



*Home of the Tualatin River National Wildlife Refuge*

**SHERWOOD CITY COUNCIL MEETING MINUTES  
22560 SW Pine St., Sherwood, Or  
August 11, 2015**

**REGULAR SESSION**

1. **CALL TO ORDER:** Mayor Clark called the meeting to order at 7:02 pm.
2. **COUNCIL PRESENT:** Mayor Clark, Council President Robinson, Councilors Linda Henderson, Jennifer Kuiper, Jennifer Harris, Dan King and Renee Brouse.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Community Development Director Julia Hajduk, Planning Manager Brad Kilby, City Engineer Bob Galati, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy. Legal Counsel Carrie Richter.

Mayor Clark welcomed the new City Attorney Josh Soper. She addressed the Approval of the Agenda and asked for a motion.

**4. APPROVAL OF AGENDA:**

**MOTION: FROM COUNCILOR KUIPER TO APPROVE THE AGENDA, SECONDED BY COUNCILOR HARRIS. MOTION PASSED 7:0, ALL PRESENT VOTED IN FAVOR.**

Mayor Clark addressed the next item on the agenda.

**5. CITIZEN COMMENT**

Eugene Stewart, Sherwood business owner, approached the Council regarding the PGE franchise fee error and said now it will be doubled. He said Northwest Natural Gas charges 2% and PGE charges 1.5% and it seems like they should be the same. He commented on being charged so the utilities can use the right of way and the citizens own that. He referred to the water and asked if there is a percentage charged for the right of way. He said these issues need to be brought forward in a public forum to discuss what could be done to eliminate them. He stated at one time the PGE franchise fee was used to offset the amount that was charged for the streetlights. He referred to the trestle fire and commented on the distance between homes that has been narrowed to 10 feet in some instances and asked if this is fire safe. He suggested the City and the Fire Department review the area and determine potential hazards.

Jim Claus, Sherwood resident, came forward and referred to the remarks made by the City Attorney at the previous Council meeting. He said his family is by far the largest donors of money and land in the history of Sherwood. He stated they just recently completed another donation. He said the most valuable thing that is happening now is because of the City Council. He said the Council has opened up to people being able to come and speak publically. He said if there is antagonism people can come and comment about it and it dissipates. He stated he hopes the Council continues this practice and said the staff is really trying to diffuse conflicts.

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

The City Recorder asked the Council to disclose any ex-parte contact that they may have had since the August 4, 2015 City Council meeting and indicate if the Council member intends to participate or abstain in the hearing.

Mayor Clark stated she had an ex-parte contact at an American Legion event with Mr. Lapp who testified at the previous meeting. She said he did not provide any addition information about the annexation and said she has no financial interest and it does not change her ability to vote or discuss at this meeting.

The City Recorder asked if any members of the audience wish to challenge any Council member's ability to participate. With no comments received, the City Recorder said the Mayor may proceed.

Legal Counsel Carrie Richter commented that there are more Council members present at this hearing than last week and asked those Council members who were not present whether or not they watched the video and whether or not they feel they are able to participate.

Councilor Brouse said she heard parts of the hearing via conference call and said she read the materials from both meetings and watched the video.

Council President Robinson stated she was unable to attend last week and has read through the material. She noted she has not had sufficient time to watch the video but feels she can appropriately participate in the discussion.

City Manager Gall introduced Legal Counsel Carrie Richter and said the City has obtained her services regarding this annexation application. He said the new City Attorney Josh Soper started yesterday and is busy with other projects.

## **6. PUBLIC HEARING**

### **A. Resolution 2015-068 Calling an election on and approving a ballot title, summary, and explanatory statement for the annexation of 8 tax lots comprising 84.21 acres of land in the Brookman Road Plan Area for the November 3, 2015 Election**

Planning Manager Brad Kilby provided a presentation on the continued public hearing regarding the Brookman Road annexation (see record, Exhibit A). He provided a recap and stated the Council held a public hearing on August 4, 2015. He stated the Council heard the staff report, the applicant's presentation and listened to public comments for and against the application. He noted because of the

late hour, the Council listened to all of the public testimony from that evening and continued the hearing until tonight to allow others to testify, listen to the applicant's rebuttal and to deliberate.

He said between last week and tonight, staff received the following testimony: email from Liz Oulette dated August 4, 2015 in support of the application; email from Liz Oulette dated August 5, 2015 speaking to the school district boundaries within the area; email from Phil Johanson dated August 7, 2015 with Sherwood School District comments; letter from Don Richards dated August 10, 2015 in support of the application; email from Neil Shannon dated August 10, 2015 opposed to the current request but not to annexation; and an e-mail from Teresa Jaynes-Lockwood dated August 10, 2015 in support of the application. He entered this testimony into the record.

Mr. Kilby reminded the Council that the current annexation proposal was brought forward on behalf of five property owners by the Holt Group, Inc. for eight parcels totaling 84.21 acres. He stated three of the eight property owners did not sign the petitions and the application proposes to annex the property through the Triple Majority Method meaning that they have petitions signed by the majority of the landowners with the majority of the assessed values and registered voters. He said this will require City voter approval but does not require the approval of the owners within the Brookman Road annexation area.

Mr. Kilby referred to a map in Exhibit A illustrating the Holt Group's proposal with the eight properties in question and another map illustrating the three property owners that did not sign the application. He reminded the Council that Mr. Bartlett, whose property is in the middle of the area, submitted testimony that he be removed from the application. Mr. Kilby said whether Council decides to include the Bartlett property or not, staff recommends taking in the right of way in front of the house so that there can be a continuous improvement along there if the annexation is successful and subsequent development is allowed.

Mr. Kilby referred to the alternatives that staff provided to Council which include: the original proposal, the original proposal minus the Bartlett property, the original proposal plus five additional properties that petitioned the Council to come in and the original plus five additional properties minus the Bartlett property. He said staff recommends that the Council conduct the public hearing, approve the annexation request by Order, and approve the resolution tonight that calls for the election, approves a ballot title, summary, and explanatory statement. He stated if Council decides not to take action on this request this evening August 18, 2015 is the last meeting to take action for the November 2015 election. He stated that according to Beery Elsner Hammond, the resolution has to be passed by August 14, 2015 to allow 61 days prior to the election. He said if no action is taken by August 18, the next available election will be March 5, 2016. He stated Council should hold a public hearing and consider whether to: approve the annexation and place it on the November 3, 2015 ballot; or approve one of the alternatives; or deny the annexation and identify specific findings explaining why the annexation should not be approved.

Councilor Brouse asked if Mr. Bartlett's request was in the packet.

Mr. Kilby said it was submitted into the record at the August 4 meeting as Exhibit K.

Community Development Director Julia Hajduk reminded the Council that at the close of the last public hearing the applicant had less than 4 minutes left and the Council said they would likely allow additional time beyond that to do an additional response and perhaps a rebuttal. She reminded the Council that it was their discretion as to how much time to allow.

Mayor Clark asked the applicant to come forward and indicate if they need more than 4 minutes. Ms. Hajduk reminded the Council that some citizens submitted requests to testify and were unable to stay and suggested that they be offered a chance to testify at this time. Mayor Clark said that everyone will be allowed to testify and the applicants will have a chance for a rebuttal.

The applicants said they would prefer to hear all of the testimony then come forward with a rebuttal.

Mayor Clark opened the public hearing.

Bonnie David, 17117 SW Brookman Road, came forward and said on June 18 she received a letter and a concept plan map from Joe Broadhurst and said that was the first she heard of this until she came to the meeting on August 4. She said she was surprised to see a star by her property as no one has ever contacted her and she had no idea everyone around her was trying to sell. She said she moved to the property because of the trees and privacy and said it would be sad to see all the trees removed and the wildlife being displaced. She said someone will make money from all the timber. She stated Brookman Road is used as an escape route from 99W for cars and bikes. She commented on the traffic speed and hopes that they won't vote for this. She referred to the planned cul-de-sac which is where her property is and has been nicely planned with room between the houses and a green space behind it. She said the other part of the development has houses crammed together and she does not think the roads or schools would tolerate any of that. She said if it were better planned she would not be against it because Brookman Road will be developed at some point. She stated she loves her property and hopes the annexation is voted down.

Mara Broadhurst, 28440 SW Ladd Hill Road, approached the Council and said Brookman has always been part of the Sherwood community and children from Sherwood Schools and the Brookman area worked hard to establish the districts winning reputation and participated in sports even through the stench of the tannery behind Hopkins. She said the proud community spirit overcame this challenging issue with the willingness to build and grow in a planned positive manner. She noted that many of the property owners in the Brookman area participated in those early plans in good faith. She said when this area was allowed in the Urban Growth Boundary (UGB) about 15 years ago it was rezoned from agricultural farm to future development. She said this put limits and restrictions on the properties but also granted them rights. She said this future development area was to be planned and accommodated for. She stated there were years of community, staff and property owner involvement to get the Brookman Concept Plan identified and approved. She said the Sherwood School District (SSD) attended these meetings and worked closely with the process. She stated the Brookman area was calculated for high density and included in the \$98,000,000 bond passed in 2006. She said when adopting the Brookman Concept Plan the City further restricted these properties by zoning them MDRL or MDRH. She said the City initiated the first attempt at annexation and included the whole area. She stated this failed even though the Council removed the connection of Red Fern from Sunset to Brookman from the Concept Plan. She referred to the second attempt where the property owners chose to be included or not. She said at that time the Bartlett property was not included. She said this third attempt takes into consideration the concerns of the last election and City planning. She noted the number of acres is reduced to limit initial impact. She stated the plan includes a single family home subdivision designed consistent with the zoning provided showing no apartments or multi-family housing and a complete serviceable phase is being proposed creating no islands or leap frogging. She said these properties need to be combined for the maximum benefit to the City, property owners, and best use of the land. She said the Holt Group has

the financial capability and development expertise to offer Sherwood this timely opportunity and tackle these infrastructure hurdles. She said local builders in Sherwood support this annexation and the opportunity to build about 250 houses once the lots are developed over the years. She thanked the Holt Group for taking another chance at the annexation and said this is a desirable part of Sherwood that deserves its right to due process. She said the Brookman area is Sherwood's boundary not its back yard and the area will develop either in the City or as a Washington County project. She said in the County, without the Concept Plan or a developer to pay, they will do what they have to so they can pay for a Brookman Road similar to 124<sup>th</sup> and lose the fees for the City. She stated one of the main reasons cited for Sherwood's top ranking for quality livability is the wetland park trail system. She said this annexation includes about 30 acres of Cedar Creek wetlands that citizens can protect now for future generations. She stated Sherwood needs this now and noted that the Brookman Area is included in the school bond and more houses would help pay off the bond quicker. She said the City has already extended the services and Brookman Road needs to be safe. She noted there will be more arterial traffic whether this gets annexed or not. She said Sherwood West will be held up at Metro and stated we have to get ready for the future and this is a great place to start. She requested that the Council allow this annexation on the ballot while these opportunities still exist and encouraged the citizens to vote for planned successful growth. She congratulated the City on the Tannery clean up grant.

Adrian Broadhurst, 28440 SW Ladd Hill Road, came forward and stated that he attended school in Sherwood and has children currently in the district. He appreciates the schools, the parks, the activities in Sherwood and the rising home values. He said positive development has helped, especially the parks. He stated he is a proponent of the trail systems, the large trees, the parks and the connectivity. He said this proposed annexation has more than 20 acres of wetland and approximately 30% will be open space including the park. He commented on safety and the need to connect the area to the existing trail system and the importance of allowing people access to enjoy the large timber in the area and the opportunity to save and preserve it. He said this is an opportunity to preserve the wetlands and timber and to be able to utilize the area. He said is in favor.

Phil Lapp, 17400 SW Brookman Road, approached the Council and stated that he has lived in the community since 1960 and is a farmer and has agricultural land and this development will impact his land. He referred to the 2004 Growth Comprehensive Plan map on the wall of the Community Room which shows a roadway from I-5 to 99W on the north side of Brookman Road inside the UGB. He said that is according to the law, that roadways will be built inside the UGB rather than going through agricultural land. He stated the development plan presented last week does not show anything about that proposed roadway. He said that needs to be included in the plan.

Nancy Taylor, Sherwood resident, came forward and said in 2011 and 2013 the voters said no and now they want to put it before the voters again. She said it seems like voters have not had much to want to change their minds. She stated there is still a lot of land that is infill that can be developed. She said she attended a number of meetings regarding school district redistricting and noted how contentious it was. She stated Edy Ridge is at 112% capacity, Hopkins is at 96% capacity, Archer Glen is at 90% capacity and Middleton is at 82.5% capacity. She said the redistricting took Edy Ridge students and moved them to Middleton. She said Sherwood Middle School is at 72% capacity and Laurel Ridge is a 97% capacity. She stated she does not know where the additional children will go. She said perhaps this is not the time and there is not infrastructure to annex.

Eugene Stewart, PO Box 534, approached the Council and said his concern as a taxpayer is who is paying the bill for the annexation and who will pay for the improvements. He said the citizens have already paid for the sewer line up to the property and asked if they will be reimbursed. He asked what the real financial impact is and said it should be positive for the current residents of Sherwood and not a negative impact. He commented on traffic and said the part that is not annexed will become unsafe and asked if it can be fixed for safety or if bike paths can be added. He said there are a lot of fiscal impacts that need to be considered and brought forward so the voters can decide. He noted the people have a right to develop. He commented on the development impacting agriculture and said he lives outside the City on property and when he bought the property he had to agree that he would not complain about any agriculture activities going on beside his property and maybe that is something to consider.

Rian Tuttle with the Holt Group and Chris Goodell with AKS Engineering came forward as the applicants and thanked the Council for considering this proposal and continuing the public hearing. Mr. Tuttle referred to the concerns that the area should not be developed because it will destroy trees and open space and he noted the development will change the area but this area has been set aside for development similar to other areas in Sherwood. He said Sherwood has managed this transition in the past and given this history the City will do this again with the Brookman area. He commented on the important environmental assets in the Brookman area and said they are more likely to be protected with annexation. He said this may seem counter intuitive but today the existing trees and wetlands have far less protection under the County's guidelines than they will be when they are subject to the City's more stringent environmental codes. He said the plan provides for the preservation of the natural areas around Cedar Creek as well as 24 acres of park and open space. He referred to suggestions to delay annexation while it reconsiders the established planning for the proposed annexation area. He said a key concern was related to the arterial. He stated the City may revisit the Comprehensive Plan for the area at any time and the concept from the Holt Group has come from a long and thoughtful public process. He said in 2002 the Brookman area was brought into the UGB and after a lengthy public process the City adopted a Concept Plan in 2009. He stated in 2015 they are proposing to move to the next phase and vote to annex part of the land. He said the right of way (ROW) dedications within the Concept Plan would comply with the arterial designation that the County has adopted. He said this means they can meet both the ROW dedication requirement and the access spacing standards relating to that designation. He said it was suggested that the City restart the process to annex the entire Brookman area. He stated the Holt Group is not in the position to develop the entire Brookman area nor can they wait any longer for a larger area to be reviewed. He said they are willing to add the properties that have expressed interest and are willing to pay the fees related to legal descriptions and certification with the County to add them to the application. He noted that a larger annexation attempt will not likely succeed. He stated their proposal is a smaller thoughtful development plan allowing moderate growth which is an important aspect of the annexation proposal.

Mr. Tuttle said they have been working on this plan for several years and have a plan to create a new neighborhood that will be a positive addition to Sherwood including new parks and connecting to the trail system. He said they are equally confident that the plans will be in line with what the City ultimately approves for the larger Brookman area. He referred to suggestions to trade Brookman for other areas of land not currently inside the UGB and commented on the complex process. He referred to staff comments from last week that it is unlikely that Sherwood will be granted additional land for development in the future if the City has not made use of the land it already has within the UGB. He referred to comments that Brookman area developers and property owners are greedy. He said the fact is they run a business that designs and builds quality neighborhoods and they do make a profit in the work but that does not

negate their efforts for quality subdivisions and a mutual benefit for the community. He said several of the landowners in the proposed annexation have owned their land for many years and for them it represents no less a personal investment than anyone else's home and property. He referred to comments regarding congestion and said they know that Brookman Road needs work and they are prepared to improve the road and make other necessary road development to improve the area for current road users and make it more accessible for new homeowners. He said without the development the full cost of the road improvements will fall upon taxpayers. He commented on their contribution to the improvement of the surrounding transportation system will include: with development the right of way will be dedicated to the County taking the burden of the acquisition cost off of the County, they will pay for frontage improvements with the development, the transportation development tax of \$7,000 per unit will be paid at the time of each individual building permit, and an additional transportation analysis will be completed at the time the preliminary application is submitted. He said at that time additional off site intersections requiring mitigation will be improved and paid within the development. He referred to comments that farming and urbanization are incompatible and said they recognize the challenge as it exists everywhere the UGB ends and exclusive farm use (EFU) begins. He referred to comments about overcrowded schools and development in Brookman will make this worse. He said they take this issue seriously and sought the consultation of an expert for more information to address this concern.

Mr. Tuttle introduced Bill Reid to speak to findings regarding school capacity. He said Mr. Reid brings 15 years of experience in Planning, Real Estate and Economics and is currently and adjunct professor of Real Estate at Portland State University (PSU) and principal at PNW Economics.

Mr. Reid said he was asked what the impact the Brookman annexation would have on the Sherwood school district (SSD). He said the PSU Population Research Center just this past year answered that question for SSD and the answer was no new unexpected impact from the Brookman addition. He said the SSD has been forecasting enrollment for the schools for a number of years and they have been counting the Brookman addition for a number of years in their enrollment forecast and they have forecasted that with the Brookman addition the overall school enrollment does not change over the next 15 to 20 years, because most new households moving into the area are non-child rearing years age and the Brookman addition area is the only sizable addition to residential inventory that actually provides capacity for households that will have children and bring families that will have children. He said without the Brookman area being annexed the SSD is looking at permanent loss in enrollment and the hardest hit will be elementary schools because affordability in Sherwood will get worse and households that rear children are more price sensitive particularly those who enroll in public schools. He stated according to PSU's work for the SSD, without the Brookman addition long term enrollment goes down and per household burden to pay off existing school bond debt increases. He said he verified the information with the forecaster.

Mr. Tuttle said the goal with the plan has been to arrive at a plan that fits the current nature of the City. He said they have proposed close to the minimum density related to these properties. He said the minimum is 5.5 units per net developable acre and they are proposing 5.7 units per net developable acre. He noted they want to fit the needs of the City and be a part of what makes Sherwood desirable. He said the effort was put together with their consultants at AKS Engineering, CFM and Mr. Reid and said they intend to push the campaign process and annexation proposal to the citizenship to educate them through the process towards the November ballot.

Councilor Brouse referred to the survey results and said it is her understanding that 51% of those surveyed were in favor.

Mr. Tuttle said he believe that initially 51% were opposed in the initial questioning and then as they went through a questioning process to help offer education related to the annexation the opinions moved in favor somewhere in the range of 55%. He stated that speaks to the ability to educate the citizenship on the benefits of the project and the need for development.

Councilor Brouse asked who was surveyed.

Mr. Tuttle said he would need to have CFM Solution address that question. He said they were able to have 250 citizens surveyed.

Council President Robinson asked Mr. Tuttle to explain the campaign process to educate the public prior to the election.

Mr. Tuttle said the campaign plan is ready as soon as they receive approval from Council. He said they intend to have door to door personnel, media outreach, social media outreach and be available for questions related to the project. He said there will be mailers, signage and community outreach.

Mayor Clark commented on the door to door campaign and asked for specifics.

Mr. Tuttle said this will be almost 50% of the campaign and the goal has been to speak to everyone once, the opposition or undecided twice and again a third time as the numbers reduce.

Councilor Kuiper referred to the comment regarding having enough ROW dedication to achieve the arterial designation.

Mr. Goodell from AKS said when the County updated their Transportation System Plan they designated Brookman as an arterial, instead of a collector, and said what comes with that is an additional amount of ROW that would need to be dedicated along the properties frontage when it develops and generally for an arterial road it is 90 feet for ROW width, so 45 feet from the center line. He said the plan could do that and the other component to the road being an arterial road is access spacing which the County has an access spacing standard for arterial roadways of 600 feet, which the Concept Plan has.

Mayor Clark referred to the Holt Group paying for the frontage improvements and asked what that will look like. Mr. Goodell said the improvements would be paving, curb and gutters, storm drainage, landscape strips, concrete sidewalks, street trees, etc. Mayor Clark asked if Brookman Road would have sidewalks. Mr. Goodell said they have spoken with County engineering staff and there could be a number of things. He said if the County wanted to do a road project for a significant length, exceed their frontage, then the development would pay a fee in lieu. He said another option is to construct the frontage improvement themselves.

Mayor Clark referred to comments that the Holt Group would pay for the intersections and asked if they would be lit intersections or stop signs. Mr. Goodell said it is not known at this point. He referred to the process and said if they are successful in the election a land use application will be submitted to the City and as a component of that a professional traffic engineer would have to be engaged and prepare a traffic

study. He said the developer at that point would be responsible for upgrading the intersections with the correct mitigations.

Councilor Harris commented on the difference between an arterial versus collector and said an arterial brings opportunities for businesses to have the traffic they need to be supported. She commented on the current zoning and now that Brookman is an arterial versus the collector and asked if high, medium or low density is the best use of the frontage space on the arterial. Mr. Goodell said arterials represent a challenge in land use design in that you have limited direct access. He said what you typically end up with is a road that provides access to those lots but then you have them backing into an arterial. He said through the development review process there are ways to deal with that, such as additional landscaping, larger back yards, buffers, etc. Councilor Harris clarified that they make sure there is enough buffer between the homes and the road. Mr. Goodell said that is one way.

Community Development Director Julia Hajduk noted that Sunset Boulevard, Edy Road, Roy Rogers Road are examples of arterial roads. She said the zoning does not necessarily have to be changed and said it is not uncommon to have higher density along busier streets. She said the area was brought into the UGB primarily for residential purposes and said there would be push back from Metro if they proposed to rezone it something more commercial or industrial.

Councilor Harris said it was her understanding they were proposing two lanes in each direction with a turning lane. Ms. Hajduk commented that is the ultimate and it would be further explored at the land use phase.

Councilor Kuiper referred to Mr. Stewart's comments about the increased number of trips and vehicles on the road and what will happen with the portion of Brookman that will not be improved and the comments on safety issues. Ms. Hajduk said when they do a land use application they will look beyond the frontage and they will explore the safety issues and require what is necessary to make the situation safe.

City Engineer Bob Galati explained the difference between an arterial and a collector status road. He said in the developing of the TSP, both the County and the City TSP, the language was coordinated to give flexibility. He said they do want a smaller road and would prefer a collector status road but there is a large amount of traffic that may go down that road even if it was not a southern arterial which is the collector between Hwy 99 and I-5. He said the County could have a southern arterial located further south in the UGB but it is outside the County's border. He said you can have a three lane arterial and stated Elwert Road is classified as a three lane arterial in the TSP. He said the difference between an arterial and a collector is the spacing of the intersections and that area has some constraints such as wetlands and railroad tracks and the blocks don't fit conveniently with the access spacing. He said when a development comes in, staff will have to take this into account. He stated that is how the TSP was developed. He commented on safety and said they will look at offsite mitigation to the traffic infrastructure. He referred to the Walmart development and said their infrastructure impacts went clear up to Hwy 99 and they have to do improvements to Hwy 99 that are associated with the development.

Councilor Brouse referred to Mr. Lapps comments regarding the I-5 to Hwy 99 roadway in the UGB. Ms. Hajduk clarified that the map in the back of the Community Room is from 2004. She said the Brookman Concept Plan initially envisioned and accommodated for an I-5 connector going south of the area. She stated later there was an Alternative 7 identifying multiple arterials including 124<sup>th</sup> to provide relief, versus an actual Hwy 99 connector. She said Brookman could be an arterial south placeholder or something

further south depending on development and UGBs. She said annexation of Brookman and development within that area especially with an arterial being identified does not preclude the I-5 to Hwy 99 connector scenario from happening.

Councilor Harris referred to Mr. Stewart's comments regarding signing an agreement about not complaining about the farms around him and asked how that works. Legal Counsel Carrie Rickter said State law provides for right to farm laws. She said farmers are entitled to farm land that is designated EFU and not potentially suffer nuisance trespass lawsuits. She said they can be private arrangements or the state law just generally provides a right to farm and farmers are allowed to farm within the limits set by the Department of Agriculture.

Mayor Clark asked if the City needs to implement any additional in order for him to have the right to farm. Ms. Rickter said no.

Councilor Harris said the developer could write up something. Mr. Tuttle said according to Ms. Rickter it is permit able and if possible they would be willing to incorporate some language in the CC&Rs for the project. Mr. Goodell replied that it is more standard in rural land use planning where a new home is introduced into an EFU and it is more of a county issue and said it does exist and can be done.

Councilor Henderson referred to the proposal for 5.7 units per acre and the minimum is 5.5 units and she asked if the zoning is the same throughout the entire proposed parcel. Mr. Tuttle said there is MDRL and MDRH but this would meet the minimum density for both zones.

Councilor Henderson noted that the area includes zoning for high density. Mr. Tuttle said the zoning has similar minimums and there is high density allowed but not required. He said in the Concept Plan the zoning is similar to MDRL.

Councilor Henderson asked if the survey included discussions of density and asked if that was a factor. Mr. Tuttle said the survey spoke to single family homes but not to specific densities.

Councilor Henderson referred to comments that the survey initially had a 51% opposition and asked what information people needed to change their minds and approve of the project. She asked if the project goes forward how they are going to make best use of that information and provide it to the citizens. Mr. Tuttle agreed and said that is what the survey questioning was trying to understand. He said what they heard were concerns about schools, transportation and open space. He said they need to provide information that schools will not be negatively impacted, if services to the development are paid for within the development and then illustrate the open spaces.

Councilor Henderson commented that Brookman is a long street with different topography. She said if Holt Group is going to do the road improvements, how can they improve it so they don't have to dig is up later. Ms. Hajduk responded that may be why the County has discussed a fee in lieu and may want to do more than is required. She said there are different funding options.

Mr. Galati responded that as part of the TSP they recognized the discussions with the City and the Washington County transportation officials and stated they recognized that development is not necessarily going to be phased in a way that the road can be entirely improved. He said development will provide pressure to get the road done and pressure for the County to become a partner. He said you

cannot build a road piecemeal. He said it will depend whether or not development is progressing quickly enough. He said if development is occurring there will be pressure to get the infrastructure improvements done quicker.

Assistant City Manager Tom Pessemier stated that when a development application of this size comes in there will be a transportation analysis specifically looking at intersections. He said there could be offsite improvements required as well to make sure the intersections are safe.

Council President Robinson asked about a Metro recommendation regarding the UGB and asked Ms. Hajduk if they postponed the recommendation to the October meeting. Ms. Hajduk said it is postponed to November 19, and said the Chief Operating Officer is recommending not expanding the UGB and potentially reviewing in three years.

Council President Robinson said if the Council does not approve the annexation and the recommendation is accepted in November, there will be no other residential development other than the existing limited supply. Ms. Hajduk said that is correct and there are 94 buildable acres in the City.

Council President Robinson said there would be pressure from the developers and property owners wanting to come in and there may be zone change requests from commercial and industrial land to residential land because of the lack of land. Ms. Hajduk said that is their expectation of what would happen.

Councilor Harris clarified that the homeowners that want the annexation, plan to sell their land so it can be developed. She referred to the owners that have indicated they don't want to sell their land and asked the Holt Group how this affects their plan. Mr. Tuttle said they do not have to sell their land and can remain on their property. He said if the annexation is approved then development will occur around them. He said this will take years to put it in place and the development will come in phases.

Councilor Harris referred to homeowner's comments that if the area is annexed into the City can they be grandfathered under their current laws and rules. Mr. Kilby said they would be treated under the non-conforming use chapter so long as they continue that practice in the way that they currently do today. He said if the property owner expanded the use or did something different they would require that they bring it into compliance with the current code. He said he spoke with Mr. Bartlett and he explained that his family has been in the area for a long time and he does auto restoration and raises a beef cow each year that he wants to continue to do if the area is annexed. He said they don't want to make people do what they don't want to do but they also don't want to create islands.

Councilor Harris asked how this affects the tax structure. Mr. Kilby said for every \$100,000 assessed the taxes will go up \$435 a year. Councilor Harris asked if they can be grandfathered out of that. Mr. Kilby said no but if they are in some sort of tax deferral they will remain in that deferral as long as they don't develop their property.

Mayor Clark said if they are just a single family dwelling they will be taxed at the value of that dwelling. Mr. Kilby commented on the amenities of the annexation such as police services, the ability to vote, fire services, sewer and water stubbed to the property.

Mayor Clark asked if the developer will pay for the services all the way to and throughout their development. Mr. Kilby said yes, to the property line. He said the City requires that when they develop they have to make utilities available to the next property.

Councilor Henderson asked if there is concern about the properties that don't wish to be annexed have utilities right of ways next to them or on them. Mr. Goodell responded that one of the properties is partially owned by a neighbor and referred to the two pan handle properties next to each other and commented that the case with the property on the right is that not all of the owners signed.

Councilor Harris clarified that the majority of the cost for the City will be staff time. Ms. Hajduk asked if she was referring to the cost of the annexation or the development. She commented on the annexation and said the applicant paid a deposit to cover staff time, the election, legal fees, etc. She said that is 100% cost recovery. She said there is a fee for submitting an application for a subdivision that is intended to cover the cost of staff time.

Councilor Henderson asked the City Recorder what the approximate cost is to put something on the ballot. The City Recorder responded that the formula provided by the County Election Office is \$1.50 per registered voter. She said that is the formula she uses when they budget. She noted the costs fluctuate based on all of the other election participants. She stated it is a shared cost so it is difficult to determine the specific cost.

Mayor Clark said if this is approved to go on the ballot is it the City's onus to pay that fee. Ms. Murphy said the City will be invoiced by Washington County. Ms. Hajduk noted that the applicants deposit is intended to cover that cost and historically it has.

Councilor Henderson asked if Ms. Hajduk was referring to the \$7500 fee. Ms. Hajduk replied yes. Councilor Henderson noted that Sherwood has approximately 10,000 registered voters so that will not cover the cost.

Councilor King said it is based on the percentage of what is on the ballot.

City Manager Gall reminded the Council that the November ballot will include a county wide Library Levy, a Public Safety Levy and Tigard has three Charter Amendments.

Ms. Hajduk reminded the Council that it is a deposit and if the fees were to exceed that the City would request the additional money.

Councilor Henderson referred to the marketing plan and said if this annexation is placed on the ballot and fails it may result in the Library Levy to fail and that would dramatically impact our ability to provide services for the City and residents that utilize the Library. Mr. Tuttle said he appreciates that issue and they intend to fully run a campaign for the annexation to the point that it will offer support for other items on the ballot. He said there will be an education process with the community and they have a plan in place.

Councilor King asked how much has been budgeted for the campaign. Mr. Tuttle said they have budgeted over \$200,000 for the campaign.

Councilor Henderson asked how they will respond to questions regarding the affordability of the homes. Mr. Tuttle said the homes will be consistent with the surrounding neighborhoods.

Mayor Clark asked what the target price is. Mr. Tuttle said it will be comparable with the Sherwood market but noted they are 3 years from delivering a home and it is difficult to speak to a target price.

With no further questions from Council, Mayor Clark closed the public hearing.

Mayor Clark called for a recess at 8:40 pm and reconvened at 8:46 pm.

Councilor Harris commented that the applicant has presented the information well and seems to be dedicated to the cause. She does not personally agree that it is time for the annexation but believes the citizens should be able to vote on the issue.

Councilor Kuiper said she appreciated the discussion regarding the applicant's campaign and said it will be a challenge. She noted the property has been in the UGB for quite a while and is designated for development. She agrees that it should be on the ballot for the citizen's vote.

Council President Robinson referred to comments that the public has paid for sewer service to come out to this development and asked Ms. Hajduk to clarify. Ms. Hajduk said the sanitary sewer line was extended to the northern portion of the Brookman area. She said SDCs paid for the line to be extended, so it was paid for by development that already occurred. She said it was not tax dollars.

Council President Robinson stated that there was not much education in the two previous annexation attempts. She said part of the education should include what the alternative is to not approving the annexation. She said they need to educate the public that if this is not developed and what is left to develop. She noted that Sherwood has continuously been ranked as one of the greatest places to live in the country and that encourages people to move here whether we like it or not. She stated there will be more growth in Sherwood and she would rather see a designated area developed that has been set aside in the UGB, versus getting applications from developers to turn commercial property into residential. She said she is in favor of putting this annexation on the ballot with the expectation that the developer will do a better job than the last two attempts to emphasize that their development can be similar to what Sherwood has now. She referred to ways in which a developer can make things better and provided examples. She stated she is in favor of putting the measure on the ballot.

Councilor King referred to the importance of the education component and said he is convinced this is worth pursuing. He said it is important to realize that with expansion they are making the pie bigger and the costs are being spread out which should benefit all the taxpayers in town.

Councilor Brouse agreed with Councilor King and said the concerns she has heard from citizens are transportation, schools and open space. She said the applicant has responded to those concerns. She referred to Mr. Shannon's letter regarding the 2011 Annexation Proposal and asked if there is any validity in that option. Ms. Hajduk said the City initiated annexation process does not require property owner's support. She said the registered voters are the only ones that can decide. She said in 2011 the annexation failed with 2/3 of the registered voters against it. She said it would be nice to have the whole area annexed but from a technical standpoint it is not necessary. Councilor Brouse stated she is in support of placing this on the ballot.

Councilor Henderson said she appreciates the dialogue on this issue. She is confused about which properties will be included and the various options and stated this has to be clarified.

Mayor Clark agreed with Councilor Henderson on the need for clarity. She commented on the importance of continuing the issue from the previous meeting in order to have time to consider all of the information. She agreed with Councilor Harris that even though she may not be 100% on board with the annexation, the applicant has completed the annexation process and it fits the code and now the voters should decide.

Mr. Kilby said the original proposal includes eight properties and referred to the three starred properties and noted that the only one that said they did not want their property included is the Bartlett property.

Ms. Hajduk referred to comments from Ms. David, who owns the starred narrow property and who said she was not notified. She asked Ms. David her position on the annexation and she responded from the audience that she is unsure.

Mr. Kilby presented the second option which is the original proposal minus the Bartlett property. He said that reduces the annexation from 84.21 acres to 82.21 acres.

Mayor Clark asked how many tax lots are in the second option. Mr. Kilby said the original minus Bartlett would be 7 tax lots.

Mr. Kilby said another option is the original proposal plus the five properties that have requested to be part of the annexation, which include the Bissetts, the Clarks and Richards (who own three parcels), and the Millers. He said this option would be twelve total parcels and 101.79 acres.

Mr. Kilby said another option is the original proposal plus the five properties that have requested to be added, minus the Bartlett property which would include an annexation of 99.79 acres.

Mr. Kilby said in total there are 5 alternatives before the Council with one being to deny the application. He stated each resolution option has a map as an exhibit and a subsequent Order.

Councilor Henderson referred to a letter dated August 4, 2015 from the Bartlett's and clarified that if the Bartlett property is included in the annexation they can continue to use their property for as long as they want to in the current use. She said if the Bartlett property is not annexed in and they want to eventually develop they would have to petition that parcel individually. Mr. Kilby said that is correct. He said this option will create an island because the City is requesting the right of way to come in.

Councilor Henderson asked Legal Counsel about the EFU. Ms. Rickerts asked if the Bartlett property is zoned EFU. Mr. Kilby said it is zoned Future Development 20 (FD20) and would be protected under the non-conforming clause.

Councilor Kuiper referred to the option that includes the five properties that have requested to be added and asked about density. Mr. Kilby said they are zoned the same, MDRL or MDRH. He stated the difference between MDRL and MDRH is MDRL is 5.5 units to 8 units. He said MDRH is 5.7 units to 11

units per acre. He stated the concept plan presented today is aspirational on behalf of the applicant. He said ultimately they will all have to meet the development code.

Mayor Clark referred to the original request and asked if the 82.21 acres and the 7 tax lots would include removing the Bartlett's. Mr. Kilby said that is correct.

Mayor Clark said she would approve either the original resolution with 84.21 acres or removing the Bartlett property with 82.21 acres and 7 tax lots.

Council President Robinson said she would support the original request plus the 5 properties that want to be included. She said the Bartlett property can continue using the property as they wish but this would save a step down the road for bringing them into the City limits. She said that would include 101.79 acres consisting of 13 tax lots.

Councilors Harris, King and Brouse stated that is also the resolution they would support.

Councilor Kuiper agreed and said that would prevent them from having to go through another request.

Mayor Clark clarified that the applicant has an aspirational plan so adding the addition acreage would not make those owners subject to the applicant's plan. Mr. Kilby said yes, they will not be subject to the plan nor will the three properties that have not signed options with the applicant to develop. He reminded the Council that the applicants plan is aspirational and added that you typically don't see developers move out to the edge of the UGB and develop high density apartments, especially in an area like this. He said we are likely to see a continuation of single family development in this area. He said that is what it is zoned for and all of the residential zones allow for single family homes to be built. He referred to the Metro Housing Preference survey which shows that there is a strong demand for single family detached homes in the suburbs.

Mayor Clark said she is in support of letting the citizens decide and asked for a motion.

**MOTION: FROM COUNCIL PRESIDENT ROBINSON TO ADOPT RESOLUTION 2015-068 WITH THE VERSION OF THE ORIGINAL REQUEST PLUS FIVE PARCELS THAT REQUESTED TO BE ADDED AT THE PUBLIC HEARING AS REFLECTED ON PAGE 167 THROUGH 178 OF THE COUNCIL PACKET, SECONDED BY COUNCILOR KING.**

*Record Note: The Resolution and Order reflected in pages 167-178 of the meeting packet are as follows:*

***Resolution 2015-068 calling an election on and approving a ballot title, summary, and explanatory statement for the annexation of 13 tax lots comprising 101.79 acres of land in the Brookman Road Plan Area for the November 3, 2015 election.***

***Order 2015-001 In the matter of annexation of 101.79 acres known as the Brookman Annexation, City File Number AN 15-01***

Mr. Kilby asked Ms. Rickter if the Council should approve the Resolution and the Order together.

Ms. Rickter said Council should make a motion approving the resolution and the order shown on pages 167 through 172.

Council President Robinson agreed to the suggestion and Councilor King agreed to second the motion.

**MOTION PASSED 7:0. ALL MEMBERS VOTED IN FAVOR.**

**B. Order 2015-001 In the matter of annexation of 101.79 acres known as the Brookman Annexation, City File Number AN 15-01**

Councilor King exited at 9:10 pm.

**7. CITY MANAGER REPORT**

City Manager Joseph Gall commented on the unfortunate trestle fire in Sherwood that has generated local, regional and national interest. He said this was a loss to the community in terms of a historical icon. He applauded TVFR, the City and the Police Department in dealing with the issue. He said fortunately the fire was contained and no one was injured.

Mayor Clark addressed the next agenda item.

**8. COUNCIL ANNOUNCEMENTS**

Mayor Clark applauded TVFR and the Police Department for the phenomenal job on the trestle fire. She said this event has touched the hearts of the people of Sherwood. She noted the trestle was a historical monument and a piece of history that has been lost. She suggested working with the Historical Society and have a commemorative plaque put in place or something to commemorate the loss. She said she believes in turning tragedy into triumph and she would like to give tribute to this loss. She thanked everyone for their involvement in the Robin Hood Festival, including Mr. Gall for driving the award winning float. She thanked the Robin Hood Association for their support. She said she attended the Archery Competition and presented ribbons to the award winners. She announced that Sherwood hosted Japanese students for nine days and they stayed with Sherwood families. She said she attended the going away party and supports the Sister City program. She attended the Oregon Mayor's Conference in Cottage Grove and said it was a great experience and a chance to exchange ideas with other Mayor's. She encouraged everyone to attend Music on the Green on Wednesdays at 6:30 – 8:30 pm. She announced the YMCA Family Triathlon is August 15 and said she will be participating again this year. She announced the Chamber Golf Tournament is August 28 at Meriwether Golf Course. She said she attended the Chamber Breakfast and enjoyed the presentation by Superintendent Heather Cordie.

Councilor Harris announced that on August 12 at 6:30 pm author Jen Bosworth will be presenting her young adult novel "Struck" at the Library. She said over 1400 children participated in the Summer Reading program which is 16% more than last year and represents approximately 1/3 of the youth in Sherwood. She said the Library is emphasizing reading as a family. She said the Adult Reading program goes through August and Sherwood Library is leading the country in adult participation. She stated the Sherwood Library Summer Reading Program is funded by the Oregon State Library Ready to Read Grant. She said the program is also funded by WCCLS, City of Sherwood, and Friends of the Sherwood Library and she thanked all the businesses that sponsor the program.

Council President Robinson commented on the letter she received from PGE and as a homeowner it appeared to indicate that the City was the one to authorize the increase to the residents where in fact it is a cost that utilities elect to pass on to the customers and is not a City imposed tax. She stated that Sherwood charges all of the utilities the same and PGE elected to fall into this category and chose to pass it on to customers. She said she shares in the concerns of Mr. Stewart. She stated she has been working with the Chief of Police on an issue that has been continuing and noticed four times that there are semi-trucks in the parking lot of Walmart overnight which is against the code. She said she is working to have the code enforced and encouraged others to call the non-emergency line if they noticed violations. She welcomed City Attorney Josh Soper as the new in house attorney. She announced the Planning Commission has one vacancy with four applicants and interviews were conducted yesterday. She said the Budget Committee will be meeting on a quarterly basis and the next meeting is Thursday, August 13 at 6:30 pm.

Councilor Kuiper announced the City received the bids for the Dog Park on Friday, a contract has been signed and the groundbreaking will be in a few weeks and there will be a ribbon cutting. She said there will be Movies in the Park on Fridays in August. She said the Sherwood Main Street will have an Arts Walk on September 17.

Councilor Brouse apologized for not personally attending the previous meeting and thanked IT Director Brad Crawford to trying to patch her in via Skype. She stated she was in Columbia serving the community. She said there will be a T-Mobile ribbon cutting ceremony on Thursday at 6:00 pm. She said Cannery Row and Sherwood Main Street will host a mixer on August 18 at 5:30 pm. She stated the Onion Festival will be October 10.

Councilor Henderson noted that Bowmen cards are available for purchase from Sherwood High School football players. She said the Police Advisory Board will meet August 20 at 7:00 pm. She said Friday is a Hawaiian lunch party at the Senior Center. She said the Senior Center Steering Committee has openings for members.

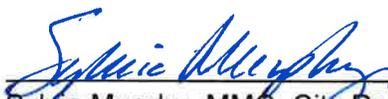
Mayor Clark addressed the next agenda item.

## 9. ADJOURN:

**MOTION: FROM COUNCILOR HARRIS TO ADJOURN, SECONDED BY COUNCILOR KUIPER. MOTION PASSED 6:0. ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCILOR KING WAS ABSENT).**

Mayor Clark adjourned the meeting at 9:35 pm.

Submitted by:

  
Sylvia Murphy, MMC, City Recorder

  
Krisanna Clark, Mayor