained*”; and

**WHEREAS**, House Bill 2978 further specifies that the amount of the investigation fee must be the “average” or “actual” additional cost of ensuring that a building, structure or system is in conformance with state building code requirements that results from the person not obtaining a required permit before work for which the permit is required commences; and

**WHEREAS**, House Bill 2978 does not apply to emergency repair required for health, safety, the prevention of property damage or the prevention of financial harm if the required building permit for the repair is obtained no later than five business days after commencement of the repair; and

**WHEREAS**, the State of Oregon Building Codes Division has adopted the language from House Bill 2978 replacing the term “double permit fee” with “investigative fee”, specifying the fee must be the “average” or “actual” additional cost and requiring that permits for emergency work are obtained within 5 days; and

**WHEREAS**, the City of Sherwood’s current fee schedule refers to an “investigation fee” for work being performed without a permit; and

**WHEREAS**, local Building Department fees and codes must be consistent with State of Oregon Building Codes;

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

#### **Section 1. Findings**

After full and due consideration of the evidence presented, the City Council finds that the text of the Sherwood Fee Schedule be amended to reflect these changes:

- A. Changing the words "Investigation fee" to "investigative fee".
- B. Changing the fee in the fee schedule from "100% of required permit fee for working without a permit" to "Investigative fee - \$70.00 minimum fee, plus \$70.00 per hour for each additional hour required to enforce code.

**Section 2. Approval** The proposed amendment for the Fee Schedule is identified in the attached Exhibit 1, is hereby approved.

**Section 3. Manager Authorized** The City Manager is hereby directed and authorized to take such action as may be necessary to document this amendment, including necessary updates to Chapter 10 Building Charges for Service of the Fee Schedule

**Section 4. Effective Date** This Resolution shall take effect after its approval and adoption.

**Duly passed by the City Council this 18<sup>th</sup> day of February 2014.**

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

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

## **SECTION 10: BUILDING CHARGES FOR SERVICE**

### **Grading Fees**

- Grading permit fee Based on Cubic Yards  
 0 to 100 \$60 minimum fee
- 101 to 1,000 \$60 first 100 yards (plus \$11 for each additional 100 yards or fraction thereof)
- 1,001 to 10,000 \$159 first 1,000 yard (plus \$15 for each additional 1,000 yards or fraction thereof)
- 10,001 to 100,000 \$294 first 10,000 yards (plus \$75 for each additional 10,000 yards or fraction thereof)
- 100,001 + \$969 first 100,000 (plus \$36.50 for each additional 10,000 yards or fraction thereof)
- Grading plan review fee 85% of the grading permit fee

### **P. Other Inspections and Fees (Building Permit, Mechanical, Plumbing, Grading and Erosion)**

- Re-inspection fee (Minimum charge = 1 hour) \$90 per hour plus 12% State surcharge or Current State Rate
- Inspections outside normal business hours (when approved by the Building Official) \$90 per hour plus 12% State surcharge or Current State Rate (Minimum charge = 2 hours)
- Inspection for which no fee is specifically indicated \$70 per hour plus 12% State surcharge or Current State Rate (Minimum charge = ½ hour)
- ~~Investigation fee~~ Investigative fee for working without a permit ~~100% of required permit fee for working without a permit~~ \$70 per hour to enforce the code, \$70 minimum.
- Additional plan review required \$90 per hour or actual time (For changes, additions or revisions) (Minimum charge = ½ hour)
- Re-stamp of lost, stolen or damaged plans \$55 per plan set
- Application/Permit extensions \$50

*(Renewal of an application or permit where an extension has been requested in writing, and approval granted by the Building Official, prior to the original expiration date, provided no changes have been made in the original plans and specifications for such work)*

- Permit reinstatement fee 50% of amount required for a new permit or a percentage as determined by the Building Official based on the remaining inspections required.

*(This fee is for reinstatement of a permit, where a reinstatement request has been made in writing, and approval granted by the Building Official, provided no changes have been made in the original plans and specifications for such work.)*

### **Q. Refunds (Building Permit, Mechanical, Plumbing, Grading/Erosion)**

- Permit refunds 75% of original permit Fee; Provided the permit is still valid
- Plan review refunds 75% of original plan review fee provided no plan review was started

### **R. Certificate of Occupancy (All as determined by the Building Official)**

- Temporary residential \$50 per request
- Temporary commercial \$300 maximum per request

### **S. Change of Use/Occupancy Certificate Application Fee**

- Similar use (Minor code review) \$60
- Dissimilar Use, or Change in Occupancy (Extensive Code Review) \$125 minimum fee (Includes 1 hour code review time, review time greater than 1 hour will be charged at the hourly rate of \$90)

**TO:** Sherwood City Council

**FROM:** Julia Hajduk, Community Development Director  
**Through:** Chris Crean, City Attorney and Joseph Gall, ICMA-CM, City Manager

**SUBJECT: Ordinance 2014-003, temporarily prohibiting locating medical marijuana facilities within the City of Sherwood, and declaring an emergency**

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**Issue:**

Should Council adopt Ordinance 2014-003 temporarily prohibiting the siting of medical marijuana facilities (aka dispensaries) within the city limits to allow time to develop appropriate amendments to the City Development Code regarding the zoning and development standards for this use?

**Background:**

In 1998, Oregon became one of the first states to legalize medical marijuana. The Oregon Medical Marijuana Program (“OMMP”) is administered by the Oregon Health Authority (“OHA”) and allows registered “cardholders” to legally consume marijuana or obtain it from other registered growers if they were not able to grow it themselves. To help facilitate getting medical marijuana to cardholders, in recent years a number of medical marijuana “dispensaries” have opened across the state. These dispensaries obtain marijuana from registered growers and act as “retail” marketplaces for cardholders who find it difficult to obtain their medical marijuana.

Since the dispensaries are neither registered cardholders nor registered growers, they existed in a legal gray area. In order to address the uncertain legality of these dispensaries and to regulate them at the state level, the Oregon Legislature passed House Bill (HB) 3460 in August 2013. HB 3460 establishes uniform registration and licensing procedures for the dispensaries. The Governor signed the bill and its substantive provisions go into effect on March 1, 2014.

HB 3460 sets out several requirements for medical marijuana dispensaries:

- Registration with the Oregon Health Authority
- Pesticide/mold testing
- Security measures (including video surveillance, alarms and a safe)
- Criminal background checks for operators
- Location in an area zoned for commercial, industrial or mixed uses or as agricultural land
- Location at least 1000 feet from schools
- Location 1000 feet from any other registered dispensary

The Sherwood Development Code does not mention medical marijuana dispensaries. The Planning Department believes that the Zoning Ordinance should be amended as expeditiously as

possible to establish zoning regulations for this use, consistent with the provisions of HB 3460. It is anticipated that it will take up to 5 months to develop, process and enact amendments to the Development Code. Because it is possible for a person to apply for a permit to operate a medical marijuana facility beginning March 1, 2014 and the current City code does not clearly allow or prohibit them in any location, staff recommends that the City Council formally clarify that medical marijuana dispensaries are prohibited for up to 150 days, while code language is being developed and taken through the adoption process.

**Financial Impacts:**

There will be staff time and City Attorney time in developing proposed amendments to the development code. It is also estimated that costs associated with providing the required public notice would be approximately \$250. This can be provided for within the existing budget.

**Recommendation:**

Staff respectfully requests City Council adopt Ordinance 2014-003, Temporarily Prohibiting the Location of Medical Marijuana Facilities within the City of Sherwood, and Declaring an Emergency.



## ORDINANCE 2014-003

### TEMPORARILY PROHIBITING LOCATING MEDICAL MARIJUANA FACILITIES WITHIN THE CITY OF SHERWOOD, AND DECLARING AN EMERGENCY

**WHEREAS**, in the 2013 Special Session, the Oregon Legislature approved House Bill 3460 which creates a registration system for medical marijuana facilities and allows medical marijuana facilities to be located in areas zoned for commercial, industrial, or mixed use; and

**WHEREAS**, House Bill 3460 also includes further restrictions on the location of medical marijuana facilities related to proximity to schools attended by minors and to other medical marijuana facilities; and

**WHEREAS**, this land use and the restrictions are not currently included in the Sherwood Development Code; and

**WHEREAS**, the City has received inquiries regarding siting of medical marijuana facilities within the City and more inquiries are expected; and

**WHEREAS**, the Sherwood Planning staff and the Planning Commission will shortly begin evaluating and developing potential amendments to the City development code to address medical marijuana facilities, a process expected to take up to five months; and

**WHEREAS**, the Sherwood City Council believes that siting medical marijuana facilities within the City absent appropriate zoning regulations endangers the health, peace, and welfare of the City of Sherwood.

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

**Section 1.** Effective February 18, 2014, a person may not site a medical marijuana facility (as described in House Bill 3460 of the 2013 Oregon Special Legislative Session) within the City limits of Sherwood.

**Section 2.** The Planning Manager, Building Official, and Business License Specialist are charged with enforcing this temporary prohibition.

**Section 3.** In order to maintain the health, peace and welfare of the City of Sherwood, an emergency is declared and this ordinance shall take effect immediately upon its passage and approval by the Mayor

**Section 4.** The prohibition on siting of medical marijuana facilities is in effect for one hundred fifty (150) days from the effective date of this Ordinance, or until the effective date of an adopted amendment to the Sherwood Zoning Ordinance establishing zoning regulations for such facilities, whichever occurs first.

Duly passed by the City Council this 18th day of February 2014.

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

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Clark	_____	_____
Langer	_____	_____
Butterfield	_____	_____
Folsom	_____	_____
Grant	_____	_____
Henderson	_____	_____
Middleton	_____	_____

**TO:** Sherwood City Council

**FROM:** Brad Kilby, Planning Manager

Through: Joseph Gall, ICMA-CM, City Manager

**SUBJECT: Ordinance 2014-004 approving an amendment to the Transportation System Plan and Comprehensive Plan regarding extension and designation of SW Langer Farms Parkway north of Highway 99w and west**

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**Issue:**

Should Council adopt Ordinance 2014-004 and amend the City of Sherwood Transportation System Plan (TSP) to identify and designate a new collector street extending SW Langer Farms Parkway (Previously Adams Avenue) north of Highway 99W and to the west as proposed by Washington County for the purpose developing access and addressing capacity and safety issues in the area?

**Background:**

Washington County is currently making safety and capacity improvements for Tualatin Sherwood Road, which includes street widening, access management, Intelligent Transportation Systems (ITS), and off-corridor circulation. The street widening and access management elements are being addressed as part of the MSTIP 3d Tualatin Sherwood Road (Adams to Borchers) project, which is currently in design. The ITS element will be evaluated over the next year as the County implements improved traffic signal timing along Tualatin-Sherwood Road from Teton Avenue to OR 99W and along OR 99W from the Home Depot intersection to Sunset Boulevard with the possibility of using adaptive signal timing.

As part of the access management and off corridor circulation strategies within the area, Washington County is proposing an amendment to the Sherwood Transportation System Plan (TSP) to extend Adams Avenue from its existing terminus at SW Pacific Hwy (near Home Depot) to the west side of SW Pacific Hwy. The primary purpose of the street extension is to develop access options for the properties located north and west of the intersection of SW Pacific Highway and Adams Avenue near home depot and to address safety issues in the area.

**Financial Impacts:**

There will be staff time associated with updating the TSP temporary maps that are available to the public until the revised TSP can be published as part of the current TSP update that is expected to be amended later this year. This can be provided for within the existing budget.

**Recommendation:**

Staff respectfully requests that the Council hold a public hearing and adopt Ordinance 2014-004, an Ordinance that would amend the (TSP) to identify and designate a new collector street extending SW Langer Farms Parkway (previously Adams Avenue) north of Highway 99W and to the west.

**Attachments:**

Ordinance

Exhibit 1: Planning Commission Recommendation dated February 10, 2014

1-A. Application materials submitted by Washington County

1-B. BPA letter dated November 27, 2013

1-C. Letter from Nicole Morgal.

1-D. Memorandum from DKS to Bob Galati regarding the proposed TSP Amendment to extend SW Adams Avenue (AKA Langer Farms Parkway)

Exhibit 2: Proposed Sherwood TSP Amendment Map



**ORDINANCE 2014-004**

**APPROVING AN AMENDMENT TO THE TRANSPORTATION SYSTEM PLAN AND COMPREHENSIVE PLAN REGARDING EXTENSION AND DESIGNATION OF SW LANGER FARMS PARKWAY NORTH OF HIGHWAY 99W AND WEST**

**WHEREAS**, the Transportation System Plan (TSP) is a 20 year planning document intended to be updated every 5 to 7 years; and

**WHEREAS**, Sherwood's TSP was adopted in 2005, and is currently undergoing a review for amendment; and

**WHEREAS**, Washington County requested an amendment to the Sherwood TSP to identify and designate a new collector street extending SW Langer Farms Parkway (previously Adams Avenue) north of Highway 99W and to the west; and

**WHEREAS**, the proposed amendments were reviewed for compliance and consistency with the Comprehensive Plan, regional and state regulations and found to be fully compliant; and

**WHEREAS**, the proposed amendments were subject to full and proper notice and review and public hearings were held before the Planning Commission on January 28, 2014; and

**WHEREAS**, the Planning Commission voted to forward a recommendation of approval to the City Council for the proposed TSP amendment; and

**WHEREAS**, the analysis and findings to support the Planning Commission recommendation are identified in the attached Exhibit 1; and

**WHEREAS**, the City Council held a public hearing on February 18, 2014 and determined that the proposed amendment to the TSP and Comprehensive Plan met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

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

**Section 1. Findings** After full and due consideration of the proposed amendment, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearing, the City Council adopts the findings of fact contained in Exhibit 1 finding that the TSP shall be amended as illustrated in Exhibit 2.

**Section 2. Approval** The proposed amendments for TSP and Comprehensive Plan (PA) 13-03 identified in Exhibit 1 is hereby approved.

**Section 3. Manager Authorized** The Planning Department is hereby directed to take such action as may be necessary to document this amendment, including notice of adoption to DLCD.

**Section 4. Effective Date** This ordinance is shall become effective the 30<sup>th</sup> day after its enactment by the City Council and approval by the Mayor.

**Duly passed by the City Council this 18<sup>th</sup> day of February 2014.**

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

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Clark	_____	_____
Langer	_____	_____
Butterfield	_____	_____
Folsom	_____	_____
Grant	_____	_____
Henderson	_____	_____
Middleton	_____	_____

**CITY OF SHERWOOD**  
**PLANNING COMMISSION RECOMMENDATION**  
**PA 13-03 – Adams Avenue Transportation System Plan Amendment**

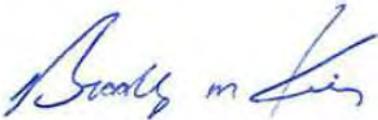
**Date: February 10, 2014**

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To: SHERWOOD CITY COUNCIL

From: PLANNING DEPARTMENT

**On January 28, 2014, the Planning Commission considered an amendment to the City of Sherwood Transportation System Plan, proposed by Washington County to extend SW Langer Farms Parkway (formerly Adams Avenue) from its existing terminus at SW Pacific Hwy (near Home Depot) to the north and west side of SW Pacific Hwy. After considering the applicant's materials, public testimony, and the findings in the staff report, the Planning Commission voted to recommend approval of the request to the Sherwood City Council. Their decision is based on the findings in this recommendation.**



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Brad Kilby, AICP, Planning Manager

**Proposal overview:** Washington County is proposing an amendment to the Sherwood Transportation System Plan (TSP) to extend Adams Avenue from its existing terminus at SW Pacific Hwy (near Home Depot) to the west side of SW Pacific Hwy. The primary purpose of the street extension is to develop access options for the properties located north and west of the intersection of SW Pacific Highway and Adams Avenue near home depot and to address safety issues in the area.

**I. OVERVIEW**

- A. Applicant: Harper Houf Peterson Righellis Inc.  
Attn: Stefanie Slyman, AICP  
205 SE Spokane St., #200, Portland, OR 97212  
  
503-221-1131 or stefanies@hhpr.com
- Owner: Washington County Department of Land Use and Transportation  
Capital Project Management Division  
Attn: Dan Erpenbach  
1400 SW Walnut Street, Hillsboro, OR 97123  
  
503-847-7877 or Daniel\_erpenbach@co.washington.or.us
- B. Location: Adams Avenue from its existing terminus at SW Pacific Hwy (near Home Depot) to the west side of SW Pacific Hwy. TLIDs 2S129B000200, 2S129B000102, 2S129B000105, and 2S129B000104.

C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission will make a recommendation to the City Council who will make the final decision. There will be a twenty-one (21) day appeal period after the Council issues their decision. Any appeal of the City Council decision would go directly to the Oregon Land Use Board of Appeals.

D. Public Notice and Hearing: Notice of the December 10, 2013 Planning Commission hearing on the proposed amendment was published in The Tigard Times on November 28<sup>th</sup> and December 5<sup>th</sup> 2013, and in the December 2013 edition of the Gazette. Notice was also posted in 5 public locations around town and on the web site on November 20<sup>th</sup>, 2013. While this is a legislative amendment, additional courtesy notice was mailed to immediately affected property owners on November 20<sup>th</sup>, 2013, and provided to the businesses located within those properties.

The applicant held a public meeting on July 17, 2013 from 5:30 to 7:30 PM at the Sherwood Police Department Community Room, 20495 SW Borchers Drive. Notice to property owners and recognized neighborhood organizations within 1,000 feet of the subject property were mailed on June 27, 2013, July 2, 2013 and July 8, 2013.

E. Review Criteria:

The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC). In addition, the amendment must be consistent with Goals 1, 2 and 12 of the Statewide Planning Goals and Chapter 6 of the Comprehensive Plan.

F. Background:

Washington County is currently making safety and capacity improvements for Tualatin Sherwood Road, which includes street widening, access management, Intelligent Transportation Systems (ITS), and off-corridor circulation. The street widening and access management elements are being addressed as part of the MSTIP 3d Tualatin Sherwood Road (Adams to Borchers) project, which is currently in design. The ITS element will be evaluated over the next year as the County implements improved traffic signal timing along Tualatin-Sherwood Road from Teton Avenue to OR 99W and along OR 99W from the Home Depot intersection to Sunset Boulevard with the possibility of using adaptive signal timing.

## II. PUBLIC COMMENTS

The City posted notices in five locations around the city and provided courtesy mailed notice to directly related property owners in the vicinity of the road extension. In addition, business owners were provided with notice of the proposal. Notice was also published in the Tigard Times on November 28<sup>th</sup> and December 5<sup>th</sup> 2013, and in the December Gazette. The applicant hosted a public meeting on July 17, 2013 for property owners and recognized neighborhood organizations located within 1,000 feet of the subject property. Comments from the public meeting are summarized below:

- A connection from SW Pacific Hwy through to SW Borchers Road will create access, congestion and safety problems at the intersection of SW Borchers and SW Roy Rogers Road. This is the only ingress and egress for neighborhoods in the northwest corner of the SW Pacific Hwy and Tualatin Sherwood Road (i.e. Heron Ridge, Conzelmann Farm Estates, and Hunters Ridge Condominiums).

- Diverting traffic from SW Pacific Hwy to Borchers will have negative impacts to neighborhoods such as increased traffic and noise and decreased safety, livability, and property values.
- SW Pacific Hwy to Borchers connection (full connection) will have negative impacts to the Tualatin River National Wildlife Refuge to the north such as increased impervious surface area that may contribute to flooding, pollutants, and light pollution impacting the refuge. A short dead end road to the properties located away from the slope leading to the floodplain would be preferred per Fish and Wildlife Service comment.
- The connection through to Borchers would cross a site that is desired by some residents for potential park use. There is a lack of park facilities for these neighborhoods on the north side of SW Roy Rogers Road.
- Topography in this area would require crossing a ravine that would entail an expensive bridge.
- Traffic on SW Roy Rogers Road is a major problem for residents that the proposed 99W road connection would not help.
- Need to look at transportation facilities and solutions beyond the immediate project area.
- In response to the County's position that it will not pursue a connection from SW Pacific Hwy through to Borchers with the proposed TSP Amendment, questions were asked regarding how a future alignment could be approved. The project team responded that any future map amendment would require another neighborhood meeting followed by a formal land use approval process by the City.

### III. AGENCY/DEPARTMENTAL COMMENTS

The City requested comments from affected agencies. All original documents are contained in the planning file and are a part of the official record on this case. The following information briefly summarizes those comments:

**Bonneville Power Administration** – Julie Goodrich of the BPA provided comments attached to this report as Exhibit B, that indicates that the BPA has no objection to the proposal but that any future construction beneath the powerlines will require a BPA Right Of Way Use permit which would include clearance measurements to the closest BPA tower and overhead wires, and road specification.

DLCD, ODOT, Washington County, Metro, Clean Water Services, Tualatin Valley Fire and Rescue (TVF&R), Kinder Morgan, Pride Disposal, The Sherwood School District, The Sherwood Engineering, Building, and Public Works Departments, Portland General Electric, Northwest Natural Gas, and Raindrops to Refuge were provided the opportunity to comment on this application but did not provide written or verbal comments.

### IV. APPLICABLE DEVELOPMENT CODE CRITERIA

#### 16.80.030 – Review Criteria

##### A. Text Amendment

**An amendment to the text of the Comprehensive Plan shall be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the adopted Sherwood Comprehensive Plan, and with all other provisions of the Plan, the Transportation System Plan and this Code, and with any applicable State or City statutes and regulations, including this Section.**

**FINDING:** The applicant's proposal requests the modification of the Sherwood Comprehensive Plan Figure 8-1 (Functional Classification Map) and would adhere to the existing policies and the intent of the Plan. No text amendment would be required. Therefore, this criterion is not applicable.

## **B. Map Amendment**

**An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that:**

- 1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.**

**ANALYSIS:** Compliance with the Comprehensive Plan policies is discussed below in Section V.B.

- 2. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.**

**ANALYSIS:** The parcels that would be impacted by future physical improvements are located within the Light Industrial (LI) and General Commercial (GC) zoning districts. The parcels (TLIDs 2S129B000200, 2S129B000102, 2S129B000105, and 2S129B000104) are currently in residential, agricultural, and commercial uses. The commercial uses are clustered directly adjacent to SW Pacific Hwy where the proposed street would intersect with SW Pacific Hwy. This intersection of SW Pacific Hwy and a private road is currently controlled with a traffic light that was installed as part of the Home Depot construction. The Adams Avenue extension approved by Ordinance 2009-008 (Adams Avenue North Extension Plan) would terminate at this intersection on the east side of SW Pacific Hwy once constructed. The existing residential use at the west end of the proposal receives access from SW Roy Rogers Rd through a driveway, but does not have access to SW Pacific Hwy.

According to the applicant, the proposed street would allow for the future development of a public transportation facility that would provide surrounding land uses with improved access and circulation. As demonstrated in the attached memorandum from DKS Associates, dated September 17, 2013, the affected parcels when built out or redeveloped, would generate 5,000 average daily trips (ADT). The applicant states that the proposed street location would support the existing and future pattern of development in the area by consolidating access for multiple properties at the existing signalized intersection on SW Pacific Hwy and continue the extension of Adams Avenue as a designated collector.

- 3. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.**

**ANALYSIS:** According to the applicant, the proposed street is timely in that Washington County is currently making safety and capacity improvements for Tualatin Sherwood Road. The proposed TSP amendment is one element. According to public comments submitted during the public meeting held July 17, 2013, there are existing traffic issues on SW Roy Rogers Road. The County is pursuing access management on SW Roy Rogers Road which necessitates that alternate access be provided for properties in the NW corner of the intersection of SW Pacific Hwy and SW Roy Rogers Road. Washington County is also presently designing improvements to Tualatin Sherwood Road to reduce congestion and improve safety in the area with construction scheduled to begin in 2014. As the scope of the City's current TSP update does not address new

streets; Washington County has made application to do so which is both timely and consistent with the pattern of development in the area.

The Adams Avenue North Extension Plan approved by Ordinance 2009-008 proposed street patterns supporting urbanization and commercial development within City limits. Within the City limits, the properties that would be impacted by the proposed street are surrounded to the west, south and east by housing and commercial developments. The future development of the properties that would be impacted by the proposed street would be consistent with the development pattern in the area.

**4. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.**

**ANALYSIS:** The proposed street would not alter the zoning or proposed uses of the properties potentially impacted by its construction. This criterion is not applicable.

**FINDING:** Compliance with the Comprehensive Plan policies is discussed below in Section V.B. Staff finds that due to the projected ADT, the existing Adams Avenue extension, anticipated future development of the area and existing level of traffic on SW Roy Rogers Road, there is an existing and demonstrable need for the proposed street. Additionally, because of the investment and improvements currently being implemented by the County in conjunction with the recent approval of Ordinance 2009-008, staff finds that the proposed amendment is timely. These criteria are satisfied.

**C. Transportation Planning Rule Consistency**

**1. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.**

**ANALYSIS:** The attached memorandum submitted by the applicant from DKS Associates, dated September 17, 2013, provides the required review in accordance with OAR 660-12-0060.

**2. "Significant" means that the transportation facility would change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification, allow types of land use, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility, or would reduce the level of service of the facility below the minimum level identified on the Transportation System Plan.**

**ANALYSIS:** Based on the TSP, there is no existing or planned transportation facility at the location of the proposed street. On the east side of SW Pacific Hwy a collector is proposed by the Adams Avenue North Extension Plan approved by Ordinance 2009-008. The proposed street would also be a collector and would terminate in a stub prior to connecting with SW Roy Rogers Road. The applicant is not proposing a connection with SW Roy Rogers Road in response to public concerns about existing traffic and County concerns about safety. As demonstrated in the attached memorandum from DKS Associates, the affected parcels when built out or redeveloped, could generate 5,000 average daily trips (ADT). The memorandum further states that since the proposed street would not be a through street, there would be no change in traffic circulation or increased trips on other public roads as a result of the amendment and future construction.

**3. Per OAR 660-12-0060, Amendments to the Comprehensive Plan or changes to land use regulations which significantly affect a transportation facility shall assure that allowed land**

**uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:**

- a. Limiting allowed uses to be consistent with the planned function of the transportation facility.**
- b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses.**
- c. Altering land use designations, densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes.**

**ANALYSIS:** As demonstrated in the attached memorandum from DKS Associates, the proposed TSP amendment would not result in a significant impact to a transportation facility. The applicant is proposing to stub the proposed street in response to physical site constraints, access mitigation on SW Roy Rogers Road, and public traffic concerns on SW Roy Rogers Road. As a result, the street is proposed to address this future increase in ADT based on existing zoning designations and would not require alterations of land use designations or design requirements.

**FINDING:** Based on the analysis above, staff finds that the review of the plan and text amendment application for impact on transportation facilities provided by DKS Associates accurately determined that the proposed street would not have a significant impact on existing transportation facilities.

## **V. APPLICABLE COMPREHENSIVE PLAN POLICIES**

### **B. GOALS, POLICIES, AND STRATEGIES**

**Goal 1: Provide a supportive transportation network to the land use plan that provides opportunities for transportation choices and the use of alternative modes serving all neighborhoods and businesses.**

**Policy 1 – The City will ensure that public roads and streets are planned to provide safe, convenient, efficient and economic movement of persons, goods and services between and within the major land use activities. Existing rights of way shall be classified and improved and new streets built based on the type, origin, destination and volume of current and future traffic.**

**ANALYSIS:** According to the applicant, the proposed street would provide needed internal circulation for several large parcels zoned LI and GC. Per the DKS Associates memorandum, these parcels would generate up to 5,000 trips related to the movement of goods and services based on the existing zoning designations.

The applicant is proposing the street as a collector, consistent with the purpose of collectors, which is to "Provide both access and circulation within and between residential and commercial/industrial areas." (TSP Table 1. Functional Classification Definitions). The Comprehensive Plan defines collectors as being "typically greater than 0.5 to 1.0 miles in length." However, the proposed street would be approximately 0.25 miles in length due to topographic and environmental constraints relative to the ravine immediately west of the proposed alignment. The applicant states that this shorter length is also proposed in response to neighborhood concerns about additional traffic to the residential areas to the west if the street was longer in length or a through-connection.

Due to its intersection with SW Pacific Hwy, an ODOT facility, the proposed street will be subject to ODOT approval for Grant of Access for a Public Approach. Per OAR 734-051-2020 (4)(e)(B) (i):

"The department (ODOT) may determine that a benefit to the state highway system exists where the proposed connection is a public facility with a functional classification of collector or higher (emphasis added) and is identified in an adopted transportation system plan, consistent with OAR 660-012-0000 through 660-012-0070,"

As a matter of practice ODOT requires that such access be designated as collectors at a minimum. The proposed public street designation as a collector would be consistent with this provision.

**Policy 2 – Through traffic shall be provided with routes that do not congest local streets and impact residential areas. Outside traffic destined for Sherwood business and industrial areas shall have convenient and efficient access to commercial and industrial areas without the need to use residential streets.**

**ANALYSIS:** The proposed street terminates approximately 0.25 miles from its intersection with SW Pacific Hwy and does not create through traffic, which may be a concern if all of the properties located west of Highway 99 aren't provided with direct access to the proposed facility. It is contained wholly within commercial and light industrial zoned properties and does not impact residential areas. The street will provide outside traffic with direct access to these commercial and industrial areas without the need to use intervening residential streets. This policy does not prohibit non-through traffic routes.

**Policy 3 – Local traffic routes within Sherwood shall be planned to provide convenient circulation between home, school, work, recreation and shopping. Convenient access to major out-of-town routes shall be provided from all areas of the city.**

**ANALYSIS:** The proposed street provides access for multiple properties at a signalized intersection that connects to the larger transportation system that provides circulation between home, school, work, recreation, and shopping. This new street also provides direct access to SW Pacific Hwy, a major arterial that connects to out-of-town destinations. During the public meeting held on July 17, 2013, participants voiced concerns about the negative impacts to the neighborhood and the Tualatin River National Wildlife Refuge if the proposed street was allowed to connect to SW Borchers Road. The participants felt that if the connection were allowed, traffic circulation between home, school, work, recreation and shopping would be negatively impacted by increasing traffic and noise and decreased safety, livability, and property values. In response, the applicant has proposed to terminate the proposed street in a stub on the east side of Tualatin River National Wildlife Refuge.

**Policy 8 – The City of Sherwood shall consider infrastructure improvements with the least impact to the environment.**

**ANALYSIS:** The proposed street would be located within the urban growth boundary and would avoid known environmental resources including wetlands, riparian habitat and areas designated as Refuge Sanctuary within the Tualatin River National Wildlife Refuge.

**FINDING:** Based on the above analyses, staff finds that because the street 1) provides needed internal circulation that facilitates the safe, convenient, efficient and economic movement of persons, goods and services between and within the major land use activities; 2) is substantially consistent with the City's collector street definition; and 3) is consistent with ODOT's minimum desired collector functional classification for access to SW Pacific Hwy, the criteria of Policy 1 are satisfied. Additionally, the proposed street would be a stub and therefore not congest or impact residential streets. Access from SW Pacific Hwy would provide the required convenient and efficient access to the commercial and industrial uses in the area. In response to site

constraints and public comments the proposed street would not impact circulation between home, school, work, recreation and shopping. These criteria are satisfied.

**Goal 2: Develop a transportation system that is consistent with the City's adopted comprehensive land use plan and with the adopted plans of state, local, and regional jurisdictions.**

**Policy 1 – The City shall implement the transportation plan based on the functional classification of streets shown in Table 8-1.**

**ANALYSIS:** The designation for the proposed street is a collector street which is one of the City's functional classifications implemented by the TSP.

**Policy 2 – The City shall maintain a transportation plan map that shows the functional classification of all streets within the Sherwood urban growth area. Changes to the functional classification of streets must be approved through an amendment to the Sherwood Comprehensive Plan, Part 2, Chapter 6 – Transportation Element.**

**ANALYSIS:** The applicant is requesting an amendment to the City's Transportation System Plan which is part of the Sherwood Comprehensive Plan, Part 2, Chapter 6 – Transportation Element to include the proposed street. If approved, this application would result in an update to the transportation plan map.

**Policy 3 – The Sherwood transportation system plan shall be consistent with the City's adopted land use plan and with transportation plans and policies of other local jurisdictions, specially Washington County, Clackamas County, City of Wilsonville, and the City of Tualatin.**

**ANALYSIS:** As demonstrated in the responses to the applicable TSP policies, the proposed amendment is consistent with the adopted TSP. The adopted TSP has been found to be consistent with the City's adopted land use plan and transportation plans and policies of other local jurisdictions.

**Policy 5 – The City shall adopt a street classification system that is compatible with Washington County Functional Classification System for areas inside the Washington County**

**ANALYSIS:** The proposed functional classification for the new public street is a collector street which is one of the City's functional classifications in its adopted TSP that has been deemed to be compatible with Washington County Functional Classification System for areas inside the Washington County Urban Area Plan and with Washington County 2020 Transportation Plan.

**FINDING:** Based on the above analyses, staff finds that the collector and local street classifications of the proposed street would be based on the function classification of streets shown in Table 8-1, which has already been deemed compatible with the Washington County Functional Classification System for areas inside the Washington County Urban Area Plan and with Washington County 2020 Transportation Plan. If approved, this application would result in an update to the transportation plan map to reflect the classifications of the proposed future street. These criteria are satisfied.

**Goal 3: Establish a clear and objective set of transportation design and development regulations that addresses all elements of the city transportation system and that promote access to and utilization of a multi-modal transportation system.**

**Policy 7- The City of Sherwood will generally favor granting property access from the street with the lowest functional classification, including alleys. Additional access to arterials and**

**collectors for single family units shall be prohibited and use access from frontage roads and local streets. Frontage roads shall be designed as local streets.**

**ANALYSIS:** The proposed street would allow for access from the affected properties onto a collector street instead of an arterial (Tualatin Sherwood Road) or a state highway (SW Pacific Hwy) thereby providing access onto a public street with a lower functional classification than surrounding transportation facilities. Property-specific access to the street would be regulated by the City at a future design phase or a land use action and is not applicable to the proposed TSP amendment.

**Policy 8: The City will adopt access control and spacing standards for all arterial and collector streets to improve safety and promote efficient through street movement. Access control measures shall be generally consistent with Washington County access guidelines to ensure consistency on city and county roads.**

**ANALYSIS:** The proposed street would align with the existing signalized access at SW Pacific Hwy. The proposed street does not propose to change the City's adopted standards for access control or spacing for arterials or collectors.

**FINDING:** Based on the analyses above, staff finds that the proposed street would meet and promote the transportation design and development regulations adopted by the City. Specifically, the proposed street would provide the impacted properties with access to a lower functional classification than is currently available and would utilize an existing signalized intersection. These criteria are satisfied.

## **VI. APPLICABLE STATEWIDE PLANNING GOALS**

### **Goal 1 (Citizen Involvement)**

**ANALYSIS:** Based on affidavits and meeting minutes submitted with the application, Washington County provided notice for and conducted a neighborhood meeting in compliance with the public notification requirements for a Type V land use application. Notice of the December 10, 2013 Planning Commission hearing on the proposed amendment was published in The Tigard Times on November 21<sup>st</sup> and December 5<sup>th</sup>, 2013 and in the December 2013 edition of the Gazette. Notice was also posted in 5 public locations around town and on the web site on November 12<sup>th</sup> 2013. While this is a legislative amendment, courtesy notice was mailed to immediately affected property owners on November 20<sup>th</sup>. Individual businesses within the affected area were canvassed and provided with notice of the hearing as well. Furthermore, the City will host a public hearing before the planning commission and a public hearing before the City Council providing the community and affected stakeholders the opportunity to participate in this land use review consistent with the intent of Statewide Planning Goal 1.

**FINDING:** The applicant and staff utilized the public notice requirements of the Code to notify the public of this proposed plan amendment. The City's public notice requirements have been found to comply with Goal 1 and, therefore, this proposal meets Goal 1.

### **Goal 2 (Land Use Planning)**

**ANALYSIS:** As found in the narrative submitted by the applicant as part of this application, all applicable land use approval criteria for a TSP map amendment has been addressed. As described in the paragraphs above, staff has reviewed the applicant's proposal in accordance with the approval process for a Type V (Legislative) land use application.

**FINDING:** The proposed amendment, as demonstrated in this report is processed in compliance with the local, regional and state requirements and therefore meets Statewide Planning Goal 2.

**Goal 3 (Agricultural Lands)**

**Goal 4 (Forest Lands)**

**Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces)**

**Goal 6 (Air, Water and Land Resources Quality)**

**Goal 7 (Areas Subject to Natural Hazards)**

**Goal 8 (Recreational Needs)**

**Goal 9 (Economic Development)**

**Goal 10 (Housing)**

**Goal 11 (Public Facilities and Services)**

**FINDING:** The Statewide Planning Goals 3-11 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

**Goal 12 (Transportation)**

**FINDING:** Compliance with Goal 12 is demonstrated at the local level through the adoption and maintenance of a transportation system plan (TSP). Amendments to the TSP are implemented through the Transportation Planning Rule ("TPR"). Staff has assessed the proposals consistency with the TPR above in Section IV (16.80.030 – Review Criteria). Therefore, the proposal is consistent with Goal 12.

**Goal 13 (Energy Conservation)**

**Goal 14 (Urbanization)**

**Goal 15 (Willamette River Greenway)**

**Goal 16 (Estuarine Resources)**

**Goal 17 (Coastal Shorelands)**

**Goal 18 (Beaches and Dunes)**

**Goal 19 (Ocean Resources)**

**FINDING:** The Statewide Planning Goals 13-19 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

**EXHIBITS**

- A. Application materials
- B. November 27, 2013 letter from Julie Goodrich of the Bonneville Power Administration
- C. Undated letter from Nicole Morgal
- D. Memorandum from DKS to Bob Galati regarding the proposed TSP Amendment to extend SW Adams Avenue (now known as SW Langer Farms Parkway)



Home of the Tualatin River National Wildlife Refuge

received

SEP 20 2013

Building Dept.

By: B.M.K.

Case No. PA13-03

Fee 5330

Receipt # 2282

Date 9/20/2013

TYPE IV

### City of Sherwood Application for Land Use Action

**Type of Land Use Action Requested: (check all that apply)**

- Annexation
- Plan Amendment (Proposed Zone N/A)
- Variance (list standard(s) to be varied in description)
- Site Plan (Sq. footage of building and parking area)
- Planned Unit Development
- Conditional Use
- Partition (# of lots \_\_\_\_\_)
- Subdivision (# of lots \_\_\_\_\_)
- Other: \_\_\_\_\_

*By submitting this form the Owner, or Owner's authorized agent/representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.*

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov). Click on Departments/Planning/Fee Schedule.

**Owner/Applicant Information:**

Applicant: Dan Erpenbach, Washington County DLUT Phone: 503-846-7877  
 Applicant Address: See narrative Email: See narrative  
 Owner: N/A Phone: N/A  
 Owner Address: N/A Email: N/A  
 Contact for Additional Information: Applicant's Rep: Stefanie Slyman, HHPR Inc. 503-221-1131

**Property Information:**

Street Location: Proposed street extends Adams Ave from northern terminus at Hwy 99W to the west  
 Tax Lot and Map No: Tax Map 2S 01 29B: TLs 102, 103, 104, 105, 200  
 Existing Structures/Use: Office, commercial, and light industrial uses  
 Existing Plan/Zone Designation: GC, LI, Undesignated Concept Plan area recently brought into UGB  
 Size of Property(ies) Per TLs above (in acres): 6.38, 1.54, 0.43, 1.37, 9.40

**Proposed Action:**

Purpose and Description of Proposed Action: Washington County proposes to amend the City of Sherwood's Transportation System Plan (TSP) to extend Adams Avenue from its existing terminus at Hwy 99W (near Home Depot) to the west side of Hwy 99W. The primary purpose is to develop access and street system improvements to address capacity and safety issues in the area.

Proposed Use: New public street designated as a collector street

Proposed No. of Phases (one year each): N/A

LAND USE APPLICATION FORM

**Authorizing Signatures:**

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Daniel J. Engenbach  
Applicant's Signature

9-17-13  
Date

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

**The following materials must be submitted with your application or it will not be accepted at the counter.** Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

**3 \* copies of Application Form** completely filled out and signed by the property owner (or person with authority to make decisions on the property).

*N/A*  **Copy of Deed** to verify ownership, easements, etc.

*N/A*  **At least 3 \* folded** sets of plans

**At least 3 \* sets** of narrative addressing application criteria

**Fee** (along with calculations utilized to determine fee if applicable)

**Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

*N/A*  **Signed checklist** verifying submittal includes specific materials necessary for the application process

\* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

## HWY 99W/ADAMS AVE TSP AMENDMENT

### PROPOSAL OVERVIEW

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Applicant:

Dan Erpenbach, Capital Project Management Division  
Washington County Department of Land Use and Transportation  
1400 SW Walnut Street  
Hillsboro, OR 97123  
503-846-7877 Daniel\_erpenbach@co.washington.or.us

Applicant's Representative:

Stefanie Slyman, AICP  
Harper Houf Peterson Righellis Inc.  
205 SE Spokane St., #200  
Portland, OR 97212  
503-221-1131 stefanies@hhpr.com

Summary:

The applicant, Washington County, proposes to amend the City of Sherwood's Transportation System Plan to extend Adams Avenue from its existing terminus at Highway 99W (near Home Depot) to the west side of Highway 99W. The primary purpose of the street extension is to develop access and street system improvements to address capacity and safety issues in the area. As shown in **Figure 1**, the extension would be designated as a collector street. This amendment would modify Figure 8-1 (Functional Classification Map).

Review Type:

The proposed map amendment requires a Type V (Legislative) review before the Planning Commission and City Council. As required, a Neighborhood Meeting to present the proposal was held for which notice was provided to property owners within 1,000' of the proposed map amendment. Documentation of the meeting has been submitted with the application materials.

Background:

Washington County is currently making safety and capacity improvements for Tualatin Sherwood Road, which includes roadway widening, access management, Intelligent Transportation Systems (ITS), and off-corridor circulation. The roadway widening and access management elements are being addressed as part of the MSTIP 3d Tualatin-Sherwood Road (Adams to Borchers) project, which is currently in design. The ITS element will be evaluated over the next year as the County implements improved traffic signal timing along Tualatin-Sherwood Road from Teton Avenue to OR 99W and along OR 99W from the Home Depot intersection to Sunset Boulevard with the possibility of using adaptive signal timing. The purpose of this TSP amendment is to address the off-corridor circulation element of the County's overall strategy for making safety and capacity improvements for Tualatin Sherwood Road.

**RECEIVED**

## APPLICABLE DEVELOPMENT CODE CRITERIA

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### 16.80.030 - Review Criteria

#### B. Map Amendment

An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.

**RESPONSE:** *As is demonstrated further in this application, the amendment is consistent with the applicable goals and policies of the Comprehensive Plan and the Transportation System Plan.*

3. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.

**RESPONSE:** *The proposed map amendment will allow for the future development of a public transportation facility that will provide surrounding land uses with improved access and circulation. The area to be served is zoned Light Industrial – LI and General Commercial – GC, zoning districts that, when built out or redeveloped, will generate 5,000 trips. The proposed location supports the existing and future pattern of development in the area by consolidating access for multiple properties at an existing signalized intersection on Highway 99W. This alignment provides a continuation of Adams Avenue to the east, a designated collector, thereby supporting the pattern of development in the area.*

*The amendment is timely in that Washington County is currently making safety and capacity improvements for Tualatin Sherwood Road on the whole, of which the TSP amendment is one element. The County is pursuing access management on SW Roy Rogers Road which necessitates that alternate access is provided for properties in the NW corner of the intersection of Highway 99W and SW Roy Rogers Road. This TSP amendment will provide the map amendment needed for this future alternate access. Washington County is also presently designing improvements to Tualatin Sherwood Road to reduce congestion and improve safety in the area with construction to begin in 2014. As the scope of the City's current TSP update does not address new roadways; Washington County has made application to do so which is both timely and consistent with the pattern of development in the area. This criterion is met.*

#### C. Transportation Planning Rule Consistency

1. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.

**RESPONSE:** *The proposed TSP amendment is an amendment to the Comprehensive Plan subject to review to determine whether it significantly affects a transportation facility. The attached memorandum from DKS Associates, dated September 17, 2013, provides this review in accordance with OAR 660-12-0060. This criterion is met.*

2. "Significant" means that the transportation facility would change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification, allow types of land use, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility, or would reduce the level of service of the facility below the minimum level identified on the Transportation System Plan.

**RESPONSE:** *As demonstrated in the attached memorandum from DKS Associates, dated September 17, 2013, the proposed TSP amendment will not result in a significant effect to a transportation facility. This review criterion is met.*

3. Per OAR 660-12-0060, Amendments to the Comprehensive Plan or changes to land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
  - a. Limiting allowed uses to be consistent with the planned function of the transportation facility.
  - b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses.
  - c. Altering land use designations, densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

**RESPONSE:** *The proposed TSP amendment does not result in a significant effect to a transportation facility; therefore, this criterion does not apply.*

## APPLICABLE COMPREHENSIVE PLAN POLICIES

### B. GOALS, POLICIES, AND STRATEGIES

Goal 1: Provide a supportive transportation network to the land use plan that provides opportunities for transportation choices and the use of alternative modes serving all neighborhoods and businesses.

Policy 1 – The City will ensure that public roads and streets are planned to provide safe, convenient, efficient and economic movement of persons, goods and services between and within the major land use activities. Existing rights of way shall be classified and improved and new streets built based on the type, origin, destination and volume of current and future traffic.

**RESPONSE:** *The proposed roadway provides needed internal circulation for several large parcels zoned Light Industrial-LI and General Commercial-GC. Per the traffic memorandum, these parcels will generate up to 5,000 trips related to the movement of goods and services within these major land use activities.*

*The proposed designation for this roadway is a collector, consistent with the purpose of collectors which is to "Provide both access and circulation within and between residential and commercial/industrial areas." (TSP Table 1. Functional Classification Definitions). Per the City's definition, these are "typically greater than 0.5 to 1.0 miles in length." At 0.25 miles in length, the proposed roadway is shorter than this typical length due to topographic and environmental constraints relative to the ravine immediately west of the proposed alignment. This shorter length is also proposed in response to neighborhood concerns about additional traffic to the residential areas to the west if the roadway was longer in length or a through-connection.*

*Although the proposed roadway is shorter than the typically-defined length in the City's collector definition, there are no standards to preclude a "stub" collector. Moreover, while stub collectors*

are not currently found in the City of Sherwood, they are utilized by Washington County, in which there are existing stub collectors as well as ones mapped in the County TSP.

The justification for a collector designation is further due to its intersection with Hwy 99W, an ODOT facility, for which future access as a public roadway will be subject to ODOT approval for Grant of Access for a Public Approach. Per OAR 734-051-2020 (4)(e)(B) (i):

*"The department (ODOT) may determine that a benefit to the state highway system exists where the proposed connection is a public facility with a **functional classification of collector or higher** (emphasis added) and is identified in an adopted transportation system plan, consistent with OAR 660-012-0000 through 660-012-0070;"*

*Although alternate documentation may be provided to prove a benefit to the state highway system, as a matter of practice ODOT requires that such access be designated as collectors at a minimum. The proposed public roadway designation as a collector is consistent with this provision.*

*Therefore, because the roadway 1) provides needed internal circulation that facilitates the safe, convenient, efficient and economic movement of persons, goods and services between and within the major land use activities; 2) is substantially consistent with the City's collector street definition; and 3) is consistent with ODOT's minimum desired collector functional classification for access to Hwy 99W, this criterion is met.*

Policy 2 – Through traffic shall be provided with routes that do not congest local streets and impact residential areas. Outside traffic destined for Sherwood business and industrial areas shall have convenient and efficient access to commercial and industrial areas without the need to use residential streets.

**RESPONSE:** *The proposed roadway terminates approximately 0.25 miles from its intersection with Hwy 99W and does not create through traffic. It is contained wholly within commercial and light industrial zoned properties and does not impact residential areas. The roadway will provide outside traffic with direct access to these commercial and industrial areas without the need to use intervening residential streets. This criterion is met.*

Policy 3 – Local traffic routes within Sherwood shall be planned to provide convenient circulation between home, school, work, recreation and shopping. Convenient access to major out-of-town routes shall be provided from all areas of the city.

**RESPONSE:** *The proposed roadway provides access for multiple properties at a signalized intersection that connects to the larger transportation system that provides circulation between home, school, work, recreation, and shopping. This new roadway also provides direct access to Hwy 99W, a major arterial that connects to out-of-town destinations. This criterion is met.*

Policy 6 – The City shall work to ensure the transportation system is developed in a manner consistent with state and federal standards for the protection of air, land and water quality, including the State Implementation Plan for complying with the Clean Air Act and the Clean Water Act.

**RESPONSE:** *The proposed map amendment does not preclude future compliance with these standards which are implemented by Clean Water Services (water quality) and the Oregon Department of Environmental Quality (air quality). This review criterion is met.*

Policy 8 – The City of Sherwood shall consider infrastructure improvements with the least impact to the environment.

**RESPONSE:** *The proposed roadway is located within the urban growth boundary and avoids known environmental resources including wetlands (Figure 2) and riparian habitat (Figure 3) and areas designated as Refuge Sanctuary within the Tualatin River National Wildlife Refuge (Figure 4). This review criterion is met.*

Goal 2: Develop a transportation system that is consistent with the City's adopted comprehensive land use plan and with the adopted plans of state, local, and regional jurisdictions.

Policy 1 – The City shall implement the transportation plan based on the functional classification of streets shown in Table 8-1.

**RESPONSE:** *The designation for the proposed roadway is a collector street which is one of the City's functional classifications implemented by the TSP. This criterion is met.*

Policy 2 – The City shall maintain a transportation plan map that shows the functional classification of all streets within the Sherwood urban growth area. Changes to the functional classification of streets must be approved through an amendment to the Sherwood Comprehensive Plan, Part 2, Chapter 6 - Transportation Element.

**RESPONSE:** *The proposed roadway will amend the City's Transportation System Plan which is part of the Sherwood Comprehensive Plan, Part 2, Chapter 6 - Transportation Element. This criterion is met.*

Policy 3 – The Sherwood transportation system plan shall be consistent with the city's adopted land use plan and with transportation plans and policies of other local jurisdictions, especially Washington County, Clackamas County, City of Wilsonville, and the City of Tualatin.

**RESPONSE:** *As demonstrated in the responses to the applicable TSP policies, the proposed amendment is consistent with the adopted TSP. The adopted TSP has been found to be consistent with the city's adopted land use plan and transportation plans and policies of other local jurisdictions. Therefore, because the proposal is consistent with the adopted TSP, this criterion is met.*

Policy 5 – The City shall adopt a street classification system that is compatible with Washington County Functional Classification System for areas inside the Washington County Urban Area Plan and with Washington County 2020 Transportation Plan (Ordinance 588).

**RESPONSE:** *The proposed functional classification for the new public roadway is a collector street which is one of the City's functional classifications in its adopted TSP that has been deemed to be compatible with Washington County Functional Classification System for areas inside the Washington County Urban Area Plan and with Washington County 2020 Transportation Plan. This criterion is met.*

Goal 3: Establish a clear and objective set of transportation design and development regulations that addresses all elements of the city transportation system and that promote access to and utilization of a multi-modal transportation system.

Policy 7 – The City of Sherwood will generally favor granting property access from the street with the lowest functional classification, including alleys. Additional access to arterials and collectors for single family units shall be prohibited and use access from frontage roads and local streets. Frontage roads shall be designed as local streets.

**RESPONSE:** *The proposed roadway will allow for access onto a collector street instead of an arterial (Tualatin Sherwood Road) or a state highway (Hwy 99W) thereby providing access onto*

*a public street with a lower functional classification than surrounding transportation facilities. Property-specific access to the roadway will be regulated by the City at a future design phase or a land use action and is not applicable to the proposed TSP amendment. This criterion is met.*

Policy 8: The City will adopt access control and spacing standards for all arterial and collector streets to improve safety and promote efficient through street movement. Access control measures shall be generally consistent with Washington County access guidelines to ensure consistency on city and county roads.

**RESPONSE:** *The proposed roadway will align with an existing signalized access at Hwy 99W. This TSP amendment does not propose to change the City's adopted standards for access control or spacing for arterials or collectors. This criterion is met.*

## APPLICABLE STATEWIDE PLANNING GOALS

### GOAL 1 (Citizen Involvement)

**RESPONSE:** *The applicant, Washington County provided notification for and conducted a neighborhood meeting in compliance with the public notification requirements for a Type V land use application. Further public notice is to be provided by the City of Sherwood which includes opportunities for written and oral testimony at public hearings before the Planning Commission and City Council. This criterion is met.*

### GOAL 2 (Land Use Planning)

**RESPONSE:** *The applicant, Washington County, has addressed all applicable land use approval criteria for a TSP map amendment. The application will be reviewed by the City of Sherwood in accordance with the approval process for a Type V (Legislative) land use application. This criterion is met.*

### GOAL 12 (Transportation)

**RESPONSE:** *Goal 12 is implemented through the Transportation Planning Rule ("TPR"). As demonstrated in the previous responses for Transportation Planning Rule Consistency under 16.80.030 - Review Criteria, the proposal is consistent with the TPR. Therefore, the proposal is consistent with Goal 12. This criterion is met.*

**PROPOSED SHERWOOD TSP AMENDMENT**  
**HWY 99W/ADAMS AVE EXTENSION**  
**FIGURE 1**



HWY 99W/ADAMS AVE  
EXTENSION  
TSP AMENDMENT

BALER WAY EXTENSION  
TSP AMENDMENT

FUTURE COLLECTOR  
IDENTIFIED IN THE I-5  
TO 99W CONNECTOR  
STUDY

ADAMS AVENUE  
(CONSTRUCTION  
UNDER WAY)

**LEGEND**  
— PROPOSED COLLECTOR ROADWAY  
— PROPOSED LOCAL ROADWAY

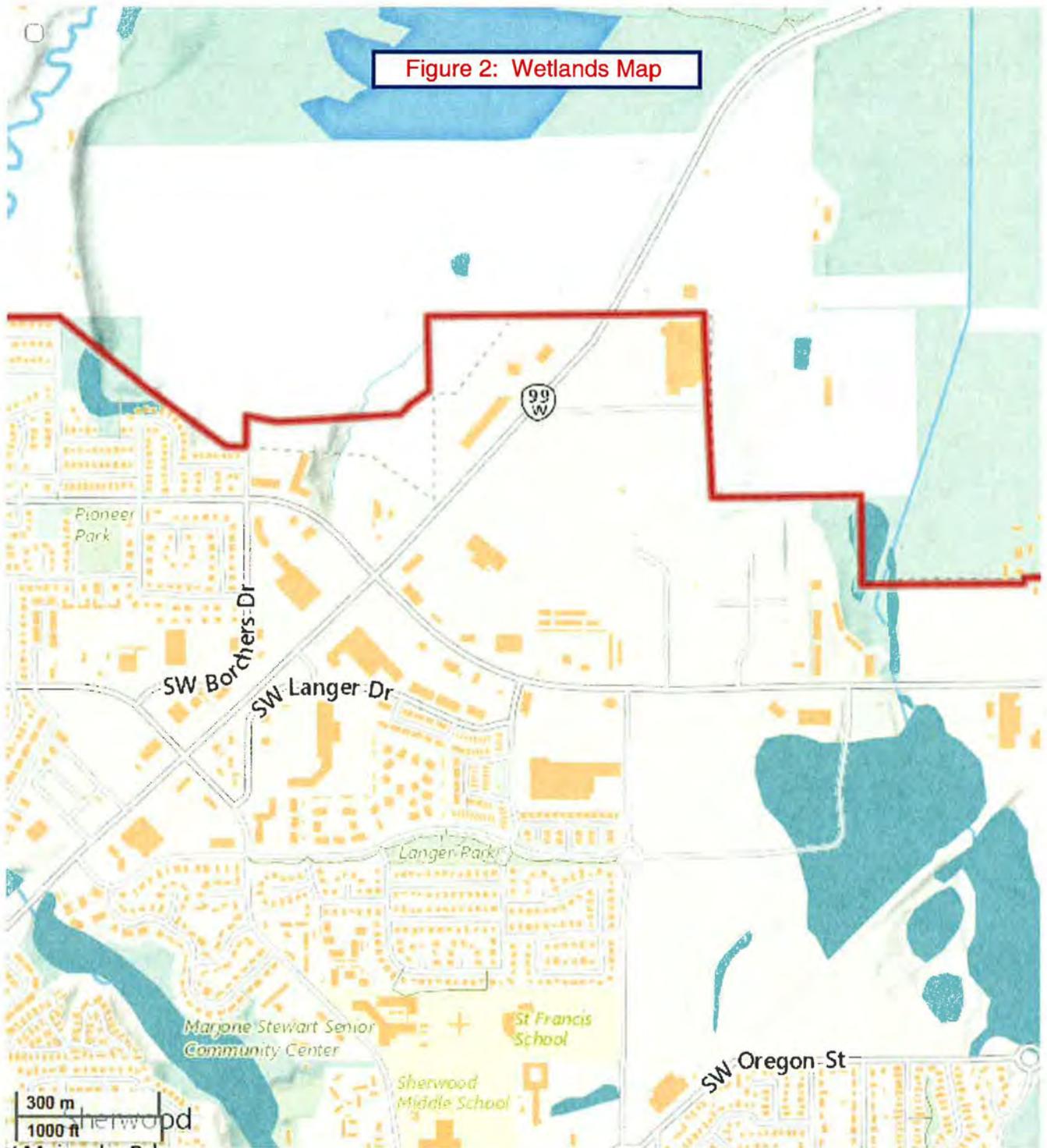


Figure 2: Wetlands Map

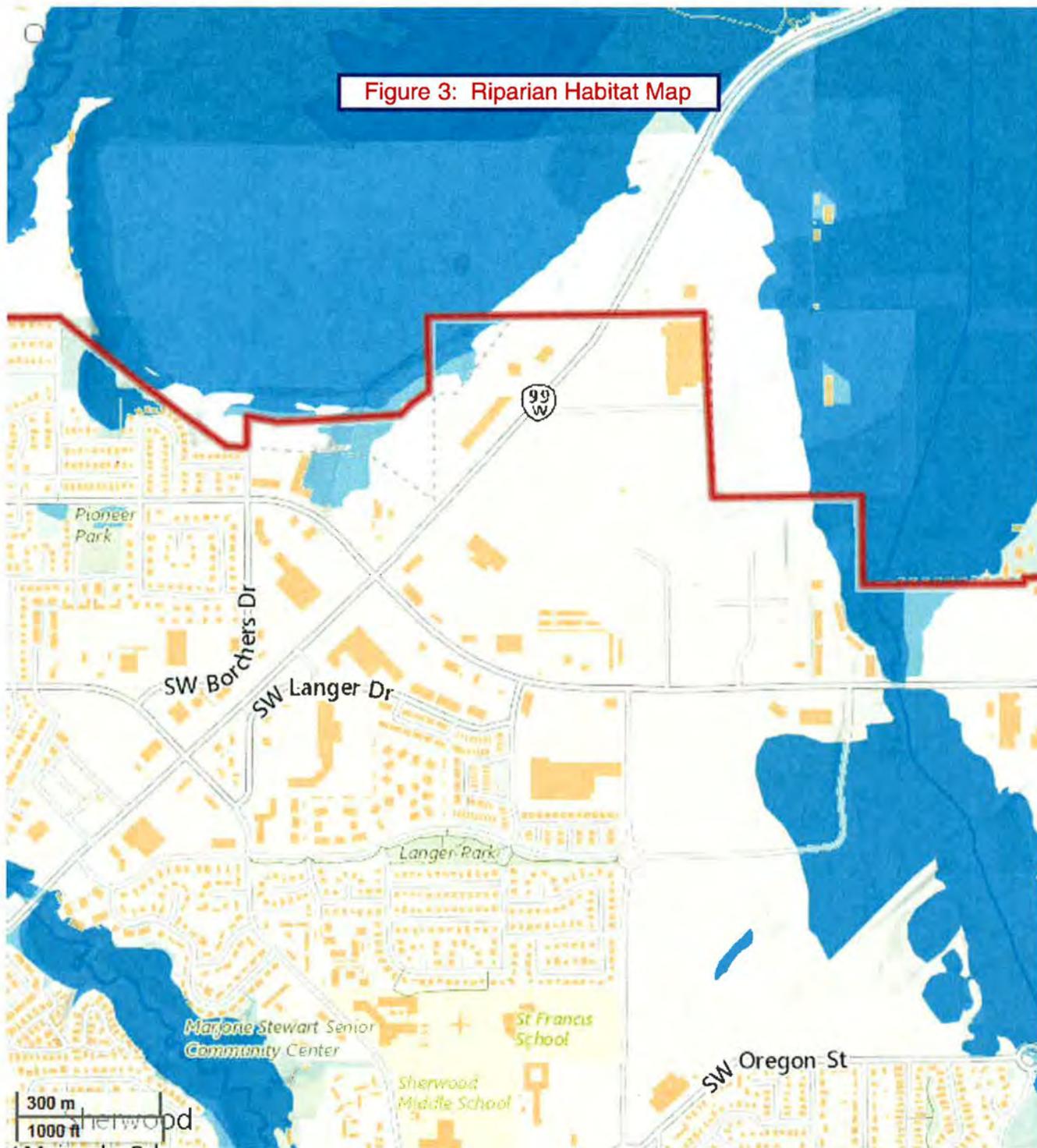


Metro

Data Resource Center  
 600 NE Grand Ave, Portland, OR 97232  
 503.797.1742 – drc@oregonmetro.gov

This Web site is offered as a public service, integrating various government records into a region-wide mapping system. The property assessment records are a multi-county integration of Clackamas, Multnomah and Washington County records. MetroMap blends each county's records into a common database on a quarterly basis. Therefore, to view each county's official records, go to their respective web sites or offices. The other MetroMap data are derived from city, county, state, federal and Metro sources. The metadata (data about the data) are included on this site, including the sources to be consulted for verification of the information contained herein. It describes some cases where Metro blends city and county records by generalizing the disparities. Metro assumes no legal responsibility for the compilation of multi-source government information displayed by Metro Map.

Figure 3: Riparian Habitat Map

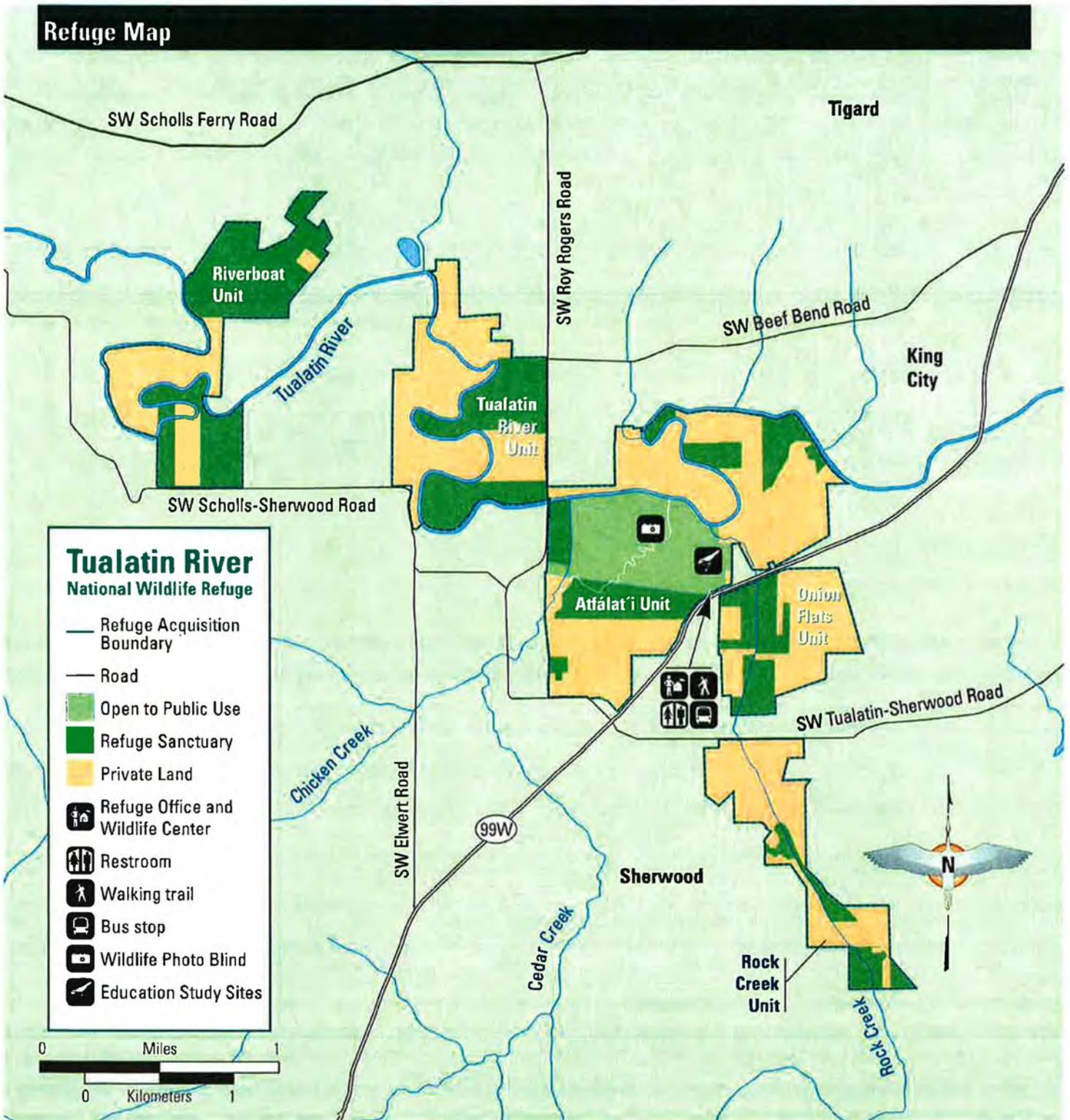


# Metro

Data Resource Center  
600 NE Grand Ave, Portland, OR 97232  
503.797.1742 – [drc@oregonmetro.gov](mailto:drc@oregonmetro.gov)

This Web site is offered as a public service, integrating various government records into a region-wide mapping system. The property assessment records are a multi-county integration of Clackamas, Multnomah and Washington County records. MetroMap blends each county's records into a common database on a quarterly basis. Therefore, to view each county's official records, go to their respective web sites or offices. The other MetroMap data are derived from city, county, state, federal and Metro sources. The metadata (data about the data) are included on this site, including the sources to be consulted for verification of the information contained herein. It describes some cases where Metro blends city and county records by generalizing the disparities. Metro assumes no legal responsibility for the compilation of multi-source government information displayed by Metro Map.

Figure 4: Tualatin River National Wildlife Refuge





720 SW Washington St.  
 Suite 500  
 Portland, OR 97205  
 503.243.3500  
 www.dksassociates.com

# MEMORANDUM

DATE: September 17, 2013

TO: Ben Austin, HHPR

FROM: Peter Coffey, PE

SUBJECT: **Sherwood TSP Amendment (Highway 99W/Adams Avenue) – TPR Findings** P#12038-001

This memorandum summarizes findings to support a proposed amendment to the Sherwood Transportation System Plan (TSP)<sup>1</sup> related to future roadway connections in Sherwood. The amendment would include the proposed extension of Adams Avenue from its existing terminus at Highway 99W (near Home Depot) to the west side of Highway 99W. The primary purpose of the street extension is to develop access and street system improvements to address capacity and safety issues in the area.

As part of Sherwood’s Comprehensive Plan, amendments to the TSP require that OAR 660-012-0060, the Transportation Planning Rule (TPR), is addressed to ensure that the amendment does not further degrade the transportation system. The following sections summarize the relevant sections of the TSP and findings for the proposed amendment. Based on the Sherwood TSP, a future collector public street connection to the west side of Highway 99W at Adams Avenue would not have a significant impact on the transportation system and would meet TPR requirements.

## BACKGROUND AND CONTEXT

The following section provides background and context for several planning elements: current planning projects, Sherwood’s TSP, and relevant past planning studies.

### Current Planning Projects

Washington County has been planning for future corridor improvements to Tualatin-Sherwood Road. Through this planning process, the County is addressing safety and capacity issues on Tualatin-Sherwood Road through the City of Sherwood area. The approach to addressing these issues includes four primary elements:

1. Access Management
2. Roadway Widening
3. Intelligent Transportation Systems (ITS)
4. Off-Corridor Circulation

The roadway widening element is being addressed as part of the MSTIP 3d Tualatin-Sherwood Road (Adams to Borchers) project, which is currently in design. The ITS element will be evaluated over the next year as the

<sup>1</sup> *City of Sherwood Transportation System Plan*, adopted through Ordinance 2005-006, March 2005.

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BY PA 13-061  
 PLANNING DEPT



County implements improved traffic signal timing along Tualatin-Sherwood Road from Teton Avenue to OR 99W and along OR 99W from the Home Depot intersection to Sunset Boulevard with the possibility of using adaptive signal timing. The proposed Baler extension will address the off-corridor circulation element. This TSP amendment addresses the access management element.

## **Sherwood TSP**

Sherwood's TSP was adopted in March 2005.<sup>2</sup> The TSP provides a framework for a transportation system that guides future growth in Sherwood, including functional class and mapping of existing and planned future roads. The TSP has a planning horizon of year 2020 and is currently being updated to address Metro compliance requirements and include a horizon year of 2035. The proposed amendment to the TSP would include updating Figure 8-1: Functional Classification.

## **Previous Planning Studies**

Several significant planning studies in and around Sherwood have been completed since the TSP was adopted in 2005. These studies include both concept planning for new growth areas (Brookman, Tonquin Employment, Adams, etc.) as well as planning for future transportation corridors (Adams Avenue, 124<sup>th</sup> Avenue, 99W/I-5 Connector, etc.). One particular study that is directly relevant for this proposed TSP amendment is the Adams Avenue North Concept Plan<sup>3</sup>.

The Adams Avenue North Concept Plan provided a concept for future land use types and the transportation system for the area generally bounded by Highway 99W to the west, Tualatin-Sherwood Road to the south, and Adams Avenue to the east and north. The plan included a street network (Figure 1) with Adams Avenue (designated a collector roadway) connecting Tualatin-Sherwood Road to Highway 99W (near Home Depot).

The proposed amendment to the Sherwood TSP is consistent and compatible with the Adams Avenue North Concept Plan that was completed since the Sherwood TSP. Specifically, the proposed element of an extension of a collector roadway (Adams Avenue) across Highway 99W is consistent with the road network included in the Adams Avenue North Concept Plan.

---

<sup>2</sup> City of Sherwood, Oregon, Ordinance 2005-006, March 15, 2005.

<sup>3</sup> *Adams Avenue North Concept Plan*, August 2009.



Figure 1 – Adams Avenue North Concept Plan and Roadway Network

## METHODOLOGY

In order to protect the future function of Roy Rogers Road as an arterial facility, the County is seeking to clarify future site access and roadway network in Sherwood. Specifically, the County desires to clarify how properties in the northern quadrant of the Highway 99W/Tualatin-Sherwood Road intersection (west of Highway 99W and north of Roy Rogers Road) achieve access. Access to some properties is currently provided directly to Roy Rogers Road. Providing future access to other streets in place of Roy Rogers Road would help maintain the intended function of arterial mobility. Access to properties in this area, primarily to the north and west, is somewhat constrained by topography (a ravine) and the Tualatin River National Wildlife Refuge. Potential future access to this area could be provided via a public street connection that extends from Adams Avenue west of Highway 99W. The future street extension is located in a uniquely constrained area and will likely require



collector designation in order to satisfy ODOT's Grant of Access requirements<sup>4</sup>. Designating the roadway as a collector would provide needed transportation infrastructure to serve these properties.

Among other components, the TSP includes plans for future public street network and system connectivity. The future public roadway connections are mapped in Figure 8-1 (Functional Class) and Figure 8-7 (Local Street Connectivity). The functional class map shows planned public roadway connections designated as neighborhood or higher (also includes collector, arterial, and principal arterial facilities). In some cases, future local streets are designated on the map, though the inclusion is not comprehensive and is limited to three locations that show potential alignments. In general, future local road connections are typically limited to Figure 8-7 Local Street Connectivity. The Sherwood TSP currently includes local street connectivity arrows in the vicinity of the proposed amendment. The proposed amendment seeks to further clarify access within this area and address the location of an access point to the existing Sherwood street network.

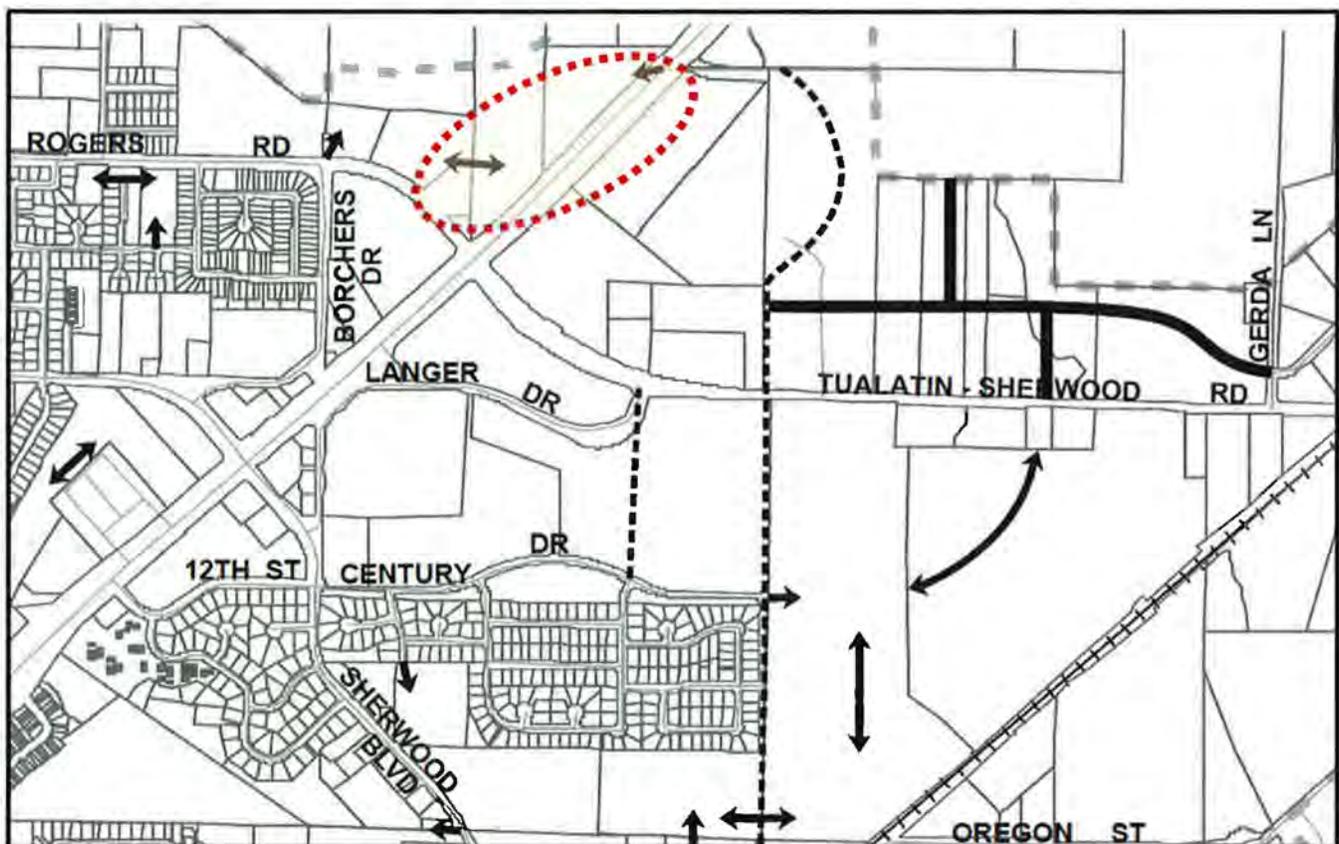


Figure 2: Local Street Connectivity Map Excerpt (Highlight Added)

The local street connectivity map indicates a future local road connection (designated with an arrow) at Highway 99W as a western extension to Adams Avenue, as shown in Figure 2. Washington County has proposed a future collector roadway at this location which is an extension of Adams Avenue from its existing terminus at Highway 99W to the west side of Highway 99W as shown in Figure 3. This future connection would allow properties

<sup>4</sup> Oregon Administrative Rule (OAR) 734-051-2020 (4)(e)(B)(i), Amended May 2012.



located in the northern quadrant of the Highway 99W/Tualatin-Sherwood Road intersection access to a new public road. While the actual alignment of this roadway is not yet planned, the general alignment indicates that properties located east of the ravine are planned to have public street access to an internal road connecting to the Highway 99W/Adams Avenue intersection.



Figure 3: Functional Class Map Excerpt – Washington County Proposed Amendment and Map Revision

## TPR FINDINGS

As shown in Figure 3, extension of a public street from Adams Avenue at Highway 99W to the west to serve properties north of Highway 99W/Tualatin-Sherwood Road is consistent with the Sherwood TSP. As described above, due to physical constraints in this location, a through street connection is not part of this application. If the public street is a “stub street” and provides access to adjacent properties without connecting to other public streets (other than Highway 99W at Adams Avenue), then the future public street would not change traffic circulation or increase trips on other public roads and is consistent with conditions as planned in the Sherwood TSP.



Prior analysis<sup>5</sup> was conducted to determine the potential impacts of land development in the area of the proposed extension. Through trip generation development, it was anticipated that approximately 500 PM peak hour trips will use the western leg of Adams Avenue at Highway 99W. As listed in Table 1, the functional classification of the roadway would not change the level of traffic carried by the future public street.

**Table 1: Approximate PM Peak Hour Traffic Volume (Two-Way) On Western Leg of Highway 99W/Adams Avenue Intersection**

	As Previously Reported*	As Local Street	As Collector Street	Change with TSP Amendment (Collector Street)
PM Peak Hour Traffic	500	500	500	0
Average Daily Traffic (ADT)**	5,000	5,000	5,000	0

**Note:** \* Prior documentation (*Technical Memorandum: Sherwood Adams Avenue North Improvements: Sensitivity Analysis*, prepared by DKS Associates, October 1, 2009; attached.) notes potential growth of 400 additional PM peak hour trips from 10.2 vacant acres zoned General Commercial and Light Industrial. Existing counts indicate approximately 100 PM peak hour vehicles use the western leg of the Highway 99W/Adams Avenue intersection.

\*\*ADT approximated to be 10\*PM peak hour traffic; or 5,000 daily vehicle trips.

By not changing circulation or increasing traffic on other public roads, the proposed collector would not impact the transportation system beyond conditions planned in the City’s TSP. Therefore, modification to Sherwood TSP Figure 8-1 Functional Class to clarify the public street extension would meet OAR 660-012-0060 and would not impact the transportation system.

Attachments: *Technical Memorandum: Sherwood Adams Avenue North Improvements: Sensitivity Analysis*, prepared by DKS Associates, October 1, 2009

<sup>5</sup> *Technical Memorandum: Sherwood Adams Avenue North Improvements: Sensitivity Analysis*, prepared by DKS Associates, October 1, 2009. This memorandum documents 10.2 acres of land that is vacant and zoned general commercial and light industrial. The 10.2 acres is estimated to generate approximately 400 new PM peak hour vehicle trips to be added to the existing 100 PM peak hour vehicle trips.

## TECHNICAL MEMORANDUM

TO: Ben Austin, P.E., Harper Houf Peterson Righellis

FROM: Chris Maciejewski, P.E.  
France Campbell, P.E.

DATE: October 1, 2009

SUBJECT: **Sherwood Adams Avenue North Improvements:  
Sensitivity Analysis**

P08232-000

This memorandum presents the results of the sensitivity analysis to determine the potential impacts of land development west of Highway 99W. Land use assumptions, trip generation, intersection operations, and potential improvements needed at the Highway 99W/Adams Avenue intersection are described to inform the City of the ultimate intersection design needs.

### Land Use

The land west of Highway 99W near the intersection of Highway 99W/Adams Avenue intersection was assumed to develop under the City's current zoning. As shown in Figure 1, the potential development area is bound by Highway 99W, Tualatin-Sherwood Road, the Urban Growth Boundary (UGB) to the north, and wetlands/rural land to the west. No development was assumed in BPA/PGE transmission easement area shown in Figure 1.

**Figure 1: Potential Development Area**



The potential developable area (approximately 10 acres) is zoned as General Commercial and Light Industrial. Based on permitted uses in those zones, potential development was estimated as listed in Table 1.

**Table 1: Land Use Assumption for Potential Developable Area**

Area	Zoning	Land Use (ITE Code)	Acres	Total KSF	Dev KSF
A	LI	Light Industrial (710)	2.3	100.2	25.0
B	GC	General Commercial (820,934)	4.3	187.3	46.9
C	LI	Light Industrial (710)	3.6	156.8	39.2
<b>Total</b>			<b>10.2</b>	<b>444.3</b>	<b>111.1</b>

### Trip Generation

Trip generation was estimated based on rates provided by the Institute of Transportation Engineers<sup>1</sup> (ITE) for similar land use types (e.g. light industrial, restaurants, retail uses, and office uses). The potential development area is estimated to generate 273 total new PM peak hour trips (105 trips in, 168 trips out). The total new trips account for the estimated pass-by trips<sup>2</sup>. The total number of new trips was used to verify that the City's 43 trips per net developable acre CAP<sup>3</sup> was not exceeded in any of the potential development areas shown in Figure 1. Any locations exceeding the City's trip CAP were scaled down to conformance. The total trip generation for the area west of Highway 99W is shown in Table 2.

**Table 2: Trip Generation Summary**

Area	Land Use (ITE Code)	PM Peak Hour Trips		
		In	Out	Total
A	Light Industrial (710)	6	31	37
B*	General Commercial (820, 934)	153	152	305
C	Light Industrial (710)	10	48	58
<b>Pass-by Trips</b>		64	63	127
<b>Total New Trips</b>		105	168	273

\* Area developed was limited by City's 43 trips per acre CAP

<sup>1</sup> *Trip Generation Manual, 8<sup>th</sup> Edition*, Institute of Transportation Engineers, 2008.

<sup>2</sup> *Trip Generation Handbook, 2<sup>nd</sup> Edition*, Institute of Transportation Engineers, 2004.

<sup>3</sup> City of Sherwood Municipal Code Chapter 16.108.070 (CAP), Section D4.

## Operations Analysis

The total new trips generated by the potential development areas were assumed to have access to the transportation network via the west leg of the Highway 99W/Adams Avenue intersection, a connection to the existing right-in/right-out along the west side of Highway 99W south of Adams Avenue, and via a new right-in/right-out along the north side of Tualatin-Sherwood Road west of Highway 99W. The new trips were assigned using the 2030 travel demand model used for the Adams Avenue North Preferred Concept Plan.

As listed in Table 3, with the development of the potential development area, the Highway 99W/Adams Avenue intersection would fail to meet the ODOT mobility standard (v/c ratio of 0.99<sup>4</sup>). To meet ODOT mobility standards at the Highway 99W/Adams Avenue intersection with the potential development, the following mitigations would be needed:

- Construct a eastbound left turn lane, restripe existing shared through-left lane to a through only lane
- Construct a westbound left turn lane, restripe existing shared through-left lane to a through only lane

As shown in Table 3, with the recommended improvements, the Highway 99W/Adams Avenue intersection will meet ODOT mobility standards with a v/c ratio of 0.99.

**Table 3: Future Year 2030 Intersection Performance (PM Peak Hour)**

Scenario	Agency	Standard	LOS	v/c Ratio
<i>Highway 99W/Adams Avenue Intersection</i>				
With Potential Development	ODOT	v/c ≤ 0.99	D	<b>1.07</b>
With Potential Development – Mitigated	ODOT	v/c ≤ 0.99	D	0.98

LOS = Level of Service  
V/C = Volume-to-Capacity Ratio

## Summary

The results of this sensitivity analysis indicate that additional improvements will be required to serve potential growth west of Highway 99W. The findings are not based on a detailed Traffic Impact Study for the site, but are appropriate for the City to plan for future improvements. To protect the feasibility of implementing these improvements in the future, it is recommended that right-of-way dedication and/or building setbacks be pursued with the Adams Avenue North project.

<sup>4</sup> 1999 Oregon Highway Plan, Amendment to Table 7, December 13, 2000.



**Affidavit of Mailing**

DATE: August 6, 2013

STATE OF OREGON       )  
  )  
Washington County       )

I, Kim Haughn, representative for the Sherwood TSP Amendments proposed development project do hereby certify that the attached notice to adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject project, was placed in a U.S. Postal receptacle on 6/27/13, 7/2/13 & 7/8/13

  
Representatives Name: Kim Haughn  
Name of the Organization: Washington County

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SEP 20 2013

BY PA 13-03  
PLANNING DEPT 70

**July 17, 2013 Neighborhood Meeting Summary  
for Proposed Amendments to City of Sherwood Transportation System Plan**

---

<b>Applicant:</b>	Dan Erpenbach, Washington County Department of Land Use and Transportation
<b>Project Team:</b>	Ben Austin, Harper Houf Peterson Righellis Inc. Stefanie Slyman, Harper Houf Peterson Righellis Inc. Peter Coffey, DKS Associates
<b>Meeting Time and Date:</b>	5:30PM – 7:30PM; July 17, 2013
<b>Meeting Location:</b>	Sherwood Police Department, Community Room 20495 SW Borchers Dr., Sherwood, OR
<b>Noticing:</b>	<p>The Washington County Department of Land Use and Development provided required noticing for the neighborhood meeting with a postcard that included meeting information, type of land use action proposed, and proposed road locations. See <b>Figure 1</b> for noticing information included in the postcard mailer.</p> <p>Notice was sent via U.S Mail to property owners within 1,000' radius of the proposed TSP amendment alignments postmarked June 27 and July 8. An additional courtesy bulk mailing to the postal carrier routes in these areas was postmarked on July 2.</p> <p>E-mail notification was also given as a courtesy to parties who had previously expressed interest in the separate Tualatin Sherwood Road widening project.</p>
<b>Meeting Participants:</b>	72 people signed into the meeting as documented in the attached sign-in sheets. <b>See attached Meeting Sign In Sheets.</b>

## SUMMARY OF PRESENTATION AND COMMENTS RECEIVED

### **5:30 Welcome**

Stefanie Slyman of Harper Houf Peterson Righellis Inc. welcomed meeting participants, introduced the project team, reviewed the meeting purpose and agenda, and asked participants for questions or concerns about the purpose of the meeting or its format. No questions or issues were raised.

### **5:40 TSP Plan Amendment Process**

Stefanie Slyman described the Type V (Legislative) land use process associated with the proposed amendments to the City of Sherwood's Transportation System Plan (TSP). She explained that the extent of the request is at the planning level and is limited to the general location and functional classification of the two proposed roads. The City's current TSP Figure 8-1 was shown to indicate a map would be amended by the proposal and the level of detail entailed. She further explained that the TSP amendment does not address specific alignments or design nor does it identify impacts, cost, funding, or timing. She also described the City's decision-making process for the TSP amendment, to include public hearings before the Planning Commission and City Council, with the decision to be made by the Council. She noted that future notification regarding the application would be made by the City per the requirements for Type V Legislative reviews, not by the County.

### **5:45 Tualatin Sherwood Road Big Picture**

Dan Erpenbach of Washington County discussed why the County is proposing to amend the City's TSP to add two new roadways. One roadway would begin at Highway 99W, north of Roy Rogers Road, and continue west; the other would begin at Tualatin-Sherwood Road and create an extension of Baler Way to the north. Roy Rogers Road and Tualatin-Sherwood Road are under county jurisdiction. Both roads suffer from heavy traffic congestion creating operational and safety issues. The County is implementing four strategies to relieve congestion, improve operations, and improve safety; the strategies include:

1. Widening of Tualatin-Sherwood and Roy Rogers Roads
2. Implementing an Intelligent Traffic System (ITS) from I-5 to Borchers
3. Managing Accesses along Tualatin-Sherwood and Roy Rogers Roads
4. Creating Off-Corridor Circulation

The first strategy, widening Tualatin-Sherwood and Roy Rogers Roads, will be implemented with the completion of the current road widening project. The first phase of the ITS strategy, from I-5 to Teton, has been implemented and the second phase, from Teton to Borchers, will be constructed during the road widening project and implemented at the completion of the widening project.

The proposed TSP amendments address the third and fourth strategies. Washington County recognizes there are properties within the Roy Rogers / Tualatin-Sherwood corridor that can be developed. The county would like to be ahead of the developments and have an adopted TSP in place that address

where accesses should be located. Having an access and circulation plan in place ahead of development will keep from having to react to traffic created after development.

The 99W TSP amendment proposal addresses access and circulation for the properties northwest of the Roy Rogers / 99W intersection. Requiring access off of 99W, at the existing signal, may allow the access off of Roy Rogers to be closed (the Roy Rogers access does not meet access spacing standards). Local business access and circulation can be performed once within the development(s) instead of using the 99W and Roy Rogers corridors.

The Baler extension TSP amendment proposal addresses access and circulation for the properties north of the existing Baler / Tualatin-Sherwood signal. The proposed amendment is consistent with the City's adopted Adams Avenue concept plan. Local business access and circulation can be performed coming off of the proposed road eliminating the potential for multiple accesses off of Tualatin-Sherwood Road.

The proposed TSP amendments will allow some relief to the congestion along the Tualatin-Sherwood / Roy Rogers corridor by allowing better management of accesses and aid in the planning of off-corridor circulation.

#### **6:00 Presentation of Proposed Roadways**

Ben Austin of Harper Houf Peterson Righellis Inc. presented an updated map to indicate the extent of the roadways proposed by the County to amend the City's TSP. As shown in the attached **Figure 2**, the yellow dashed lines indicate the approximate length and location of the roads to be proposed. The gray dashed lines indicate where future connectivity could be achieved. The yellow and gray dashed lines together are consistent with the length and location of the roadways as provided in the notice mailed to property owners within 1,000' of the proposed alignments.

At the meeting, the County noted that the gray dashed lines shown on the Hwy 99W connection will not be proposed by the County as part of the current TSP amendment. The gray dashed lines shown on the Baler Extension are still under consideration for the amendment pending further consultation with the City and findings of a traffic study.

Peter Coffey of DKS Associates noted that the County intends to propose these roads as Collectors; however, this is to be confirmed by the traffic study which will identify the appropriate functional classification and identify benefits of the roadways to Tualatin Sherwood Road.

#### **6:15 Q&A**

Stefanie Slyman facilitated the session in a format that allowed all participants who wished to speak the opportunity to ask questions or provide feedback. Questions and comments were first solicited regarding the Highway 99W alignment, followed by a brief break, and then comments were further solicited regarding the Baler extension. All participants were additionally given the opportunity to submit written comments at the meeting on a form provided by the County.

Following is a summary of the **key questions and concerns** raised by participants during the facilitated question and answer period and as summarized from comments provided in writing. Complete written comments, including those submitted electronically, resulting from the neighborhood meeting are included in **Meeting Comment Forms**.

#### **99W Connection Comments**

- A connection from Hwy 99W through to SW Borchers Road will create access, congestion and safety problems at the intersection of SW Borchers and SW Roy Rogers Road. This is the only ingress and egress for neighborhoods in the northwest corner of the Hwy 99W and Tualatin Sherwood Road (i.e. Heron Ridge, Conzelmann Farm Estates, and Hunters Ridge Condominiums).
- Diverting traffic from Hwy 99W to Borchers will have negative impacts to neighborhoods such as increased traffic and noise and decreased safety, livability, and property values.
- Hwy 99W to Borchers connection (full connection) will have negative impacts to the Tualatin River National Wildlife Refuge to the north such as increased impervious surface area that may contribute to flooding, pollutants, and light pollution impacting the refuge. A short dead end road to the properties located away from the slope leading to the floodplain would be preferred per Fish and Wildlife Service comment.
- The connection through to Borchers would cross a site that is desired for potential park use. There is a lack of park facilities for these neighborhoods on the north side of SW Roy Rogers Road.
- Topography in this area would require crossing a ravine that would entail an expensive bridge.
- Traffic on SW Roy Rogers Road is a major problem for residents that the proposed 99W road connection would not help.
- Need to look at transportation facilities and solutions beyond the immediate project area.
- In response to the County's position that it will not pursue a connection from Hwy 99W through to Borchers with the proposed TSP Amendment, questions were asked regarding how a future alignment could be approved. The project team responded that any future map amendment would require another neighborhood meeting followed by a formal land use approval process by the City.

#### **Baler Extension Comments**

- The extension of Baler is too close in and should be located farther outside of this area.

- Vehicles approaching 99W from the east on Tualatin Sherwood Road already use Cipole Road as an alternate route. Better access at Cipole Road by the DMV should be created to relieve congestion.
- In response to the question whether bike and pedestrian connectivity would be included, the project team noted these facilities are included in the designation of the street types.
- Regarding the timing of actual construction of the Baler Extension, this could happen at any time depending on factors such as redevelopment or the widening of Tualatin Sherwood Road.
- The project team reiterated that a summary of the neighborhood meeting would be submitted as part of the land use application to the City and that otherwise meeting minutes would not be distributed.

**7:30 Meeting Adjourned**

Washington County staff and the project team remained in the meeting room to answer questions on an individual basis until approximately 8:00PM.

Figure 1

Postcard Mailer sent to Properties within 1000' of Proposed Road Locations

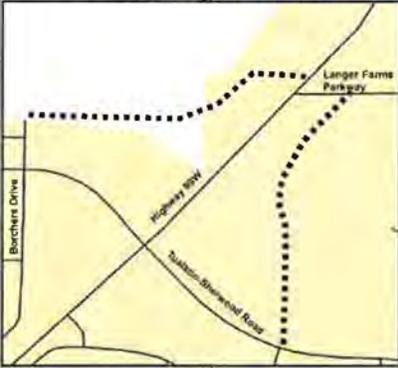
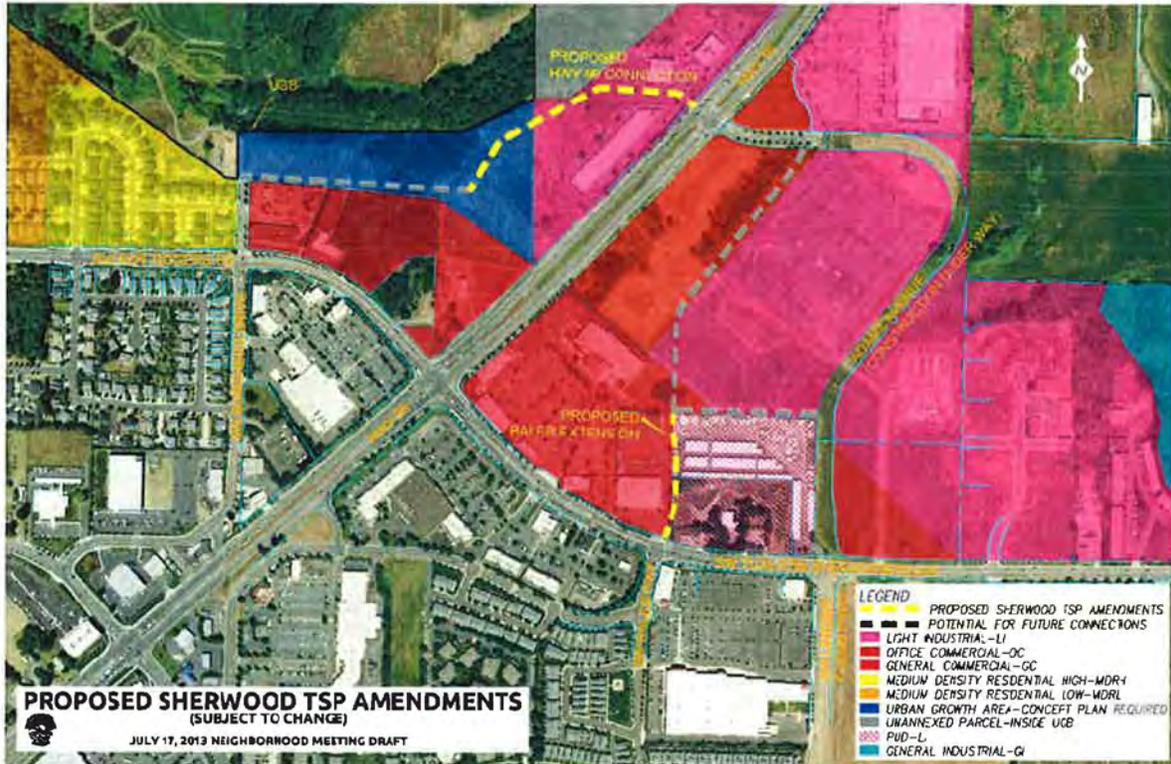
<h2>Washington County Neighborhood Meeting</h2> <h3>Transportation System Plan Amendment (Sherwood)</h3>		
<p><b>You're invited to attend a</b>  <b>NEIGHBORHOOD MEETING</b>  <b>Wednesday, July 17, 2013</b>  <b>5:30 p.m. (Formal Presentation)</b>  <b>Hosted at:</b>  <b>Sherwood Police Department</b>  <b>20495 SW Borchers Drive, Sherwood</b></p>	<p>Washington County invites you to attend a neighborhood meeting to learn about the proposal of two new future roads located in the northeast Sherwood area. Both proposed roads, located north of Tualatin-Sherwood Road, will address capacity and connectivity needs.</p> <p>Staff from Washington County and design consultant, Harper-Houf-Peterson and Righellis, will give a presentation at 5:30 p.m. to go over the proposal. The public will then be given an opportunity to provide comments to staff.</p> <p>Following this neighborhood meeting, Washington County plans to submit a comprehensive plan amendment application to the City of Sherwood. This amendment will identify and add these roads on the City's Transportation System Plan (TSP).</p>	<p><b>Proposed Road Locations</b></p> 
	<p><b>Contact Information</b>          Daniel Erpenbach          Project Manager          (503) 846-7877  <a href="mailto:daniel_erpenbach@co.washington.or.us">daniel_erpenbach@co.washington.or.us</a></p>	
<p><b>Assistive Listening and Other Services</b>          Assistive Listening Devices, interpreters, and/or sign language can be arranged. Please notify the county if you require these services by calling (503) 846-7800 (voice) or (503) 846-4598 (TTY - Text Telephone unit).</p>		

Figure 2

TSP Amendment Road Locations Presented at Neighborhood Meeting



## NEIGHBORHOOD MEETING SIGN IN SHEET

Proposed Project: Sherwood TSP Amendments

Proposed Project Location: Hwy 99W and Baker Extension

Project Contact: Dan Erpenbach, Washington County

Meeting Location: Sherwood Police Department

Meeting Date: 7/17/2013

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
Kathryn Anderson Schach	20935 SW Kean Rd Albina Oregon 97006	kath2022@sw.com		<input checked="" type="checkbox"/>		
CHERYL HART	20510 SW ROY ROGERS	oregonchart@comcast.net	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
JOHN CARSWELL	20510 SW ROY ROGERS	JohnC@swell.MUNTERS RIDE@GMAIL.COM		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
S. VIBS	20512 SW R. ROGERS		<input checked="" type="checkbox"/>			
ROB BLAZEK	15762 SW 79TH TIGARD	rblazek@positivitygroup.com				<input checked="" type="checkbox"/>
Dane + Carmen Robins	20512 SW Roy Rogers	ROBINSDL@gmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Karyn Gharib	20508 SW Roy Rogers Rd	karyng64@hotmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		

Continued sign-in sheet for proposed project: Sherwood TSP Amendments Date: 7/17/2013

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
<del>Delores [unclear]</del>	<del>2537 E Roy [unclear]</del>	<del>_____</del>	<input checked="" type="checkbox"/>			
SCOTT PHELAN	22292 SW FISK TER	_____	<input checked="" type="checkbox"/>			
PETE SCHMIDT	19255 SW PACIFIC HWY SHERWOOD 97140	PETER_SCHMIDT@EWS.GOV				GOVT
Liz Bacon	15897 SW Baker Way	nopehild@yahoo	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Walter Bell	20294 SW Lavender Pl	wbell5@comcast.net	<input checked="" type="checkbox"/>			
Barbara Johnson	20439 SW Lavender Pl	_____	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Joni Hammond	20763 SW Nette Pl	jonimikeduck@hotmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Bob Lake	22915 SW KATY		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
BRIAN THOMAS	1501 SW Taylor, Suite 100 PORTLAND, OR 97205	bthomasey@investments.com		<input checked="" type="checkbox"/>		
Tina Silver	20605 SW Jonquero Terr	silvercam96@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Scott Steckley	2800 E 9th St., Newberg	steckleys@alltel.net				Engl.
Philip G. Galt	6501 SW [unclear] Ave	Philip G. Galt, PC				Att'y

Continued sign-in sheet for proposed project: Sherwood TSP Amendments Date: 7/17/2013

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
Barb Anderson	18007 SW Belton Rd Sherwood, OR 97140			X		
Arnold Conzelmann	11964 S. V. 175 <sup>th</sup> Ave Beaverton					
Anne Sweeney	20512 SW Roy Rogers Rd #221					
Alexis Grooms	26508 SW Roy Rogers Rd #227			X		
Steph Lewis	" " " " "			X		
MARK MUGER	16440 SW LANCEA DR				X	
Pat Nordstrom	17023 SW Lancelot Way		X	X		
Walter Ruffolo	3224 N. E. Wasco Pt Dr			X		
Ryan Kliebert	20508 SW Roy Rogers Rd unit 228			X		
Dantine deRoover	20330 Sulhavender Pl		X			
Don Lu	20512 SW Roy Rogers Rd #223		X			

Continued sign-in sheet for proposed project: Sherwood TSP Amendments Date: 7/17/2013

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
ERHARDT STEINBORN	PO Box 938 Sherwood	ef.steinborn@frontier.com	✓	✓	✓	
JIM MORSE	5930 SW JEAN RD. LD. 97035	JKM@PAC LUMBER.com		✓		
Joel Stenning	20280 SW Lavender	joel.stenning@frontier.com		✓		
Rene' Duricka	20378 SW Lavender Pl	parents@duricka.com	✓	✓		
Mike Leonard	20364 SW Lavender	—	✓	✓		
Kris Covert	20252 SW Lavender Terr Sherwood	Kris.covert@gmail.com	✓	✓		
Tobi Bodway	20497 SW Arnold Pl	tobibodway@yahoo	✓	✓		
Walter Stiles	20508 SW Ray Rogers Rd	shmrackk@comcast.net	✓	✓		
John Stiles	" " "	" "	✓	✓		
Julia M. Hummer	20512 SW Ray Rogers Rd #114	lin-hummar@comcast.net	✓	✓		
Nancy Taylor	17036 SW Lynley Way	nctaylor@aol.com	✓	✓		
BOB GRANT	CITY OF SHERWOOD					✓

Continued sign-in sheet for proposed project: Sherwood TSP Amendments Date: 7/17/2013

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
Rick Soltero	ALBERTSONS #579	500579.dir@ALBERTSONS.COM			/	
Pam + Clarence Kinger	5555 SW Tual/Stroud Rd	pamcki.kinger@frontier.com				
Sharon Thompson	20508 SW Roy Rogers Rd	slyNN120@yahoo.com	/			
Juan Jimson	22466 SW Nothingham Ct					/
Travis Spreen	20488 SW Lavender Pl	tspreen@comcast.net		/		
MATTLANGER	21315 SW BALER WY	matl.langer04@gmail.com	/	/	/	
CHRIS DANIEL	5335 SW PATRONS TER, LO	cdaniel@7200CENTERS.COM		/	/	
Debra Annun	20510 SW Roy Rogers Rd # 204	debrakayannun@yahoo.com		/		
PAUL MAUER	17059 SW <del>LAVERENDER</del>		/	/		
Stephen Emery	20547 SW Lavender PL. Sherwood	steve.emery@comcast.net	/	/		
Amber Dahl	20945 SW Pacific Hwy Sherwood			/	/	
Amber Dahl	20487 SW Lavender Pl Sherwood	amberdahl@gmail.com	/			

Continued sign-in sheet for proposed project: Sherwood TSP Amendments Date: 7/17/2013

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
JEFF ARNISON	801 MAIN ST. VASCO, WA	JEFFA@ALBINA.COM		X	X	
MARK SCOTT	20260 SW Pacific Hwy	mark-scotte@homepot.com			X	
MARINE PRATT	24508 Roy Rogers Rd	—				X
Alvin Berg	20512 SW Roy Rogers Rd	alberg126@hotmail.com		X		
Steve Salvatore	20471 SW Roy Rogers Rd.	salvatore6766@hotmail.com				X
Margaret Speight	20015 SW Pacific Hwy	maggiesp8@speight.us		✓	✓	
Cam Donald	22631 SW SAUNDERS DR		X	X	X	X
Mike Coenen	17112 SW Green Haven Dr	m.coenen@comcast.net	X	X		

Continued sign-in sheet for proposed project: Sherwood TSP Amendments Date: 7/17/2013

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
John Olson	20512 SW Roy Eugene St	-	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Lisa Stennings	20280 SW Lavender Pl		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
John McChane	16548 SW Sidney Ln		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Eugene Stewart	PO Box 534	Eugene5103@aol.com		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Lee McClure	20512 SW Roy Eugene St	lee.mcc1r1@yahoo.com				
Chris Flores	16690 SW Daffodil St Sherwood, OR 97140	chrisiflores@gmail.com	<input checked="" type="checkbox"/>			

Continued sign-in sheet for proposed project: Sherwood TSP Amendments Date: 7/17/2013

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
ANTHONY D. BEVEL	17036 SW LYNNLY WAY	RUGBY BEVEL @ AOL com	X			

Updated October 2010



**Affidavit of Mailing**

DATE: August 6, 2013

STATE OF OREGON       )  
  )  
Washington County     )

I, Kim Haughn, representative for the Sherwood TSP Amendments proposed development project do hereby certify that the attached notice to adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject project, was placed in a U.S. Postal receptacle on 4/27/13, 7/2/13 & 7/8/13

  
Representatives Name: Kim Haughn  
Name of the Organization: Washington County



**Department of Energy**  
Bonneville Power Administration

November 27, 2013

In reply refer to: TERR/3

BPA Case No. 20140069

BPA Tract No. OC-K-97-A-42; OC-K-96-A-41

Transmission line: John-Day Keeler No. 1 (Oper. as Pearl-Keeler No. 1), 500 kV

Sites: SW Baler Way, Sherwood OR; SW Adams Ave N., Sherwood, OR proposed road extensions

Your reference: Proposed City of Sherwood Transportation Plan and Comprehensive Plan Amendment

Mr. Brad Kilby  
Planning Manager  
City of Sherwood  
22560 SW Pine St  
Sherwood, OR 97140

Dear Mr. Kilby;

BPA is in receipt of the Washington County proposals to amend the City of Sherwood's Transportation System Plan and the Comprehensive Plan Amendment for SW Baler Way and SW Adams Avenue North, in Sherwood. The application for Land Use Action has been assigned BPA Case No. 20140069.

Bonneville Power Administration (BPA) has no objection to either Plan or Amendment as proposed, as long as the transmission line facilities and right-of-way are not adversely affected.

The proposed uses located in the transmission line right-of-way will require a BPA Right of Way Use Application prior to construction, which should include clearance measurements to the closest BPA tower and overhead wires, and road specifications, prior to construction. Applications must be submitted to BPA for any use proposed within the rights-of-way, link: [http://transmission.bpa.gov/LanCom/Real\\_Property.cfm](http://transmission.bpa.gov/LanCom/Real_Property.cfm).

Note that BPA imposes certain restrictions and/or prohibitions on the use of property encumbered by our transmission line rights-of-way. BPA's easements may prohibit structures, parking, and lighting within the rights-of-way.

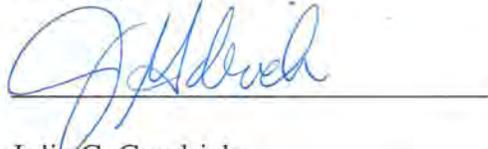
BPA's priorities focus on the safety of human life and integrity of the power transmission system. It is critical that BPA does not allow activities on the rights-of-way that can jeopardize either of these priorities.

Exhibit B

Please direct any communication to the Real Property Field Services Office at Bonneville Power Administration and myself by telephoning 503-230-5500 directly, or by emailing [jcgoodrich@bpa.gov](mailto:jcgoodrich@bpa.gov) for more information on this application process.

Thank you for the opportunity to comment on this proposal.

Sincerely,



Julie C. Goodrich  
Right of Way Agent, Real Property Field Services  
David Evans & Associates, Contractor to Bonneville Power Administration

Official File - TR-3/Portland (Tract No. OC-K-97-A-42; OC-K-96-A-41)

Jcgoodrich:bjc:11/27/2013(W:\EMPLOYEE FOLDERS\Field  
Services\GOODRICH\Public Notices Replies\City of Sherwood\City of Sherwood  
Transportation Plan Amendments LTR2.doc)

Ref # PA13-03 and PA1304

To whom it may concern

We live in heron Ridge and we cross Hwy 99 every day. This intersection has become increasingly busy and dangerous since we moved into the area in 2004. We fully support the proposed infrastructure change which will improve traffic flow and safety.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Nicole Morgal', written in a cursive style.

Nicole Morgal  
17137 SW Plover Ct  
Sherwood Or 97140  
503-709-5717



## MEMORANDUM

**DATE:** 08 Nov 13  
**TO:** Bob Galati, City of Sherwood  
**FROM:** Carl D. Springer, PE, PTOE, PTP  
**SUBJECT:** **Sherwood Transportation On-Call Task 13**  
SW Adams Avenue Extension TSP Amendment Review

1117-013

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Per your request of October 17, 2013, we have reviewed the SW Adams Avenue TSP Amendment application dated September 17, 2013, which was prepared by Harper Houf Peterson Righellis, Inc. This review focused on the technical components of the analysis and determining if the proposed actions are consistent with relevant Transportation Planning Rule (OAR 660-012) requirements. Based on our review of submitted materials, this proposed TSP amendment complies with the above state requirements.

The following section provides a summary of our review.

### **Project Summary**

The applicant, Washington County, proposes to amend the City of Sherwood's Transportation System Plan (TSP) to add a new collector street west of Highway 99W, which would be the westerly extension of SW Adams Avenue.

The street referred to as SW Adams Avenue has since been renamed to SW Langer Farms Parkway.

### **TPR Review**

The memorandum prepared by DKS Associates on September 17, 2013, entitled Sherwood TSP Amendment (Highway 99W/Adams Avenue) – TPR Findings presents information regarding the proposed street extension and redesignation, and how it complies with applicable transportation plans and policies.

Based on our review, we highlight the following facts and findings from that memo as important for making our recommendations regarding TPR compliance:

- The proposal would not alter the current comprehensive land use designations within the area served by this street. Therefore, the intensity of use and related traffic activity will not change as a result of this action.
- ODOT policy stipulates only collector street class and higher may be granted access onto state highways. In point of fact, the west leg of this intersection already has access to the state highway

## MEMORANDUM

08 Nov 13

Page 2 of 2



and is controlled by a traffic signal. The proposed change of functional class will not modify this existing condition.

- A 2009 analysis that shows the resulting traffic conditions when the remaining vacant lands served by this street are developed. That study found that with added turn lane improvements on the side street approaches to the highway that the intersection would continue to operate within the mobility targets set by ODOT. Therefore, there is no expectation that the change in functional class designation will adversely impact traffic operations along the adjoining major streets.
- The existing street connection west of Highway 99W is a private street, not a public street. By changing the designation to a collector street, it would help to assure that the necessary facilities will be constructed for walking and biking modes, as well as driving modes that are accommodated today.
- The change in designation to a public street also introduces the need for public street right-of-way by the affected property owners. This could be accomplished either by dedication as development occurs or through easement agreements or a combination of the two.
- The memo notes that the intent of the TSP is to provide for a future street connection that serves properties in the northwest quadrant of the Highway 99W / Tualatin Sherwood Road intersection. The extension of this street, as a collector, across the ravine would be necessary for that connectivity to function as intended by the collector class designation. The dashed line in Figure 2 of the applications suggests this connection between SW Adams Avenue and SW Borchers Road. This type of connection would benefit traffic operations on the highway at Tualatin Sherwood Road, by removing local trips from the state highway system, and it is encouraged.

### Recommendations

Based on our review of the above materials, we make the following findings and recommendations:

- The proposed extension of a collector road west of Highway 99W is consistent with the requirements of the Oregon Transportation Planning Rule (OAR 660-012).
- The spacing of collector roadways is consistent with City standards.
- The need for a multimodal facility serving properties in the northwest corner of the Tualatin Sherwood Road intersection would be valuable to the City and an improvement over what is provided in the current plan.
- The ultimate connection to SW Borchers Road would be a significant benefit for local circulation opportunities. Consideration would need to be given to the potential for diverted traffic as a result of congestion at the Tualatin Sherwood Road / Highway 99W intersection.
- The designation of this street as a collector street would be a significant change from its current design, primarily because the design standard of a collector versus a private access street. When this street is improved to facilitate the extension, the design standard in the City's collector street standard may require modification of the existing facility, which could affect existing access and circulation patterns to existing businesses.

If you have any questions, please feel free to call.



**Department of Energy**  
Bonneville Power Administration

November 27, 2013

In reply refer to: TERR/3

BPA Case No. 20140069

BPA Tract No. OC-K-97-A-42; OC-K-96-A-41

Transmission line: John-Day Keeler No. 1 (Oper. as Pearl-Keeler No. 1), 500 kV

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Mr. Brad Kilby  
Planning Manager  
City of Sherwood  
22560 SW Pine St  
Sherwood, OR 97140

Dear Mr. Kilby;

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Bonneville Power Administration (BPA) has no objection to either Plan or Amendment as proposed, as long as the transmission line facilities and right-of-way are not adversely affected.

The proposed uses located in the transmission line right-of-way will require a BPA Right of Way Use Application prior to construction, which should include clearance measurements to the closest BPA tower and overhead wires, and road specifications, prior to construction. Applications must be submitted to BPA for any use proposed within the rights-of-way, link: [http://transmission.bpa.gov/LanCom/Real\\_Property.cfm](http://transmission.bpa.gov/LanCom/Real_Property.cfm).

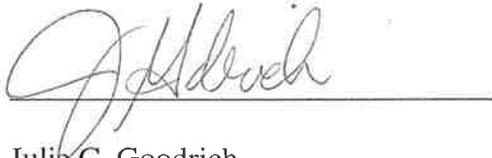
Note that BPA imposes certain restrictions and/or prohibitions on the use of property encumbered by our transmission line rights-of-way. BPA's easements may prohibit structures, parking, and lighting within the rights-of-way.

BPA's priorities focus on the safety of human life and integrity of the power transmission system. It is critical that BPA does not allow activities on the rights-of-way that can jeopardize either of these priorities.

Please direct any communication to the Real Property Field Services Office at Bonneville Power Administration and myself by telephoning 503-230-5500 directly, or by emailing [jcgoodrich@bpa.gov](mailto:jcgoodrich@bpa.gov) for more information on this application process.

Thank you for the opportunity to comment on this proposal.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Goodrich", is written over a solid horizontal line.

Julie C. Goodrich  
Right of Way Agent, Real Property Field Services  
David Evans & Associates, Contractor to Bonneville Power Administration

Official File - TR-3/Portland (Tract No. OC-K-97-A-42; OC-K-96-A-41)

Jgoodrich:bjc:11/27/2013(W:\EMPLOYEE FOLDERS\Field  
Services\GOODRICH\Public Notices Replies\City of Sherwood\City of Sherwood  
Transportation Plan Amendments LTR2.doc)

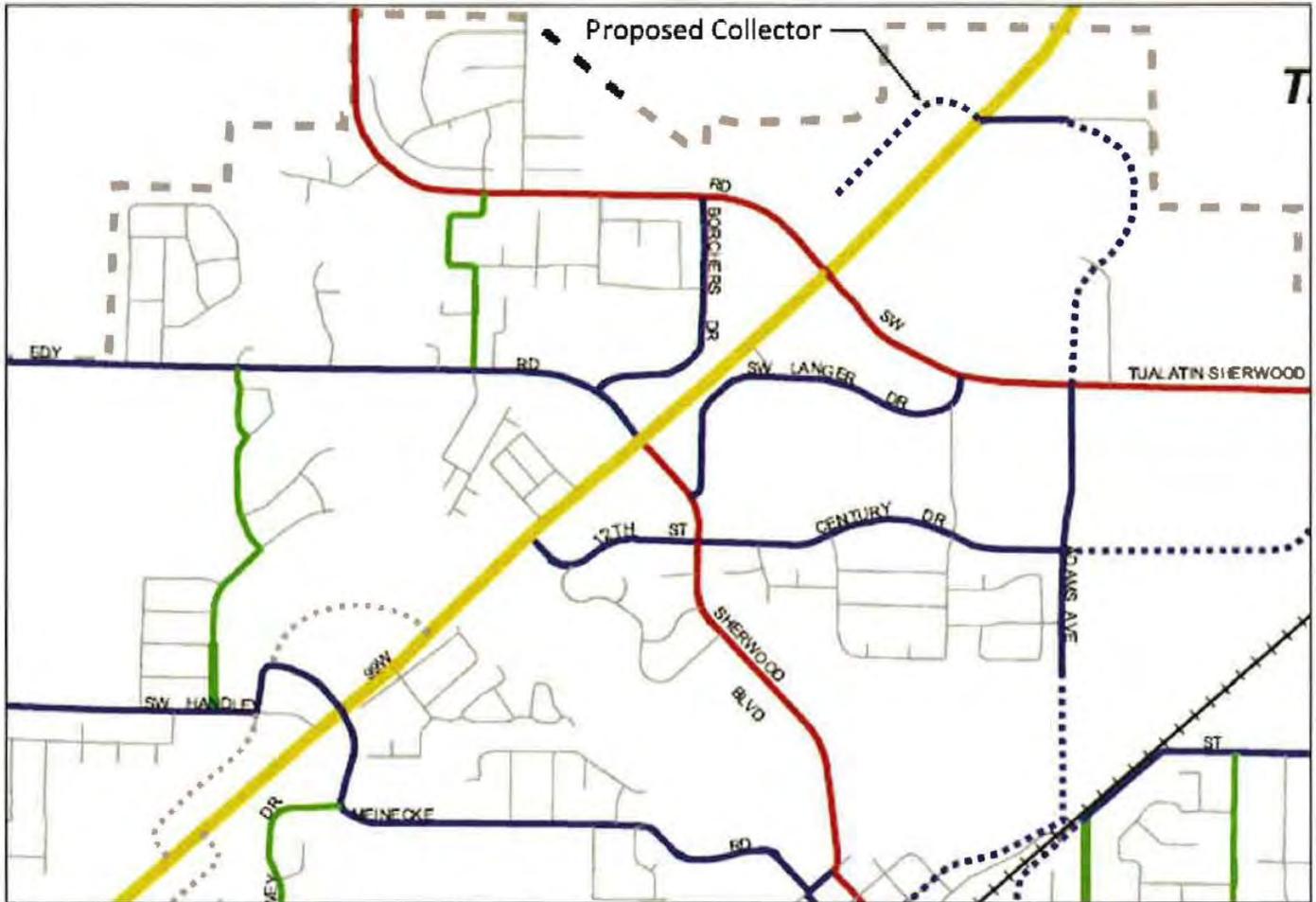


Figure 3: Functional Class Map Excerpt – Washington County Proposed Amendment and Map Revision

**TO:** Sherwood City Council

**FROM:** Brad Kilby, Planning Manager  
**Through:** Joseph Gall, ICMA-CM, City Manager

**SUBJECT:** Ordinance 2014-005, an amendment to the Transportation System Plan and Comprehensive Plan regarding extension and designation of SW Baler Way north of Tualatin-Sherwood Road

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**Issue:**

Should the City Council adopt Ordinance 2014-005 and amend the City of Sherwood Transportation System Plan (TSP) to identify and designate the extension of SW Baler Way north of Tualatin-Sherwood Road as a new public street designated in part as a collector street and in part as a local street for the purpose of developing access and street system improvements to address capacity and safety issues in the area?

**Background:**

Washington County is currently making safety and capacity improvements for Tualatin Sherwood Road, which includes street widening, access management, Intelligent Transportation Systems (ITS), and off-corridor circulation. The street widening and access management elements are being addressed as part of the MSTIP 3d Tualatin Sherwood Road (Adams to Borchers) project, which is currently in design. The ITS element will be evaluated over the next year as the County implements improved traffic signal timing along Tualatin-Sherwood Road from Teton Avenue to OR 99W and along OR 99W from the Home Depot intersection to Sunset Boulevard with the possibility of using adaptive signal timing.

As part of the access management and off corridor circulation strategies within the area, Washington County is proposing an amendment to the Sherwood Transportation System Plan (TSP) to extend SW Baler Way north of Tualatin-Sherwood Road. The proposed map amendment would allow for the future development of a public transportation facility that would provide surrounding land uses with improved access and circulation. The area to be served was considered as part of the adopted North Adams Avenue Concept Plan and is zoned Light Industrial, Light Industrial-PUD, Office Commercial and General Commercial.

**Financial Impacts:**

There will be staff time associated with producing temporary maps that are available to the public until the revised TSP can be published as part of the current TSP update that is expected to be amended later this year. This can be provided for within the existing budget.

**Recommendation:**

Staff respectfully requests that the City Council hold a public hearing and adopt Ordinance 2014-005, an Ordinance that would amend the (TSP) to identify the extension of SW Baler Way north of Tualatin-Sherwood Road as a new public street designated in part as a collector street and in part as a local street.

**Attachments:**

Ordinance

Exhibit 1: Staff report to the Planning Commission dated February 10, 2014

1-A. Application materials submitted by Washington County

1-B. BPA letter dated November 27, 2013

1-C. Letter from Phil Grillo submitted to the Planning Commission at the December 10, 2013 public hearing.

1-D. Letter from Phil Grillo submitted to the Planning Commission at the January 28, 2014 public hearing.

1-E. Letter #2 from Phil Grillo submitted to the Planning Commission at the January 28, 2014 public hearing.

1-F. Memorandum from DKS to Bob Galati regarding the SW Baler Way TSP Amendment

Exhibit 2 Proposed Sherwood TSP Amendment Map



**ORDINANCE 2014-005**

**APPROVING AN AMENDMENT TO THE TRANSPORTATION SYSTEM PLAN AND COMPREHENSIVE PLAN REGARDING EXTENSION AND DESIGNATION OF SW BALER WAY NORTH OF TUALATIN-SHERWOOD ROAD**

**WHEREAS**, the Transportation System Plan (TSP) is a 20 year planning document intended to be updated every 5 to 7 years; and

**WHEREAS**, Sherwood's TSP was adopted in 2005, and is currently undergoing a review for amendment; and

**WHEREAS**, Washington County requested an amendment to the Sherwood TSP to identify the extension of SW Baler Way north of Tualatin-Sherwood Road as a new public street designated in part as a collector street and in part as a local street and to the west; and

**WHEREAS**, the proposed amendments were reviewed for compliance and consistency with the Comprehensive Plan, regional and state regulations and found to be fully compliant; and

**WHEREAS**, the proposed amendments were subject to full and proper notice and review and public hearings were held before the Planning Commission on December 10, 2013 and January 28, 2014; and

**WHEREAS**, the Planning Commission voted to forward a recommendation of approval to the City Council for the proposed TSP amendment; and

**WHEREAS**, the analysis and findings to support the Planning Commission recommendation are identified in the attached Exhibit 1; and

**WHEREAS**, the City Council held a public hearing on February 18, 2014 and determined that the proposed amendment to the TSP and Comprehensive Plan met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

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

**Section 1. Findings** After full and due consideration of the proposed amendment, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearing, the Council adopts the findings of fact contained in Exhibit 1 finding that the TSP and shall be amended as conceptually illustrated in Exhibit 2.

**Section 2. Approval** The proposed amendments for TSP and Comprehensive Plan (PA) 13-04 identified in Exhibit 1 is hereby approved.

**Section 3. Manager Authorized** The Planning Department is hereby directed to take such action as may be necessary to document this amendment, including notice of adoption to DLCDC.

**Section 4. Effective Date** This ordinance shall become effective the 30<sup>th</sup> day after its enactment by the City Council and approval by the Mayor.

**Duly passed by the City Council this 18<sup>th</sup> day of February 2014.**

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

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

	<b><u>AYE</u></b>	<b><u>NAY</u></b>
Clark	_____	_____
Langer	_____	_____
Butterfield	_____	_____
Folsom	_____	_____
Grant	_____	_____
Henderson	_____	_____
Middleton	_____	_____

**CITY OF SHERWOOD  
PLANNING COMMISSION RECOMMENDATION**

**Date: February 10, 2014**

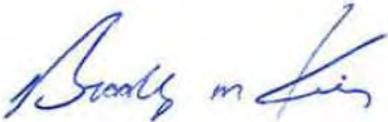
**PA 13-04 – Baler Way Transportation System Plan Amendment**

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To: SHERWOOD CITY COUNCIL

From: PLANNING DEPARTMENT

**On December 10, 2013 and again on January 28, 2014, the Planning Commission considered an amendment to the City of Sherwood Transportation System Plan, proposed by Washington County to extend Baler Way north of Tualatin-Sherwood Road in part as a collector, and in part as a local street into the Adams Avenue North Concept Plan area. After considering the applicant's materials, public testimony, and the findings in the staff report, the Planning Commission voted to recommend approval of the request to the Sherwood City Council. Their decision is based on the findings in this recommendation.**



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Brad Kilby, AICP, Planning Manager

**Proposal overview:** Washington County proposes to amend the City of Sherwood's Transportation System Plan (TSP) to add a new street to extend Baler Way north of Tualatin Sherwood Road into the Adams Avenue North Concept Plan area. The primary purpose is to develop access and street system improvements to address capacity and safety issues in the area. The new public street would be designated in part as a collector street and in part as a local street.

**I. OVERVIEW**

- A. Applicant: Harper Houf Peterson Righellis Inc.  
Attn: Stefanie Slyman, AICP  
205 SE Spokane St., #200, Portland, OR 97212

503-221-1131 or stefanies@hhpr.com

Owner:

Washington County Department of Land Use and Transportation  
Capital Project Management Division  
Attn: Dan Erpenbach  
1400 SW Walnut Street, Hillsboro, OR 97123

503-847-7877 or Daniel\_erpenbach@co.washington.or.us

- B. Location: The proposed future street begins north of Tualatin Sherwood Rd at its intersection with Baler Way. Tax Map 2S 01 29B; TLs 900, 901, 1100, 1400, 1500, 1800, and 1900.
- C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission will make a recommendation to the City Council who will make the final decision. There will be a twenty-one (21) day appeal period after the Council issues their decision. Any appeal of the City Council decision would go directly to the Oregon Land Use Board of Appeals.
- D. Public Notice and Hearing: Notice of the December 10, 2013 Planning Commission hearing on the proposed amendment was published in The Tigard Times on November 28<sup>th</sup> and December 5<sup>th</sup> 2013, and in the December 2013 edition of the Gazette. Notice was also posted in 5 public locations around town and on the web site on November 20<sup>th</sup>, 2013. While this is a legislative amendment, additional courtesy notice was mailed to immediately affected property owners on November 20<sup>th</sup>, 2013, and provided to the businesses located within those properties.

The applicant held a public meeting on July 17, 2013 from 5:30 to 7:30 PM at the Sherwood Police Department Community Room, 20495 SW Borchers Drive. Notice to property owners and recognized neighborhood organizations within 1,000 feet of the subject property were mailed on June 27, 2013, July 2, 2013 and July 8, 2013.

- E. Review Criteria:  
The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC). In addition, the amendment must be consistent with Goals 1, 2 and 12 of the Statewide Planning Goals and Chapter 6 of the Comprehensive Plan.
- F. Background:  
Washington County is currently making safety and capacity improvements to Tualatin-Sherwood and Roy Rogers Road, which includes roadway widening, access management, Intelligent Transportation Systems (ITS), and off-corridor circulation improvements. The roadway widening and access management elements are being addressed as part of the Major Streets Transportation Improvement Program (MSTIP 3d) Tualatin Sherwood Road (Adams to Borchers) project, which is currently in design. The ITS element will be evaluated over the next year as the County implements improved traffic signal timing along Tualatin-Sherwood Road from Teton Avenue to OR 99W and along OR 99W from the Home Depot intersection to Sunset Boulevard with the possibility of using adaptive signal timing. The purpose of this TSP amendment is to address the off corridor circulation element of the County's overall strategy for making safety and capacity improvements for Tualatin Sherwood Road.

## II. PUBLIC COMMENTS

The City posted notices in five locations around the city and provided courtesy mailed notice to directly related property owners in the vicinity of the road extension. In addition, business owners were provided with notice of the proposal. Notice was also published in the Tigard Times on November 28<sup>th</sup> and December 5<sup>th</sup> 2013, and in the December Gazette. The applicant hosted a public meeting on July 17, 2013 for property owners and

recognized neighborhood organizations located within 1,000 feet of the subject property. Comments from the public meeting are summarized below:

- The extension of Baler is too close in and should be located farther outside of this area.
- Vehicles approaching 99W from the east on Tualatin Sherwood Road already use Cipole Road as an alternate route. Better access at Cipole Road by the DMV should be created to relieve congestion.
- In response to the question whether bike and pedestrian connectivity would be included, the project team noted these facilities are included in the designation of the street types.
- Regarding the timing of actual construction of the Baler Extension, this could happen at any time depending on factors such as redevelopment or the widening of Tualatin Sherwood Road.
- The project team reiterated that a summary of the neighborhood meeting would be submitted as part of the land use application to the City and that otherwise meeting minutes would not be distributed.
- There has also been a concern raised over future access to Les Schwab from the Baler street extension given its location near the Tualatin-Sherwood road intersection.

### III. AGENCY/DEPARTMENTAL COMMENTS

The City requested comments from affected agencies. All original documents are contained in the planning file and are a part of the official record on this case. The following information briefly summarizes those comments:

**Bonneville Power Administration** – Julie Goodrich of the BPA provided comments attached to this report as Exhibit B, that indicates that the BPA has no objection to the proposal but that any future construction beneath the powerlines will require a BPA Right Of Way Use permit which would include clearance measurements to the closest BPA tower and overhead wires, and road specification.

DLCD, ODOT, Washington County, Metro, Clean Water Services, Tualatin Valley Fire and Rescue (TVF&R), Kinder Morgan, Pride Disposal, The Sherwood School District, The Sherwood Engineering, Building, and Public Works Departments, Portland General Electric, Northwest Natural Gas, and Raindrops to Refuge were provided the opportunity to comment on this application but did not provide written or verbal comments.

### IV. APPLICABLE DEVELOPMENT CODE CRITERA

#### 16.80.030 – Review Criteria

##### A. Text Amendment

**An amendment to the text of the Comprehensive Plan shall be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the adopted Sherwood Comprehensive Plan, and with all other provisions of the Plan, the Transportation System Plan and this Code, and with any applicable State or City statutes and regulations, including this Section.**

**FINDING:** The applicant's proposal requests the modification of the Sherwood Comprehensive Plan Figure 8-1 (Functional Classification Map) and Figure 8-7 (Streets Where ROW is Planned for More Than Two Lanes) and would adhere to the existing policies and the intent of the Plan. No text amendment would be required. Therefore, this criterion is not applicable.

##### B. Map Amendment

**An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that:**

- 1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.**

**ANALYSIS:** Compliance with the Comprehensive Plan policies is discussed below in Section V.B.

- 2. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.**

**ANALYSIS:** According to the applicant, the proposed map amendment would allow for the future development of a public transportation facility that would provide surrounding land uses with improved access and circulation. The area to be served is zoned Light Industrial, Light Industrial-PUD, Office Commercial and General Commercial. Based on a memorandum from DKS Associates, dated September 17, 2013, when built out or redeveloped, the area served by the proposed public transportation facility would generate up to 6,000 average daily trips (ADT) by 2035, which is ten times the current ADT. This projected increase in traffic volume provides the demonstrable need for additional connectivity throughout the area. Currently there are no public transportation facilities providing access through the affected area. To support the existing businesses and encourage future development of the area, additional transportation routes will become necessary in the future.

- 3. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.**

**ANALYSIS:** Washington County is currently making safety and capacity improvements for Tualatin Sherwood Road on the whole. The proposed TSP amendment is one element. In particular, the County is presently designing improvements to Tualatin Sherwood Road to include the Baler intersection in order to reduce congestion and improve safety in conjunction with construction scheduled to begin in 2014. Development within the affected area that would be served by the proposed transportation facility is likely going to be intensified in the future. It is timely to designate the location of future facilities prior to development of the affected area in order to provide for efficient travel routes given the existing development patterns. The proposed transportation facility would be consistent with the Adams Avenue North Extension Plan, which was approved by Ordinance 2009-008, and the I-5 to 99W Connector Project. Specifically, the Adams Avenue North Extension – Preferred Concept Plan identifies the proposed public transportation facility as a “potential future road connection.”

The applicant states that the proposed public transportation facility would provide additional connectivity off of Tualatin Sherwood Road, a major arterial. Additionally, the proposed transportation facility would align with and provide a continuation of SW Baler Way to the south, a designated collector.

- 4. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.**

**ANALYSIS:** The proposed roadway would not alter the zoning or proposed uses of the properties potentially impacted by its construction. This criterion is not applicable.

**FINDING:** Compliance with the Comprehensive Plan policies is discussed below in Section V.B. Staff finds that due to the projected ADT, the existing Adams Avenue extension, and anticipated future development of the area, there is an existing and demonstrable need for the proposed roadway. Additionally, because of the investment and improvements currently being implemented by the County in conjunction with the recent approval of Ordinance 2009-008, staff finds that the proposed amendment is timely. These criteria are satisfied.

### **C. Transportation Planning Rule Consistency**

- 1. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.**

**ANALYSIS:** The attached memorandum submitted by the applicant (Exhibit A) from DKS Associates, dated September 17, 2013, provides the required review in accordance with OAR 660-12-0060.

- 2. "Significant" means that the transportation facility would change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification, allow types of land use, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility, or would reduce the level of service of the facility below the minimum level identified on the Transportation System Plan.**

**ANALYSIS:** The current TSP does not identify the transportation facility at the location as proposed. No changes are proposed to the functional classifications, types of land use, levels of land use, or access that would reduce the level of service of any of the surrounding, existing, or proposed facilities below the minimum level identified in the TSP. The Adams Avenue North Extension Plan approved by Ordinance 2009-008, proposes a new collector extending Adams Avenue north and then east to connect to SW Pacific Hwy just south of Home Depot. The proposed public transportation facility would extend Baler Way north from Tualatin-Sherwood Road and split to connect to Adams Avenue to the east and also to the north. The northern portion of the proposed public transportation facility would be a local road, while the southern portion would be designated as a collector.

- 3. Per OAR 660-12-0060, Amendments to the Comprehensive Plan or changes to land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:**
  - a. Limiting allowed uses to be consistent with the planned function of the transportation facility.**
  - b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses.**
  - c. Altering land use designations, densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes.**

**ANALYSIS:** As demonstrated in the attached memorandum from DKS Associates, the proposed TSP amendment would not result in a significant impact to a transportation facility. Specifically, the memorandum found that:

- The proposed TSP amendment includes an extension of Baler Way from Tualatin-Sherwood Road to Adams Avenue at the east as a collector, and a local road connecting the Baler Way extension to Adams Avenue to the north. These proposed modifications to the transportation network are consistent with previous local plans that have been completed since the Sherwood TSP was adopted in 2005.
- The proposed Baler Way extension is expected to have minimal impacts to study intersections; all intersections are projected to meet mobility targets.
- The proposed Baler Way extension will meet access management standards.
- The segment connecting Baler Way at Tualatin-Sherwood Road to the northern collector at Adams Avenue shall be a collector street. This facility would provide enhanced regional connectivity and connect Baler Way (which is currently a collector south of Tualatin-Sherwood Road) to the proposed northern collector, which would provide a regional connection.
- The north segment should be a local street as its primary function is to serve local land uses as planned in the Adams Avenue North Concept Plan. There will likely be limited motor vehicle turning movements at the local street intersection with Adams Avenue near Home Depot due to the close spacing to Highway 99W.

**FINDING:** Based on the analysis above, staff finds that the review of the plan and text amendment application for impact on transportation facilities provided by DKS Associates accurately determined that the proposed roadway would not have a significant impact on existing transportation facilities. It should be noted that future development of the improvement would likely require the City to evaluate and possibly relocate existing access locations for the purposes of improving safety along the future collector.

## **V. APPLICABLE COMPREHENSIVE PLAN POLICIES**

### **B. GOALS, POLICIES, AND STRATEGIES**

**Goal 1: Provide a supportive transportation network to the land use plan that provides opportunities for transportation choices and the use of alternative modes serving all neighborhoods and businesses.**

**Policy 1 – The City will ensure that public roads and streets are planned to provide safe, convenient, efficient and economic movement of persons, goods and services between and within the major land use activities. Existing rights of way shall be classified and improved and new streets built based on the type, origin, destination and volume of current and future traffic.**

**ANALYSIS:** According to the applicant, the proposed roadway would provide needed internal circulation for several large parcels zoned Light Industrial, Light Industrial-PUD, Office Commercial and General Commercial. Per the DKS Associates memorandum, these parcels would generate up to 6,000 trips related to the movement of goods and services based on the existing zoning designations.

The proposed designation for this roadway between Tualatin Sherwood Road is a collector, consistent with the purpose of collectors, which is to "Provide both access and circulation within and between residential and commercial/industrial areas." (TSP Table 1. Functional Classification Definitions). This facility would specifically provide enhanced regional connectivity and connect Baler Way to the proposed northern collector, which would provide a regional connection. The north segment of the roadway is proposed as a local street as its primary function is to serve local/and uses as planned in the Adams Avenue North Concept Plan.

The justification for a collector designation for the southern segment is per Washington County's access management standards. Washington County's Community Development Code specifies that an arterial, which is the functional classification of Tualatin Sherwood Road, shall only be intersected by collectors or other arterials. There is already an intersection at this location.

**Policy 2 – Through traffic shall be provided with routes that do not congest local streets and impact residential areas. Outside traffic destined for Sherwood business and industrial areas shall have convenient and efficient access to commercial and industrial areas without the need to use residential streets.**

**ANALYSIS:** As described in the analysis above, the proposed roadway would create additional connectivity to and within a commercial and industrial area. There are no existing local streets in the area that are connected to residential areas. The entire area served by the proposed facility is zoned either commercial or industrial.

**Policy 3 – Local traffic routes within Sherwood shall be planned to provide convenient circulation between home, school, work, recreation and shopping. Convenient access to major out-of-town routes shall be provided from all areas of the city.**

**ANALYSIS:** The proposed roadway would provide the interior of the site with direct access to Tualatin Sherwood Road, a major arterial connected to out-of-town destinations, and is consistent and compatible with the northern collector at Adams Avenue. Additionally, it would separate interior travel within the site from the regional travel on Tualatin-Sherwood Road and Adams Avenue. Having multiple routes to choose from at varying classification levels would provide more convenient circulation into and through the site. The proposed alignment is also consistent with the Adams Avenue North Concept Plan that was approved by Ordinance 2009-008 and determined to be compliant with Sherwood's Comprehensive Plan.

**Policy 8 – The City of Sherwood shall consider infrastructure improvements with the least impact to the environment.**

**ANALYSIS:** According to the City's interactive map, the proposed roadway would be located within the urban growth boundary and would avoid known environmental resources including wetlands, riparian habitat and areas designated as Refuge Sanctuary within the Tualatin River National Wildlife Refuge.

**FINDING:** Based on the above analyses, staff finds that the proposed roadway would 1) provide needed internal circulation that facilitates the safe, convenient, efficient and economic movement of persons, goods and services between and within the major land use activities; 2) be substantially consistent with the City's collector street and local street functional classification definitions; and 3) be consistent with Washington County access standards. Additionally, the proposed roadway would provide multiple interior routes throughout the site with a variety of road classifications to distinguish between regional and local travel. This route separation would facilitate the convenient circulation between home, school, work, recreation and shopping. These criteria are satisfied.

**Goal 2: Develop a transportation system that is consistent with the City's adopted comprehensive land use plan and with the adopted plans of state, local, and regional jurisdictions.**

**Policy 1 -The City shall implement the transportation plan based on the functional classification of streets shown in Table 8-1.**

**ANALYSIS:** The proposed functional classifications for the proposed roadway include a collector street for the segment connecting Baler Way at Tualatin Sherwood Road to the northern collector at Adams Avenue, and local street for the north segment. Both classifications are consistent with the City's functional classifications per the TSP's definitions.

**Policy 2- The City shall maintain a transportation plan map that shows the functional classification of all streets within the Sherwood urban growth area. Changes to the functional classification of streets must be approved through an amendment to the Sherwood Comprehensive Plan, Part 2, Chapter 6 – Transportation Element.**

**ANALYSIS:** The applicant is requesting an amendment to the City's Transportation System Plan which is part of the Sherwood Comprehensive Plan, Part 2, Chapter 6 – Transportation Element to include the proposed roadway. If approved, this application would result in an update to the transportation plan map.

**Policy 3- The Sherwood transportation system plan shall be consistent with the city's adopted land use plan and with transportation plans and policies of other local jurisdictions, especially Washington County, Clackamas County, City of Wilsonville, and the City of Tualatin.**

**ANALYSIS:** As demonstrated in the responses to the applicable TSP policies, the proposed amendment is consistent with the adopted TSP. The adopted TSP has been found to be consistent with the City's adopted land use plan and transportation plans and policies of other local jurisdictions.

**Policy 5 – The City shall adopt a street classification system that is compatible with Washington County Functional Classification System for areas inside the Washington County**

**ANALYSIS:** The proposed functional classifications for the proposed roadway include a collector street for the segment connecting Baler Way at Tualatin Sherwood Road to the northern collector at Adams Avenue, and local street for the north segment. These are consistent the City's functional classifications in its adopted TSP that has been deemed to be compatible with Washington County Functional Classification System for areas inside the Washington County Urban Area Plan and with Washington County 2020 Transportation Plan.

**FINDING:** Based on the above analyses, staff finds that the collector and local street classifications of the proposed roadway would be based on the function classification of streets shown in Table 8-1, which has already been deemed compatible with Washington County Functional Classification System for areas inside the Washington County Urban Area Plan and with Washington County 2020 Transportation Plan. If approved, this application would result in an update to the transportation plan map to reflect the classifications of the proposed roadway. These criteria are satisfied.

**Goal 3: Establish a clear and objective set of transportation design and development regulations that addresses all elements of the city transportation system and that promote access to and utilization of a multi-modal transportation system.**

**Policy 7 – The City of Sherwood will generally favor granting property access from the street with the lowest functional classification, including alleys. Additional access to arterials and collectors for single family units shall be prohibited and use access from frontage roads and local streets. Frontage roads shall be designed as local streets.**

**ANALYSIS:** The proposed roadway would allow for commercial and industrial access onto a collector street or local street. As discussed earlier in this report, future development of the improvement would likely require the City to evaluate and possibly relocate existing access locations for the purposes of improving safety. Property-specific access to the roadway will be regulated by the City at a future design phase or a land use action and is not applicable to the proposed TSP amendment.

**Policy 8 – The City will adopt access control and spacing standards for all arterial and collector streets to improve safety and promote efficient through street movement. Access**

**control measures shall be generally consistent with Washington County access guidelines to ensure consistency on city and county roads.**

**ANALYSIS:** The proposed roadway would align with an existing signalized access at SW Baler Way. This TSP amendment does not propose to change the City's or County's adopted standards for access control or spacing for arterials or collectors.

**FINDING:** Based on the analyses above, staff finds that the proposed roadway would meet and promote the transportation design and development regulations adopted by the City. Specifically, the proposed roadway would provide the impacted properties with access to a lower functional classification than is currently available and would utilize an existing signalized intersection. These criteria are satisfied.

## **VI. APPLICABLE STATEWIDE PLANNING GOALS**

### **Goal 1 (Citizen Involvement)**

**ANALYSIS:** Based on affidavits and meeting minutes submitted with the application, Washington County provided notification for and conducted a neighborhood meeting in compliance with the public notification requirements for a Type V land use application. Notice of December 10, 2013 Planning Commission hearing on the proposed amendment was published in The Tigard Times on November 21<sup>st</sup> and December 5<sup>th</sup> and in the December edition of the Gazette. Notice was also posted in 5 public locations around town and on the web site on November 12<sup>th</sup>. While this is a legislative amendment, courtesy notice was mailed to immediately affected property owners on November 20<sup>th</sup>. Individual businesses within the affected area were canvassed and provided with notice of the hearing as well. Furthermore, the City will host a public hearing before the planning commission and a public hearing before the City Council providing the community and affected stakeholders the opportunity to participate in this land use review consistent with the intent of Statewide Planning Goal 1.

**FINDING:** The applicant and staff utilized the public notice requirements of the Code to notify the public of this proposed plan amendment and will provide opportunity to participate in the review both in writing and at a public hearing. The City's public notice requirements have been found to comply with Goal 1 and, therefore, this proposal meets Goal 1.

### **Goal 2 (Land Use Planning)**

**ANALYSIS:** As found in the narrative submitted by the applicant as part of this application, all applicable land use approval criteria for a TSP map amendment have been addressed. As described in the paragraphs above, staff has reviewed the applicant's proposal in accordance with the approval process for a Type V (Legislative) land use application.

**FINDING:** The proposed amendment, as demonstrated in this report is processed in compliance with the local, regional and state requirements.

### **Goal 3 (Agricultural Lands)**

### **Goal 4 (Forest Lands)**

### **Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces)**

### **Goal 6 (Air, Water and Land Resources Quality)**

### **Goal 7 (Areas Subject to Natural Hazards)**

### **Goal 8 (Recreational Needs)**

### **Goal 9 (Economic Development)**

### **Goal 10 (Housing)**

### **Goal 11 (Public Facilities and Services)**

**FINDING:** The Statewide Planning Goals 3-11 do not specifically apply to this proposed plan amendment; however, it is noted that there is no evidence in the record to suggest that the proposal conflicts with the stated goals.

### **Goal 12 (Transportation)**

**FINDING:** Compliance with Goal 12 is demonstrated at the local level through the adoption and maintenance of a transportation system plan (TSP). Amendments to the TSP are implemented through demonstrating compliance with the Transportation Planning Rule (“TPR”). Staff has assessed the proposals consistency with the TPR above in Section IV (16.80.030 – Review Criteria) and found the proposal to be consistent with the City’s adopted TSP. Therefore, the proposal is consistent with Goal 12.

### **Goal 13 (Energy Conservation)**

### **Goal 14 (Urbanization)**

### **Goal 15 (Willamette River Greenway)**

### **Goal 16 (Estuarine Resources)**

### **Goal 17 (Coastal Shorelands)**

### **Goal 18 (Beaches and Dunes)**

### **Goal 19 (Ocean Resources)**

**FINDING:** The Statewide Planning Goals 13-19 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

## **EXHIBITS**

- A. Application materials
- B. November 27, 2013 letter from Julie Goodrich of the Bonneville Power Administration
- C. Letter from Phil Grillo submitted to the Planning Commission at the December 10, 2013 public hearing.
- D. Letter from Phil Grillo submitted to the Planning Commission at the January 28, 2014 public hearing.
- E. Letter #2 from Phil Grillo submitted to the Planning Commission at the January 28, 2014 public hearing.
- F. Memorandum from DKS to Bob Galati regarding the SW Baler Way TSP Amendment



Home of the Tualatin River National Wildlife Refuge



Case No. PA 13-04  
Fee 5330  
Receipt # 2281  
Date 9/20/13  
TYPE II

### City of Sherwood Application for Land Use Action

**Type of Land Use Action Requested: (check all that apply)**

- Annexation
- Plan Amendment (Proposed Zone N/A)
- Variance (list standard(s) to be varied in description)
- Site Plan (Sq. footage of building and parking area)
- Planned Unit Development
- Conditional Use
- Partition (# of lots \_\_\_\_\_)
- Subdivision (# of lots \_\_\_\_\_)
- Other: \_\_\_\_\_

*By submitting this form the Owner, or Owner's authorized agent/representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.*

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov). Click on Departments/Planning/Fee Schedule.

**Owner/Applicant Information:**

Applicant: Dan Erpenbach, Washington County DLUT Phone: 503-846-7877  
 Applicant Address: See narrative Email: See narrative  
 Owner: N/A Phone: N/A  
 Owner Address: N/A Email: N/A  
 Contact for Additional Information: Applicant's Rep: Stefanie Slyman, HHPR Inc. 503-221-1131

**Property Information:**

Street Location: Proposed street begins north of Tualatin Sherwood Rd at intersection with Baler Way  
 Tax Lot and Map No: Tax Map 2S 01 29B: TLs 900, 901, 1100, 1400, 1500, 1800, 1900  
 Existing Structures/Use: Commercial and light industrial uses; one residence  
 Existing Plan/Zone Designation: GC, LI-PUD, LI, OC  
 Size of Property(ies) Per TLs above (in acres): 5.15, 4.36, 12.42, 1.72, 1.26, 12.62, 11.03

**Proposed Action:**

Purpose and Description of Proposed Action: Washington County proposes to amend the City of Sherwood's Transportation System Plan (TSP) to add a new street to extend Baler Way north of Tualatin Sherwood Road into the Adams Avenue North Concept Plan area. The primary purpose is to develop access and street system improvements to address capacity and safety issues in the area.  
 Proposed Use: New public street designated in part as a collector street and in part as a local street  
 Proposed No. of Phases (one year each): N/A

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Daniel J. Epenbach
Applicant's Signature

9-17-13
Date

Owner's Signature

Date

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

- 3 \* copies of Application Form completely filled out and signed by the property owner (or person with authority to make decisions on the property.
N/A Copy of Deed to verify ownership, easements, etc.
N/A At least 3 \* folded sets of plans
At least 3 \* sets of narrative addressing application criteria
Fee (along with calculations utilized to determine fee if applicable)
Neighborhood Meeting Verification including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)
N/A Signed checklist verifying submittal includes specific materials necessary for the application process

\* Note that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

## BALER WAY TSP AMENDMENT

### PROPOSAL OVERVIEW

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Applicant:

Dan Erpenbach, Capital Project Management Division  
Washington County Department of Land Use and Transportation  
1400 SW Walnut Street  
Hillsboro, OR 97123  
503-846-7877 Daniel\_erpenbach@co.washington.or.us

Applicant's Representative:

Stefanie Slyman, AICP  
Harper Houf Peterson Righellis Inc.  
205 SE Spokane St., #200  
Portland, OR 97212  
503-221-1131 stefanies@hhpr.com

Summary:

The applicant, Washington County, proposes to amend the City of Sherwood's Transportation System Plan (TSP) to add a new street which would extend Baler Way north of Tualatin Sherwood Road into the area immediately west of Adams Avenue, known as the Adams Avenue North Concept Plan area. The primary purpose of the street extension is to develop access and street system improvements to address capacity and safety issues in the area. As shown in **Figure 1**, the Baler Way extension would be designated as a collector for the southern and eastern segments and as a local street for the northern segment. This amendment would modify Figure 8-1 (Functional Classification Map) and Figure 8-7 (Streets Where ROW Is Planned for More Than Two Lanes).

Review Type:

The proposed map amendment requires a Type V (Legislative) review before the Planning Commission and City Council. As required, a Neighborhood Meeting to present the proposal was held for which notice was provided to property owners within 1,000' of the proposed map amendment. Documentation of the meeting has been submitted with the application materials.

Background:

Washington County is currently making safety and capacity improvements for Tualatin Sherwood Road, which includes roadway widening, access management, Intelligent Transportation Systems (ITS), and off-corridor circulation. The roadway widening and access management elements are being addressed as part of the MSTIP 3d Tualatin-Sherwood Road (Adams to Borchers) project, which is currently in design. The ITS element will be evaluated over the next year as the County implements improved traffic signal timing along Tualatin-Sherwood Road from Teton Avenue to OR 99W and along OR 99W from the Home Depot intersection to Sunset Boulevard with the possibility of using adaptive signal timing. The purpose of this TSP amendment is to address the off-corridor circulation element of the County's overall strategy for making safety and capacity improvements for Tualatin Sherwood Road.

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## APPLICABLE DEVELOPMENT CODE CRITERIA

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### 16.80.030 - Review Criteria

#### B. Map Amendment

An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.

**RESPONSE:** *As is demonstrated further in this application, the amendment is consistent with the applicable goals and policies of the Comprehensive Plan and the Transportation System Plan.*

3. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.

**RESPONSE:** *The proposed map amendment will allow for the future development of a public transportation facility that will provide surrounding land uses with improved access and circulation. The area to be served is zoned Light Industrial, Light Industrial-PUD, Office Commercial and General Commercial zoning districts that, when built out or redeveloped, will generate up to 6,000 trips. The proposed roadway is consistent with the Adams Avenue North Concept Plan and the I-5 to 99W Connector Project, and will provide additional connectivity off of Tualatin Sherwood Road, a major arterial. The proposed roadway also aligns with and provides a continuation of SW Baler Way to the south, a designated collector. For these reasons, the proposed roadway supports the pattern of development in the area.*

*The amendment is timely in that Washington County is currently making safety and capacity improvements for Tualatin Sherwood Road on the whole, of which the TSP amendment is one element. In particular, the County is presently designing improvements to Tualatin Sherwood Road to include the Baler intersection in order to reduce congestion and improve safety in conjunction with construction to begin in 2014. As the scope of the City's current TSP update does not address new roadways; Washington County has made application to do so which is both timely and consistent with the pattern of development in the area. This criterion is met.*

#### C. Transportation Planning Rule Consistency

1. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.

**RESPONSE:** *The proposed TSP amendment is an amendment to the Comprehensive Plan subject to review to determine whether it significantly affects a transportation facility. The attached memorandum from DKS Associates, dated September 17, 2013, provides this review in accordance with OAR 660-12-0060. This criterion is met.*

2. "Significant" means that the transportation facility would change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification, allow types of land use, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation

of travel or access that are inconsistent with the functional classification of a transportation facility, or would reduce the level of service of the facility below the minimum level identified on the Transportation System Plan.

**RESPONSE:** *As demonstrated in the attached memorandum from DKS Associates dated September 17, 2013, the proposed TSP amendment will not result in a significant effect to a transportation facility. This review criterion is met.*

3. Per OAR 660-12-0060, Amendments to the Comprehensive Plan or changes to land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
  - a. Limiting allowed uses to be consistent with the planned function of the transportation facility.
  - b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses.
  - c. Altering land use designations, densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

**RESPONSE:** *The proposed TSP amendment does not result in a significant effect to a transportation facility; therefore, this criterion does not apply.*

## APPLICABLE COMPREHENSIVE PLAN POLICIES

### B. GOALS, POLICIES, AND STRATEGIES

Goal 1: Provide a supportive transportation network to the land use plan that provides opportunities for transportation choices and the use of alternative modes serving all neighborhoods and businesses.

Policy 1 – The City will ensure that public roads and streets are planned to provide safe, convenient, efficient and economic movement of persons, goods and services between and within the major land use activities. Existing rights of way shall be classified and improved and new streets built based on the type, origin, destination and volume of current and future traffic.

**RESPONSE:** *The proposed roadway provides needed internal circulation for several large parcels zoned Light Industrial-LI and General Commercial-GC. Per the traffic memorandum, these parcels will generate up to 6,000 trips related to the movement of goods and services within these major land use activities.*

*The proposed designation for this roadway between Tualatin Sherwood Road is a collector, consistent with the purpose of collectors which is to "Provide both access and circulation within and between residential and commercial/industrial areas." (TSP Table 1. Functional Classification Definitions). This facility would specifically provide enhanced regional connectivity and connect Baler Way to the proposed northern arterial, which would provide a regional connection. The north segment of the roadway is proposed as a local street as its primary function is to serve local land uses as planned in the Adams Avenue North Concept Plan.*

*The justification for a collector designation for the southern segment is per Washington County's access management standards. Washington County's Community Development Code specifies that an arterial, which is the functional classification of Tualatin Sherwood Road, shall only be interested by collectors or other arterials.*

*Therefore, because the roadway 1) provides needed internal circulation that facilitates the safe, convenient, efficient and economic movement of persons, goods and services between and within the major land use activities; 2) is substantially consistent with the City's collector street and local street functional classification definitions; and 3) is consistent with Washington County access standards, this criterion is met.*

Policy 2 – Through traffic shall be provided with routes that do not congest local streets and impact residential areas. Outside traffic destined for Sherwood business and industrial areas shall have convenient and efficient access to commercial and industrial areas without the need to use residential streets.

**RESPONSE:** *The proposed roadway creates additional connectivity to and within a commercial and industrial area and will not congest local streets or impact residential areas. This criterion is met.*

Policy 3 – Local traffic routes within Sherwood shall be planned to provide convenient circulation between home, school, work, recreation and shopping. Convenient access to major out-of-town routes shall be provided from all areas of the city.

**RESPONSE:** *This new roadway provides direct access to Tualatin Sherwood Road, a major arterial, that connects to out-of-town destinations and is consistent and compatible with to the northern arterial at Adams Avenue. The proposed alignment is also consistent with the both of the plans (I-5 to 99W Connector and Adams Avenue North Concept Plan) that were completed since the Sherwood TSP was last updated. The segment designated as a local street provides access to local land uses within the Adams Avenue North Concept Plan. This criterion is met.*

Policy 6 – The City shall work to ensure the transportation system is developed in a manner consistent with state and federal standards for the protection of air, land and water quality, including the State Implementation Plan for complying with the Clean Air Act and the Clean Water Act.

**RESPONSE:** *The proposed map amendment does not preclude future compliance with these standards which are implemented by Clean Water Services (water quality) and the Oregon Department of Environmental Quality (air quality). This review criterion is met.*

Policy 8 – The City of Sherwood shall consider infrastructure improvements with the least impact to the environment.

**RESPONSE:** *The proposed roadway is located within the urban growth boundary and avoids known environmental resources including wetlands (Figure 2) and riparian habitat (Figure 3) and areas designated as Refuge Sanctuary within the Tualatin River National Wildlife Refuge (Figure 4). This review criterion is met.*

Goal 2: Develop a transportation system that is consistent with the City's adopted comprehensive land use plan and with the adopted plans of state, local, and regional jurisdictions.

Policy 1 – The City shall implement the transportation plan based on the functional classification of streets shown in Table 8-1.

**RESPONSE:** *The designation for the proposed roadway is a collector street which is one of the City's functional classifications implemented by the TSP. The segment to the north is proposed as a local street per the TSP's definition. This criterion is met.*

Policy 2 – The City shall maintain a transportation plan map that shows the functional classification of all streets within the Sherwood urban growth area. Changes to the functional classification of streets must be approved through an amendment to the Sherwood Comprehensive Plan, Part 2, Chapter 6 - Transportation Element.

**RESPONSE:** *The proposed roadway will amend the City's Transportation System Plan which is part of the Sherwood Comprehensive Plan, Part 2, Chapter 6 - Transportation Element. This criterion is met.*

Policy 3 – The Sherwood transportation system plan shall be consistent with the city's adopted land use plan and with transportation plans and policies of other local jurisdictions, especially Washington County, Clackamas County, City of Wilsonville, and the City of Tualatin.

**RESPONSE:** *As demonstrated in the responses to the applicable TSP policies, the proposed amendment is consistent with the adopted TSP. The adopted TSP has been found to be consistent with the city's adopted land use plan and transportation plans and policies of other local jurisdictions. Therefore, because the proposal is consistent with the adopted TSP, this criterion is met.*

Policy 5 – The City shall adopt a street classification system that is compatible with Washington County Functional Classification System for areas inside the Washington County Urban Area Plan and with Washington County 2020 Transportation Plan (Ordinance 588).

**RESPONSE:** *The proposed functional classifications for the new public roadway include a collector street for the segment connecting Baler Way at Tualatin Sherwood Road to the northern arterial at Adams Avenue, and local street for the north segment. These are consistent the City's functional classifications in its adopted TSP that has been deemed to be compatible with Washington County Functional Classification System for areas inside the Washington County Urban Area Plan and with Washington County 2020 Transportation Plan. This criterion is met.*

Goal 3: Establish a clear and objective set of transportation design and development regulations that addresses all elements of the city transportation system and that promote access to and utilization of a multi-modal transportation system.

Policy 7 – The City of Sherwood will generally favor granting property access from the street with the lowest functional classification, including alleys. Additional access to arterials and collectors for single family units shall be prohibited and use access from frontage roads and local streets. Frontage roads shall be designed as local streets.

**RESPONSE:** *The proposed roadway will allow for commercial and industrial access onto a collector street or local street. Property-specific access to the roadway will be regulated by the City at a future design phase or a land use action and is not applicable to the proposed TSP amendment. This criterion is met.*

Policy 8: The City will adopt access control and spacing standards for all arterial and collector streets to improve safety and promote efficient through street movement. Access control measures shall be generally consistent with Washington County access guidelines to ensure consistency on city and county roads.

**RESPONSE:** *The proposed roadway will align with an existing signalized access at SW Baler Way. This TSP amendment does not propose to change the City's or County's adopted standards for access control or spacing for arterials or collectors. This criterion is met.*

## APPLICABLE STATEWIDE PLANNING GOALS

### GOAL 1 (Citizen Involvement)

**RESPONSE:** *The applicant, Washington County provided notification for and conducted a neighborhood meeting in compliance with the public notification requirements for a Type V land use application. Further public notice is to be provided by the City of Sherwood which includes opportunities for written and oral testimony at public hearings before the Planning Commission and City Council. This criterion is met.*

### GOAL 2 (Land Use Planning)

**RESPONSE:** *The applicant, Washington County, has addressed all applicable land use approval criteria for a TSP map amendment. The application will be reviewed by the City of Sherwood in accordance with the approval process for a Type V (Legislative) land use application. This criterion is met.*

### GOAL 12 (Transportation)

**RESPONSE:** *Goal 12 is implemented through the Transportation Planning Rule ("TPR"). As demonstrated in the previous responses for Transportation Planning Rule Consistency under 16.80.030 - Review Criteria, the proposal is consistent with the TPR. Therefore, the proposal is consistent with Goal 12. This criterion is met.*

**PROPOSED SHERWOOD TSP AMENDMENT**  
**BALER WAY EXTENSION**  
**FIGURE 1**



**BALER WAY  
EXTENSION  
TSP AMENDMENT**

HWY 99/ADAMS AVE EXTENSION  
TSP AMENDMENT

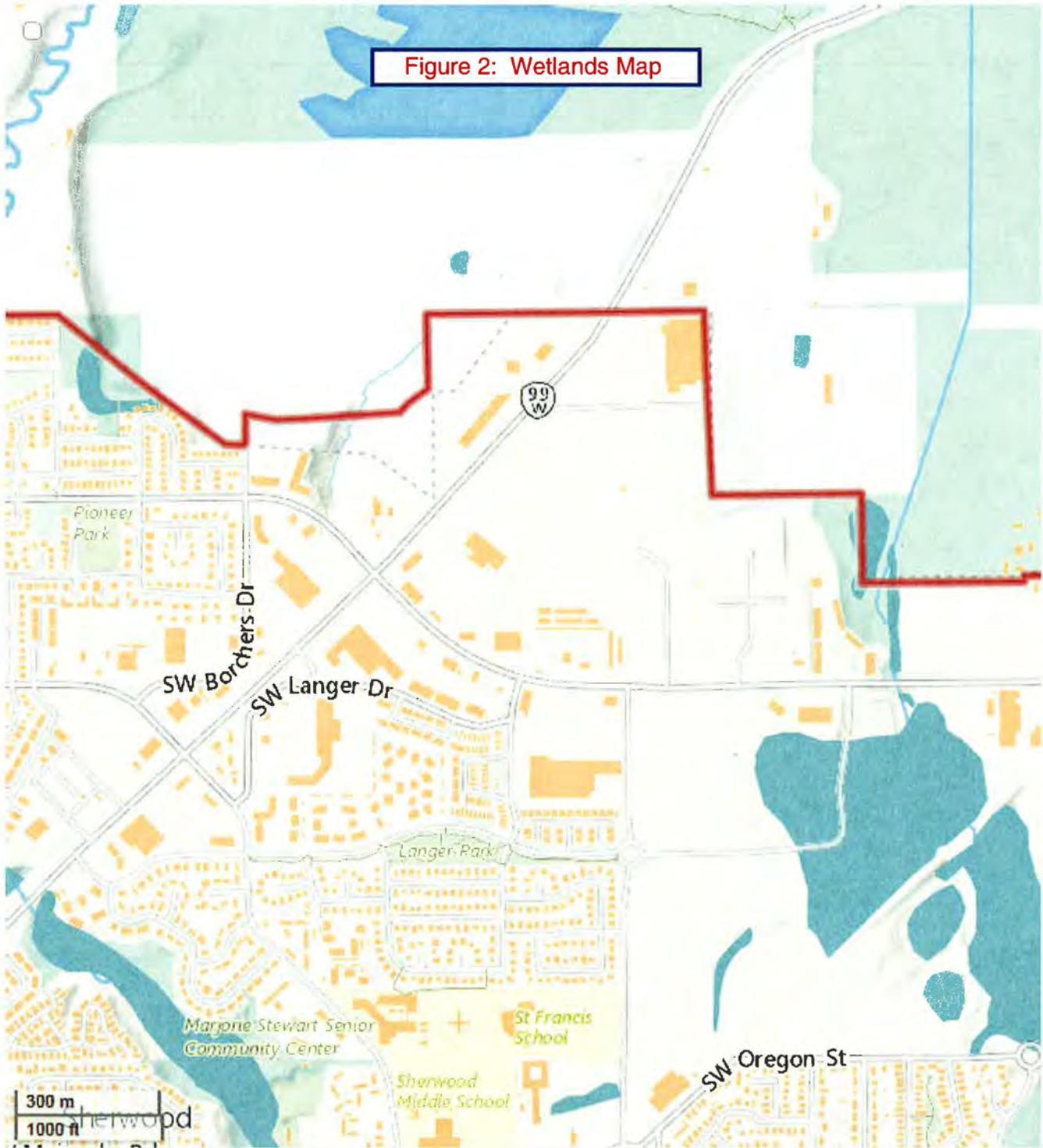
ADAMS AVENUE  
(CONSTRUCTION  
UNDERWAY)

COLLECTOR

FUTURE COLLECTOR  
IDENTIFIED IN THE I-5  
TO 99W CONNECTOR  
STUDY

**LEGEND**

- PROPOSED COLLECTOR ROADWAY**
- PROPOSED LOCAL ROADWAY**



**Figure 2: Wetlands Map**

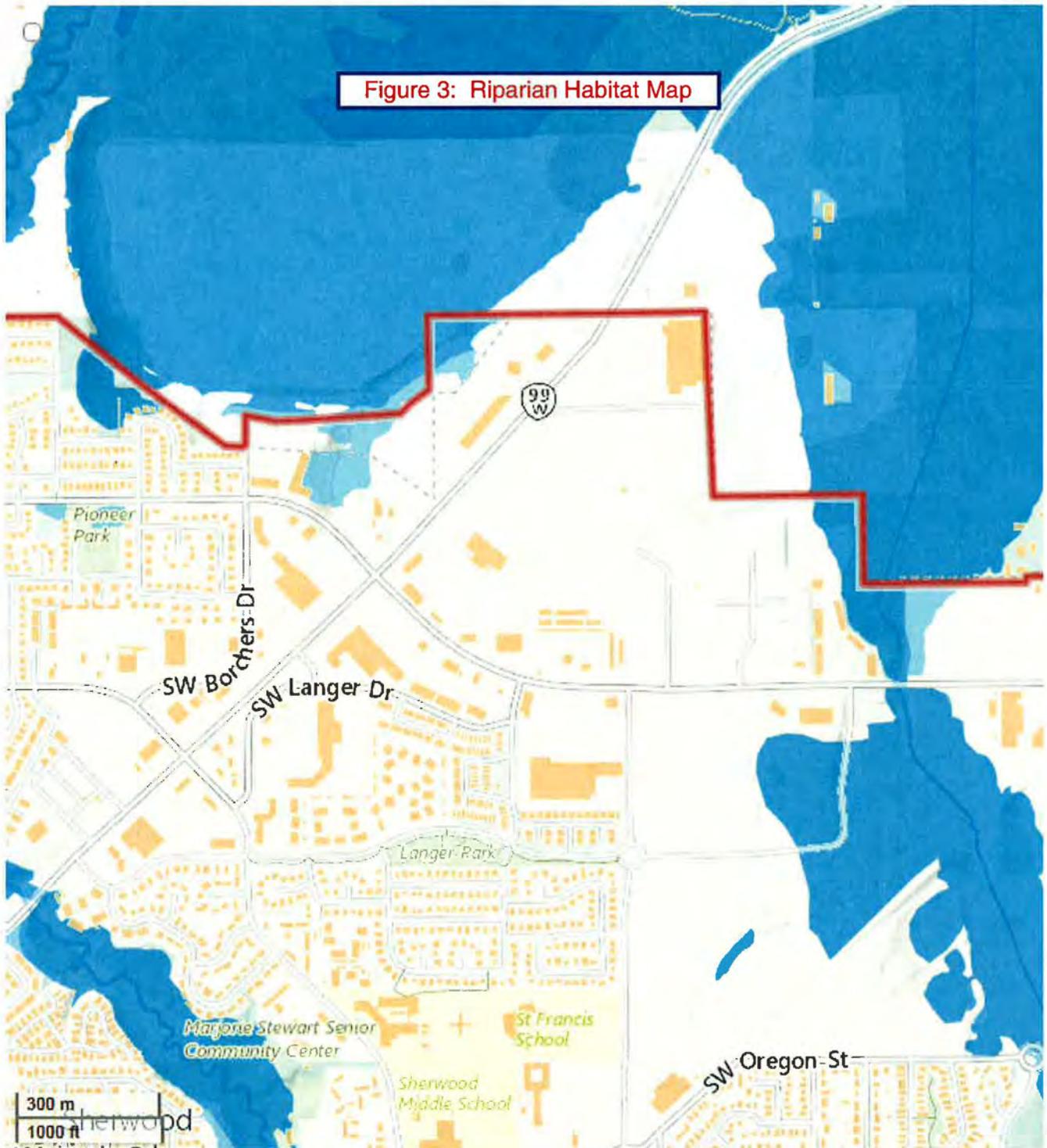


**Metro**

Data Resource Center  
 600 NE Grand Ave, Portland, OR 97232  
 503.797.1742 – drc@oregonmetro.gov

This Web site is offered as a public service, integrating various government records into a region-wide mapping system. The property assessment records are a multi-county integration of Clackamas, Multnomah and Washington County records. MetroMap blends each county's records into a common database on a quarterly basis. Therefore, to view each county's official records, go to their respective web sites or offices. The other MetroMap data are derived from city, county, state, federal and Metro sources. The metadata (data about the data) are included on this site, including the sources to be consulted for verification of the information contained herein. It describes some cases where Metro blends city and county records by generalizing the disparities. Metro assumes no legal responsibility for the compilation of multi-source government information displayed by Metro Map.

Figure 3: Riparian Habitat Map

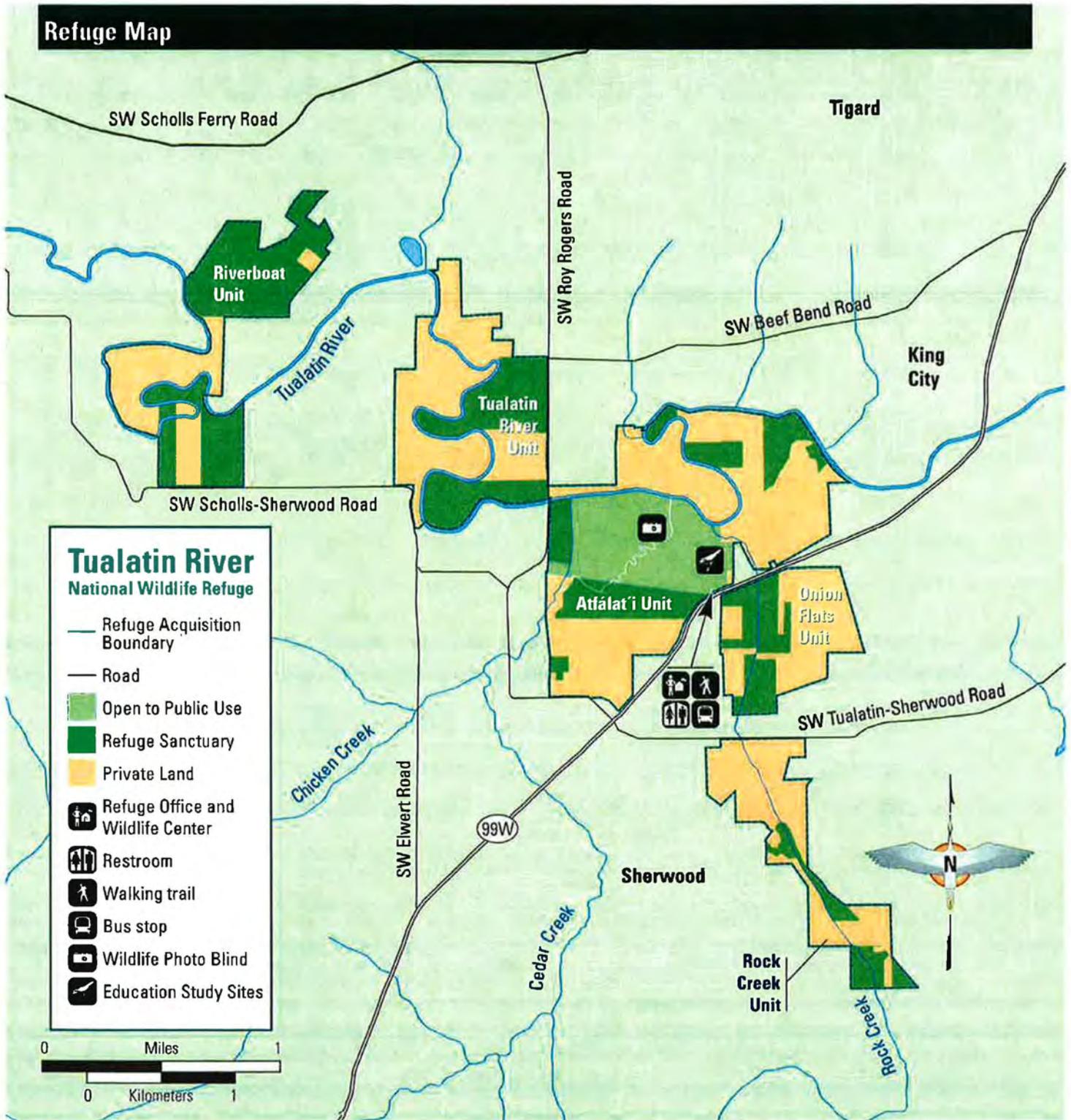


# Metro

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Figure 4: Tualatin River National Wildlife Refuge





720 SW Washington St.  
 Suite 500  
 Portland, OR 97205  
 503.243.3500  
 www.dksassociates.com

# MEMORANDUM

DATE: September 17, 2013

TO: Ben Austin, HHPR

FROM: Peter Coffey, PE  
 Ben Fuller, EIT

**SUBJECT: Sherwood TSP Amendment for Roadway Connections—Baler Extension**

P#12038-001

This memorandum summarizes the impacts of an amendment to the City of Sherwood Transportation System Plan (TSP)<sup>1</sup> that would modify the planned future street system by adding additional connectivity. Specifically, the amendment would include modifying two maps in the TSP (the “Functional Class” map and “Streets Where ROW is Planned for More Than Two Lanes” map) to include the proposed Baler Way extension from Tualatin-Sherwood Road to the future extension of Adams Avenue. The primary purpose of this study is to develop system connectivity improvements to address traffic capacity and safety issues in the area. The overall impacts of the proposed amendments (traffic volumes and intersection operations) were analyzed and indicated that the proposed amendment would not significantly impact the transportation system and therefore complies with OAR 660-012-0060 (Transportation Planning Rule). Additional transportation system improvements beyond the proposed street extensions would not be required to mitigate system impacts.

## BACKGROUND AND CONTEXT

The following section provides background and context for several planning elements: current planning projects, Sherwood’s TSP, and relevant past planning studies.

### Current Planning Projects

Washington County has been planning for future corridor improvements to Tualatin-Sherwood Road. Through this planning process, the County is addressing safety and capacity issues on Tualatin-Sherwood Road through the City of Sherwood area. The approach to addressing these issues includes four primary elements:

1. Access Management
2. Roadway Widening
3. Intelligent Transportation Systems (ITS)
4. Off-Corridor Circulation

The roadway widening and access management elements are being addressed as part of the MSTIP 3d Tualatin-Sherwood Road (Adams to Borchers) project, which is currently in design. The ITS element will be evaluated over

<sup>1</sup> *City of Sherwood Transportation System Plan, March 2005.*

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the next year as the County implements improved traffic signal timing along Tualatin-Sherwood Road from Teton Avenue to OR 99W and along OR 99W from the Home Depot intersection to Sunset Boulevard with the possibility of using adaptive signal timing.

This TSP amendment summarized in this memorandum addresses the off-corridor circulation element. This memorandum focuses on the potential Baler Way extension in the area north of Tualatin-Sherwood Road between Highway 99W and Adams Avenue.

## **Sherwood TSP**

Sherwood's TSP was adopted in March 2005.<sup>2</sup> The TSP provides a framework for a transportation system that guides future growth in Sherwood, including functional class and mapping of existing and planned future roads. The TSP has a planning horizon of year 2020 and is currently being updated to address Metro compliance requirements and include a horizon year of 2035. The proposed amendment to the TSP would include updating Figure 8-1: Functional Class and Figure 8-7: Streets Where ROW is Planned for More Than Two Lanes.

## **Previous Planning Studies**

Several significant planning studies in and around Sherwood have been completed since the TSP was adopted in 2005. These studies include both concept planning for new growth areas (Brookman, Tonquin Employment, Adams, etc.) as well as planning for future transportation corridors (Adams Avenue, 124<sup>th</sup> Avenue, 99W/I-5 Connector, etc.). Two particular studies that are directly relevant for the proposed TSP amendments are the I-5 to 99W Connector Project<sup>3</sup> and Adams Avenue North Concept Plan<sup>4</sup>.

The I-5 to 99W Connector Project analyzed options for improving transportation movements between the I-5 and 99W corridors. The Project Steering Committee recommended Alternative 7, which included a variety of transportation system improvements as shown in Figure 1. These improvements included both a new "Connector" facility south of Sherwood and improvements to the "northern arterial". The northern arterial would be composed of enhancements to existing roads (Herman Road through Tualatin) and new road extensions (between Cipole Road and Adams Avenue through Sherwood). The western terminus of the facility is planned to connect to Adams Avenue, which further connects to both Tualatin-Sherwood Road and Highway 99W. The recommended improvements from the I-5 to 99W study that are not part of the "southern arterial" (green band shown in Figure 1) have since been included in Metro's Regional Transportation Plan (RTP) as financially-constrained project # 11179 (I-5 to 99W replacement projects - Construct improvements consistent with recommendations from I-5/99W connector process).<sup>5</sup> Improvements related to the "southern arterial" are also included in the RTP in four other projects (right of way, initial construction, connections to other arterials, and widening) but are not included in the financially constrained subset.

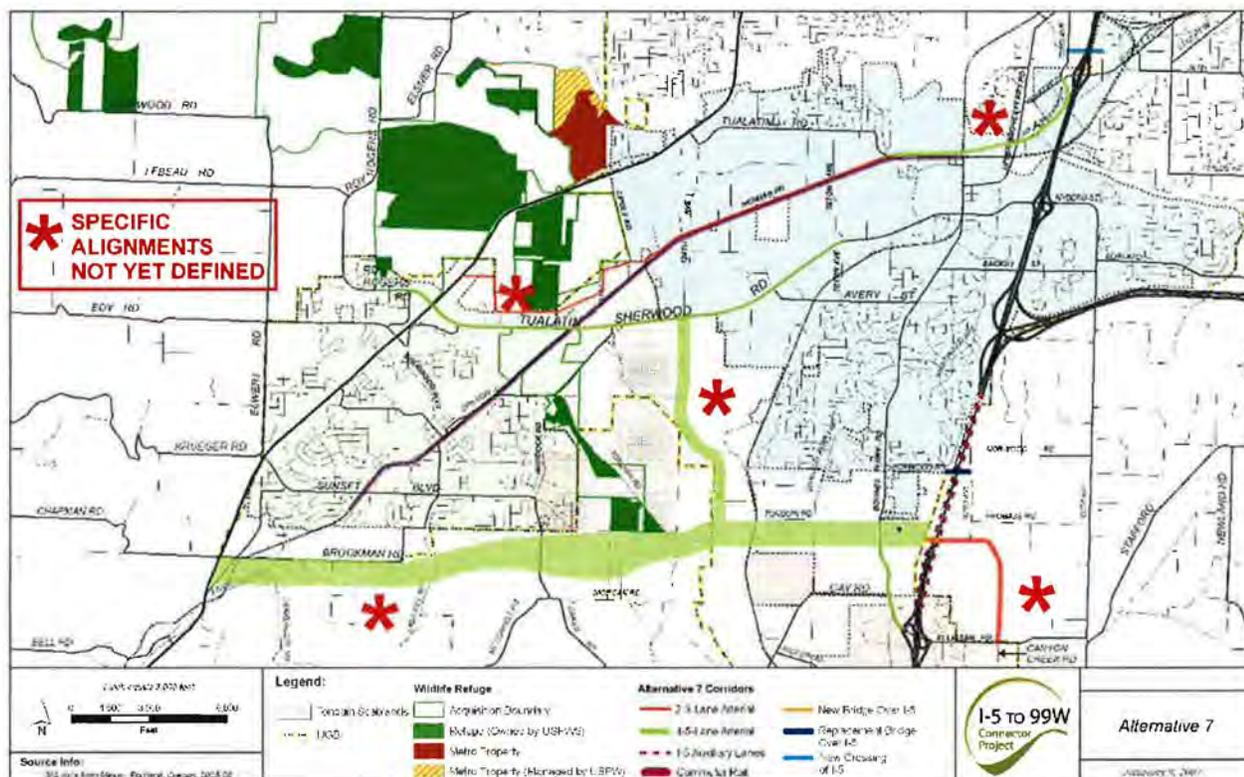
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<sup>2</sup> City of Sherwood, Oregon, Ordinance 2005-006, March 15, 2005.

<sup>3</sup> I-5 to 99W Connector Project, <http://www.i5to99w.org/index.php>, accessed August 2013.

<sup>4</sup> *Adams Avenue North Concept Plan*, August 2009.

<sup>5</sup> 2035 Regional Transportation Plan Final 2035 RTP Project List published October 4, 2010, [http://library.oregonmetro.gov/files//2035\\_rtp\\_project\\_list\\_final\\_100410.xls](http://library.oregonmetro.gov/files//2035_rtp_project_list_final_100410.xls), accessed August 2013.



**Figure 1: I-5 to 99W Connector Project Alternative 7  
 (With Northern Arterial Connecting Herman Road to Adams Avenue)**

The Adams Avenue North Concept Plan provided a concept for future land use types and the transportation system for the area generally bounded by Highway 99W to the west, Tualatin-Sherwood Road to the south, and Adams Avenue to the east and north. The plan included a street network (Figure 2) with the following elements: Adams Avenue connecting Tualatin-Sherwood Road to Highway 99W, a north-south road connecting Adams Avenue (near Home Depot) and providing access to properties, an east-west connection from the north-south road to Adams Avenue, and a potential future road connection from the north-south road southward (which could connect to Baler Way).



**Figure 2 – Adams Avenue North Concept Plan and Roadway Network**

The proposed amendment to the Sherwood TSP is consistent and compatible with both of the plans (I-5 to 99W Connector and Adams Avenue North Concept Plan) that were completed since the Sherwood TSP. Specifically, the proposed element of an extension of Baler Way is consistent with the road network included in the Adams Avenue North Concept Plan. Planning for a collector connection from Baler Way to the northern arterial terminus at Adams Avenue would provide enhanced connectivity that compliments the recommended improvements from the I-5 to 99W Connector Project.



## ASSUMPTIONS AND METHODOLOGY

The proposed TSP amendments were analyzed to determine potential traffic impacts. The following sections describe the assumptions and methodology used to evaluate the transportation system impacts resulting from the potential Baler Way extension.

### Scenarios

The following two scenarios for the year 2035 PM peak hour were selected for analysis to determine transportation system impacts that may result from the potential Baler Way extension:

- 1) Baseline Network Scenario
- 2) Baler Extension Scenario

The Baseline Network is consistent with Option 1 for the on-going MSTIP 3d Tualatin-Sherwood Road (Adams to Borchers) project<sup>6</sup>. This project includes widening Tualatin-Sherwood Road between Adams Avenue and Borchers Drive, and would remove the theater/shopping center signal along Tualatin-Sherwood Road. The Baseline Network also assumes most of the financially constrained projects in the 2035 Regional Transportation Plan (2035), which include:

- Widening of Roy Rogers Road from three to five lanes between Borchers Drive and Highway 99W (RTP #10708)
- Widening of Tualatin-Sherwood Road from three to five lanes between Highway 99W and Teton Avenue (RTP #10568)
- Extension of Adams Avenue from Tualatin-Sherwood Road to Highway 99W and signaling the intersection at Tualatin-Sherwood Road/Adams Avenue (RTP #10677)
- Extension of 124<sup>th</sup> Avenue from Tualatin-Sherwood Road to Tonquin Road (RTP #10736)
- Widening of Tonquin Road from two to three lanes (RTP# 10590)

The Baseline Network is also consistent with the I-5 to 99W Connector Project and the Adams Avenue North Concept Plan. The I-5 to 99W Connector Project would extend Herman Road to the future Adams Avenue extension as a parallel route to Tualatin-Sherwood Road. Other connectivity improvements associated with the I-5 to 99W Connector Project are assumed except for the “I-5/99W Southern Arterial” as it is not included in the financially constrained RTP project list.

The Adams Avenue North Concept Plan identifies guidance for how the area north of Tualatin-Sherwood Road between Highway 99W and Olds Place could develop, and shows the Adams Avenue extension design. The concept plan also identifies potential future road connections within the concept area, which align with the potential Baler extension.

The Baler Extension Scenario includes two roadway segments that were not included in the Baseline Network Scenario. First, Baler Road would be extended as a collector roadway to connect to Adams Avenue at the

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<sup>6</sup> Tualatin-Sherwood Road Project, <http://tsroadproject.com>, accessed August 2013.



northern arterial. Second, a local road to provide access to properties within the Adams Avenue North Concept Area would connect to the proposed Baler extension. All other network elements would be the same as assumed for the Baseline Network Scenario.

### Study Area

Figure 3 shows the project study area, planned RTP extensions, and the proposed Baler Way extension. The study area includes four study intersections:

- Highway 99W/Adams Avenue
- Highway 99W/Tualatin-Sherwood Road
- Tualatin-Sherwood Road/Baler Way
- Tualatin-Sherwood Road/Adams Avenue



**Figure 3: Study Area**

Table 1 summarizes the existing characteristics of the study area roadways including roadway jurisdiction, functional classification, travel lanes, posted speed limit, parking, sidewalks, and bike lanes.



**Table 1: Existing Study Area Roadway Characteristics**

Roadway	Jurisdiction	Functional Classification	Travel Lanes	Speed Limit	On-Street Parking	Side-walks	Bike Lanes
Highway 99W	ODOT	Statewide, NHS*, Freight Route	4-6 Lanes (Divided)	45 mph	No	No	Shoulders
Tualatin-Sherwood Road	Washington County	Arterial†	3-6 Lanes	35/45 mph**	No	Yes	Yes
Baler Way (North of Langer Drive)	City of Sherwood	Collector†	4 Lanes	25 mph	No	Yes	No
Roy Rogers Road	Washington County	Arterial†	3 Lanes	35 mph	No	Yes	No
Adams Avenue (South of Tualatin-Sherwood Road)	City of Sherwood	Collector†	4 Lanes	25 mph	No	Yes	No
Adams Avenue (North of Tualatin-Sherwood Road)	City of Sherwood	Future Collector†	N/A	N/A	N/A	N/A	N/A

\*NHS = National Highway System

\*\*Tualatin-Sherwood Road is 35 mph west of Adams Avenue and 45 mph east

†Aligns with Washington County and City of Sherwood Functional Classification

## Access

The functional classification of a street describes how it should be managed and operated with respect to mobility and access. Therefore, the functional classification of roadways and each jurisdiction’s associated policies and standards will impact the development of connectivity options for the study area. The City of Sherwood, Washington County, and ODOT all have access spacing standards for roadways under their jurisdiction that indicate the desired separation between street and driveway intersections. The proposed Baler extension must satisfy these standards.

### City of Sherwood

The City of Sherwood only maintains jurisdiction over several collector and local streets within the study area. On collector streets, intersections should be spaced between 100 and 400 feet apart.<sup>7</sup> There is no access spacing standard for local streets.

### Washington County

Washington County access spacing standards for arterials require a minimum of 600 feet between intersections, and a minimum of 100 feet between driveways for collectors.<sup>8</sup> In addition, Washington County’s Community Development Code specifies that arterial roadways shall only be intersected by collectors or other arterials.<sup>9</sup>

<sup>7</sup> *City of Sherwood Transportation System Plan*, March 2005, Table 8-12.

<sup>8</sup> Washington County Community Development Code, Article V: Public Facilities and Services, 501-8.5(B), November 2012.

<sup>9</sup> *Ibid.*



Therefore, to meet Washington County’s Community Development Code, the proposed extension of Baler Way must be a collector or arterial roadway.

### Motor Vehicle Volume Forecasts

The 2035 traffic projections and potential traffic shifts related to the proposed street extensions were developed using the travel demand model applied for the Tualatin-Sherwood Road Project. The refined travel demand model is based on the West Side Metro travel demand model developed by Washington County<sup>10</sup>. The model is generally based on Metro’s 2035 Regional Transportation Plan (RTP)<sup>11</sup> financially constrained transportation system street network and Metro’s “Beta” land use<sup>12</sup> and contains additional refinements and calibration.

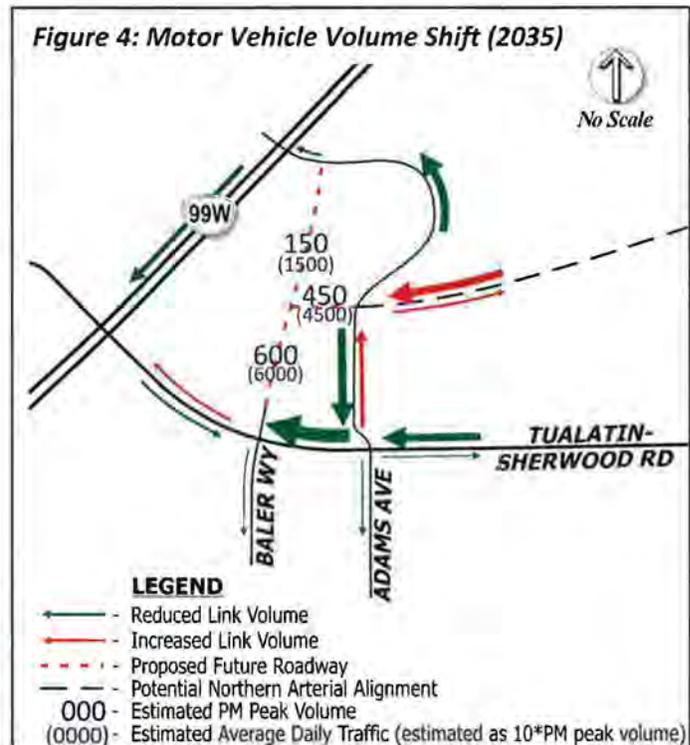
To further refine the forecasts, a sub-area model was developed for the study area that includes all public streets and utilizes HCM node delays for trip assignment in order to evaluate changes in circulation and traffic control. The boundaries for the sub-area model include 124<sup>th</sup> Avenue at Highway 99W to the northeast, Roy Rogers Road at the UGB to the northwest, Highway 99W at Meinecke Parkway to the southwest, the rail south of Old Town, and 124<sup>th</sup> Avenue to the east.

### FUTURE TRANSPORTATION SYSTEM IMPACTS

The following sections summarize the analysis of potential transportation impacts related to traffic flow and intersections operations resulting from the proposed Baler Way extension.

#### Traffic Circulation Shifts

Potential traffic shifts that would result from the proposed roadway extensions were estimated using the mesoscopic subarea travel demand model. Figure 4 shows the projected shift in 2035 PM peak hour motor vehicle volume as a result of the Baler Way extension, as well as estimates of PM peak hour volumes along the proposed future roadways. The thickness of the arrows represents the relative change in street traffic volumes. Streets without arrows are not expected to experience significant traffic volume changes. The following general traffic



Note: Arrow thickness represents change in volume

<sup>10</sup> Phone conversation with Steve L. Kelley, Washington County, March 5, 2012.

<sup>11</sup> 2035 Regional Transportation Plan. Metro. June 2010.

<sup>12</sup> Administrative Interpretation of 2035 Regional Transportation Plan, No 2012-2, Letter from John Williams, Metro, May 2, 2012.



patterns are anticipated to result from the proposed roadway extensions:

- Westbound traffic on Tualatin Sherwood Road would reduce and shift to the northern arterial to access the proposed roadway connections.
- Northbound traffic destined to properties north of Tualatin-Sherwood Road from Baler Way would instead shift to Adams Avenue (north of Tualatin-Sherwood Road) to access the new roadway connections.
- Southbound traffic on Highway 99W would shift to Adams Avenue and the proposed local road extension in place of accessing properties via Tualatin-Sherwood Road.
- Some eastbound traffic leaving the Adams Avenue Concept Area via Baler Way, Adams Avenue and Tualatin-Sherwood Road would be able to shift to the northern arterial connection. As indicated in Figure 4, this shift would be a lesser magnitude than the westbound shift from Tualatin-Sherwood to the northern arterial.

Traffic volumes resulting from the above traffic shifts are included as attachments with the intersection capacity analysis worksheets.

## Intersection Operations

Traffic operations for the two scenarios were analyzed at the study intersections and compared to the applicable jurisdiction's adopted mobility targets.

### ***Mobility Targets***

The City of Sherwood, Washington County, and ODOT each have mobility targets for intersections under their jurisdiction. These targets define an acceptable level of mobility through the following performance measures:

- **Level of service (LOS):** A "report card" rating (A through F) based on the average delay (seconds per vehicle) experienced by vehicles at the intersection. LOS A, B, and C indicate conditions where traffic moves without significant delays over periods of peak hour travel demand. LOS D and E are progressively worse operating conditions. LOS F represents conditions where average vehicle delay has become excessive and demand is near or over capacity; this condition is typically evident in long queues.
- **Volume-to-capacity (V/C) ratio:** A decimal representation (between 0.00 and 1.00) of the proportion of capacity that is being used (i.e., the saturation). It is determined by dividing the peak hour traffic volume by the hourly capacity of a given turn movement, approach leg, or intersection. A lower ratio indicates smooth operations and minimal delays. As the ratio approaches 1.00, congestion increases and performance is reduced. At 1.00, demand is greater than capacity and the turn movement, approach leg, or intersection is oversaturated—this results in excessive queues and long delays.

### ***Intersection Operations***

The 2035 PM peak hour study intersection operations were developed based on the *2000 Highway Capacity Manual Methodology*.<sup>13</sup> The estimated average delay, level of service (LOS) and volume-to-capacity (V/C) ratios are listed in Table 2 for both the Baseline Network and the Baler Extension scenarios.

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<sup>13</sup> *2000 Highway Capacity Manual*, Transportation Research Board, Washington DC, 2000.



**Table 2: 2035 Study Intersection Operations (PM Peak Hour)**

Intersection	Mobility Target	Baseline Network Scenario			Baler Extension Scenario		
		Delay	LOS	V/C	Delay	LOS	V/C
Highway 99W/Adams Avenue	V/C ≤ 1.1 <sup>A</sup>	33.2	C	0.97	31.1	C	0.95
Highway 99W/Tualatin-Sherwood Road	V/C ≤ 1.1 <sup>A</sup>	47.8	D	0.98	47.3	D	0.99
Tualatin-Sherwood Road/Baler Way	V/C ≤ 0.99 <sup>B</sup>	19.4	B	0.63	25.8	C	0.67
Tualatin-Sherwood Road/Adams Avenue	V/C ≤ 0.99 <sup>B</sup>	31.4	C	0.82	30.1	C	0.80

<sup>A</sup> ODOT mobility target

<sup>B</sup> Washington County mobility target

Delay = average stopped delay per vehicle (sec)

**Bolded and red** indicates intersection exceeds mobility target

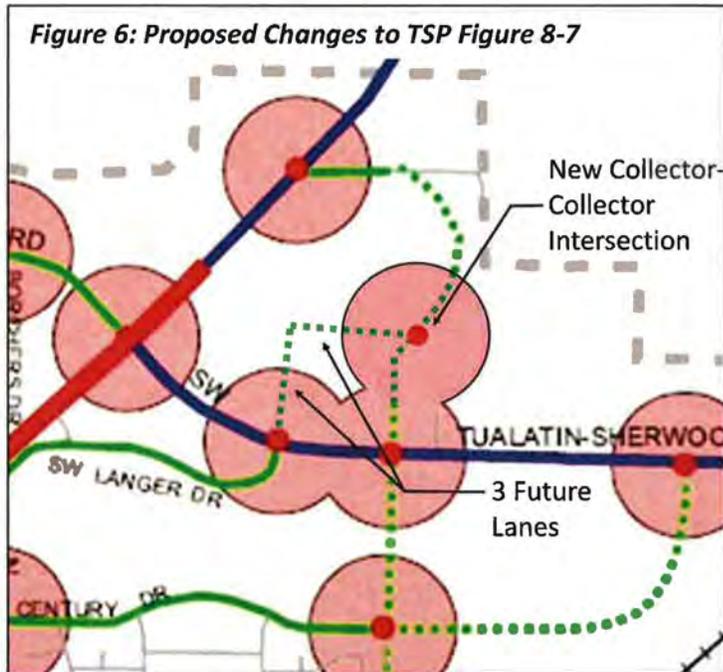
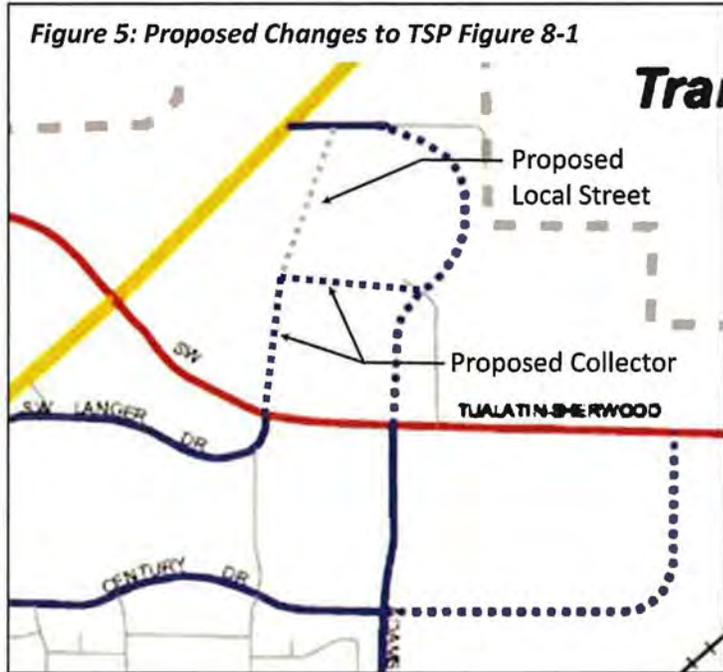
As listed in Table 2, the proposed Baler extension is expected to have minimal impacts on study intersections, with the V/C ratio increasing by 0.04 or less at all intersections. Two intersections (Highway 99W/Adams Avenue and Tualatin-Sherwood Road/Adams Avenue) would have improved operations with the proposed extension. As a result, all study intersections are expected to remain within mobility targets, thus satisfying Transportation Planning Rule (TPR) requirements of no significant impact.

## FINDINGS

The traffic analysis indicates that the proposed street extension would meet TPR requirements and that it would not result in a significant effect to the transportation system. The key findings of this study are summarized below:

- The proposed TSP amendment includes an extension of Baler Way from Tualatin-Sherwood Road to Adams Avenue at the east as a collector, and a local road connecting the Baler Way extension to Adams Avenue to the north. These proposed modifications to the transportation network are consistent with previous local plans that have been completed since the Sherwood TSP was adopted in 2005.
- The proposed Baler Way extension is expected to have minimal impacts to study intersections; all intersections are projected to meet mobility targets.
- The proposed Baler Way extension will meet access management standards.
- The segment connecting Baler Way at Tualatin-Sherwood Road to the northern arterial at Adams Avenue shall be a collector street. This facility would provide enhanced regional connectivity and connect Baler Way (which is currently a collector south of Tualatin-Sherwood Road) to the proposed northern arterial, which would provide a regional connection.
- The north segment should be a local street as its primary function is to serve local land uses as planned in the Adams Avenue North Concept Plan. There will likely be limited motor vehicle turning movements at the local street intersection with Adams Avenue near Home Depot due to the close spacing to Highway 99W.

Recommended amendments to the Sherwood TSP figures are shown in Figures 5 and 6.





**Affidavit of Mailing**

DATE: August 6, 2013

STATE OF OREGON       )  
  )  
Washington County     )

I, Kim Haughn, representative for the Sherwood TSP Amendments proposed development project do hereby certify that the attached notice to adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject project, was placed in a U.S. Postal receptacle on 6/27/13, 7/2/13 & 7/8/13

  
Representatives Name: Kim Haughn  
Name of the Organization: Washington County



## NEIGHBORHOOD MEETING SIGN IN SHEET

Proposed Project: Sherwood TSP Amendments

Proposed Project Location:  Hwy 99W and Baker Extension

Project Contact: Dan Erpenbach, Washington County

Meeting Location: Sherwood Police Department

Meeting Date: 7/17/2013

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
<del>KATHY ANDERSON SCHACH</del>	<del>2733 SW KENNEDY AVE</del>	<del>KATH1022@net</del>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHERYL HART	20510 SW ROY ROGERS	oregonchart@comcast.net	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
JOHN CARSWELL	20510 SW ROY ROGERS	john.carswell.hunter@hillsong.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
D. VILKS	20512 SW R. ROGERS		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROB BUNKER	15762 SW 71TH TIGARD	rbunker@populargroup.com	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dane + Carmen Aebler	20512 SW Roy Rogers	ROBINSDL@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Karyn Ghazib	20088 SW Roy Rogers Rd	karyng64@hotmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Continued sign-in sheet for proposed project: Sherwood TSP Amendments Date: 7/17/2013

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
Adriana Tudano	283 B E Roy Legals		<input checked="" type="checkbox"/>			
SCOTT PHELAN	22292 SW FISK TER 19255 SW PACIFIC HWY SHERWOOD 97140		<input checked="" type="checkbox"/>			
PETE SCHMIDT	15897 SW Baker Way	PETER_SCHMIDT@FWS.GOV	<input checked="" type="checkbox"/>			Govt
Liz Bacon	20294 SW lavender PI	nopechild@yahoo	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Walter Bell	20439 SW Lavender PI	wbell5@comcast.net	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Barbara Johnson	20763 SW Nette PI		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Joni Hammond	22915 SW KATKA	joni.mikeduck@hotmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Bob Cate	1501 SW Taylor St 97150 20605 SW Anquero Terr	bthomase@wysainvestments.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
BRIAN THOMAS	2800 E 9th St, Newberg	silvercam96@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Tina Silver	8501 SW Mark Ave	steckleys@called.net				Engl.
Scott Steckley		Philip G. Cobb, PC				Atty

Continued sign-in sheet for proposed project: Sherwood TSP Amendments Date: 7/17/2013

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
Bair Anderson	18007 SW Beeton Rd Sherwood, OR 97140			X		
Arnold Conzelmann	11964 S. U. 175 <sup>th</sup> Ave Beaverton					
Anne Sweeney	20512 SW Roy Rogers Rd #201					
Frank Bonds	26508 SW Roy Rogers Rd #227			X		
Shirley Lewis	" " " " " "			X		
MARK MUGA	16440 SW Lanca Dr				X	
BA Fordham	17023 SW Spangley Way			X		
Walter Reed	3234 N. E. Vasco Pl Dr unit 208			X		
Ryan Fiebert	20508 SW Roy Rogers Rd			X		
Dentine deLoover	20330 Sullawender Pl					X
Dan Lu	20512 SW Roy Rogers Rd #223					X

Continued sign-in sheet for proposed project: Sherwood TSP Amendments Date: 7/17/2013

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
ERHARDT STEINBORN	PO Box 938 Sherwood	ef.steinborn@frontier.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
JIM MORSE	5930 SW JEAN RD. LD. 97035	JLM@PAC-LUMBER.COM	<input checked="" type="checkbox"/>			
Joel Stenning	20280 SW Lavender	joel.stenning@frontier.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Rene Duricka	20378 SW Lavender Pl	parents@duricka.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Mike Leonard	20364 SW Lavender		<input checked="" type="checkbox"/>			
Kris Coveatt	20252 SW Lavender <sup>Township</sup>	Kris.coveatt@gmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Tobi Bodway	20497 SW Arnold Pl	tobibodway@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
William Stees	20508 SW <del>Rosewood Pl</del>	<del>Shmrockk@comcast.net</del>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Jolene Stees	" " "	"	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
John M. Hamman	20512 SW Ray <sup>#114</sup> <del>Rogers Pl</del>	lin-hamman@comcast.net	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Nancy Tamplin	17036 SW <sup>14th</sup> <del>Highway</del>	ntayl@ead.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Bob Gansahl	CITY OF SHERWOOD					<input checked="" type="checkbox"/>

Updated October 2010

Continued sign-in sheet for proposed project: Sherwood TSP Amendments Date: 7/17/2013

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
Rick Saltero	ALBERTSONS #579	500579.dura@ALBERTSONS.com			<input checked="" type="checkbox"/>	
Pam + Clarence Kungel	5585 BENTON/SHAW RD	pamela.kungel@frontier.com				
Sharon Thompson	20508 SW Roy Rogers Rd	sharon100@yahoo.com		<input checked="" type="checkbox"/>		
Juan Jimson	22466 SW Nothingham Ct					<input checked="" type="checkbox"/>
Travis Spreen	20488 SW Lavender Pl	tspreen@comcast.net		<input checked="" type="checkbox"/>		
MATTLANGER	21315 SW BAUER WY	matt.langer.01@gmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
CHRIS DAVIEL	5335 SW SPARROWS TER, PO	cdaviel@premiercenters.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Deyan Umanah	20510 SW Roy Rogers Rd # 304	deyan@kayjunnine.yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
PAUL MAYER	<del>17059 SW</del> 20547 SW Lavender Pl. Sherwood	comcast	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Stephen Emery	20945 SW People Way Sherwood	steve.emery@net	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Amber Dahl	20487 SW Lavender Pl Sherwood	amberdah1@gmail.com	<input checked="" type="checkbox"/>			

Updated October 2010

Continued sign-in sheet for proposed project: Sherwood TSP Amendments Date: 7/17/2013

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
JEFF ARNISON	801 MAIN ST. VASS, WA	JEFFA@ALBINA.COM		X	X	
MARK SCOTT	20260 SW Pacific Hwy	Mark-Scott.homedpot.ca			X	
Margie Pratt	25508 Roy Rogers Rd	—				X
Alvin Bergin	20512 SW Roy Rogers Rd	alberg126@hotmail.com		X		
Steve Salvatore	20471 SW Roy Rogers Rd.	Salvatore6766@hotmail.com				X
Margaret Speight	20015 SW Pacific Hwy	maggiespeight.us		✓	✓	
Sam Dodge M	22631 SW SANDERS DR		X	X	X	X
Mike Coenen	17112 SW Green Haven Dr	m.coenen@comcast.net	X	X		

Updated October 2010

Continued sign-in sheet for proposed project: Sherwood TSP Amendments Date: 7/17/2013

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
John Olson	20512 SW Roy Eugene's	-	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Lisa Stanning	20280 SW Lavender Pl		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Jenn Michonks	16508 SW Sidney Ln		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Eugene Stewart	PO Box 534	EugeneS103@AOL.com		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Lee McClure	20512 SW Roy Eugene's	lee.mcc@joe.com	<input checked="" type="checkbox"/>			
Chris Flores	116690 SW Daffodil St Sherwood, OR 97140	chrisflores@gmail.com	<input checked="" type="checkbox"/>			

Updated October 2010

Continued sign-in sheet for proposed project: Sherwood TSP Amendments Date: 7/17/2013

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
ANTHONY D. BEVEL	17036 SW LYNNLY WAY	RUGBYBEVEL@Aol.com	X			



**July 17, 2013 Neighborhood Meeting Summary  
for Proposed Amendments to City of Sherwood Transportation System Plan**

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<b>Applicant:</b>	Dan Erpenbach, Washington County Department of Land Use and Transportation
<b>Project Team:</b>	Ben Austin, Harper Houf Peterson Righellis Inc. Stefanie Slyman, Harper Houf Peterson Righellis Inc. Peter Coffey, DKS Associates
<b>Meeting Time and Date:</b>	5:30PM – 7:30PM; July 17, 2013
<b>Meeting Location:</b>	Sherwood Police Department, Community Room 20495 SW Borchers Dr., Sherwood, OR
<b>Noticing:</b>	<p>The Washington County Department of Land Use and Development provided required noticing for the neighborhood meeting with a postcard that included meeting information, type of land use action proposed, and proposed road locations. See <b>Figure 1</b> for noticing information included in the postcard mailer.</p> <p>Notice was sent via U.S Mail to property owners within 1,000' radius of the proposed TSP amendment alignments postmarked June 27 and July 8. An additional courtesy bulk mailing to the postal carrier routes in these areas was postmarked on July 2.</p> <p>E-mail notification was also given as a courtesy to parties who had previously expressed interest in the separate Tualatin Sherwood Road widening project.</p>
<b>Meeting Participants:</b>	72 people signed into the meeting as documented in the attached sign-in sheets. <b>See attached Meeting Sign In Sheets.</b>

## SUMMARY OF PRESENTATION AND COMMENTS RECEIVED

### **5:30 Welcome**

Stefanie Slyman of Harper Houf Peterson Righellis Inc. welcomed meeting participants, introduced the project team, reviewed the meeting purpose and agenda, and asked participants for questions or concerns about the purpose of the meeting or its format. No questions or issues were raised.

### **5:40 TSP Plan Amendment Process**

Stefanie Slyman described the Type V (Legislative) land use process associated with the proposed amendments to the City of Sherwood's Transportation System Plan (TSP). She explained that the extent of the request is at the planning level and is limited to the general location and functional classification of the two proposed roads. The City's current TSP Figure 8-1 was shown to indicate a map would be amended by the proposal and the level of detail entailed. She further explained that the TSP amendment does not address specific alignments or design nor does it identify impacts, cost, funding, or timing. She also described the City's decision-making process for the TSP amendment, to include public hearings before the Planning Commission and City Council, with the decision to be made by the Council. She noted that future notification regarding the application would be made by the City per the requirements for Type V Legislative reviews, not by the County.

### **5:45 Tualatin Sherwood Road Big Picture**

Dan Erpenbach of Washington County discussed why the County is proposing to amend the City's TSP to add two new roadways. One roadway would begin at Highway 99W, north of Roy Rogers Road, and continue west; the other would begin at Tualatin-Sherwood Road and create an extension of Baler Way to the north. Roy Rogers Road and Tualatin-Sherwood Road are under county jurisdiction. Both roads suffer from heavy traffic congestion creating operational and safety issues. The County is implementing four strategies to relieve congestion, improve operations, and improve safety; the strategies include:

1. Widening of Tualatin-Sherwood and Roy Rogers Roads
2. Implementing an Intelligent Traffic System (ITS) from I-5 to Borchers
3. Managing Accesses along Tualatin-Sherwood and Roy Rogers Roads
4. Creating Off-Corridor Circulation

The first strategy, widening Tualatin-Sherwood and Roy Rogers Roads, will be implemented with the completion of the current road widening project. The first phase of the ITS strategy, from I-5 to Teton, has been implemented and the second phase, from Teton to Borchers, will be constructed during the road widening project and implemented at the completion of the widening project.

The proposed TSP amendments address the third and fourth strategies. Washington County recognizes there are properties within the Roy Rogers / Tualatin-Sherwood corridor that can be developed. The county would like to be ahead of the developments and have an adopted TSP in place that address

where accesses should be located. Having an access and circulation plan in place ahead of development will keep from having to react to traffic created after development.

The 99W TSP amendment proposal addresses access and circulation for the properties northwest of the Roy Rogers / 99W intersection. Requiring access off of 99W, at the existing signal, may allow the access off of Roy Rogers to be closed (the Roy Rogers access does not meet access spacing standards). Local business access and circulation can be performed once within the development(s) instead of using the 99W and Roy Rogers corridors.

The Baler extension TSP amendment proposal addresses access and circulation for the properties north of the existing Baler / Tualatin-Sherwood signal. The proposed amendment is consistent with the City's adopted Adams Avenue concept plan. Local business access and circulation can be performed coming off of the proposed road eliminating the potential for multiple accesses off of Tualatin-Sherwood Road.

The proposed TSP amendments will allow some relief to the congestion along the Tualatin-Sherwood / Roy Rogers corridor by allowing better management of accesses and aid in the planning of off-corridor circulation.

#### **6:00 Presentation of Proposed Roadways**

Ben Austin of Harper Houf Peterson Righellis Inc. presented an updated map to indicate the extent of the roadways proposed by the County to amend the City's TSP. As shown in the attached **Figure 2**, the yellow dashed lines indicate the approximate length and location of the roads to be proposed. The gray dashed lines indicate where future connectivity could be achieved. The yellow and gray dashed lines together are consistent with the length and location of the roadways as provided in the notice mailed to property owners within 1,000' of the proposed alignments.

At the meeting, the County noted that the gray dashed lines shown on the Hwy 99W connection will not be proposed by the County as part of the current TSP amendment. The gray dashed lines shown on the Baler Extension are still under consideration for the amendment pending further consultation with the City and findings of a traffic study.

Peter Coffey of DKS Associates noted that the County intends to propose these roads as Collectors; however, this is to be confirmed by the traffic study which will identify the appropriate functional classification and identify benefits of the roadways to Tualatin Sherwood Road.

#### **6:15 Q&A**

Stefanie Slyman facilitated the session in a format that allowed all participants who wished to speak the opportunity to ask questions or provide feedback. Questions and comments were first solicited regarding the Highway 99W alignment, followed by a brief break, and then comments were further solicited regarding the Baler extension. All participants were additionally given the opportunity to submit written comments at the meeting on a form provided by the County.

Following is a summary of the **key questions and concerns** raised by participants during the facilitated question and answer period and as summarized from comments provided in writing. Complete written comments, including those submitted electronically, resulting from the neighborhood meeting are included in **Meeting Comment Forms**.

#### **99W Connection Comments**

- A connection from Hwy 99W through to SW Borchers Road will create access, congestion and safety problems at the intersection of SW Borchers and SW Roy Rogers Road. This is the only ingress and egress for neighborhoods in the northwest corner of the Hwy 99W and Tualatin Sherwood Road (i.e. Heron Ridge, Conzelmann Farm Estates, and Hunters Ridge Condominiums).
- Diverting traffic from Hwy 99W to Borchers will have negative impacts to neighborhoods such as increased traffic and noise and decreased safety, livability, and property values.
- Hwy 99W to Borchers connection (full connection) will have negative impacts to the Tualatin River National Wildlife Refuge to the north such as increased impervious surface area that may contribute to flooding, pollutants, and light pollution impacting the refuge. A short dead end road to the properties located away from the slope leading to the floodplain would be preferred per Fish and Wildlife Service comment.
- The connection through to Borchers would cross a site that is desired for potential park use. There is a lack of park facilities for these neighborhoods on the north side of SW Roy Rogers Road.
- Topography in this area would require crossing a ravine that would entail an expensive bridge.
- Traffic on SW Roy Rogers Road is a major problem for residents that the proposed 99W road connection would not help.
- Need to look at transportation facilities and solutions beyond the immediate project area.
- In response to the County's position that it will not pursue a connection from Hwy 99W through to Borchers with the proposed TSP Amendment, questions were asked regarding how a future alignment could be approved. The project team responded that any future map amendment would require another neighborhood meeting followed by a formal land use approval process by the City.

#### **Baler Extension Comments**

- The extension of Baler is too close in and should be located farther outside of this area.

- Vehicles approaching 99W from the east on Tualatin Sherwood Road already use Cipole Road as an alternate route. Better access at Cipole Road by the DMV should be created to relieve congestion.
- In response to the question whether bike and pedestrian connectivity would be included, the project team noted these facilities are included in the designation of the street types.
- Regarding the timing of actual construction of the Baler Extension, this could happen at any time depending on factors such as redevelopment or the widening of Tualatin Sherwood Road.
- The project team reiterated that a summary of the neighborhood meeting would be submitted as part of the land use application to the City and that otherwise meeting minutes would not be distributed.

**7:30 Meeting Adjourned**

Washington County staff and the project team remained in the meeting room to answer questions on an individual basis until approximately 8:00PM.

Figure 1

Postcard Mailer sent to Properties within 1000' of Proposed Road Locations

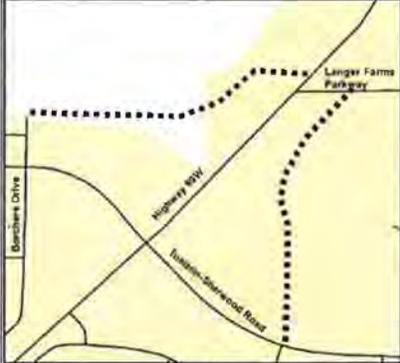
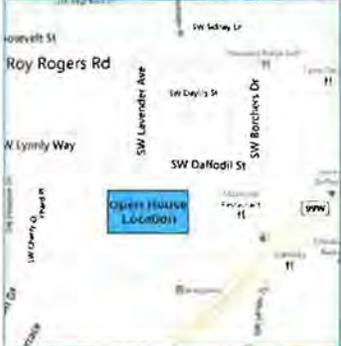
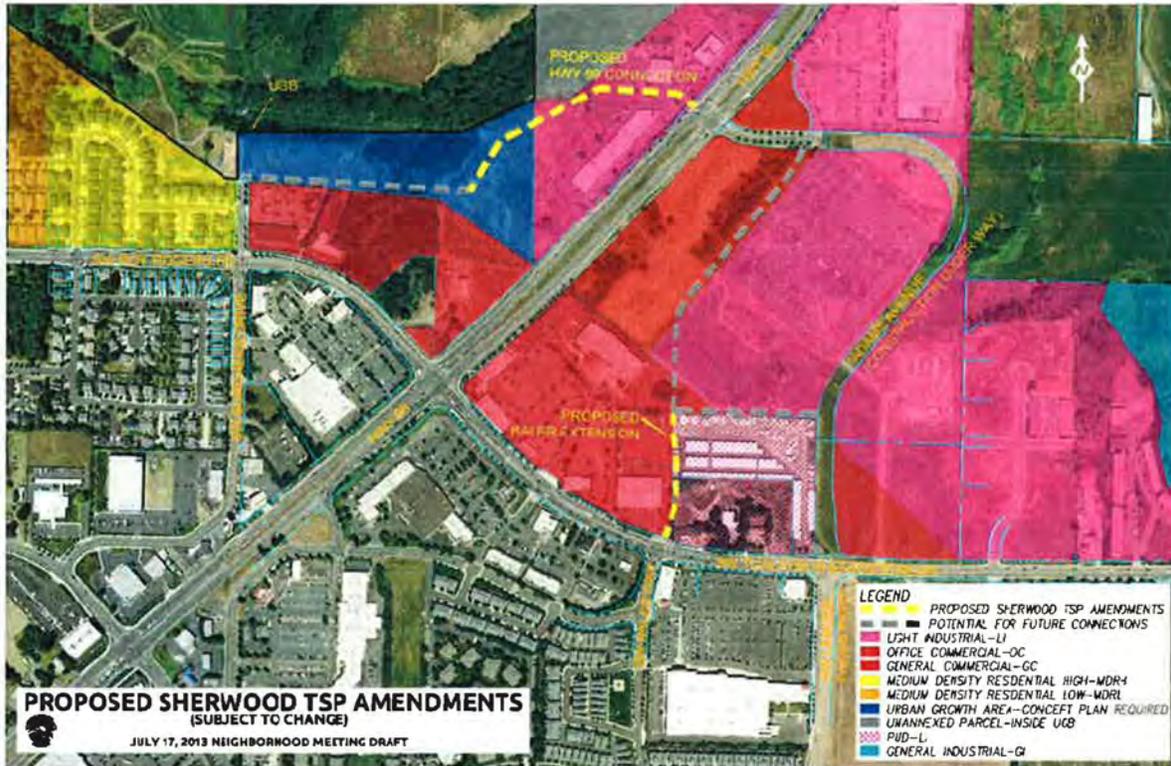
<h2 style="text-align: center;">Washington County Neighborhood Meeting</h2> <h3 style="text-align: center;">Transportation System Plan Amendment (Sherwood)</h3>		
<p><b>You're invited to attend a</b>  <b>NEIGHBORHOOD MEETING</b>  <b>Wednesday, July 17, 2013</b>  <b>5:30 p.m.</b> (Formal Presentation),  <b>Hosted at:</b>  <b>Sherwood Police Department</b>  <b>20495 SW Borchers Drive, Sherwood</b></p>	<p>Washington County invites you to attend a neighborhood meeting to learn about the proposal of two new future roads located in the northeast Sherwood area. Both proposed roads, located north of Tualatin-Sherwood Road, will address capacity and connectivity needs.</p> <p>Staff from Washington County and design consultant, Harper Houf Peterson and Righellis, will give a presentation at 5:30 p.m. to go over the proposal. The public will then be given an opportunity to provide comments to staff.</p> <p>Following this neighborhood meeting, Washington County plans to submit a comprehensive plan amendment application to the City of Sherwood. This amendment will identify and add these roads on the City's Transportation System Plan (TSP).</p>	<p style="text-align: center;"><b>Proposed Road Locations</b></p> 
	<p><b>Assistive Listening and Other Services</b>          Assistive Listening Devices, interpreters, and/or sign language can be arranged. Please notify the county if you require these services by calling (503) 846-7800 (voice) or (503) 846-4598 (TTY - Text Telephone unit).</p>	<p style="text-align: center;"><b>Contact information</b>  <b>Daniel Erpenbach</b>  <b>Project Manager</b>  <b>(503) 846-7877</b>  <b>daniel_erpenbach@co.washington.or.us</b></p>

Figure 2

TSP Amendment Road Locations Presented at Neighborhood Meeting





**Department of Energy**  
Bonneville Power Administration

November 27, 2013

In reply refer to: TERR/3

BPA Case No. 20140069

BPA Tract No. OC-K-97-A-42; OC-K-96-A-41

Transmission line: John-Day Keeler No. 1 (Oper. as Pearl-Keeler No. 1), 500 kV

Sites: SW Baler Way, Sherwood OR; SW Adams Ave N., Sherwood, OR proposed road extensions

Your reference: Proposed City of Sherwood Transportation Plan and Comprehensive Plan Amendment

Mr. Brad Kilby  
Planning Manager  
City of Sherwood  
22560 SW Pine St  
Sherwood, OR 97140

Dear Mr. Kilby;

BPA is in receipt of the Washington County proposals to amend the City of Sherwood's Transportation System Plan and the Comprehensive Plan Amendment for SW Baler Way and SW Adams Avenue North, in Sherwood. The application for Land Use Action has been assigned BPA Case No. 20140069.

Bonneville Power Administration (BPA) has no objection to either Plan or Amendment as proposed, as long as the transmission line facilities and right-of-way are not adversely affected.

The proposed uses located in the transmission line right-of-way will require a BPA Right of Way Use Application prior to construction, which should include clearance measurements to the closest BPA tower and overhead wires, and road specifications, prior to construction. Applications must be submitted to BPA for any use proposed within the rights-of-way, link: [http://transmission.bpa.gov/LanCom/Real\\_Property.cfm](http://transmission.bpa.gov/LanCom/Real_Property.cfm).

Note that BPA imposes certain restrictions and/or prohibitions on the use of property encumbered by our transmission line rights-of-way. BPA's easements may prohibit structures, parking, and lighting within the rights-of-way.

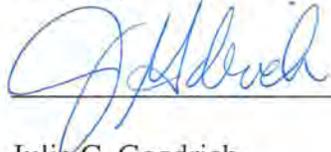
BPA's priorities focus on the safety of human life and integrity of the power transmission system. It is critical that BPA does not allow activities on the rights-of-way that can jeopardize either of these priorities.

Exhibit B

Please direct any communication to the Real Property Field Services Office at Bonneville Power Administration and myself by telephoning 503-230-5500 directly, or by emailing [jcgoodrich@bpa.gov](mailto:jcgoodrich@bpa.gov) for more information on this application process.

Thank you for the opportunity to comment on this proposal.

Sincerely,



---

Julie C. Goodrich  
Right of Way Agent, Real Property Field Services  
David Evans & Associates, Contractor to Bonneville Power Administration

Official File - TR-3/Portland (Tract No. OC-K-97-A-42; OC-K-96-A-41)

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Services\GOODRICH\Public Notices Replies\City of Sherwood\City of Sherwood  
Transportation Plan Amendments LTR2.doc)



uite 2400  
1300 SW Fifth Avenue  
Portland, OR 97201-5610

**Phillip E. Grillo**  
503.778.5284 tel  
503.778.5299 fax

philgrillo@dwt.com

December 10, 2013

HAND-DELIVERED

City of Sherwood Planning Commission  
22560 SW Pine Street  
Sherwood, Oregon 97140

Re: Baler Way Extension TSP Amendment (PA 13-04)

Dear Planning Commissioners,

I am writing on behalf of TakFal Properties, LLC (TakFal) with regard to the proposal by Washington County to amend the City of Sherwood Transportation System Plan (TSP) to extend Baler Way north of Tualatin Sherwood Road.

In general, TakFal supports the County's proposed TSP amendment, because it extends the city's street grid and because it will eventually provide access options to other properties in the area, as they develop.

The Baler Way extension is especially important to the Sherwood Cinema Center. It is important to TakFal because the Baler Way extension will immediately be used, in part, to mitigate for the loss of access that will result if the existing traffic signal and left turn lanes are removed by the County, as part of the Tualatin Sherwood Road Project.

For these reasons, it is critically important that the County provide TakFal and the City with more detail regarding the location and design of alternative access for the Sherwood Cinema Center property, before the Baler Extension TSP Amendment is approved. These details are necessary in order to determine how local access to and from the Sherwood Cinema Center will function.

Local access is relevant to this TSP Amendment, because various goals and policies in the City's comprehensive plan, and various requirements in the State Transportation Planning Rule (TPR) and relevant state statutes, require the city to ensure that it is planning a system of street connections that are safe, convenient, efficient that support both existing and planned land uses in the area. While we understand the County's interest and desire to move traffic through the area, our interest and the City's duty is to ensure that the planned street system also provides the necessary connections to existing and planned land uses.

DWT 23082335v1 0096783-000002

Anchorage	New York	Seattle
Bellevue	Portland	Shanghai
Los Angeles	San Francisco	Washington, D.C.

Exhibit C

In that regard TakFal met with the City and the County yesterday, to begin to discuss the location and design of a package of improvements that will provide alternative access to the Sherwood Cinema Center, including access from the Baler Way Extension and Highway 99. On November 26, we also had a meeting, where to our surprise, ODOT offered two options for providing right-in access to the Sherwood Cinema Center from Highway 99. Clearly, this is good news and is in part a result of the role the City has taken in making certain the center has adequate access after the proposed improvements on Tualatin Sherwood Road are made. TakFal greatly appreciates the City's leadership in that regard, and believes that it is important for us to continue to work together over the next several months, to agree on a package of improvements that will provide alternative access to the Sherwood Cinema Center including access from Highway 99. In order to reach such an agreement, we are asking that the City delay action on this TSP amendment until its meeting in January.

We are expecting to meet with the County and the City again before the end of the year, or soon thereafter, to negotiate a package of access improvements that can be agreed upon for the Sherwood Cinema Center. Our expectation is that TakFal and County will enter into a memorandum of understanding or similar agreement, showing the location and general design of access from the Baler Way extension, to and from the Sherwood Cinema Center, and any related changes that need to be included in this TSP amendment, including the removal of language in the existing TSP that calls for the removal of the signal at Baler. Such an agreement would allow us to fully support the Baler Way extension, and may provide an opportunity for the County and TakFal to reach an overall agreement on alternative access.

In closing, as TakFal continues to work in good faith with the City, the County and ODOT, we are requesting a short continuance of this TSP amendment until your first or second meeting in January. At that time, we hope to have either a tentative agreement with the County regarding a package of access improvements, or a better understanding of the time it will take to reach such an agreement.

Thank you again for your continued support of the Sherwood Cinema Center. We greatly appreciate your efforts.

Very Truly Yours,

Davis Wright Tremaine LLP



Phillip E. Grillo  
PEG:rmp

January 28, 2014

City of Sherwood Planning Commission  
22560 SW Pine Street  
Sherwood, Oregon 97140

Re: Baler Way TSP Amendment

Dear Planning Commissioners:

I am writing on behalf of TakFal Properties LLC to update you on the status of our discussions with Washington County, and on TakFal's position regarding the Baler Way TSP amendment.

Status of Discussions with Washington County

As you recall, at the conclusion of the last Planning Commission hearing on December 10, 2013, TakFal asked for a continuance until January 28, 2014, to provide it with additional time to reach an agreement with Washington County regarding alternative street connections to the Sherwood Cinema Center. These connections are essential to the ongoing commercial viability of the Sherwood Cinema Center and its tenants, given the County's decision to remove TakFal's existing traffic signal and left turn lanes on Tualatin Sherwood Road.

After the Planning Commission hearing on December 10, TakFal retained WH Pacific to advise them on alternative street connections, to mitigate for the decision of Washington County to remove TakFal's existing traffic signal and left turn lanes on Tualatin Sherwood Road. WH Pacific's Alternative Access Plan is attached. TakFal's intent was to present this Alternative Access Plan to Washington County and the City prior to tonight's hearing, and to use this plan as a basis for reaching an agreement with the County on alternative access, that would allow TakFal to support the Baler Way TSP Amendment and dismiss its LUBA appeal. Overall, TakFal has continued to work in good faith with the City, the County and ODOT, to reach a collaborative solution regarding both the Baler Way TSP amendment and the Tualatin Sherwood Road Project.

Despite these good-faith efforts, on December 12<sup>th</sup> the County informed me that it is suspending further discussions with TakFal concerning alternative access, until TakFal's LUBA appeal and the County's Baler Way TSP Amendment are resolved.

DWT 23438996v1 0096783-000002

Anchorage  
Bellevue  
Los Angeles

New York  
Portland  
San Francisco

Seattle  
Shanghai  
Washington, D.C.

100% 

www.dwt.com

Exhibit D.

TakFal's Position Regarding the Baler Way TSP Amendment

In light of the County's decision not to negotiate an alternative access plan with TakFal prior to the approval of this application and the resolution of our LUBA appeal, TakFal's continued support of the Baler Way TSP Amendment is contingent on adoption of the following conditions of approval. These conditions are reasonable and necessary to ensure that commercially viable access is maintained to and from the Sherwood Cinema Center, as a result of Baler Way TSP amendment, and the Tualatin Sherwood Road Project. If the Planning Commission recommends approval of the Baler Way TSP amendment to the Sherwood City Council, TakFal requests that the following conditions of approval be included in your recommendation:

TakFal's Proposed Conditions of Approval

1. Prior to the elimination of TakFal's existing traffic signal and left turn lanes on Tualatin Sherwood Road, Washington County (the Applicant) shall provide alternative access to the Sherwood Cinema Center that is reasonably consistent with the Alternative Access Plan prepared by WH Pacific, attached as Exhibit A. This Alternative Access Plan (Exhibit A) shows the approximate location of needed access and circulation improvements to, from, and within the existing Sherwood Cinema Center, relative to the proposed Baler Way Extension and the related Tualatin Sherwood Road Project. Exhibit A includes a right-in-only access to and from Hwy 99. This proposed access is critical to the continued viability of the Sherwood Cinema Center if its existing signal and left turn lanes are removed by the County. The location of this right in access from Highway 99 is intended to reflect the location and design of the access proposed by ODOT to the City, the County and TakFal, in their December, 2013 meeting concerning the proposed access. As part of this condition, the Applicant shall also provide new signage, at or near the Baler Way, Hwy 99 and Tualatin Sherwood Road entrances to the Sherwood Cinema Center, as approved by the City of Sherwood.
2. Prior to the elimination of TakFal's existing traffic signal and left turn lanes on Tualatin Sherwood Road, the Applicant shall:
  - a. Amend TakFal's site plan approvals for development on the Sherwood Cinema Center property, to reflect the changes in access, circulation, parking, signage and other development, described or required by the above condition,
  - b. Amend Figure 8-10 of the City of Sherwood TSP, to eliminate the traffic signal currently required at the entrance to the Sherwood Cinema Center on Tualatin Sherwood Road, and

January 28, 2014

Page 3

- c. Amend Table 8-11 of the City of Sherwood TSP, to eliminate Project 15, which currently requires the removal of the existing traffic signal and the installation of a raised median, at the intersection of Baler Way (Langer Drive) and Tualatin Sherwood Road. It is the intent of this condition to require a traffic signal at Baler Way and allow it to support all of the turning movements associated with the proposed Baler Way extension, including left and right turns to and from Tualatin Sherwood Road.

If the Planning Commission does not recommend approval of the Baler Way TSP Amendment subject to the above-mentioned conditions, TakFal requests that the Planning Commission recommend denial of the Baler TSP Amendment, or that it not take further action of the proposed amendment, unless or until the Applicant and TakFal agree on a reasonable Alternative Access Plan that mitigates for the loss of the required traffic signal and left turn lanes that currently provide needed commercial access to and from the Sherwood Cinema Center.

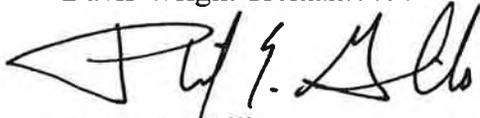
#### Conclusion

TakFal has diligently worked with the City, the County, ODOT, WH Pacific and members of the community, to create a reasonable Alternative Access Plan that will allow businesses in the Sherwood Cinema Center to continue to thrive, if changes proposed by the Tualatin Sherwood Road Project and the Baler Way TSP Amendment, are implemented. ODOT has already indicated that it will approve a right in access from Highway 99 at the location shown in our Plan. If the Alternative Access Plan described above is adopted by the City as a condition of approval, and is agreed to and implemented by the County, TakFal will support the Baler Way TSP Amendment and will dismiss it's pending LUBA appeal involving the Tualatin Sherwood Road Project (LUBA No. 2013-093).

The community now has a clear path forward with regard to the Tualatin Sherwood Road Project and the Baler Way Extension. We hope that the City will continue to support our good-faith efforts, as they have in the past. Our intention is to resolve this matter so the needed improvements can be made.

Respectfully Submitted,

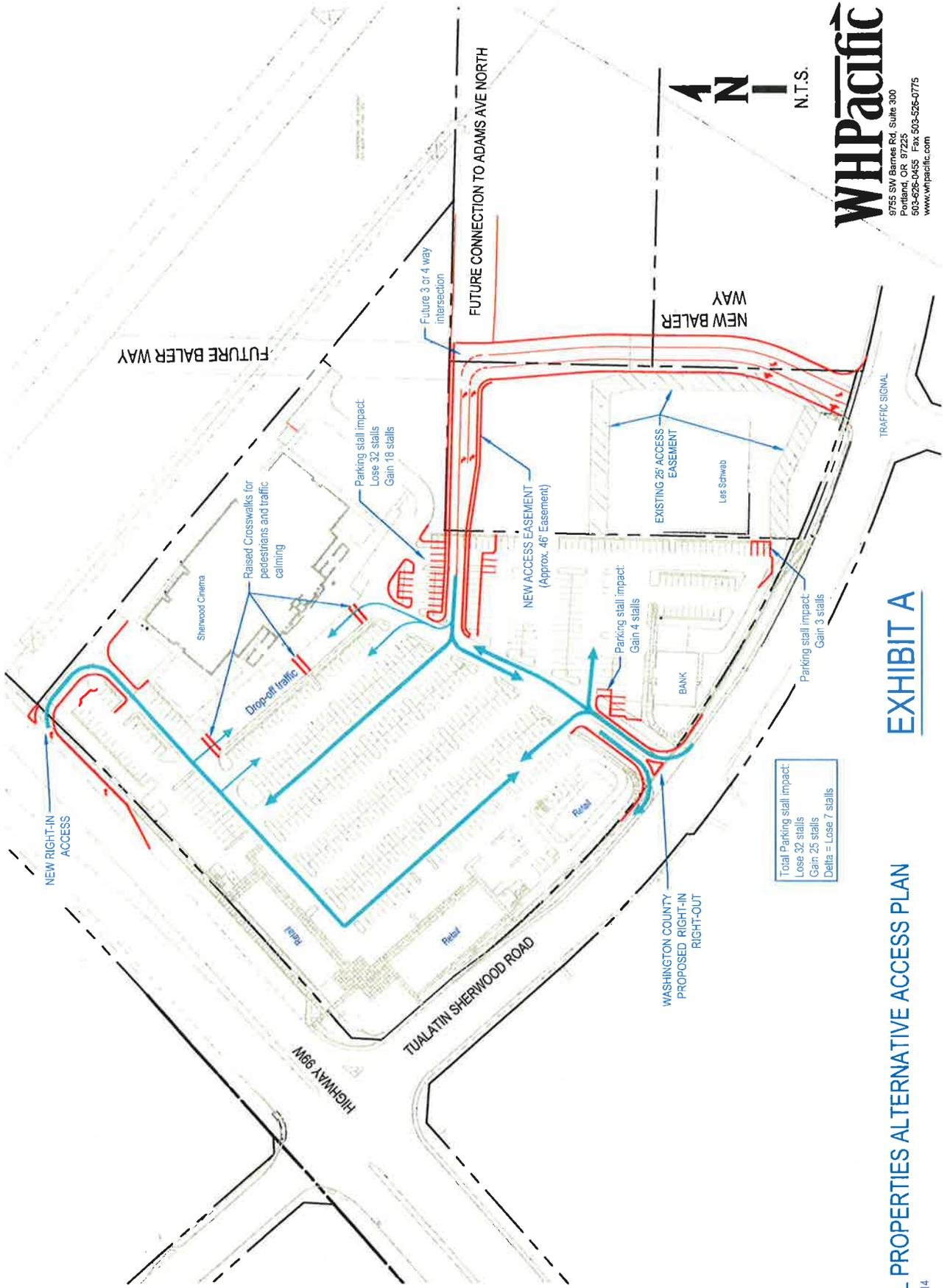
Davis Wright Tremaine LLP



Phillip E. Grillo

PEG:rmp

Cc: Washington County, Cortney Duke-Driessen, Assistant County Counsel  
DWT 23438996v1 0096783-000002



Total Parking stall impact:  
 Lose 32 stalls  
 Gain 25 stalls  
 Delta = Lose 7 stalls

**TAKFAL PROPERTIES ALTERNATIVE ACCESS PLAN**

**EXHIBIT A**

January 26, 2014



**WHPacific**  
 9755 SW Barnes Rd, Suite 300  
 Portland, OR 97225  
 503-626-0455 Fax 503-526-0775  
 www.whpacific.com

January 28, 2014

City of Sherwood Planning Commission  
22560 SW Pine Street  
Sherwood, Oregon 97140

Re: Baler Way TSP Amendment (Relevant Comprehensive Plan Goals and Policies)

Dear Planning Commissioners:

I am writing on behalf of TakFal Properties LLC, to further explain why the access and circulation needs of existing Sherwood businesses, such as the Sherwood Cinema Center, are relevant to the Baler Way TSP Amendment.

As noted in my December 10, 2013 letter to the Planning Commission, several provisions in the City of Sherwood's adopted Comprehensive Plan and TSP require the City to provide a supportive transportation system that ensures that public streets are planned to provide for the safe convenient, efficient and economic movement of persons, goods and services between and within major land use activity centers. For example:

1. Comprehensive Plan Goal 1 requires the City to: "Provide a supportive transportation network to the land use plan that provides opportunities for transportation choices and the use of alternative modes serving all neighborhoods and businesses."
2. Comprehensive Plan Goal 1, Policy 1 requires that: "The City will ensure that public roads and streets are planned to provide safe, convenient, efficient and economic movement of persons, goods and services between and within the major land use activities. Existing rights of way shall be classified and improved and new streets built based on the type, origin, destination and volume of current and future traffic."
3. Comprehensive Plan Goal 1, Policy 2 requires that: "Through traffic shall be provided with routes that do not congest local streets and impact residential areas. Outside traffic destined for Sherwood business and industrial areas shall have convenient and efficient access to commercial and industrial areas without the need to use residential streets."
4. Comprehensive Plan Goal 1, Policy 3 requires that: "Local traffic routes within Sherwood shall be planned to provide convenient circulation between home, school, work, recreation and shopping. Convenient access to major out-or-town routes shall be provided from all areas of the city."

DWT 23454596v1 0096783-000002

January 28, 2014

Page 2

5. Comprehensive Plan Goal 6 requires the City to: “Provide a convenient and safe transportation network within and between the Sherwood Old Town (Town Center) and Six Corners area that enables mixed use development and provides multi-modal access to area businesses and residents.”

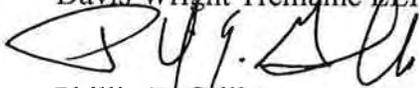
It should be noted that the City of Sherwood’s 2005 TSP contains identical goals and policies, and likewise requires the City to ensure that the access and circulation needs of existing businesses are protected. While we understand the County’s interest in moving traffic through this commercial area as quickly as possible, the City has a slightly different duty which is, to ensure that its planned street system provides the necessary street connections to existing and planned land uses in the area.

In its application, Washington County has made it clear that the proposed Baler Extension is part of the Tualatin Sherwood Road Project. Specifically, on page 1 of the September 17, 2013 memo from DKS to HHPR, the County’s consultant indicates that the Baler Way TSP Amendment is intended to address the “off-corridor circulation” element of the Tualatin Sherwood Road Project. We agree, and would add that the proposed “off-corridor circulation” proposed by the County in this TSP Amendment, is dependent, at least in part, on the way “off-corridor circulation” to and from the Sherwood Cinema Center is designed and built. Unless needed “off-corridor” access and circulation is ensured for existing businesses, the purpose of the project, and above-mentioned comprehensive plan goals and policies will not be met by the Baler Way TSP Amendment. The conditions of approval previously proposed in my January 28 letter, are necessary to ensure that local access and connectivity is maintained for the Sherwood Cinema Center.

In closing, I would also point out that LUBA is scheduled to issue its decision on February 12, 2014, in the appeal filed by TakFal, Regency and MGP X challenging the County’s decision to eliminate the signal and left turn lanes on Tualatin Sherwood Road. If LUBA overturns the County’s decision, the assumption that underlies the need for the Baler Way Extension, (i.e. that the TakFal signal and left turn lanes on Tualatin Sherwood Road will be eliminated) will no longer be true. Therefore, the Planning Commission should wait until LUBA has issued its decision, before making its recommendation on the Baler Way TSP Amendment. If it does decide to move forward with its recommendation before LUBA issues its decision, we would ask that the Planning Commission impose the conditions of approval suggested in my January 28, letter, or recommend denial of this TSP Amendment.

Respectfully Submitted,

Davis Wright Tremaine LLP



Phillip E. Grillo

PEG:rmp

Cc: Washington County, Cortney Duke-Driessen, Assistant County Counsel

DWT 23454596v1 0096783-000002



## MEMORANDUM

**DATE:** 08 Nov 13  
**TO:** Bob Galati, City of Sherwood  
**FROM:** Carl D. Springer, PE, PTOE, PTP  
**SUBJECT:** Sherwood Transportation On-Call Task 14  
SW Baler Way TSP Amendment Review

1117-014

---

Per your request of October 17, 2013, we have reviewed the SW Baler Way TSP Amendment application dated September 17, 2013, which was prepared by Harper Houf Peterson Righellis, Inc. This review focused on the technical components of the analysis and determining if the proposed actions are consistent with relevant Transportation Planning Rule (OAR 660-012) requirements. Based on our review of submitted materials, this proposed TSP amendment complies with the above state requirements.

The following section provides a summary of our review.

### Project Summary

The applicant, Washington County, proposes to amend the City of Sherwood's Transportation System Plan (TSP) to add a new street which would extend SW Baler Way north of Tualatin Sherwood Road into the area immediately west of SW Adams Avenue, known as the Adams Avenue North Concept Plan area. This new street would be designated as a collector where it intersects Tualatin Sherwood Road, then would bend east to connect to a future SW Adams Avenue extension.

The street referred to as SW Adams Avenue has since been renamed to SW Langer Farms Parkway.

### TPR Review

The memorandum prepared by DKS Associates on September 17, 2013 presents findings regarding the proposed street extension, and how it integrates with the Adams Avenue North Concept Plan, and how it complies with applicable transportation plans and policies.

Based on our review, we highlighted the following facts and findings from that memo as important for making our recommendations regarding TPR compliance:

- Traffic operations during the 2035 PM peak hour will continue to meet mobility targets on the adjoining County (Tualatin Sherwood Road) and State (Highway 99W) facilities with the added SW Baler Way extension. For details, refer to Table 2, page 10 of the above memo. This means that the proposed amendment will not adversely impact local traffic operations on major roadways.

**MEMORANDUM**

08 Nov 13

Page 2 of 2



- The SW Baler Way extension is an addition to the functional street plan in the City's current TSP, and it provides a new parallel connection to Adams Avenue (Langer Farm Pkwy.) between the shopping center and the Adams Avenue North Concept Plan area. This additional public street better complies with the City's street spacing standards. It also adds important connectivity in a growing area that will be useful for all travel modes, and, in particular, walking and biking trips, which favor direct and more convenient routes. Therefore, this is a net improvement compared to the current plan.
- The existing distance between SW Baler Way and SW Adams Avenue (SW Langer Farms Pkwy.) is consistent with County access spacing criteria. The extension of SW Baler Way will not change this condition, so the access spacing criteria will continue to be met.

**Recommendations**

Based on our review of the above materials, we find that this proposal is consistent with the requirements of the Oregon Transportation Planning Rule (OAR 660-012). The benefits of this proposed amendment include the following:

- The proposed SW Baler Way extension will improve local circulation and access for walking, biking and driving trips in this general area. Better street spacing allows for more direct travel routes, which is important for walking and biking trips.
- An additional street extension into this area will help to balance out travel that crosses Tualatin Sherwood Road. This can reduce delays for traffic on Tualatin Sherwood Road because the total vehiclular volume and number of pedestrian activations at any one intersection is less compared to the current plan.

If you have any questions, please feel free to call.



**Department of Energy**  
Bonneville Power Administration

November 27, 2013

In reply refer to: TERR/3

BPA Case No. 20140069

BPA Tract No. OC-K-97-A-42; OC-K-96-A-41

Transmission line: John-Day Keeler No. 1 (Oper. as Pearl-Keeler No. 1), 500 kV

Sites: SW Baler Way, Sherwood OR; SW Adams Ave N., Sherwood, OR proposed road extensions

Your reference: Proposed City of Sherwood Transportation Plan and Comprehensive Plan Amendment

Mr. Brad Kilby  
Planning Manager  
City of Sherwood  
22560 SW Pine St  
Sherwood, OR 97140

Dear Mr. Kilby;

BPA is in receipt of the Washington County proposals to amend the City of Sherwood's Transportation System Plan and the Comprehensive Plan Amendment for SW Baler Way and SW Adams Avenue North, in Sherwood. The application for Land Use Action has been assigned BPA Case No. 20140069.

Bonneville Power Administration (BPA) has no objection to either Plan or Amendment as proposed, as long as the transmission line facilities and right-of-way are not adversely affected.

The proposed uses located in the transmission line right-of-way will require a BPA Right of Way Use Application prior to construction, which should include clearance measurements to the closest BPA tower and overhead wires, and road specifications, prior to construction. Applications must be submitted to BPA for any use proposed within the rights-of-way, link: [http://transmission.bpa.gov/LanCom/Real\\_Property.cfm](http://transmission.bpa.gov/LanCom/Real_Property.cfm).

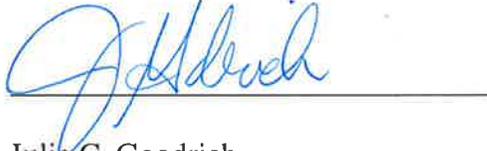
Note that BPA imposes certain restrictions and/or prohibitions on the use of property encumbered by our transmission line rights-of-way. BPA's easements may prohibit structures, parking, and lighting within the rights-of-way.

BPA's priorities focus on the safety of human life and integrity of the power transmission system. It is critical that BPA does not allow activities on the rights-of-way that can jeopardize either of these priorities.

Please direct any communication to the Real Property Field Services Office at Bonneville Power Administration and myself by telephoning 503-230-5500 directly, or by emailing [jcgoodrich@bpa.gov](mailto:jcgoodrich@bpa.gov) for more information on this application process.

Thank you for the opportunity to comment on this proposal.

Sincerely,



Julie C. Goodrich  
Right of Way Agent, Real Property Field Services  
David Evans & Associates, Contractor to Bonneville Power Administration

Official File - TR-3/Portland (Tract No. OC-K-97-A-42; OC-K-96-A-41)

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Services\GOODRICH\Public Notices Replies\City of Sherwood\City of Sherwood  
Transportation Plan Amendments LTR2.doc)

**PROPOSED SHERWOOD TSP AMENDMENT**  
**BALER WAY EXTENSION**  
**FIGURE 1**



Sherwood Field House Monthly Report January 2014					
<u>January-14</u>	<u>Jan-14</u>		<u>YTD</u>		<u>Jan-13</u>
					Est.
<u>Usage</u>		People		People	People
	<u>Count</u>	<u>Served*</u>	<u>Count</u>	<u>Served*</u>	<u>Served*</u>
Leagues	13	1039	17	4012	658
Rentals	124	1860	415	7360	2532
Other (Classes)					
[1] Day Use	13	112	39	273	73
<b>Total Usage</b>		<b>3011</b>		<b>11645</b>	<b>3263</b>
<u>Income</u>	<u>Jan-14</u>	<u>YTD</u>			
Rentals	\$7,425	\$26,273			
League fees (indoor)	\$6,265	\$52,581			
Card fees (indoor)	\$258	\$2,847			
Day Use	\$363	\$950			
Advertising					
Snacks	\$692	\$3,107			
Classes					
<b>Total</b>	<b>\$15,003</b>	<b>\$85,758</b>			
<b>FY 12 13</b>					
<u>Income</u>	<u>Jan-13</u>	<u>YTD</u>			
Rentals	\$6,425	\$30,782			
League fees (indoor)	\$7,820	\$40,616			
Card fees (indoor)	\$280	\$2,346			
Day Use	\$214	\$1,102			
Advertising					
Snacks	\$775	\$2,961			
Classes					
<b>Total</b>	<b>\$15,514</b>	<b>\$77,807</b>			

\*Estimated number of people served based on all rentals have a different # of people. Along with each team will carry a different # of people on their roster.



PRB Report for January 2014

### **Sports Fields and Gyms**

Youth Basketball played approximately 77 Recreational games during the month of January in the gyms in Sherwood.

Youth Basketball also played approximately 40 classic games at SMS during the month.

Youth basketball held their girls tournament on January 25<sup>th</sup> and 26<sup>th</sup> they had 44 teams from all over the Portland Metro area. They even had a team or two from the Salam Keizer area. The tournament held 94 games during the weekend.

Youth soccer is still practicing at Snyder Park.

As you can tell by the signage around town most all of the spring sports are taking registration.

I have been putting tryouts and tourney dates in the calendar for all the spring sports.

### **Field House**

The Field house started the second youth session on January 25<sup>th</sup> it much smaller than the first.

We have picked up a couple of new rentals hoping they stay awhile.

Baseball softball and lacrosse will continue to use Sundays until the end of February.

Public works is doing some work trying to protect our score board.

Respectfully Submitted

February 3<sup>rd</sup> 2014

Lance Gilgan



## Sherwood Public Library – January 2104 Monthly Management Report

### Current Year      Past Year      % Change

**Check out**                      **30,495**              **34,434**              **-11.4%** (23% Self-check)

**Check in**                      **21,421**              **24,287**              **-11.8%**

- New Library cards    109
- Volunteer hours      188 hours; equivalent to 1.08 FTE (27 volunteers)
  
- New Library2Go users    66
- Library2Go check outs    1,153

### **Monthly Activities**

- Twenty-eight Baby, Preschool and Toddler Storytimes (749 attendees total)
- Two Read-to-the-Dogs programs
- Magazine Monday (free magazine giveaway)
- 01/01 & 01/20 Library closed for holidays
- 01/04 Family Game Day (4 children & 3 adults = 7 attendees)
- 01/08 Pajama Time Storytime (10 children, 7 adults = 17 attendees)
- 01/11 Getting to Know Library2Go (10 attendees)
- 01/15 Wednesday Crafternoon – Space Crafts (26 children & 17 adults = 43 attendees)
- 01/22 DIY Craftshop – Zentangle Workshop (7 teens & 6 adults = 13 attendees)
- 01/25 Saturday Family Storytimes (10:30am - 13 children & 10 adults = 23 attendees and 1pm – 2 children & 2 adults = 4 attendees)
- 01/30 City Budget Kick-Off Meeting
- Volunteer recruitment & training continues / New volunteers started shifts
- Library staff attended various regional, City and WCCLS meetings: OLA Public Library Division Board, Circulation, Adult Services, WUG, Youth Services, Publicity, WCCLS Core Services, PCC Library Assistant Program Board, Adult Summer Reading Program and Policy Group