

Kurt Kristensen - M. Ed.
22520 SW Fair Oaks Ct.
Sherwood, OR 97140
503-625-2340

December 26, 2012

Ms. Michelle Miller, Associate Planner
Planning Department, City of Sherwood

Re: PA 12-04 Very Low Density Residential Text Amendment

Michelle Miller, Mr. Allen, Members of the Planning Commission and City Council
Representative, Ms. Clark:

According to City of Sherwood website (<https://www.sherwoodoregon.gov/vldr-pud-text-amendment-pa-12-04>), official mailings from Planning Department and a public solicitation mailing from Emerio Design (<http://emeriodesign.com/>), the latter firm has applied to the City of Sherwood to double the density requirements for the last remaining acreage (VLDR) within the City of Sherwood from two (2) per developable acre to four (4) per developable acre.

Emerio Design recently appeared in front of the City Council on behalf of a client to get approval for a PUD (Denali PUD) under the current VLDR limitations of two units per acre. City council approved a very feasible plan for an extremely challenged building site; it was accepted by council and most members of the public present.

The PA-12-04 application appears to be a direct confrontation with City Council and the public in order to push the density for not just the Denali PUD Subdivision, but the entire remaining acreage zoned VLDR within the City of Sherwood (Per proposal document, p. 1 of 8).

The proponent refers to the 2005 City Council authorized SE Sherwood Master Plan process and the subsequent 2006 City of Sherwood Planning Commission approval of the SE Sherwood Master Plan, Alternative B/C with a net density of 4.43 per buildable acre, following the connectivity, and Parks and Recreation lay-out.

According to the proposal four property owners hold parcels ranging from 11.63 acres to the 3.71 acres held by clients of applicants (First Community/Emerio Design), totalling 31 acres.

According to the proposal a doubling of the VLDR authorizing text allowing four units per buildable acre the list of property owners who would benefit increases to 7 (Proposal document, p. 2 of 8), with Mr. Huske, Chinn family and planning commission member Walker added and parcel sizes ranging from 11.63 to 3.06 acres.

The proposal refers to a technical memo from Ms. Hajduc to Mr. Cronin, but document is not available to public in foot notes to city website notice for PA 12-04

Under the compromise adoption by the Planning Commission in 2006 the City Council was asked to adopt the B/C recommendation calling for a 4.43 units per buildable lot (Proposal, p.4 of 8).

Applicant states that:

- (1) Allowing opportunities for increased density in the area of the SE Sherwood Master Plan will help make it economically feasible for development to pay for infrastructure. The proposed text amendment will not promote any changes to the adopted Transportation Systems Master Plan for the City of Sherwood.
- (2). The proposal is to incorporate elements of the SE Sherwood Master Plan into the development code so that the plan can be implemented. (Proposal, p. 7 of 8).

The current Planning Commission B/C SE Sherwood Master plan document show approximately 76 building units (Proposal, p. 1 of 8).

The proposal states that after the proposed doubling of the VLRM density allowance:

These six parcels total approximately 39 acres. Assuming 20% of the property is used for public streets, the resulting developable land totals approximately 31 acres. With 15% of that remaining acreage in open space (per the PUD requirements) and 10% set aside for water quality tract(s) the resulting developable land totals 23+ net buildable acres. When additional land is subtracted for a wooded open space on the Moser property as anticipated in the SESMP (4 acres +/-) there actually only 19 net buildable acres available (at a maximum) for development of single family homes (Proposal, p. 3 of 8). **Thus the proposal calls for approximately the same total acreage authorization as the already adopted master plan (4 x 19=76).**

It appears, however, that the beneficiaries are primarily 1-3 property owners.

The concerns that the Planning commission should carefully consider are:

1. Is it necessary since City Council and the public already have demonstrated adequate flexibility under current rules to provide for optimal building within the geological and environmental constraints.
2. Is there a chance that the SE Sherwood Master Plan design for additional city park and hiking paths will disappear within the small PUD approvals; the Denali PUD recently approved for applicant has already subsumed public access with vague assurance that open space will be maintained by homeowners.
3. Are there adequate City of Sherwood Planning constraints to enforce lay-outs of SE Sherwood Master plan B/C proposal for parks, hiking and environmental protection? The area is still in litigation with State of Oregon DEQ and property owners, and there are increasing environmental concerns about City's ability to require installation of and maintenance of an adequate area-wide SE Sherwood storm sewer system to protect adjacent wetlands and existing property owners in Fairoaks Subdivision (The entire area is mostly solid rock below 12"). Wetland owners and downstream property owners may require City of Sherwood to conduct an environmental impact assessment if further modifications are proposed.
4. The Development of the current Planning Commission Master Plan B/C for SE Sherwood took over three years to develop with multiple public meetings; the City of Sherwood City Council has, perhaps, violated the intent of the hearing process by not even placing it on a subsequent City Council Agenda between 2006-2013. It's possible that anything short of a City Council 2013 adoption of the current SE Sherwood Master Plan already adopted by the City's Planning Commission in 2006 may provide an opening for contesting a modification.

My analysis and historical involvement as a community representative for SE Sherwood and a property owner down stream from the proposed development acreage indicates that this text amendment is premature, and, perhaps unnecessary. There is a possibility it may introduce a harmful and short-sighted legal factor.

I recommend:

1. Planning commission re-refer their already adopted SE-Sherwood Master plan to the new 2013 City Council for adoption, with a strong recommendation that it be placed on a 2013 City Council Agenda for adoption.
2. Planning Commission ask Planning Department to prepare, in collaboration with Oregon DEQ, an environmental negotiated agreement between the City of Sherwood and all seven (7) property owners for submission to City Council, to assure city residents that area is developed with full assurance by DEQ that all identified pollutants are removed from within the City of Sherwood before any building permit is issued by the City of Sherwood. THE PUBLIC HEARINGS WERE VERY CLEAR THAT THE PUBLIC DID NOT FIND DATA CONVINCING TO ALLOW DEVELOPMENT OF FAMILY RESIDENCES UNTIL ALL POLLUTANTS WERE REMOVED. It is recognized that individual property owners cannot financially carry removal of pollutants, and thus have pressured DEQ to allow on-site-in perpetuity permission to leave pollutants to remain in earth embankments without any fenced containments, public signage and escrow accounts to assure maintenance and environmental protection. The City of Sherwood has, so far, resisted the community's suggestion to create a SE Sherwood improvement taxation area to fund environmental concerns of the life of proposed residences.

3. The Planning Commission vote to table the applicant's text proposal, without prejudice, until such a time as the SE Sherwood Master plan already adopted by the City of Sherwood Planning commission has been approved by a 2013 City Council.

Respectfully,

Kurt Kristensen

cc. SE Sherwood residents

References:

(1) DEQ

<http://public.health.oregon.gov/HealthyEnvironments/TrackingAssessment/EnvironmentalHealth>

http://public.health.oregon.gov/HealthyEnvironments/TrackingAssessment/EnvironmentalHealthAssessment/Documents/PHA_KFF_Final_021308.pdf

(2) Litigation

http://www.leg.state.or.us/press_releases/wingard_071311.pdf

http://arcweb.sos.state.or.us/pages/rules/bulletin/0711_bulletin/0711_othnotices_bulletin.html

Bruce Gillis communication 9-21-2012 stating: "The settlement is before the Oregon Court of Appeals as the plaintiff appealed the district court's approval and entry of the settlement. We hope this process is resolved by spring 2013..."

Michelle Miller

From: Kurt Kristensen <kurtk@poetspeak.com>
Sent: Wednesday, December 26, 2012 8:33 AM
To: Michelle Miller
Subject: Planning Commission Meeting on January 8, 2013 at 7 PM at City Hall

December 26, 2012

Dear people:

I strongly recommend that you plan to attend the planning commission meeting on Jan 8 at 7 PM at City Hall. The application for doubling density for SE Sherwood will impact you and the neighborhood.

<http://www.sherwoodoregon.gov/vldr-pud-text-amendment-pa-12-04>

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http://public.health.oregon.gov/HealthyEnvironments/TrackingAssessment/EnvironmentalHealthAssessment/Documents/PHA_KFF_Final_021308.pdf

(2) Litigation

http://www.leg.state.or.us/press_releases/wingard_071311.pdf

http://arcweb.sos.state.or.us/pages/rules/bulletin/0711_bulletin/0711_othnotices_bulletin.html

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