



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, March 7, 2017

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

6:15 pm Work Session

7:00 pm City Council Regular Meeting

Executive Session

(Pursuant to ORS192.660(2)(e), Real Property Transactions)



Home of the Tualatin River National Wildlife Refuge

6:15 PM WORK SESSION

1. **Smart Growth Conference-Lessons Learned (J. Hajduk)**

REGULAR SESSION

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **APPROVAL OF AGENDA**

5. **CONSENT AGENDA**

- A. **Approval of February 21, 2017 City Council Meeting Minutes**

6. **CITIZEN COMMENTS**

7. **PRESENTATIONS**

- A. **Recognition of Eagle Scout Award Recipient**

8. **NEW BUSINESS**

- A. **Resolution 2017-014 Assessing Sidewalk Construction Costs on 16492 SW Redtwig Drive, Sherwood, OR 97140 and Directing the City Recorder to Enter Such Assessments in the City's Lien Docket (David Janusz, Dept. Program Coordinator)**

- B. **Resolution 2017-015 Assessing Sidewalk Construction Costs on 23981 SW Redfern Drive, Sherwood, OR 97140 and Directing the City Recorder to Enter Such Assessments in the City's Lien Docket (David Janusz, Dept. Program Coordinator)**

9. **PUBLIC HEARING**

- A. **Ordinance 2016-016 Amending the Comprehensive Plan and Zoning Map to redesignate approximately 2.66 Acres of a 5.86 acre site from General Commercial to Medium Density Residential High (Connie Randall, Planning Manager) (First Reading)**

10. **CITY MANAGER REPORT**

AGENDA

SHERWOOD CITY COUNCIL
March 7, 2017

6:15 pm Work Session

7:00 pm Regular Meeting

Executive Session
(ORS 192.660(2)(e), Real Property)

Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140

11. COUNCIL ANNOUNCEMENTS

12. ADJOURN to Executive Session

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, by the Thursday prior to a Council meeting. Council agendas are also posted at the Sherwood Library/City Hall, the Sherwood YMCA, the Senior Center, and the Sherwood Post Office. Council meeting materials are available at the Sherwood Public Library. **To Schedule a Presentation before Council:** If you would like to schedule a presentation before the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or murphys@sherwoodoregon.gov



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
February 21, 2017

WORK SESSION

1. **CALL TO ORDER:** Council President Harris called the meeting to order at 6:00 pm.
2. **COUNCIL PRESENT:** Council President Jennifer Harris, Councilors Jennifer Kuiper, Kim Young and Sean Garland. Mayor Krisanna Clark arrived at 6:47 pm and Councilors Dan King and Sally Robinson were absent.
3. **STAFF PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Police Chief Jeff Groth, City Attorney Josh Soper, Community Development Director Julia Hajduk, Finance Director Katie Henry, Administrative Assistant Colleen Resch, and City Recorder Sylvia Murphy.

4. TOPICS:

A. Tannery EPA Grant Project Update

Community Development Director Julia Hajduk provided a presentation (see Record, Exhibit A) and introduced consultants Michelle Peterson and Chuck Esler with Amec Foster Wheeler. She stated the purpose of the work session is to inform the Council of the progress and get input on direction for moving forward with cleanup planning. She provided background and noted the Tannery site was in operation through the 1940s and closed in the early 1990s. She said there were a number of events that caused contamination. She said in the early 2000s DEQ began investigating sedimentation on a portion of the property and there were some cleanup activities on a portion of the site. She stated the Tannery site is comprised of several tax lots and some have been cleaned up. She said between 2010 and 2014 the two properties we will be discussing were foreclosed upon by Washington County and there is no known property owner. She stated in 2014 the City applied for and received a Brownfields Site Assessment Grant. She noted the City is investigating the property and considering acquiring it because it is underused, vacant, has potential, is zoned light industrial and could be used as the Public Works department yard. She said before the City acquires the property they must understand the issues. She stated the County through the foreclosure process can acquire the property without having any additional liability. She said if the City knowingly acquires the property with contamination there will be liability. She said the issues and risks need to be identified along with the liability and cleanup issues in order to enter a Potential Purchaser Agreement (PPA) with DEQ. She stated a PPA is an agreement that defines the limits of your liability.

She referred to the page 6 of the presentation and explained why the City is considering moving the Public Works (PW) yard to this location. She said the exiting PW yard is within Old Town, is split zoned between

high density residential and retail commercial, is 3.75 acres and there is a possibility for redevelopment opportunities. She said the Tannery site is 27.28 acres and only 8 acres are buildable because of wetlands and flood plain, its zoned industrial and there are a number of partnership opportunities.

Michelle Peterson said page 7 and 8 are a condensed version of the presentation they gave at the second public meeting they were required to do under the grant. She commented on the sampling plan and said page 7 shows three tax lots that have been investigated in the past. She said tax lot 602 and 600 are the two properties that are covered by the grant. She said DEQ did an investigation in 2003-2004 and the ownership of tax lot 602 was unknown so there was no investigation on that portion. She stated they did investigate tax lot 600 and 400 so they did have that information. She referred to page 8 and said the grey area with the black dots are the areas they investigated under the grant to complete the investigation that DEQ initiated. She said the other colored dots around that grey tax lot are what DEQ actually completed during their investigation in 2003-2004. She stated that DEQ's assessment looked at a diverse range of media and there is a lot of sampling locations and did a nice job in getting robust data to evaluate what the issues were. She referred to page 9 and said this focuses on what the primary impacts are at the site and those impacts are aligned with historical features associated with the tannery operations. She noted the area in red is where the old hide-split landfill is and part of the operation was to do something with the portions of the hides that were not valuable and they put a lot of them in this area. She said the yellow circles on tax lot 602 are historical aeration ponds which was their first line of treatment for the liquid waste from the tannery processes. She stated the green areas are the sedimentation lagoons which were the secondary treatment areas for the tannery processes. She said the pale green areas are areas down gradient of the breaches in the lagoon which were breached as groundwater becomes surface water during the winter time. She said they breached them at the time so they didn't create a nuisance or a hazard by allowing water to accumulate so breaching the lagoons ensured that water would not accumulate to a point where it would be a pool or a pond. She said where they breached the lagoon, a little bit of the materials from the lagoons made its way outside but didn't go very far. She said the smallest pale green circle near the top of the area is a little bit of sediment impact in the bed at Rock Creek. She stated the black dots are where the areas of human health risks are at the site. She said they are association with one detection of arsenic and lead that exceed potential health risks to occupational workers or excavation workers. She noted that by far the majority of the metals data set they examined are the areas where the metals are concentrated in places that are associated with the historic uses, such as the hid-split landfill and the aeration ponds and sedimentation lagoons. She stated when you move horizontally away or vertically below those features the concentrations of metals in the soil drop to background levels very quickly. She referred to ecological risks on page 10 and said the pink outlined areas are what has been defined as a "chromium management area" and that area is based on an evaluation of a threatened and endangered species. She said it is close to the Wildlife Refuge and there is a bald eagle nest there and back in 2003-2004 they were an endangered species. She said the pink outline identifies where there is are chromium concentrations that would contribute to unacceptable risks at the individual level. She said there are a handful of sample locations outside the pink lines where other metals contribute to potential risks but they are few and far between and may not contribute to anything significant. She said the pink lines are where DEQ felt ecological risks needed to be addressed and the evaluation they performed for ecological risks back in 2003 is still a valid approach so the expansion they did was to include the area of the hide-split landfill and a little bit of area around the north aeration pond. She said in terms of redeveloping the site we need to be aware of where the soil concentrations are.

Julia stated there is very little human health risks but there is still an environmental risk that needs to be managed. She referred to the project status on page 11 and said the site assessment of contamination is

complete and we know the extent of the contamination and the risks to human health and ecological receptors and the results have been shared with the public. She stated they have had two public meetings discussing the project, the information is on the City's website and the information has been shared with the EPA and DEQ. She said there was a meeting in July 2015 and July 2016 and as part of that they partnered with Washington County Public Health and they helped facilitate the ATSDR Action Model to solicit community input during these meetings. She stated they have had initial conversations with DEQ about the prospective purchase plan (PPA).

Michelle said the site assessment plan is complete and this leads to the cleanup planning step. She said they know what the issues are and need to have a plan. She said they can build a cleanup plan in a really wide array of ways and they need input from the Council so they can frame out the cleanup alternatives and the public benefit for the reuse of the property that will help DEQ see the value of moving forward with the PPA.

Julia said the grant is scheduled through the end of October and they may request an extension. She said as the consultants began developing cleanup alternatives they realized they needed input from the City to narrow down the scope.

Michelle noted that DEQ has done a lot of work in advance and they focused their efforts on filling in the gaps. She said in terms of cleanup the DEQ also put together a feasibility study for this project when they understood it was just a vacant lot with no plans for future use and they only looked at the larger piece with the sedimentation lagoons. She said when they started to break down how DEQ formed their assumptions they realized that they may be very different from the City's vision for the property. She said they need to know where the City wants to take this project and to what level so they can build a cleanup plan that the City can execute. She said the cleanup plan's selected alternative forms a basis for the level of work that the City is going to commit to doing in the PPA which is why input is important.

Chuck added that if it is possible they would like to marry both what might be remedied and what might be redevelopment.

City Manager Gall asked how well attended the two public meetings were. Julia said they were moderately attended and some were neighbors of the property who were concerned about traffic and noise. Mr. Gall asked what if the City decides not to purchase the property. Julia said the County will have all the information from this project and can sell to another prospective purchaser. She referred to the County and their foreclosure process and said they are willing and open to selling it to the City for essentially the back taxes.

Councilor Kuiper asked how much liability the City will entail by taking on this property and said the liability will be different depending on what is developed and noted the human risk is not that great. Michelle said that it true for the receptors that were evaluated in the risk assessment and said this is an industrially zoned property so they did not take into account a residential use. Councilor Kuiper said if we are considering a PW yard and there is an opportunities to work with partners to open up the area then you are opening up risks to the ecological piece and there is a liability there. She said if we get a PPA with the DEQ will it absolve us from liability at the State level and asked if there are other ways to limit the liability.

Chuck said there are insurance tools which would share the risk. Michelle said one way to limit liability is looking at the magnitude of cleanup you choose to employ. She said if you cleanup to the levels that are

protective to the human and ecological receptors then you are done and you have mitigated all of the risk associated with contamination. Councilor Kuiper asked if that is what DEQ wants us to do. Michelle said no, and said they will be happy to see the property go back into some form of productive use. She said it has been over a decade since they did their work and will have a relatively low bar for providing public benefit for redeveloping the property. She said if you can demonstrate a public benefit then defining how much liability you choose to take on as long as you are providing some protection to the environment and human receptors then whether or not you cleanup to perfectly clean or to the partially clean but still sufficient is within the realm of negotiation.

Councilor Kuiper asked if Public Works Director Craig Sheldon is interested in the property. Julia said he is interested and the issue is timing and funding. She asked the Council how comfortable they are proceeding without having funding in place for cleanup. She stated they have identified potentials and have spoken with the State Regional Solutions Team and there may be grants available.

Michelle discussed the costs that may be associated with cleanup and said they need to decide what to do with the hide-splits that are present onsite and what to do with the contaminated soil and sediment. She said these two items will be the bulk of the cleanup. She addressed the hides and said they have a quote from Waste Management for what it would cost for them to take the hides and it would cost \$45 per ton and they estimated over 25,000 tons of hides which equals about \$2 million for disposal. She said this site has great potential and the cleanup is not too complex.

Mr. Gall said if this becomes a PW yard is the City required to remove the hides. Chuck said one option is to leave them onsite and possibly design a burial area.

Michelle provided the Council with maps (see record, Exhibit B) and discussed the wetlands and areas of contamination. She said the large map is the result of a wetland assessment report that was one of two assessments done under the grant to evaluate and define where the wetlands are. She said the heavy black line represents the approximate area that she thought the City might be able to use for a PW yard. She said this is 8 acres and noted that within the area there are 3 areas of wetlands amounting to about 2 acres. Michelle referred to the second map which shows an overlay of the hide-split landfill and said the blue area is wetlands, the tan is the uplands, and the red dots are areas where there is contaminated soil or sediment that would need to be addressed in the cleanup. Discussion followed regarding managing contamination onsite versus taking it offsite and how the regulatory agencies would feel about the decision.

Councilor Kuiper asked if we could request a lot line adjustment from Washington County. Julia responded and said she guesses that the County would prefer to give the City all the property as opposed to only the good stuff. Councilor Kuiper said that since they don't have any liability there might be an opportunity for them to do more partnering. Julia said the purpose of this is for input and to return in a month with assumptions of how to move forward with the cleanup plan.

Michelle said the next series of questions deal with cleaning up the property and how we manage the hides and the contaminated soil. She said in terms of the hides, that was one thing that was pretty consistent in the public meetings that most people preferred to have them disposed offsite unless they can be contained and demonstrated that there is no human risk.

Councilor Kuiper asked about developing on top of the hides. Chuck said it could be explored. Michelle said technical considerations are a factor depending on how you choose to build and whether or not you leave

the hides onsite and where you leave them is one of the variables of how they get addressed in the engineering design.

Mr. Gall referred to the question of will the City require full cleanup or cleanup to acceptable levels and said he needs to know the options and the costs so he can compare and contrast. Councilor Kuiper said we need to know what PW wants to do. Michelle said one of the challenges to constructing a cleanup plan is to determine how many alternatives you want developed and how many alternatives do you want priced. She said in terms of EPA Brownsfield grants you don't have to do a lot to satisfy the EPA or DEQ so it comes down to how many alternatives will the City feel satisfied with and noted they can't examine less than three alternatives. Julia asked the Council for general direction by the next meeting and asked what information they need to agree to consider onsite management, etc.

Councilor Kuiper said if the hides are managed onsite she would need to know where a potential PW building would be and where the hides would be and if they would need to be moved within the property. She said she would need to know what managing the hides onsite would look like. Michelle said those are all viable options and the uplands versus a sedimentation lagoon cell onsite would depend on how much of the upland site might be constrained by what this containment facility would look like. She said any time you leave material onsite in a containment facility you will have a requirement to maintain the facility. She stated that may mean somewhere between a quarterly and an annual inspection with a simple checklist to see if there is degradation or breakdown of the barriers. She said if there is a problem with the containment there will be a cost associated with maintenance. Chuck noted that you may end up with a solid waste letter of authorization because there will be waste materials onsite permanently.

Assistant City Manager Tom Pessemier asked if they plan to move the hide-splits down to the pond area and asked how that would affect the wetlands. Michelle said there would probably be a requirement to do some mitigation for the loss of that wetland but said the benefit is if the City acquires all the property you can do a lot of wetland mitigation on the remainder of the property so you don't have to look for another site or pay another agency, you are just enhancing your own property which is a simpler way of mitigating for the loss of a wetland. She said there is an impact of using the wetland for an onsite containment facility that would have to be negotiated and will require additional work.

Julia referred to the project schedule on page 15 and said they will spend the next month gathering data to present at a work session in April in order to get more direction on assumptions they want included in the alternatives analysis. She said they will then begin preparing the Alternative Brownfield Cleanup Analysis (ABCA) which will be presented at a work session or meeting. She said the grant will end with the finalization of the ABCA which is November 2017. She stated the City must acquire the property prior to applying for the cleanup grant. Michelle said before the City acquires the property they need to do phase 1 which lists the environmental liabilities and it will make certain that they are eligible for Brownfield cleanup funding. She said if the City decides they want to pursue this property they need to get phase 1 on the calendar to be done between 6 month and 12 months prior to acquiring the property.

Councilor Kuiper asked if they have enough direction. Julia said she heard there is an openness to consider onsite but they need more information regarding the risks.

5. ADJOURN:

Council President Harris adjourned at 6:55 pm and convened to a regular session.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Clark called the meeting to order at 7:08 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Jennifer Harris, Councilors Kim Young, Jennifer Kuiper, Sally Robinson, and Sean Garland. Councilor Dan King was absent.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Police Chief Jeff Groth, Police Captain Mark Daniel, Community Development Director Julia Hajduk, Community Services Director Kristen Switzer, Library Manager Adrienne Doman Calkins, Planning Manager Connie Randall, Finance Director Katie Henry, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.

4. APPROVAL OF AGENDA:

MOTION: FROM COUNCIL PRESIDENT HARRIS TO APPROVE THE AGENDA, SECONDED BY COUNCILOR KUIPER. MOTION PASSED 6:0. ALL MEMBERS VOTED IN FAVOR (COUNCILOR KING WAS ABSENT).

Mayor Clark addressed the next item on the agenda and asked for a motion.

5. CONSENT AGENDA:

- A. **Approval of February 7, 2017 City Council Meeting Minutes**
- B. **Resolution 2017-009 forming a Technical Advisory Committee and a Community Advisory Committee for the Comprehensive Plan update process and establishing the appointment process for members on the committees**
- C. **Resolution 2017-010 Authorizing the City Manager to issue a Purchase Offer regarding the Willamette River Water Intake Facility**
- D. **Resolution 2017-011 Authorizing the City Manager to execute an Intergovernmental Agreement (IGA) with Washington County for planning authority regarding the partition of parcel 2S1200002000**

MOTION: FROM COUNCILOR KUIPER TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR ROBINSON. MOTION PASSED 6:0. ALL MEMBERS VOTED IN FAVOR (COUNCILOR KING WAS ABSENT).

Mayor Clark addressed the next item on the agenda.

6. CITIZEN COMMENTS:

John Rasberry, Sherwood resident came forward and asked the City Council for their vision for the Recreation and Aquatic Facility in the future. He asked if it is viewed as a community center administered by a nonprofit that serves the whole of the community with fee assistance and programs that are inclusive or is it a building asset to be leased to a for profit operator with the objective of making a profit. He suggested having this discussion before any RFPs are made and said the decision should be made by the citizens.

Tess Kies, Sherwood resident approached the Council and read a statement. She apologized for her outburst at the last Council meeting. She said Susan Claus was incorrect in stating that the measure we are trying to get on the ballot is pro the Y and nothing else. She stated it is a way to have the citizens decide on who they want to run the facility. She said the YMCA is community based and oriented and offers programs for everyone including teens, elder adults and military discounts and provides childcare during workout times. She said the Y also gives scholarships to kids who can't afford to go to camp and gives membership financial aid to those in need. She said she is confused as to why the Mayor and the Council are searching for a competing contractor to operate the facility in place of the Y. She addressed the fact that Councilor Robinson said the City does not have access to the Y and said it is not true. She said the Mayor has appointed council liaisons for other committees except the Y and the feasibility study noted that. She said per the existing Y agreement the City officials can enter the facility at any time and says the City may have up to 4 City representative on the Y Board. She said she wants the Y to continue to be a part of this community. She said she has lived in Sherwood for 37 years and expects the best from Sherwood leaders based on what is best for the majority of our citizens and not any other agenda.

Neil Yancey, owner of NW All Phase Construction in Sherwood came forward and said he and his wife are active in the community and understand the importance of involvement. He said he supports nonprofits that support the community and the YMCA is one of them. He asked why do an RFP when the feasibility study has evidence that the YMCA is the lowest cost provider with the most programs for the families and the community and has over \$300,000 in scholarships annually. He said this would not happen with a for profit organization. He asked how the Council justifies the estimated \$5 million loss by bringing in a for profit provider and asked who is paying for the RFP.

Nancy Taylor, Sherwood resident approached the Council and said the Y socializes the costs and privatizes the profit. She referred to the West Hills Recreational Center in Hillsboro and said they are run as a nonprofit by the City's and the Parks District. She said they are lovely and do not have a religious bend. She said Sherwood should visit other facilities. She stated if we keep the facility the City needs to invest about \$5 million to clean it up and probably \$15 million to make it better. She said the Council should consider how much they want to invest. She noted if the interest in the RFP is low and the costs look high the City should consider selling the property.

Alan Pearson, Sherwood resident came forward and referred to the feasibility study and said this is a City owned property and a building that was built 18 years ago when the population was 5,000 and now is about 20,000 and still growing. He said the recommendations by the study are to enlarge the pool, offices, locker rooms, etc. He said they did not provide a price tag for upgrading the building. He said the purpose of government is to manage conflict and this has created conflict. He said he is not against the YMCA and asked if the City wants to continue to provide a recreational center. He said he applauds the City for having an RFP but said they should consider selling the money pit. He asked if we want to indebt the community with more debt to expand a building that has caused such conflict.

Jim Claus, Sherwood resident approached the Council and commented regarding the history of the YMCA. He said the Council inherited the YMCA issue and said they need to go through the RFP process. He said public hearings will be important to the process. He noted that the property is valuable.

Susan Claus, Sherwood resident came forward and referred to Tess's comments and quoted Ray Pitz's comments that stated the petition would amend the Charter to require a public vote if anyone other than the YMCA is the proposed operator. She said she did not misrepresent and this would keep the YMCA as

a monopoly. She commented on the monument removal in Old Town and asked if the ironwork could be preserved and suggested putting it on the Center for the Arts.

Mayor Clark asked City Manager Gall about the ironwork. He said they are being preserved but there is not a plan at this time.

Mayor Clark addressed the next item on the agenda.

7. PRESENTATIONS:

A. Recognition of Eagle Scout Award Recipients

Mayor Clark recognized and congratulated Caden Christensen and Dustin Hardman for obtaining the rank of Eagle Scout. Neither scout was present and Mayor Clark indicated the certificates would be mailed.

Mayor Clark addressed the next item on the agenda.

8. NEW BUSINESS:

A. Resolution 2017-012 Recommending restoring Recreational Immunity Rights

Mr. Gall said he would have the City Attorney explain the legalities of this issue and noted that it is tied to the Skate Park which will potentially be in the next budget. He said recreational immunity is a priority for the League of Oregon Cities this legislative session and they are asking cities to pass legislation restoring recreational immunity rights.

City Attorney Josh Soper recapped the staff report and said the origin of recreational immunity rights is the 1995 Public Lands Act which encouraged public and private landowners to make their land available to the public for recreational purposes by providing landowners immunity from tort liability. He said a recent Oregon Supreme Court decision undermined the immunity guaranteed in the Act, which could result in a severe reduction of land available to Oregonians for their recreational use and enjoyment. He said the court case has already resulted in the closure of a few high risk facilities. He stated the impact isn't significant yet as there is hope the legislature will fix the problem. He said if there is not a legislative fix there will probably be higher insurance premiums and more facility closures. He said Oregonians will have less access to public lands.

Mayor Clark encouraged Council to support this and send a message to the legislature that Sherwood wants recreational immunity rights restored.

Councilor Kuiper said she supports sending this message to the legislature.

Councilor Robinson asked Mr. Soper for the status of the legislature in terms of support for a fix. He said the LOC and Association of Oregon Counties are advocating for it.

With no further discussion Mayor Clark made the following motion.

MOTION: FROM MAYOR CLARK TO APPROVE RESOLUTION 2017-012 RECOMMENDING RESTORING RECREATIONAL IMMUNITY RIGHTS, SECONDED BY COUNCILOR GARLAND. MOTION PASSED 6:0. ALL MEMBERS VOTED IN FAVOR (COUNCILOR KING WAS ABSENT).

Mayor Clark addressed the next item on the agenda.

B. Resolution 2017-013 Directing City Manager to issue Request for Proposals (RFP) for Recreational and Aquatic Center Operations and Management Services

Mr. Gall said under the current operating agreement between the City and the YMCA if either the City or the YMCA does not wish to extend the operating agreement it must provide a one year notice to the other party by October 31, 2017. He said the Council saw a presentation from the consultant at the last meeting and one of the recommendations is to do a Request for Proposal (RFP) and he noted the Councilors wanted options. He said the RFP process will provide other options and said the staff report and resolution note the process must be done in a timely manner and there are suggested dates. He said the Council needs enough time to make an informed decision. He said from a business standpoint it is good to get options. He stated the YMCA has indicated that they will submit a proposal and want to stay in Sherwood. He said this is a request to move forward.

Councilor Kuiper said a citizen asked how much it costs to put together an RFP and how much time was involved. Mr. Gall said there is time involved but that is our job. He estimated it may take 4 to 6 hours and noted that Wilsonville and other cities have also gone through this process.

Councilor Robinson said she sees this resolution as a step in a larger picture review of the options and she would like to see Mr. Gall inquire about the YMCA's willingness to want to purchase the building. She said the City should have an architect provide a list of items that need to be fixed with a list of priorities. She asked Mr. Gall what that would cost. Mr. Gall said he meets with Bob Hall and COO Mark Burris every two months and they just met yesterday and discussed both of those scenarios. He said he has had conversations with the YMCA leadership regarding the "what ifs" and if they would be interested in purchasing the building. He stated they have not definitively said yes or no. He said if they do consider purchasing that could be an alternative proposal they could submit in response to the RFP. He stated the City is considering having the property appraised to determine the value in case they do decide to sell. He said the YMCA would also like to know the value. He stated the building is 18 years old and will need improvements. He noted the importance of an independent analysis of the building.

Councilor Robinson said she would like staff to set up a meeting to allow the public to give additional comments that are not limited to citizen comments within a regular Council meeting. She said there has been a misperception that Council is set on one direction. She stated it would be helpful for her to hear more public input.

Councilor Garland recommended having a Town Hall meeting after the RFPs have been submitted so there is information that can be shared and options to consider. He said there needs to be a forum for people to speak.

Mayor Clark asked if the City generally shares RFPs with the public. She said generally staff makes a decision on the RFPs by going through a proposal system.

Mr. Gall said Council could have an open house prior to receiving proposals to determine the community's vision for the facility. He said another option is to wait until the RFPs are submitted and then have a listening session in response to the proposals received.

Councilor Kuiper referred to the RFP and asked about the scope. Mr. Gall said it is an art and you don't want to have an RFP that is too restrictive where you won't get any creativity and you don't want it so broad that you can't compare the proposals easily. He said he only anticipated receiving a few proposals.

Councilor Kuiper asked about the possibility of selling the facility and suggested continuing to explore that option.

Mr. Gall said in order to make an informed choice the Council will want to have as much information as possible. He said not everyone will be happy with the decision one way or the other and noted YMCA has been a member of the community for 18 years.

Council President Harris suggested a listening session with the public prior to receiving RFPs to discuss the realities and vision of the community and then having a second session after receiving the RFPs. Mr. Gall agreed that it is important to hear from the community.

Mayor Clark said the RFP process is part of the information gathering needed. She said it is important that everyone is heard.

Councilor Young agreed with a listening session and the importance of hearing from the public. She also noted the importance of sharing the RFPs with the community as well. Discussion followed about the options that may be considered.

Mr. Gall noted that all RFPs are public documents and the process needs to be transparent.

Councilor Robinson suggested determining the value of the current equipment.

With no further discussion, Mayor Clark asked for a motion.

MOTION: FROM COUNCIL PRESIDENT HARRIS TO APPROVE RESOLUTION 2017-013 DIRECTING CITY MANAGER TO ISSUE REQUEST FOR PROPOSALS (RFP) FOR RECREATIONAL AND AQUATIC CENTER OPERATIONS AND MANAGEMENT SERVICES, SECONDED BY COUNCILOR KUIPER. MOTION PASSED 6:0. ALL MEMBERS VOTED IN FAVOR (COUNCILOR KING WAS ABSENT).

Mr. Gall clarified that the Council would like to schedule some listening sessions and town halls regarding this issue and he offered to find some available nights in this room or the Center for the Arts and get something scheduled soon. He said the first session would be about the vision and what does the community want the facility to be in the future. He stated there seems to be an agreement that this building needs a reinvestment and that level of reinvestment could be debated. He said we first need to decide who will be operating the facility and what that will look like, then we can decide how to reinvest.

Mayor Clark addressed the next item on the agenda.

C. Discussion Item – Possible Contract with Washington County Sheriff

Mr. Gall introduced the item and stated that he and staff are looking for direction from the Council. He said they spent a lot of time in the fall working with Washington County Sheriff's office on the possibility of contracting services. He said they received proposals from the Sheriff's office with dollar amounts and the issue has not been addressed. He asked Council if they want staff to continue in the discussions with the Sheriff's office or not.

Mayor Clark said she put this on the agenda at the request of Councilor King. She noted that Washington County Sheriff's office has been a great partner and we are respectful and thankful for the work they have done on this issue. She thanked the Sherwood Police Advisory Board (PAB) for their efforts as well. She said this possibility of contracting with the Washington County Sheriff was the number one recommendation from the Police Staffing Study. She said Council has gone through the process and received public input and stated that she has not heard a huge up swell of support and does not think at this point we need to continue forward but she said she does think we need to give staff direction that this community does want a School Resource Officer (SRO) and maybe two. She said the community has also voted to impose a 2% limitation on funding. She stated the City needs to get creative and present some options. She noted the proactive time is very high and we need to fix that and provide the citizens with the services they are wanting with the finances that are available in the City budget.

Council President Harris said she is the Council liaison to the PAB and reported that they are just getting started with a lot of strategic planning. She agreed that they need to be creative and hear from citizens where they want support. She said contracting with the Sheriff did not have the support of the community.

Councilor Kuiper thanked the Sheriff's office for educating us and noted the value of having the Police Staffing Study done.

Councilor Garland stated he previously served on the PAB and agreed that there was not much support for contracting with the Sheriff's Office. He referred to the other recommendations from the study which he would like to have discussions on, such as adding an SRO and a Code Compliance Officer and Evidence Technician. He noted that the City paid for the study and this was only 1 recommendation out of 13, and he would like to explore other options. He stated he does not support moving forward with this item.

Council President Harris asked Chief Groth if he found value in the study. Chief Groth said the department is always willing to open the books and to look at every aspect of the organization. He said it is helpful to have a report from an outside source that can give you things to look at. He stated there is always something to learn from those processes.

Councilor Young agreed that she did not hear much support for this option and is looking forward to examining the other options.

Councilor Robinson said the study was a vindication of her position that an SRO is needed and she asked Chief Groth if there is currently an SRO. Chief Groth said no and stated they are giving the school attention in other ways and they are looking at a couple of different alternative to address that. He noted the department is attempting to fill open positions and they are looking at creative options. He noted there is not an official SRO at this time.

Councilor Robinson stated that the City is lacking an SRO who normally spends 90% of the time at the High School. Chief Groth said that is correct. Councilor Robinson commented that she would like to see three

SROs in order to have a positive effect on students and reduce crime in the future by having and maintaining those relationships with students. She referred to the new High School which will be bigger and there will be an extra Middle School. She said the study confirmed the need for SROs for the benefit of the students and the parents. Chief Groth responded that if the department put three SROs in the school tomorrow they would be busy immediately.

Councilor Kuiper reiterated the importance of an Evidence Technician. Chief Groth said digital evidence is becoming the norm and takes time to transfer. He said this is the reality of growth and evidence is very important. Councilor Kuiper referred to Alan Pearson's comments that we are a limited resources community and we have to do the right thing with the funds.

Mr. Gall referred to the City budget and said there are two buckets of money. He said the first balancing act in preparing a budget is looking at the future operating revenues and normal operating expenses and that has to balance. He referred to the \$31,000 spent on the recent feasibility study and said that money is not from the operating budget, it is from the reserves. He stated the City has healthy reserves. He said adding staff does not come from the reserve fund because it is not sustainable. He said it is important to understand that adding staff is on an ongoing basis.

Councilor Kuiper noted that Sherwood has a high percentage of reserves compared to other cities and currently has a 24% reserve fund. She said this is significant and shows our fiscal responsibility. Mr. Gall said a few years ago it was as high as 31% and he showcased the community amenities that are now getting done. He said there is not one big pot of money.

Mayor Clark said it is important to know the distinctions and it is important to message how the money is being spent.

Mr. Gall said adding staff comes from the operating revenues and has to be a sustainable source. He stated that the Police Department currently has two openings that are close to being filled and they have an officer that is retiring in a month that will create another opening. He said recruiting for police officers is not easy and it takes a long time to fill the positions.

Chief Groth agreed that it is a challenging time for recruiting and said when you find a good applicant there are generally other departments interested as well. He said in Oregon they anticipate 300-500 vacancies in the next couple year because of retirements. He noted that he started in 1989 and there was a tremendous number of hiring's and now those officers are becoming eligible for retirement. He commented on the need to stay competitive as an organization when recruiting new officers.

Mayor Clark suggested that staff send a letter to the Washington County Sheriff's office thanking them for their involvement and asking for their continued support for the department and state that the City is going to move forward in a different direction.

Mayor Clark addressed the next item on the agenda.

9. CITY MANAGER REPORT:

Mr. Gall reported that the Council had a goal setting work session scheduled for this past Saturday that was postponed due to illnesses. He stated the session will be rescheduled for March 4 in the morning. He

said he will look for room availability and post a public notice. He noted the goal setting is for the next fiscal year. He said setting priorities helps him prepare his budget proposal.

Councilor Robinson asked when Woodhaven Park will reopen. Mr. Gall said they are still working on the bathroom automated doors but will open the park soon even if the doors are not working.

Mayor Clark addressed the next item on the agenda.

10. CITY COUNCIL ANNOUNCEMENTS:

Mayor Clark announced that she attended City Day at the Capitol and said it was coupled with the LOC Board meeting and she met with our legislators to talk about the legislative agenda for the LOC. She said the LOC website has a tracking system for all of the legislative agenda items and the ability to comment. She attended the Washington County Mayor's meeting and the First Annual Jason Gooding Memorial Concert and Auction where the proceeds benefited the Oregon Fallen Badge organization. She attended the Chamber Breakfast at Our Table Cooperative where they dedicated a Peace Pole from the Sherwood Rotary. She said she was a guest speaker on the Washington County Today radio show. She attended the Jigsaw competition on Saturday. She said the City website has a lot of information and a survey for Movies in the Park. She said she will attend the Westside Economic Alliance breakfast forum this week. She stated on Thursday at 6 pm at the Center for the Arts she will deliver the State of the City address. She said PGE and Comcast are sponsors and providing the food and beverages and she thanked them for their support. She said on Saturday February 25 there will be a tree planting event at Woodhaven Park at 8:45 am to 1:00 pm. She said March 2 there will be a ribbon cutting for Next Level Chiropractic from 5:30 to 7:00 pm. She reminded students of the "If I Were Mayor, I Would" contest and encouraged students to participate.

Councilor Young said she attended the Washington County Community Development Block Grant meeting and said that Council will need to renew the IGA and there will be a proclamation for Community Development Block Grant week coming soon. She said she attended a Water 101 session and said it was helpful to understand the history. She stated she attended the Police Awards Banquet and said it was rewarding to hear about the efforts of our officers involved in the Christmas day shooting.

Councilor Robinson commented on the Library and said she was involved in the interview for the High School representative position to the Library Advisory Board. She said the board did strategic planning at the last meeting. She stated the Library has two Oregon humanities conversation project events coming up. She said technology and research questions can be answered at the Library by appointment. She commented on the monument removal. She thanked the Sherwood School District for funding the Biz Town this year. She clarified with the Police Chief that there is a \$3000 reward for information leading to an arrest regarding the hydrant that was hit on Century Blvd.

Council President Harris shared a story and commented on the Library Strategic Plan. She said the Police Advisory Board (PAB) is also working on a strategic plan. She commented on the difficulty of hiring officers and the role and significance of SROs.

Councilor Kuiper said the Cultural Arts Commission is also working on their strategic plan. She referred to the public arts program in Hillsboro and said they presented information at the last meeting. She noted the Center for the Arts has a full calendar of events in the upcoming months. She said she is the liaison to the School Board and has attended a few meetings and said they have a High School project team that is

working on the new building. She said the next School Board meeting is March 8 with a work session at 5:45 on the new High School.

Councilor Garland said he attended the Sherwood Main Street meeting. He said tomorrow night is Game Night at Archer Glen from 5 – 7 pm. He attended the Jigsaw Puzzle competition and said the SFA Facebook page has videos and pictures from the event. He noted the competition was attended by a couple that traveled from Montana to participate. He congratulated the SFA on their efforts and thanked all the sponsors.

Mayor Clark announced that she will be a judge at this year's Mr. Bowmen competition on Saturday and encouraged everyone to attend.

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

Mayor Clark adjourned at 9:05 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Krisanna Clark, Mayor

TO: Sherwood City Council

FROM: David Janusz, Dept. Program Coordinator

Through: Craig Sheldon, Public Works Director, Joseph Gall, ICMA-CM, City Manager
and Josh Soper, City Attorney

SUBJECT: Resolution 2017-014, Assessing Sidewalk Construction Costs on 16492 SW Redtwig Drive, Sherwood, OR 97140 and Directing the City Recorder to Enter Such Assessments in the City's Lien Docket

Issue:

Should the City place property owner on the City's lien docket who elected to participate in the sidewalk repair assistance program but has failed to compensate the City for the completed repairs.

Background:

In May 2015, City staff notified the property owner of the address listed below of the requirement to repair the sidewalks and invited him to participate in the Sidewalk Repair Assistance Program. The property owner elected to opt into the program which shared the costs and granted the homeowner 12 months to remit the full balance. To date, the homeowner has not remitted the full balance for the repairs since the initial billing on December 3, 2015. (See attached record of correspondences to the property owner)

Property Address:	16492 SW Redtwig Drive Sherwood, OR 97140
Property Owner:	Darren Haines
Amount Owed to City:	\$22.00

Chapter 12.08.090 of the Sherwood Municipal Code (SMC) states: "The notice shall specify the amount of the cost of construction or repair, and state that if the amount is not paid within thirty (30) days after the date of service, the council shall thereafter, after hearing objections, if any, made thereto, by resolution assess the cost of such construction and repairs of such sidewalk or sidewalks upon the lots and parcels abutting such sidewalk and thereby benefited; and the Recorder shall enter such assessment in the docket of city liens and shall bear interest at the rate of nine (9) percent per annum from ten (10) days after date of entry in the lien docket.

In the manner provided in Chapter X of the City Charter for docketing liens for street improvements, and it shall become immediately due and collectible thereafter and enforced in

the manner provided by Chapter X of the City Charter, or as provided by state statute for enforcement of city liens and assessments. Such assessments shall be paid in full.

Financial Impacts:

The sum of money to be considered for placement on City's lien docket is \$22.00. This does not include the cost of attorney or staff hours.

Recommendation:

Staff respectfully requests City Council adoption of Resolution 2017-014, placing the above property on the City's lien docket until costs are recouped in association with the Sidewalk Assistance Program.



Home of the Tualatin River National Wildlife Refuge

City of Sherwood
15527 SW Willamette St
Sherwood, OR 97140
Tel 503-625-5722
Fax 503-625-0679
www.sherwoodoregon.gov

RACHELLE HAINES
16492 SW REDTWIG DR
SHERWOOD, OR 97140

Mayor
Krisanna Clark

May 08, 2015

Council President
Sally Robinson

Re: Sidewalk Deficiency - Correction Required
16492 SW REDTWIG DR

Councilors
Linda Henderson
Dan King
Jennifer Harris
Jennifer Kuiper
Beth Cooke

Dear RACHELLE HAINES

You are receiving this letter because the City has identified a sidewalk deficiency adjacent to your property.

City Manager
Joseph Gall, ICMA-CM

Chapter 12.08 of the City of Sherwood Municipal Code ("Code") states that all owners of property within the city limits are liable for sidewalks adjacent to their property. This includes the maintenance of adjacent sidewalks and any repairs required to make sure they are free of defects. **The Code states that you have 120 days from the date of this letter to have the repair corrected.**

Assistant City Manager
Tom Pessemier, P.E.

To help offset the cost to owners for repairs of these deficiencies and in the interest of public safety and welfare, the City implemented a Concrete Sidewalk Repair Assistance Program ("Program"). This Program enables you, the homeowner, to repair the deficiency using monies collected and set aside specifically for sidewalk repairs. For complete details of the Program, please visit www.sherwoodoregon.gov.



Below is listed the specific hazards noted on the sidewalk adjacent to your property. Please look for the hazards that are marked with white paint.

2009 Top Ten Selection

Since the repairs listed below are all shaves, and they are contracted at a fixed cost per shave, you will find an enclosed agreement with the estimated costs for repair. Decide if you would like to participate in the Program and have the City schedule the work and share the cost. Then, simply initial, sign and date the agreement on page 3 and return to the Public Works Department - Mail to: 15527 SW Willamette St. Sherwood, OR 97140; FAX to 503 625-0679; email to operations@sherwoodoregon.gov. Call (503) 925.2312 if you have questions.



2007 18th Best Place to Live

If we do not hear from you by Friday, May 22, 2015, we will conclude that you do not wish to participate in the program and you will be solely responsible for the correction of the deficiency and all associated costs.



We look forward to hearing from you and we hope that you will take advantage of the cost sharing opportunities available to you through this program.

Sidewalks List

Sidewalk ID	Condition	Repair Type
SDW1161	Condition is horizontal or vertical < 2 inches	Shave



City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.sherwoodoregon.gov

DARREN HAINES
16492 SW REDTWIG DR
SHERWOOD, OR 97140

January 18, 2017

Mayor
Krisanna Clark

Council President
Jennifer Harris

Councilors
Sean Garland
Dan King
Jennifer Kuiper
Sally Robinson
Kim Young

City Manager
Joseph Gall, ICMA-CM

Assistant City Manager
Tom Pessemier

Re: Sidewalk Repair Payment Required
16492 SW Redtwig Dr, SHERWOOD, OR 97140

Dear Homeowner,

This letter is to inform you that the City is scheduling to present your address and outstanding balance to the City Council at an upcoming council meeting. The City will be requesting that City Council approve placing a lien against your property for failure to remit payment in the amount of Twenty two dollars and zero cents (\$22.00) for work completed by the City to correct sidewalk deficiencies adjacent to your property.

Once the Resolution is confirmed on the agenda we will notify you as to the date and time of the hearing. You will be permitted to speak on your own behalf at the meeting to express your justification for your refusal to remit.

The Sidewalk Repair Assistance Program, in which you agreed to participate with signed documentation, allows the homeowner 12 months interest free to remit the remaining portion of the total balance of the repair. **Municipal Code 12.08.090 – Assessment** permits the City to enter the unpaid balance into the docket of city liens.

Remittance in full to the Utility Billing Department prior to the hearing will remove your address from the process.

Thank you,

David Janusz
Department Program Coordinator
15527 SW Willamette St
503.925.2312
januszd@sherwoodoregon.gov



Home of the Tualatin River National Wildlife Refuge

City of Sherwood
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Sherwood, OR 97140
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www.sherwoodoregon.gov

DARREN HAINES
16492 SW REDTWIG DR
SHERWOOD, OR 97140

February 6, 2017

Mayor
Krisanna Clark

Council President
Jennifer Harris

Councilors
Sean Garland
Dan King
Jennifer Kuiper
Sally Robinson
Kim Young

City Manager
Joseph Gall, ICMA-CM

Assistant City Manager
Tom Pessemier

Re: Sidewalk Repair Payment Required
16492 SW Redtwig Dr, SHERWOOD, OR 97140

Dear Homeowner,

This letter is to inform you that the City is scheduled to present your address and outstanding balance to the City Council at the **Council Meeting scheduled for March 7th, 2017 starting at 7:00 pm**. The City will be requesting that City Council approve placing a lien against your property for failure to remit payment in the amount of Twenty two dollars and zero cents (\$22.00) for work completed by the City to correct sidewalk deficiencies adjacent to your property.

You will be permitted to speak on your own behalf at the meeting to express your justification for your refusal to remit. We have included a copy of your signed agreement.

The Sidewalk Repair Assistance Program, in which you agreed to participate with signed documentation, allows the homeowner 12 months interest free to remit the total balance of the repair. **Municipal Code 12.08.090 – Assessment** permits the City to enter the unpaid balance into the docket of city liens.

Materials for the Council Packet will be submitted to the City Recorder on Friday February 24th. Once submitted these documents will be part of the public record. Remittance in full to the Utility Billing Department prior to the end of day on Feb. 24th will remove your name and address from the process.

Thank you,

David Janusz
Department Program Coordinator
15527 SW Willamette St
503.925.2312
januszd@sherwoodoregon.gov



RESOLUTION 2017-014

ASSESSING SIDEWALK CONSTRUCTION COSTS ON 16492 SW REDTWIG DRIVE, SHERWOOD, OR 97140 AND DIRECTING THE CITY RECORDER TO ENTER SUCH ASSESSMENT IN THE CITY'S LIEN DOCKET

WHEREAS, pursuant to Chapter 12.08 of the Sherwood Municipal Code, the City undertook improvements to various sections of sidewalks within the City; and

WHEREAS, the City notified various property owners of their obligation to complete the improvements themselves or the option of partnering with the City to share in the cost of the improvements; and

WHEREAS, the owner of the property noted above elected to opt into the program but did not remit full payment for the repair(s) performed.

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

Section 1. An assessment in the amount of twenty two dollars and zero cents (\$22.00) is imposed upon the following property: 16492 SW Redtwig Drive Sherwood, OR 97140. The current owner of 16492 SW Redtwig Drive is Darren Haines.

Section 2. The City Council directs the City Recorder to enter the assessment in the docket of City liens. Interest shall accrue as provided in SMC 12.08.090. The City Council may authorize the enforcement of the liens to collect the amounts assessed in accordance with ORS 223.505 et seq. or other relevant provisions of law.

Section 3. The property owner(s) may discharge the assessment imposed above in accordance with SMC 12.08.090, ORS Chapter 223 or other relevant provisions of law.

Section 4. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 7th day of March 2017.

Krisanna Clark, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: David Janusz, Dept. Program Coordinator

Through: Craig Sheldon, Public Works Director, Joseph Gall, ICMA-CM, City Manager
and Josh Soper, City Attorney

SUBJECT: Resolution 2017-015, Assessing Sidewalk Construction Costs on 23981 SW Redfern Drive, Sherwood, OR 97140 and Directing the City Recorder to Enter Such Assessments in the City's Lien Docket

Issue:

Should the City place property owner on the City's lien docket who elected to participate in the sidewalk repair assistance program but has failed to compensate the City for the completed repairs.

Background:

In May 2015, City staff notified the property owner of the address listed below of the requirement to repair the sidewalks and invited him to participate in the Sidewalk Repair Assistance Program. The property owner elected to opt into the program which shared the costs and granted the homeowner 12 months to remit the full balance. To date, the homeowner has not remitted the full balance for the repairs since the initial billing on December 3, 2015. (See attached record of correspondences to the property owner)

Property Address:	23981 SW Redfern Drive Sherwood, OR 97140
Property Owner:	John Urban
Amount Owed to City:	\$261.38

Chapter 12.08.090 of the Sherwood Municipal Code (SMC) states: "The notice shall specify the amount of the cost of construction or repair, and state that if the amount is not paid within thirty (30) days after the date of service, the council shall thereafter, after hearing objections, if any, made thereto, by resolution assess the cost of such construction and repairs of such sidewalk or sidewalks upon the lots and parcels abutting such sidewalk and thereby benefited; and the Recorder shall enter such assessment in the docket of city liens and shall bear interest at the rate of nine (9) percent per annum from ten (10) days after date of entry in the lien docket.

In the manner provided in Chapter X of the City Charter for docketing liens for street improvements, and it shall become immediately due and collectible thereafter and enforced in

the manner provided by Chapter X of the City Charter, or as provided by state statute for enforcement of city liens and assessments. Such assessments shall be paid in full.

Financial Impacts:

The sum of money to be considered for placement on City's lien docket is \$261.38. This does not include the cost of attorney or staff hours.

Recommendation:

Staff respectfully requests City Council adoption of Resolution 2017-015, placing the above property on the City's lien docket until costs are recouped in association with the Sidewalk Assistance Program.



City of Sherwood
15527 SW Willamette St
Sherwood, OR 97140
Tel 503-625-5722
Fax 503-625-0679
www.sherwoodoregon.gov

JOHN URBAN
23981 SW REDFERN DR
SHERWOOD, OR 97140-6283

Mayor
Krisanna Clark

May 08, 2015

Council President
Sally Robinson

Re: Sidewalk Deficiency - Correction Required
23981 SW REDFERN DR

Councilors
Linda Henderson
Dan King
Jennifer Harris
Jennifer Kuiper
Beth Cooke

Dear JOHN URBAN

You are receiving this letter because the City has identified a sidewalk deficiency adjacent to your property.

City Manager
Joseph Gall, ICMA-CM

Chapter 12.08 of the City of Sherwood Municipal Code ("Code") states that all owners of property within the city limits are liable for sidewalks adjacent to their property. This includes the maintenance of adjacent sidewalks and any repairs required to make sure they are free of defects. **The Code states that you have 120 days from the date of this letter to have the repair corrected.**

Assistant City Manager
Tom Pessemier, P.E.

To help offset the cost to owners for repairs of these deficiencies and in the interest of public safety and welfare, the City implemented a Concrete Sidewalk Repair Assistance Program ("Program"). This Program enables you, the homeowner, to repair the deficiency using monies collected and set aside specifically for sidewalk repairs. For complete details of the Program, please visit www.sherwoodoregon.gov.



Below is listed the specific hazards noted on the sidewalk adjacent to your property. Please look for the hazards that are marked with white paint.

2009 Top Ten Selection



Since the items below indicate more complicated repairs that include removal and replacement and that may involve a street tree you will require a personal visit with an inspector. During this visit the homeowner will get a full assessment of the repairs and an estimated cost. Please contact the Public Works Department at (503) 925-2312 for more information and to schedule a visit.

2007 18th Best Place to Live



If we do not hear from you by Friday, May 22, 2015, we will conclude that you do not wish to participate in the program and you will be solely responsible for the correction of the deficiency and all associated costs.

We look forward to hearing from you and we hope that you will take advantage of the cost sharing opportunities available to you through this program.

Craig Sheldon

Sidewalks List

Sidewalk ID	Condition	Repair Type
SDW0357	Condition includes a Tree	Tree
SDW0357	Condition is horizontal or vertical < 2 inches	Shave
SDW0357	Condition is horizontal or vertical > 2 inches	Replace

One of the following must occur within 120 days of the notification from the City dated Friday, May 8, 2015. Please initial only one (1) of the two (2) options.

1. Opt into the Program. The City will be responsible for coordination of the contractor(s) to ensure work is completed within the timeframe identified through the City's ordinance. You will be responsible for 50% of the total cost of the work.*
2. Replace the sidewalk deficiency(s) yourself OR hire a contractor to replace the sidewalk deficiency(s) without compensation from the program. All work must meet City of Sherwood Standards. You will be required to obtain any/all permits and the work will require inspection by City staff. Work must be complete by **Monday, September 7, 2015.**

NOTE: If you choose not to do any of the above within one hundred twenty (120) days from receiving notification, the city will correct the sidewalk deficiency(s) at 100% cost to the homeowner, up to and including notice, engineering, advertising and attorney's fees. These charges will be due in full once work has been completed. **Failure to pay may result in a lien being assessed to your property.**

I reserve the right to opt out of the Program pending the quote for the removal or modification to the tree creating the sidewalk condition. I am responsible for 50% of the cost for the Arborist Report and will be billed consistently with the terms of the Program. I am entitled to a copy of the Arborist Report to obtain the required permit.

When you opt into the Program, the City will coordinate all work to be performed. Once the work is complete, we will schedule a final inspection.

An invoice will be provided to you detailing all work performed and the total cost will be provided. The City will pay 50% of the total cost and the remaining balance will be owed by you.

As per the Program, you have 12 months to pay your portion of the work. Once the 12 months has been reached, any outstanding monies owed to the City will be subject to the City's lien process.

ACCEPTANCE:

CITY OF SHERWOOD

Craig Sheldon, Public Works Director

May 19, 2015

Date

HOMEOWNER

Signature of Homeowner

Printed Name:

JOHN URBAN

5/22/2015

Date

Site Address: 23981 SW REDFERN DR

Asset #: SDW0357



Home of the Tualatin River National Wildlife Refuge

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22560 SW Pine St.
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JOHN URBAN
23981 SW REDFERN DR
SHERWOOD, OR 97140-6283

January 18, 2017

Mayor
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Council President
Jennifer Harris

Councilors
Sean Garland
Dan King
Jennifer Kuiper
Sally Robinson
Kim Young

City Manager
Joseph Gall, ICMA-CM

Assistant City Manager
Tom Pessemier

Re: Sidewalk Repair Payment Required
23981 SW Redfern Dr, SHERWOOD, OR 97140

Dear Homeowner,

This letter is to inform you that the City is scheduling to present your address and outstanding balance to the City Council at an upcoming council meeting. The City will be requesting that City Council approve placing a lien against your property for failure to remit payment in the amount of Two hundred sixty one dollars and thirty eight cents (\$261.38) for work completed by the City to correct sidewalk deficiencies adjacent to your property.

Once the Resolution is confirmed on the agenda we will notify you as to the date and time of the hearing. You will be permitted to speak on your own behalf at the meeting to express your justification for your refusal to remit.

The Sidewalk Repair Assistance Program, in which you agreed to participate with signed documentation, allows the homeowner 12 months interest free to remit the remaining portion of the total balance of the repair. **Municipal Code 12.08.090 – Assessment** permits the City to enter the unpaid balance into the docket of city liens.

Remittance in full to the Utility Billing Department prior to the hearing will remove your address from the process.

Thank you,

David Janusz
Department Program Coordinator
15527 SW Willamette St
503.925.2312
januszd@sherwoodoregon.gov



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JOHN URBAN
23981 SW REDFERN DR
SHERWOOD, OR 97140-6283

February 6, 2017

Mayor
Krisanna Clark

Council President
Jennifer Harris

Councilors
Sean Garland
Dan King
Jennifer Kuiper
Sally Robinson
Kim Young

City Manager
Joseph Gall, ICMA-CM

Assistant City Manager
Tom Pessemier

Re: Sidewalk Repair Payment Required
23981 SW Redfern Dr, SHERWOOD, OR 97140

Dear Homeowner,

This letter is to inform you that the City is scheduled to present your address and outstanding balance to the City Council at the **Council Meeting scheduled for March 7th, 2017 starting at 7:00 pm**. The City will be requesting that City Council approve placing a lien against your property for failure to remit payment in the amount of Two hundred sixty one dollars and thirty eight cents (\$261.38) for work completed by the City to correct sidewalk deficiencies adjacent to your property.

You will be permitted to speak on your own behalf at the meeting to express your justification for your refusal to remit. We have included a copy of your signed agreement.

The Sidewalk Repair Assistance Program, in which you agreed to participate with signed documentation, allows the homeowner 12 months interest free to remit the total balance of the repair. **Municipal Code 12.08.090 – Assessment** permits the City to enter the unpaid balance into the docket of city liens.

Materials for the Council Packet will be submitted to the City Recorder on Friday February 24th. Once submitted these documents will be part of the public record. Remittance in full to the Utility Billing Department prior to the end of day on Feb. 24th will remove your name and address from the process.

Thank you,

David Janusz
Department Program Coordinator
15527 SW Willamette St
503.925.2312
januszd@sherwoodoregon.gov



RESOLUTION 2017-015

ASSESSING SIDEWALK CONSTRUCTION COSTS ON 23981 SW REDFERN DRIVE, SHERWOOD, OR 97140 AND DIRECTING THE CITY RECORDER TO ENTER SUCH ASSESSMENT IN THE CITY'S LIEN DOCKET

WHEREAS, pursuant to Chapter 12.08 of the Sherwood Municipal Code, the City undertook improvements to various sections of sidewalks within the City; and

WHEREAS, the City notified various property owners of their obligation to complete the improvements themselves or the option of partnering with the City to share in the cost of the improvements; and

WHEREAS, the owner of the property noted above elected to opt into the program but did not remit full payment for the repair(s) performed.

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

Section 1. An assessment in the amount of two hundred sixty one dollars and thirty eight cents (\$261.38) is imposed upon the following property: 23981 SW Redfern Drive Sherwood, OR 97140. The current owner of 23981 SW Redfern Drive is John Urban.

Section 2. The City Council directs the City Recorder to enter the assessment in the docket of City liens. Interest shall accrue as provided in SMC 12.08.090. The City Council may authorize the enforcement of the liens to collect the amounts assessed in accordance with ORS 223.505 et seq. or other relevant provisions of law.

Section 3. The property owner(s) may discharge the assessment imposed above in accordance with SMC 12.08.090, ORS Chapter 223 or other relevant provisions of law.

Section 4. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 7th day of March 2017.

Krisanna Clark, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Meeting Date: March 7, 2017

Agenda Item: Public Hearing

TO: Sherwood City Council

FROM: Connie Randall, Planning Manager

THROUGH: Julia Hajduk, Community Development Director, Josh Soper, City Attorney
and Joseph Gall, ICMA-CM, City Manager

SUBJECT: **Ordinance 2016-016, amending the Comprehensive Plan and Zoning Map to redesignate approximately 2.66 acres of a 5.86 acre site from General Commercial to Medium Density Residential High**

Issue:

Should the City Council adopt an ordinance approving a plan amendment and zone change of 2.66 acres of a 5.86 acre site located on SW Pacific Highway?

Background:

The City received a land use application requesting to amend the Comprehensive Plan and Zoning Map designation on 2.66 acres of a 5.86 acre site located along SW Pacific Highway from General Commercial (GC) to Medium Density Residential High (MDRH). The subject property is developed with a single-family residence and several outbuildings.

The site proposed to be rezoned is part of a larger 5.86 acre parent parcel that is surrounded by a mix of land uses including single-family housing, an antique store and RV storage facility. Additionally, a tributary to Cedar Creek crosses the property along the east edge. No development is proposed with this application.

The Planning Commission held a public hearing on October 25, 2016 and forwarded a recommendation of approval of the request.

This was originally scheduled for a hearing on November 29, 2016; however, the applicant asked for and received a continuance to the hearing to January 17, 2017 and a second continuance to March 7, 2017. No changes have been made to the packet materials previously prepared other than to change the hearing dates.

Alternatives:

Approve, modify, or deny the Planning Commission recommendation.

Financial Impacts:

An application fee was submitted with the requested zone change which is expected to cover the costs associated with processing this request through completion and map updates.

Recommendation:

Staff respectfully recommends that the City Council hold a public hearing and determine whether to adopt the attached Ordinance as recommended for approval by Planning Commission.

Attachments:

Ordinance 2016-016

Exhibit 1: Planning Commission Recommendation to the City Council

City of Sherwood

November 17, 2016

**File No: PA 15-06 Claus Property Plan Amendment and Zone Change
Planning Commission Recommendation to the City Council**

To: SHERWOOD CITY COUNCIL

From: PLANNING DEPARTMENT

On October 25, 2016, the Planning Commission held a public hearing to consider a proposal to rezone approximately 2.66 acres of a 5.86 acre site along SW Pacific Highway from General Commercial to Medium Density Residential High.

After considering the application materials, public testimony, and the findings in the staff report, the Planning Commission voted to recommend approval of the proposal to the Sherwood City Council. The Planning Commission recommendation is based on the facts and findings in this report.

Signed: 
Brad Kilby, Planning Manager

Proposal:

The applicant has requested a comprehensive plan and zoning map amendment to change the zoning on 2.66 acres of a 5.86 acre site from General Commercial (GC) to Medium Density Residential High (MDRH). There is some confusion in that some of the language within the application suggests other zoning designations, but staff has clarified with the applicant that their intent is to request the MDRH Zoning designation.

I. BACKGROUND

- A. Applicant Robert and Susan Claus
22211 SW Pacific Highway
Sherwood, OR 97140

- B. Applicant's Representative Danelle Isenhardt, AICP
Isenhardt Consulting, LLC
PO Box 2364
Beaverton, OR 97075

- C. Location: Washington County Tax Map 2S131BA, tax lot 2000. The property is located at 22211 SW Pacific Highway.

- D. Size: Approximately 2.66 acres of a 5.86 acre parcel.

- E. Existing Development and Site Characteristics: The area proposed to be rezoned is part of a larger parcel. There is a water resource located along the southeast property line that is a tributary to

Cedar Creek. The site is developed with a single-family home, and several outbuildings that have been associated with a variety of uses over the years. The portion of the property subject to the request is the area closest to SW Swanstrom Drive, and adjacent to the backyards of the homes fronting onto SW Handley Street. The subject site is bounded by SW Pacific Highway on the south and by the perennial tributary and associated vegetated corridor on along the eastern property line.

- F. Site History: The site includes a single-family residence and several outbuildings that have been utilized with a variety of uses over time. Under SP 91-02, the owner received approval to construct a sausage factory/retail sales business. Beyond that approval, there have only been building permits issued on the property.
- G. Zoning Classification and Comprehensive Plan Designation: The site is zoned General Commercial. The General Commercial zone provides for commercial uses which require larger parcels of land, and or uses which involve products or activities which require special attention to environmental impacts. It is the most permissive of Sherwood's commercial zones. Housing is permitted in the GC zone when it is clearly secondary to, and located above or behind a commercial use.
- H. Adjacent Zoning and Land Use: The properties north and east of the subject site are also zoned General Commercial. The properties north of the subject site are zoned Low Density Residential and developed with single-family homes as part of a Planned Unit Development. Properties that are generally south of the subject site are also zoned Medium Density Residential High (MDRH), but separated from the site by SW Pacific Highway. The property immediately north and east of the site includes a single-family home and an accessory parking are for Pacific Family Dental. The property immediately south and west of the site is developed with a single-family home, RV/equipment storage, and antique sales.
- I. Review Process: The proposed Comprehensive Plan and Zoning Map Amendment require a Type V review which includes 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 City Council issues their decision. Any appeal of the City Council decision would go directly to the Oregon Land Use Board of Appeals (LUBA).
- J. Public Notice and Hearing: Oregon Department of Land Conservation and Development (DLCD) revised notice was submitted on September 16, 2016. Notice of the application was mailed to property owners within 1,000 feet, posted on the property, and distributed in five locations throughout the City on October 3, 2016 in accordance with §16.72.020 of the SZCDC. Notice was published in the Times on October 20, 2016 and the Sherwood Gazette on October 1, 2016 in accordance with §16.72.020 of the SZCDC.
- K. Review Criteria: The required findings for the Comprehensive Plan and Zoning Map Amendment are identified in the SZCDC §16.72 (Procedures for Processing Development Permits), and §16.80 (Plan Amendments); Comprehensive Plan Criteria: Chapter 2-Planning Process, Chapter 3-Growth Management, Chapter 4-Land Use, Chapter 6-Transportation; and Chapter 8-Urban Growth Boundary; Metro Urban Growth Management Functional Plan: Title 1. Housing Capacity; Metro

2035 Regional Transportation Plan, Oregon Transportation Planning Rule: (OAR 660-012-0060); Statewide Planning Goals: Goal 1- Citizen Involvement, Goal 2- Land Use Planning, Goal 9- Economic Development, Goal10-Housing, and Goal 12-Transportation.

II. PUBLIC COMMENTS

Notice of the application was mailed to property owners within 1,000 feet, posted on the property, and distributed in five locations throughout the City on October 3, 2016 in accordance with §16.72.020 of the SZCDC. Notice was also published in the Times on October 20, 2016 and the Sherwood Gazette on October 1, 2016.

III. AGENCY COMMENTS

Staff e-mailed notice to affected agencies on October 5, 2016. The following is a summary of comments received as of this date.

DLCD Comments, dated September 26, 2016 attached as Exhibit B.

Anne Debaut of DLCD reviewed the application materials and raised concerns about the Statewide Planning Goal 9 findings. Specifically, the applicant must show compliance with Oregon Administrative Rule 660-009-0010(4) by demonstrating the change is consistent with the city's acknowledged Economic Opportunities Analysis (EOA). Stating that the proposal addresses the need for additional residential zoning in the city does not address the rule requirement.

Staff Response: Subsequent to these comments, the applicant did provide an updated economic evaluation from Bill Reid, and economist in the Portland Metro area. That report and analysis is discussed further in this report.

Engineering Department Comments The engineering department has stated that they agree with the traffic memorandum provided by Michael Ard, PE from Lancaster Engineering indicating that the proposed Comprehensive Plan and Zoning Map amendment would not negatively impact the transportation system or other public infrastructure, and would likely result in a reduction of the amount of trips that could be expected to come off of the site if it were to remain General Commercial. The comments are attached as **Exhibit C** and discussed below.

Transportation Review

A Trip Analysis by Lancaster Engineering has concluded that the proposed zone change from General Commercial to Medium Density Residential Low would result in less traffic than the current zone designation. Therefore the new zoning will reduce the future traffic impacts to the adjacent roadways from development of the subject property.

Since the proposed zone change reduces the number of trips to and from the subject zone change property, the change in zoning does not significantly affect an existing or planned transportation facility therefore not requiring any additional measures per OAR 660-012-0060.

Conclusion

From a public improvement standpoint, the proposed zone change will not have a significant effect on public facilities. Engineering conditions for the subject property will be made at the time of development of the subject property.

ODOT

Jill Hendrickson of the Oregon Department of Transportation Outdoor Advertising Program provided the following comments in response to this request, “A portion of this request under “History of the Property” in “Applicant’s Statement”, states in the second paragraph that this property has an “outdoor advertising structure” on it; however there is no outdoor advertising sign, permitted through the State of Oregon, at this location. New outdoor advertising sign permits are only issued under very restrictive circumstances. If the current sign is operating as an outdoor advertising sign as defined in ORS 377.710(21), it is operating in violation of the law, because there is no outdoor advertising sign permit for it, through our Department.” The sign she is speaking of is permitted under a City permit, and is not a sign that has been permitted by ODOT. It is important to note that the signage is not a part of this review, and a copy of the City sign permit was provided to Ms. Hendrickson for her review and consideration. Her comments are attached to this report as **Exhibit D**.

IV. PLAN AMENDMENT REQUIRED FINDINGS

16.80.030.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 [Items 1-4 below].

ANALYSIS: The applicable Comprehensive Plan policies are discussed under Section V below. Section 16.02.080 requires that all development adhere to all applicable regional, State and Federal regulations. Applicable regional regulations are discussed under Section VI and applicable State regulations are discussed below under Section VII.

FINDING: This criteria is discussed in detail below.

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

FINDING: This criteria is discussed in detail below under Section V.

- 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 applicant proposes to amend the Comprehensive Plan and Zoning Map designation from GC to MDRH. The proposed designation allows for the development of single-family and two-family housing, multi-family, manufactured housing and other related uses with a density of 5.5 to 11

dwelling units per acre. If the rezone is approved, and you were to deduct 25% of the land area for public facilities, the property will yield approximately 13-26 dwelling units.

EcoNorthwest completed a Housing Needs Analysis (HNA) for Sherwood in June of 2015 showing approximately 96 vacant acres of residentially zoned property in the City, with 21 vacant acres zoned MDRH. There are an additional 23 gross acres of developable land zoned MDRH available within the Brookman area. The following table shows the residential zoning and the vacant acres per zone.

Table 1. Inventory of suitable buildable residential land, gross acres, Sherwood city limits and areas within the UGB, 2015

Zone	Gross Acres	Percent of Total
Land within City Limits		
Very Low Density Residential (VLDR)	24	14%
Very Low Density Residential Planned Unit Development (VLDR-PUD)	1	1%
Low Density Residential (LDR)	22	13%
Medium Density Residential-Low (MDRL)	14	8%
Medium Density Residential-High (MDRH)	21	12%
High Density Residential (HDR)	14	8%
Subtotal	96	55%
Brookman and Other Unincorporated Areas		
Very Low Density Residential (VLDR)	1	1%
Medium Density Residential-Low (MDRL)	52	30%
Medium Density Residential-High (MDRH)	8	4%
Medium Density Residential- Low/High* (MDRL/H)	15	8%
High Density Residential (HDR)	3	2%
Subtotal	79	45%
Total	175	100%

The HNA forecasted the housing need for Sherwood for the next twenty years and compared that demand to the available vacant land within the City limits and UGB limits. Table 2. below, shows that there is a demand for MDRH land even if the Brookman area became immediately available for development. Since the Brookman area is not available for development because it has not been annexed into the city limits, it could be argued that more MDRH sites are needed within the city limits to meet the demand.

Table 2. Comparison of capacity of existing residential land with demand for new dwelling units, dwelling units, Sherwood planning area, 2015-2035

Zone	Capacity (Needed Densities)	Housing Demand	Capacity <i>minus</i> Demand
Very Low Density Residential	76	74	2
Low Density Residential	144	141	3
Medium Density Residential-Low	416	416	0
Medium Density Residential-High	318	360	-42
High Density Residential	327	351	-24
Total	1,281	1,342	-61

Specific conclusions found in applicant’s Economic Analysis (EA) indicate that the site provides appropriate flexibility for the housing types allowed for in the MDRH zone because of its proximity to other residential development.

However, simply demonstrating that there is a need for the residential land does not address the issue of whether there is also an equal need for the existing zoning. The site is currently zoned for General Commercial. There are currently 14.62 acres of vacant GC land within the City, including this site. An additional 21.52 acres are underdeveloped for GC use. The table 3 identifies the vacant and underdeveloped commercial properties and their zoning designation.

Table 3. Current Commercial Zoning Comparison (2016)

	Developed	Partially Developed	Undeveloped	Total
Neighborhood Commercial (NC)	1.03	0.00	3.00	4.03
Office Commercial (OC)	6.90	0.00	20.28	27.18
Retail Commercial (RC)	22.18	47.52	17.07	86.77
General Commercial (GC)	28.29	21.52	14.62	66.58
Light Industrial-Planned Unit Development (LI-PUD)	19.80	0.00	26.00	45.80
Total	65.12	78.79	86.45	230.36

The Sherwood Economic Development Strategy (EDS: 2006) conducted a commercial land demand analysis. The 2006 analysis showed approximately 175 acres of existing commercial land in the City. Since then, annexation, rezones and part of the Langer PUD property developing as commercial ultimately increased the amount of commercially zoned or developed property within the City. Specifically, the Langer PUD Phase 7 area east of Langer Farms Parkway and south of Tualatin Sherwood Road is zoned PUD-LI. At the time of that approval, it was confirmed that GC uses including commercial, retail, and service uses not otherwise permitted in the LI zone, were permitted in the LI-PUD zone. This has been grandfathered in for these properties and should be taken into account when determining the commercially available land supply. With these changes, there are now approximately 230 acres of commercial property within the City as the table indicates.

The EDS went on to evaluate the future commercial land need within the City in the next 20 years. It indicated that the commercial land demand in Sherwood is expected to range from 15 acres in the low growth forecast to 40 acres under the medium growth forecast and up to 106 acres for the high growth forecast. (See Table 18A. of the EDS and marked as **Exhibit E**) The amount of

required commercial land area ranges from 27 acres in the medium growth scenario to 93 acres in the high growth scenario. Since just over 55 acres have been added to the commercial supply since the date of that report, there is an adequate supply of commercial land available to satisfy a medium-to-medium-high growth forecast scenario as outlined in the EDS.

The EDS conducted in 2006 identified an overall jobs/ housing imbalance in the City. Sherwood is “housing rich and jobs poor” compared with the rest of Washington County. The jobs -to-population ratio is .30 in Sherwood compared to .40 for Washington County as a whole. The EDS found that nearly 85% of the workers who live in Sherwood, work outside of the City limits.

Rezoning properties to residential from commercial to meet the immediate residential demand exacerbates the identified jobs imbalance. However, due to the size of the subject parcel it would have a minimal impact on the both the immediate need for residential or commercial land within the city limits.

FINDING: There is a demonstrated lack of MDRH zoned property within the existing City limits of Sherwood. While the City has planned MDRH capacity within the UGB, annexing this area into the City for development has proven difficult. Further, the proposal does not reduce the amount of commercially available properties below the need identified in the 2006 Economic Development Strategy. In summary, staff finds that there is a demonstrated need for MDRH zoned property in the City limits. This criteria is satisfied.

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: As discussed above there is an immediate short-term need for residential land within the City limits. The proposed amendment is timely as there is a limited supply of vacant residential properties available within the City’s existing boundary.

Like the rest of the country, the City is coming out of the Great Recession where little new development occurred both in the residential and commercial markets. The housing market has rebounded in Sherwood. Anecdotally, there is a strong demand for housing in the City of Sherwood. It has consistently been ranked as strong and safe community with a lot of good amenities.

The lack of available housing supply and the available vacant commercial supply within the City limits can be seen as an indicator of availability and timing for the proposed rezone. With the exception of the properties located at the northwest corner of the intersection of Highway 99W and SW Meinecke Parkway, the commercially zoned properties along this corridor have remained underdeveloped. One of the office buildings at that intersection remains partially vacant but the other building; Pacific Family Dental is at capacity and plans to expand. (Pacific Dental Expansion, MMSP 15-09). The pattern of recent development in the area is indicating that there is new activity nearby in both residential and commercial development.

The applicant's EOA maintains that the site entirely fails to meet the General Commercial Zoning designation because it is not large enough to accommodate a large commercial development. Mr. Reid writes that regardless of the rezone, based on factors listed in the analysis, the overall parent parcel is likely to attract only a "Neighborhood Center" as defined by the International Council of Shopping Centers/Urban Land Institute ranging from 32,000 square feet of commercial activity with the rezone, or 57,000 square feet without it.

When considering the likely pattern of development, approval of a zone change along the back portion of this parcel would not prevent commercial development along 99W. It should be noted, however that while it has been considered a viable option for a large commercial development to consolidate the three large properties along the north side of Highway 99W, this rezone would reduce that ability in the future.

Public infrastructure is available and utilities are able to be constructed to serve the site with the extension of services within SW Swanstrom or Highway 99W. The applicant has addressed the transportation system with the analysis conducted in their submitted traffic analysis to ensure consistency with the Transportation Planning Rule. Based on that analysis and confirmed by the City's Engineering Department, the existing system can serve lower residential density development on this property should the rezone be approved.

FINDING: Based on the above discussion, the applicant meets this criterion.

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.

There are currently 21 acres of developable land in the City zoned for MRDH development. The majority of the land is located in areas where it would be extremely costly to develop (Intersection of SW Oregon Street and SW Murdock), or has been tied up by public and institutional uses (vacant land by St. Francis, Middleton Elementary, Church next to the high-school). Planning staff is not aware of any immediate plans to develop other developable MDRH zoned lands. There are approximately 11-13 acres of developable MDRH-zoned land available in the UGB in the Brookman Road Concept Plan area. However, annexation of this area has proven difficult and significantly limits the ability of the area to be developed in the near future.

FINDING: Based on the applicant's analysis and above discussion, staff finds that this criteria is satisfied.

16.80.030.C. - Transportation Planning Rule Consistency

- 1. The applicant shall demonstrate consistency with the Transportation Planning Rule, specifically by addressing whether the proposed amendment creates a significant effect on the transportation system pursuant to OAR 660-012-0060. If required, a Traffic Impact Analysis (TIA) shall be prepared pursuant to Section 16.106.080.**

ANALYSIS: A Transportation Analysis (TA) addressing the Transportation Planning Rule (TPR) consistency, by Lancaster Engineering, was submitted as part of the application (Exhibit A). The analysis indicates that the proposed plan amendment and zoning change will result in significantly

fewer A.M. and P.M. peak hour trips. If the 2.66 acre portion of the site were developed with general commercial uses, the trip generation analysis shows that the development would generate 2,382 total daily trips compared to the 286 new weekday trips generated by development of single-family homes allowed by the proposed MDRH zoning. The report concludes that the proposed Comprehensive Plan and Zoning Map Amendment would result in fewer vehicle trips and decrease the impact of future development on the surrounding transportation network.

The City's Engineering Department has reviewed the materials and determined that the proposed rezone would reduce the number of trips to and from the subject property and that the change in zoning does not significantly affect an existing or planned transportation facility. Therefore no additional measures per OAR 660-012-0060 are required.

FINDING: Based on the above analysis, staff finds that this criteria is satisfied.

V. APPLICABLE COMPREHENSIVE PLAN POLICIES

The applicable portions of the Comprehensive Plan include: Chapter 2 – Planning Process; Chapter 3 – Growth Management; Chapter 4 – Land Use; Chapter 6 – Transportation; and Chapter 8 – Urban Growth Boundary Additions.

Chapter 2: Planning Process

F. Plan Amendments

This Plan, and each of its parts shall be opened for amendments that consider compliance with the goals and objectives and plans of the Metropolitan Service District (MSD) or its successor, on an annual basis and may be so amended or revised more often than annually if deemed necessary by the City Council as provided in this Section. Annual amendment and revision for compliance with the above regional goals, objectives and plans shall be consistent with any schedule for reopening of local plans approved by the Land Conservation and Development Commission (LCDC).

Amendments to the maps and text of this Part shall comply with the provisions of Part 3 Chapter 4 Section 4.200.

ANALYSIS: Amendments to the maps and text of Part II of the Comprehensive Plan must comply with Part 3, the Zoning and Community Development Code, Chapter 4, which has been renamed "Division VI. Planning Procedures," and Section 4.200, which has been renamed "Chapter 16.80 Plan Amendments." Compliance with Chapter 16.80 is discussed above in Section IV.

FINDING: As discussed in Section VI above, staff finds that this criteria is satisfied.

Chapter 3. Growth Management

Policy 1: To adopt and implement a growth management policy which will accommodate growth consistent with growth limits, desired population densities, land carrying capacity, environmental quality and livability.

ANALYSIS: The property is located within the City limits and within the urban growth boundary. Adjacent properties have urban facilities such as adequate roadways, water, sanitary sewer and pedestrian connections. Due to the small size of the subject properties' size, rezoning this property to

residential will have limited impact on the housing need within the area, densities, and land carrying capacity. Since some of the improvements have been made to the site, the environmental quality is not impacted by this development.

The intent of the GC zone is to provide opportunities for commercial uses, which require larger parcels of land, and or uses that involve products or activities that require special attention to environmental impacts as per Division VIII. The site was most likely zoned GC due to its proximity to Highway 99W, one of the City's busiest roadways.

The growth management policy must accommodate growth consistent with growth limits, desired population densities, land carrying capacity, environmental quality and livability. Livability and desired population densities are implemented through the existing zoning map designations and allowed land uses for each zoning designation. Due to the subjective nature of livability and desired population densities, any proposed changes to the zoning categories are evaluated by the decision-making authority and founded on their understanding of the community's needs and desires.

FINDING: Based on the above discussion, the applicant has provided adequate information for the decision-making authority to make a finding that the requirements of this policy have been met.

Chapter 4. Land Use

Section E - Residential Land Use

Policy 1. Residential areas will be developed in a manner which will insure that the integrity of the community is preserved and strengthened.

Policy 2. The City will insure that an adequate distribution of housing styles and tenures are available.

Policy 3. The City will insure the availability of affordable housing and locational choice for all income groups.

Policy 4. The City shall provide housing and special care opportunities for the elderly, disadvantaged and children.

Policy 5. The City shall encourage government assisted housing for low to moderate income families.

Policy 6. The City will create, designate and administer five residential zones specifying the purpose and standards of each consistent with the need for a balance in housing densities, styles, prices and tenures.

ANALYSIS: The applicant proposes a rezone of approximately 2.66 acres of a 5.09 acre site for residential. As discussed above, there is limited land available for housing in general within the City. There are single-family detached homes located immediately adjacent to the area proposed to be rezoned along SW Swanstrom. Those homes are on property that is zoned Low Density Residential (LDR-PUD). The MDRH zone allows for a variety of housing types including multi-family, but is predominantly developed with single-family detached homes when developed residentially.

The policies identified above seek to encourage and balance a variety of housing types. By approving this zone change to MDRH, the City is not addressing the issues of affordable and diverse housing types identified in the policies above, nor is it prohibitive of a willing developer to provide for a variety.

It is just much less likely that you would see anything developed other than single-family on individual lots. As demonstrated in the tables above, there is an immediate need for residential property zoned HDR or MDRH that could provide more affordable options to low and moderate income families. The location along Highway 99W is not necessarily conducive to single-family detached dwelling units without adequate noise buffering in place. Higher density housing would increase the likelihood that those types of measures could be implemented by a developer, but they are currently voluntary measures, and not measures that Sherwood has traditionally employed for housing along Highway 99W.

FINDING: Based on the above analysis, the proposal is neither consistent nor inconsistent with the Comprehensive Plan policies above. Rather, it is noted that the proposed zoning type is a current residential zoning classification in Sherwood, and therefore, an acceptable tool used to implement these policies.

Chapter 4 H. ECONOMIC DEVELOPMENT POLICIES AND STRATEGIES

Policy 5 The City will seek to diversify and expand commercial and industrial development in order to provide nearby job opportunities, and expand the tax base.

Strategy:

- **The City will encourage the revitalization of the Old Town Commercial area by implementation of 1983's "Old Town Revitalization Plan" and the Old Town Overlay Zone.**
- **The City will encourage the development of light industrial and office parks.**
- **The City will seek to attract industries that are labor and capital intensive.**
- **The City will seek to attract "target" industries which will expand industrial sectors inadequately represented in the urban area in order to diversify and stabilize the local economy.**

Staff Analysis: This economic development strategy seeks to expand commercial and industrial development to add job opportunities within the community. If the parcels are changed from commercial to residential, it must be determined whether this could negatively affect these comprehensive policies and strategies. The policy identified five strategies or areas where the City should encourage growth. The strategies did not specifically include the subject property as an identified area that would benefit from the City's efforts. It is not part of the Old Town commercial area, it is not part of an industrial or office park area, and the current zoning would preclude industrial development.

FINDING: Based on this discussion, the zone change amendment would not prevent these economic development policies and strategies from being met.

I. Commercial Land Use

Policy 1 Commercial activities will be located so as to most conveniently service customers.

Staff Analysis: The subject property is located along Highway 99W. There is a proposed east-west collector (Cedar Brook Way) planned to service the properties north of the highway, but the final determination of its location is left up to the development of the properties between SW Handley Drive and SW Elwert. Because the commercial portion of the property will continue to have frontage

on 99W and the future Cedar Brook Way extension, any commercial activities at the time of development would have the ability to be convenient to customers.

FINDING: The applicant has not demonstrated that this is not a convenient location to provide services to the neighborhood, but rezoning a portion of the property does not prevent the community from having convenient access to future commercial activities on the rest of the site.

Policy 2 –Commercial Uses will be developed so as to compliment rather than detract from adjoining uses.

Staff Analysis: Future development of any commercial activities on the site will be subject to site plan review, which is intended to ensure that measures are employed to mitigate impacts from commercial development on to adjacent residential uses.

FINDING: This policy is not applicable to this request.

Policy 3- Highway 99W is an appropriate location for commercial development at the highway’s intersections with City Arterials and major collector roadways.

Staff Analysis: The applicant’s property is located on Highway 99W but not at a location that is adjacent to a City collector or arterial.

FINDING: This policy is not applicable to this request.

VI. APPLICABLE REGIONAL (METRO) STANDARDS

Staff Analysis: The only applicable Urban Growth Management Functional Plan criteria are found in Title 1 – Housing Capacity. The City of Sherwood is currently in compliance with the Functional Plan and any amendment to the Comprehensive Plan and Zoning Map must show that the community continues to comply. The proposed amendment would increase Sherwood’s housing capacity and meet the Title 1 purpose by providing the opportunity for development of residentially zoned property with a compact form.

FINDING: Based on staff’s analysis, the proposed Comprehensive Plan and Zoning Map Amendment is consistent with the Metro Functional Plan criteria and the City would continue to be in compliance if the request were approved.

VII. APPLICABLE STATE STANDARDS

The applicable Statewide Planning Goals include: Goal 1, 2, 9, 10, and 12.

Goal 1 (Citizen Involvement)

ANAYLIS: 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. A neighborhood meeting was held on July 2, 2015 prior to the applicant’s submittal to the City. The application is being discussed and decided by the City Council

after a public hearing and a recommendation from the Planning Commission, made after holding a public hearing.

FINDING: Based on the above discussion, staff finds that Goal 1 is satisfied through the City review notice and process requirements.

Goal 2 (Land Use Planning)

ANALYSIS: The Sherwood Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals and provides goals, policies, and procedures for reviewing and evaluating land use requests. The proposed amendment, as demonstrated in this report, is processed in compliance with the local, regional and state requirements.

FINDING: Based on the above discussion, staff finds that Goal 2 is satisfied.

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)

FINDING: The Statewide Planning Goals 3-8 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

Goal 9 (Economic Development)

Staff Analysis: The proposal will change the zoning from GC to MDRH. The applicant provided an Economic Analysis that illustrated the current and future development trends for the urban area over the next twenty-year planning horizon. The applicant's information along with a recent Housing Needs Analysis conducted by the City showed that the population would increase in Sherwood and there would be a need for residential land. The applicant's materials indicated that the economy would grow in the Portland metro area and people needed places to live and would choose Sherwood. Bill Reid, an economist with PNW Economics, LLC provided information that demonstrates that the loss of 2.66 acres of General Commercial zoned land does not limit the City's ability to provide for the amount of needed land called for in the City's 2006 Economic Development Strategy. Further, Mr. Reid concludes that even with the partial rezone, the property will still provide for the same type of commercial development opportunity that would be available without the rezone.

Statewide Planning Goal 9 is implemented by the comprehensive plan and in the Metro region by OAR 660-009. A city must apply Goal 9 administrative rules to post acknowledgment plan amendments for changes to the designation of employment land to non-employment land if the site is over two acres. This site is 5.09 acres; therefore, Goal 9 is applicable to this request. The proposal does not reduce the amount of commercially available properties below the need identified in the 2006 Economic Development Strategy. The EDS demonstrates a need for 93 acres in the 20 year planning horizon. As

demonstrated in Table 3 above, there is approximately 165.24 acres of partially developed or undeveloped commercial land available within the City.

FINDING: Based on the above discussion, Goal 9 is applicable, and the applicant has met local economic development goals identified in the economic development strategy as discussed earlier within this report.

Goal 10 (Housing)

Staff Analysis: This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types. Due to the size of the parcel under review, any zone change would have limited effect on the City's overall housing inventory.

The applicant proposes MDRH zoning for 2.66 acres of land. The applicant's EA shows that the remaining 21 acres of MDRH provide a seven-year supply of MDRL zoned property if 60% of the new households require detached single-family housing. The recent HNA indicated a greater need for more vacant land zoned MDRH and HDR for multi-family and higher density housing. Since GC allows for HDR development as a secondary use, keeping the GC provides an alternative housing type that would help fulfill the immediate housing need for higher density housing within the City, but that may not be the desire of the community.

Statewide Planning Goal 10 is implemented by the comprehensive plan and in the Metro region by OAR 660-007 (Metropolitan Housing). OAR 660-007 provides density standards and methodology for land need and supply comparisons. Metro Title 1 responds to the requirements of the Metropolitan Housing Rule. By complying with Metro Title 1, Sherwood complies with OAR 660-007 as well as Statewide Planning Goal 10.

FINDING: Based on the analysis as discussed above, rezoning of the 2.66 acres of property to MDRH is not inconsistent with the requirements of Goal 10.

Goal 11 (Public Facilities and Services)

Goal 12 (Transportation)

FINDING: As discussed earlier in this report, the proposed amendment is consistent with the "Transportation Planning Rule" which implements Goal 12. The proposed amendment does not affect the functional classification of any streets within the City's TSP.

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

Recommendation

Based on the analysis above, the applicant has provided adequate information to make findings in support of the proposed amendment. The Planning Commission, at their public hearing on October 25, 2016 voted unanimously to forward a recommendation of **APPROVAL** of the proposed Comprehensive Plan and Zoning Map Amendment to the City Council as proposed.

VIII. ATTACHMENTS

- A. Applicant's revised submittal packet
- B. DLCD comments submitted via e-mail dated September 26, 2016
- C. City of Sherwood Engineering revised comments e-mail dated October 18, 2016
- D. ODOT comments submitted via e-mail dated June 2, 2016
- E. Table 18A. of the 2006 Sherwood Economic Development Strategy

22211 SW Pacific Highway Zone Change

APPLICANT/OWNER: Robert and Susan Claus
22211 SW Pacific Highway
Sherwood, OR 97140

**APPLICANT'S
REPRESENTATIVE:** Danelle Isenhart, AICP
Isenhart Consulting, LLC
P.O. Box 2364
Beaverton, Oregon 97075

REQUEST: Zone Change from GC TO MDRL for 2.66 acres
of the 5.86 acre site

**SITE LEGAL
DESCRIPTION:** Tax Lot 2000 of Tax Map 2S1 31BA
Sherwood, Oregon

SIZE: +/- 5.86 acre

List of Exhibits

Land Use Application Form & Checklist	1
Findings for Re-Zone/Map Amendment	2
Needs Analysis Report	3
Tax Map	4
Deed/Preliminary Title Report	5
Neighborhood Meeting Information	6
Plans	7
Traffic Report	8

Land Use Application Form & Checklist

Exhibit No. 1



Home of the Tualatin River National Wildlife Refuge

Case No. _____
Fee _____
Receipt # _____
Date _____
TYPE _____

City of Sherwood
Application for Land Use Action

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

- | | |
|---|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Conditional Use |
| <input checked="" type="checkbox"/> Plan Amendment (Proposed Zone <u>MDRL</u>) | <input type="checkbox"/> Partition (# of lots _____) |
| <input type="checkbox"/> Variance(list standard(s) to be varied in description) | <input type="checkbox"/> Subdivision (# of lots _____) |
| <input type="checkbox"/> Site Plan (Sq. footage of building and parking area) | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Planned Unit Development | |

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. Click on Departments/Planning/Fee Schedule.

Owner/Applicant Information:

Applicant: Robert and Susan Claus Phone: 503-313-6113
Applicant Address: 22211 SW Pacific Highway, Sherwood, OR 97140 Email: clausl@aol.com
Owner: Same as Applicant Phone: _____
Owner Address: Same as Applicant Email: _____
Contact for Additional Information: Danelle Isenhart, Isenhart Consulting, LLC, P.O. Box 2364, Beaverton, Oregon 97075, 503-880-4979, danelle@isenhartconsulting.com

Property Information:

Street Location: 22211 SW Pacific Highway
Tax Lot and Map No: 2000 of 2S1 31BA
Existing Structures/Use: Single-family dwelling and associated buildings
Existing Plan/Zone Designation: GC
Size of Property(ies) +/- 5.86 acres

Proposed Action:

Purpose and Description of Proposed Action: Zone change from General Commercial to MDR-L for 2.66 acres of the 5.86 acre site.

Proposed Use: Future subdivision for single-family dwellings


Proposed No. of Phases (one year each): One

LAND USE APPLICATION FORM

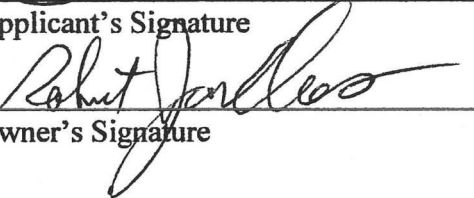
Authorizing Signatures:

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.


Applicant's Signature

Oct 19, 2015
Date


Owner's Signature

Oct 19th 2015
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).
- Copy of Deed** to verify ownership, easements, etc.
- 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)
- 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.

Findings for Rezone/Map Amendment

Exhibit No. 2

August 15, 2016

APPLICANT'S STATEMENT

APPLICANT/OWNER: Robert and Susan Claus
22211 SW Pacific Highway
Sherwood, OR 97140

APPLICANT'S REPRESENTATIVE: Danelle Isenhart, AICP
Isenhart Consulting, LLC
P.O. Box 2364
Beaverton, Oregon 97075

REQUEST: Zone Change from GC to HDRL for 2.66 acres of the 5.86 acre site

SITE LEGAL DESCRIPTION: Tax Lot 2000; Tax Map 2S1 31BA
Sherwood, Oregon

ADDRESS: 22211 SW Pacific Highway

SIZE: +/- 5.86 acres

LAND- USE DISTRICT: GC

I. APPLICABLE REGULATIONS

- A. City of Sherwood Comprehensive Plan II
 - Chapter 2 Planning Process
 - Chapter 3 Growth Management
 - Chapter 4 Land Use
 - Chapter 5 Environmental Resources
 - Chapter 7 Community Facilities and Services

- B. City of Sherwood Municipal Code Title 16: Zoning and Community Development Code
 - Chapter 16.70 General Provisions
 - Chapter 16.80 Plan Amendments
 - Chapter 16.106 Transportation Facilities

- C. Metro Urban Growth Management Functional Plan
 - Title 1 Housing Capacity
 - Title 2 Water Quality and Flood Management

- D. Statewide Planning Goals
 - Goal 1 Citizen Involvement
 - Goal 2 Land Use Planning
 - Goal 3 Agricultural Lands
 - Goal 4 Forest Lands
 - Goal 5 Open Space, Scenic and Historic Ares, and Natural Resources
 - Goal 6 Air, Water and Land Resources Quality
 - Goal 7 Areas Subject to Natural Disasters and Hazards
 - Goal 8 Recreational Needs
 - Goal 9 Economic Development
 - Goal 10 Housing
 - Goal 11 Public Facilities and Services
 - Goal 12 Transportation
 - Goal 13 Energy Conservation
 - Goal 14 Urbanization

II. BACKGROUND:

The applicant is requesting a comprehensive plan map amendment and zone change for a portion of the subject site located at 2S1 31BA, Tax Lot 2000 from General Commercial to Medium Density Residential High (HDRL). This application is for the comprehensive plan amendment and zone change. A separate application will be submitted for a single-family subdivision and associated improvements. Sherwood zoning and community development code, Comprehensive Plan, Metro plans, transportation planning rule and the Oregon Statewide Planning Goals are addressed within this narrative. As a Type V process, this application will include a public hearing before the Planning Commission. As required by Sherwood code, this review includes a public notice and neighborhood meeting, which was held on July 2, 2015. A copy of the noticing and meeting materials are included with this narrative under Exhibit 6.

Comprehensive Plan and Zoning Map Amendment

The site is currently designated Commercial on the City's Comprehensive Plan and is zoned for commercial development. The applicant is proposing to redesignate and rezone 2.66 acres of the site for residential development. The applicant has examined the needs of the community and has determined the need for additional residential zoning to meet the community's needs. A detailed analysis has been prepared in support of this application request and is attached as Exhibit 3.

Surrounding Uses

To the north of the site are properties zoned residential and developed with dwellings. To the east the site is a parcel zoned General Commercial. To the south of the site is Highway 99W. To the west of the site are residential and commercial zoned properties.

History of the Property

Prior to the Claus' purchasing the property, the site was treated as both commercial and residential uses. During the freeway realignment back in the 1940s, the main living structure would have been placed on the historic register except ODOT moved the house and put a new daylight basement under it.

The site more than 400 feet of highway frontage along Highway 99, which is enough to meet the state and local standards for an outdoor advertising structure (as there is an existing sign). There are two deeded ingresses and egresses from Highway 99 on that property. The deeded ingresses and egresses on this property, the outdoor advertising structure, the sewer and water are established services.

The day light basement has served as a commercial storage and office for many years. The former owners (Stanfields) rented the upstairs a separate arrangement. The property has been book storage and distributing depository, including for the Sherwood School District, as commercial storage. The county issued a permit to put a mobile home on the property which has been used an office and as a house. The property was zoned medium density residential/general commercial with a wide latitude of uses—the most extensive in the town code.

Some buildings were altered and improved over the years with permits as needed by Washington County, the City of Tualatin, or the City of Sherwood. The buildings have been used as legal offices, research house, computer assembly and shipping depot, and meat supply/butcher shop/restaurant. The restaurant building and others were used at various times as a publication house for an extensive co-sponsorship program and support with the U.S. Small Business Administration. One building that now represents an office or residence, was converted to a complete restaurant passing the county health regulations and state agricultural regulations as a restaurant, meat supply/butcher shop for that use.

During the construction of Six Corners, ODOT used the Claus property as a staging area for their heavy equipment and construction. Also during that period, ODOT had an overrun of $\frac{3}{4}$ minus gravel for roads and parking areas and built the berm in the front. The large shop in the back of the property and at the time that Thomas Claus and RJ Claus had a contractor license this was used as a construction/staging area for the construction and storage and preparing things such as the truss systems. It has been used for research, publishing, and had mixed uses over the years.

Overall, the site has been used for a variety of uses over time, residential and commercial. Marketing the site as commercial use has not been successful since the City required Cedar Brook Way to be extended through the site.

III. FINDINGS

A. CITY OF SHERWOOD COMPREHENSIVE PLAN II

The applicable Sherwood Comprehensive Plan Policies and Goals are set forth below along with findings in support of the Comprehensive Plan Map Amendment – Zone Change.

CHAPTER 2 – PLANNING PROCESS

COMMENT:

Chapter 2 of the Sherwood Comprehensive Plan highlights citizen involvement, agency involvement, the plan development process, plan interpretation and plan amendments. As previously stated, a neighborhood meeting was completed for this application on July 2, 2015. The Sherwood City Council will have final decision-making authority in this Comprehensive Plan Map Amendment and Zone Change.

CHAPTER 3 – GROWTH MANAGEMENT

Policy 1 – The City will periodically review and propose to Metro appropriate revisions to the Urban Growth Boundary (UGB) in conformance with the Metro 2040 Growth Concept Plan and the need to accommodate urban growth to the year 2017.

COMMENT:

This application does not propose any changes to the UGB. The proposed Comprehensive Plan Map Amendment and Zone Change from commercial to residential are in conformance with the Metro 2040 Growth Concept Plan.

CHAPTER 4 – LAND USE

E. Residential Land Use

Policy 1- Residential areas will be developed in a manner which will insure that the integrity of the community is preserved and strengthened.

COMMENT:

The proposed Comprehensive Plan Map Amendment and Zone Change would enable the portion of the site going through the zone change to be developed at a density that will take advantage of existing infrastructure and other amenities, addressing one of the strategies related to this policy and addressing the City's need to provide residential development as detailed in Exhibit 3.

The immediate community adjacent to this proposed rezone is single-family detached homes. This property shares road frontage, SW Stein Terrace and SW Swanstrom Drive, with those homes. The broader community in this corridor of Sherwood is residential with a

Claus Zone Change

high volume of pedestrian, bike, skateboard, stroller and runner traffic. The extension of SW Swanstrom Drive for the future subdivision would enhance this pedestrian connectivity with public safety. Eventually Cedar Brook Way is planned for circulation and access for the commercial properties along SW Pacific Highway. This zone change area of the site would benefit from no commercial traffic impact from the other portion of this site and adjacent properties. There is Class A office space north of the site off Highway 99W that has been vacant for years. This property was marketed for professional medical and dental buildings, but due to poor access, limited shared parking and high cost of 99W improvements, these uses as well as other small business or office use was deemed infeasible. The best use of this land would be to redevelop the 2.66 acres of the site and rezone it to residential. Utilities for the future subdivision are available in SW Swanstrom Drive and SW Stein Terrace.

Policy 2- The City will insure that an adequate distribution of housing styles and tenures are available.

COMMENT:

To the north and west of the site includes single-family homes on lots 5,000 to 8,000 square feet. The Comprehensive Plan Map Amendment and Zone Change would provide another housing option for existing and future residents of Sherwood while increasing density in meeting the stated goal of maintaining a minimum overall density of six dwelling units per acre. As noted above, this request will provide the City the opportunity to provide additional housing land. The proposed development will allow for single-family detached dwellings.

This proposed rezone to HDRL while maintaining large lot sizes promotes the availability of a variety of housing styles unavailable elsewhere in Sherwood. The 2.66 acres of the site that is proposed for residential rezone could allow for a 17 lot subdivision (as shown in Exhibit 7). These lots would meet the requirements of the HDRL zone and are compatible in size to the lots to the north and west. These lots would be available to build single-family detached dwellings or duplex units. Tenure availability would be encourage with duplexes or accessory dwelling units which could be rented.

Policy 3- The City will insure the availability of affordable housing and locational choice for all income groups.

COMMENT:

Taking into account the characteristics of Sherwood, with higher income levels and demand for Sherwood's amenities, these large lots in a desirable close-in location would be able to serve a broad scope of demographic trends. Adding infill lots like these to the residential inventory that are available for immediate development keeps supply and demand more steady and affordable.

Policy 4- The City shall provide housing and special care opportunities for the elderly, disadvantaged and children.

COMMENT:

This proposed rezone to residential could provide housing opportunities for the elderly with either Accessory Dwelling Units for caretakers, extended families or additional rental income. Single story ranch style building styles could be built. If duplexes, there would be

more affordable rental opportunities to downsize. The close-in location would benefit any special needs and children who would be near schools. The type of development will be up to the future developer.

Policy 5- The City shall encourage government assisted housing for low to moderate incomes.

COMMENT:

Government assisted housing can occur in any residential zoning.

Policy 6- The City will create, designate and administer five residential zones specifying the purpose and standards of each consistent with the need for a balance in housing densities, styles, prices, and tenures.

COMMENT:

This rezone to HDRL makes the best use of the purpose and standards of that zoning by providing the greatest variety and unique diversity of housing unavailable elsewhere in Sherwood.

I. Commercial Land Use

Policy 1- Commercial activities will be located so as to most conveniently service customers.

COMMENT:

A portion of the site will be retained as General Commercial zoned property. This portion of the site is on the eastern part of the property along Highway 99W. Currently, this site has access onto Highway 99W. However, eventually the access onto the Highway will be required to be removed. Access through the existing right-of-way (SW Swanstrom) to the site if it was to remain GC zone would require commercial traffic to route through a residential neighborhood, which is not desirable. Future access to the commercial portion of the property will be from the extension of Cedar Brook Way. Commercial activity is not compatible with the close proximity of the existing residential neighborhood, and it would strain public safety and parking. This property is irregular in shape and has challenging commercial building issues with access and slope.

Policy 2- Commercial uses will be developed so as to compliment rather than detract from adjoining uses.

COMMENT:

The adjoining uses to the north and west are single-family detached homes. The commercial zoning could negatively impact this residential use with increased traffic and safety risks while HDRL zoning for the 2.66 acres closest to the existing residential zone would enhance the livability of the neighborhood.

Policy 3- Highway 99 is an appropriate location for commercial development at the highway's intersections with City arterials and major collector roadways.

COMMENT:

Currently, this site has access onto Highway 99W. However, eventually the access onto the Highway will be required to be removed. The site does not currently have access from a City arterial or major collector roadway. The only other access option currently is from SW Swanstrom Drive, a local residential street. The rezone will allow for residential development next to existing residential to the north and west and for the remainder of the site to stay commercially zoned. The commercial zoned area of the site can have future access from the extension of Cedar Brook Way and will be an appropriate location for commercial development in the future. The residential rezone to HDR from General Commercial of the property located north from this proposed rezone has altered the demographics of this area. The 55-acre Langer PUD has shifted commercial development to Tualatin Sherwood Road. Urban Renewal land has become a more defining factor in identifying appropriate commercial locations with the Old Town overlay and the rezone of the Urban Renewal land of Driftwood Mobile Park from residential to commercial. The recently annexed light industrial zoned land on SW 124th will also provide a strong job base and retail opportunities within the industrial zoning.

Again, the extension of SW Swanstrom Drive is not suitable for commercial due to irregular shape, slope, and cost of improvements. These factors would not inhibit residential development and would be a better use of the 2.66 acres of land. A goal of this policy is the creation or expansion of general commercial zone will not create undo congestion or produce substantial conflict with the established land use pattern.

CHAPTER 5 – ENVIRONMENTAL RESOURCES

A. ENVIRONMENTAL RESOURCES POLICY GOALS

Planning Goals: Energy Resources

Policy 4 – Encourage energy efficiency in the design and use of sites, structures, transportation systems and utilities.

COMMENT:

The Comprehensive Plan Map Amendment and Zone Change would allow the site to be designed and developed in way to maximize energy efficiency in the use of the site, structures, transportation systems and utilities.

B. NATURAL RESOURCES AND HAZARDS

Policy 1 – Flood plain shall be prohibited from development in order to reduce the risk of flooding, prevent or reduce risk of human life and property, and maintain functions and values of floodplains such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems.

COMMENT:

The site is not within a flood plain. There is a wetland along the eastern property line that has been delineated. This area will be required to be protected during the subdivision process. The proposed zone change will have no effect to the on-site wetland.

Claus Zone Change

Policy 4 – Provide drainage facilities and regulate development in areas of runoff or erosion hazard.

COMMENT:

This application is for the Comprehensive Plan Map Amendment and Zone Change only. A subsequent application will be submitted for a subdivision on this site. At subdivision submittal time, the proposal will provide drainage facilities and regulate development in areas of runoff or erosion hazard to meet the standards of Sherwood, Clean Water Services and Metro.

C. ENVIRONMENTAL QUALITY

Policy 1 – Water quality will be protected from erosion and other forms of degradation.

COMMENT:

The proposed Comprehensive Plan Amendment and Zone Change and subsequent subdivision will protect the water quality of the wetland on the site.

Policy 2 – Air quality will be protected from significant degradation.

COMMENT:

The proposed development will protect air quality by utilizing the site in an efficient manner.

Policy 3 – Noise sources will be shielded from residential neighborhoods.

COMMENT:

This application will not result in any additional noise sources that would necessitate shielding from residential neighborhoods. The proposal will be to develop the site with single-family owner-occupied residences consistent with the existing surrounding development.

D. RECREATIONAL RESOURCES

Policy 4 – The City will encourage and support the private sector in the provision of needed recreational opportunities.

COMMENT:

The subsequent subdivision will provide sidewalks were still required which will provide access into the existing neighborhood to the existing recreational opportunities (i.e. schools and parks).

E. ENERGY RESOURCES

Policy 4 – The City will encourage energy efficiency in the design and use of sites, structures, transportation systems and utilities.

COMMENT:

The Comprehensive Plan Map Amendment and Zone Change would allow the site to be designed and developed in a way to maximize energy efficiency in the use of the site, structures, transportation systems and utilities. The subject property is currently adjacent to existing residential developments to the north and west, is connected to existing roadways and has access to existing utility services. The availability of the existing infrastructure results in resource efficiency and encourages the use of existing systems.

CHAPTER 7 – COMMUNITY FACILITIES AND SERVICES

COMMENT:

The applicant will support and adhere to all City of Sherwood requirements relating to facilities and services.

B. CITY OF SHERWOOD MUNICIPAL CODE TITLE 16: ZONING AND COMMUNITY DEVELOPMENT CODE

CHAPTER 16.70: GENERAL PROVISIONS

SECTION 16.70.010 Pre-Application Conference.

Pre-application conferences are encouraged and shall be scheduled to provide applicants with the informational and procedural requirements of this Code; to exchange information regarding applicable policies, goals and standards of the Comprehensive Plan; to provide technical and design assistance; and to identify opportunities and constraints for a proposed land use action. An applicant may apply at one time for all permits or zone changes needed for a development project as determined in the pre-application conference.

COMMENT:

The applicant did not have a pre-application meeting with staff for the proposed zone change.

SECTION 16.70.020 Neighborhood Meeting.

- A. The purpose of the neighborhood meeting is to solicit input and exchange information about the proposed development.**
- B. Applicants of Type III, IV and V applications are required to hold a meeting, at a public location for adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject application, prior to submitting their application to the City. Affidavits of mailing, sign-in sheets and a summary of the meeting notes must be included with the application when submitted. Applicants for Type II land use action are encouraged, but not required to hold a neighborhood meeting.**

- 1. Projects requiring a neighborhood meeting in which the City or Urban Renewal District is the property owner or applicant shall also provide published and posted notice of the neighborhood meeting consistent with the notice requirements in 16.72.020.**

COMMENT:

A neighborhood meeting for this Comprehensive Plan Map Amendment and Zone Change was conducted on July 2, 2015 at the Sherwood Senior Center. Notice was sent via mail to property owners and recognized neighborhood organizations within 1,000 feet of the site. Copies of the affidavit of mailing, sign-in sheet and meeting summary are include with this application in Exhibit 6.

SECTION 16.70.030 Application Requirements.

A. Form

Any request for a land use action shall be made on forms prescribed and provided by the City and shall be prepared and submitted in compliance with this Code. A land use application shall be reviewed against the standards and criteria effective at the time of application submittal. Original signatures from all owners or their legal representative must be on the application form.

B. Copies

To assist in determining the compliance of proposed land use actions with the Comprehensive Plan and provisions of this Code, applicants shall submit one (1) complete electronic copy of the full application packet, one reduced (8½ × 11) copy of the full application packet and the required number of hard copies as outlined on the applicable forms prescribed and provided by the City.

C. Content

- 1. In addition to the required application form, all applications for Type II-V land use approval must include the following:**
 - a. Appropriate fee(s) for the requested land use action required based on the City of Sherwood Fee Schedule.**
 - b. Documentation of neighborhood meeting per 16.70.020.**
 - c. Tax Map showing property within at least 300 feet with scale (1" = 100' or 1" = 200') north point, date and legend.**
 - d. Two (2) sets of mailing labels for property owners of record within 1,000 feet of the subject site, including a map of the area showing the properties to receive notice and a list of the property owners, addresses and tax lots. Ownership records shall be based on the most current available information from the Tax Assessor's office.**
 - e. Vicinity Map showing a minimum radius of 500 feet around the property and the closest intersection of two Principal Arterial, Arterial, Collector or Neighborhood roads.**
 - f. A narrative explaining the proposal in detail and a response to the Required Findings for Land Use Review for the land use approval(s) being sought.**
 - g. Two (2) copies of a current preliminary title report.**

- h. Existing conditions plan drawn to scale showing: property lines and dimensions, existing structures and other improvements such as streets and utilities, existing vegetation, any floodplains or wetlands and any easements on the property.**
- i. Proposed development plans sufficient for the Hearing Authority to determine compliance with the applicable standards. Checklists shall be provided by the City detailing information typically needed to adequately review specific land use actions.**
- j. A trip analysis verifying compliance with the Capacity Allocation Program, if required per 16.108.070.**
- k. A traffic study, if required by other sections of this code,**
- l. Other special studies or reports that may be identified by the City Manager or his or her designee to address unique issues identified in the pre-application meeting or during project review including but not limited to:
 - 1) Wetland assessment and delineation**
 - 2) Geotechnical report**
 - 3) Traffic study**
 - 4) Verification of compliance with other agency standards such as CWS, DSL, Army Corps of Engineers, ODOT, PGE, BPA, Washington County.****
- m. Plan sets must have:
 - 1) The proposed name of the development. If a proposed project name is the same as or similar to other existing projects in the City of Sherwood, the applicant may be required to modify the project name.**
 - 2) The name, address and phone of the owner, developer, applicant and plan producer.**
 - 3) North arrow,**
 - 4) Legend,**
 - 5) Date plans were prepared and date of any revisions**
 - 6) Scale clearly shown. Other than architectural elevations, all plans must be drawn to an engineer scale.**
 - 7) All dimensions clearly shown.****
- 2. Exemptions can be made when items in 16.70.030.C.1 are not necessary in order to make a land use decision, such as for text amendments to the development code. Additional written documentation may be necessary to adequately demonstrate compliance with the criteria.**

COMMENT:

All applicable materials have been submitted with this application for a Comprehensive Plan Map Amendment and Zone Change.

CHAPTER 16.80: PLAN AMENDMENTS

SECTION 16.80.010 Initiation of Amendments.

Claus Zone Change

An amendment to the City Zoning Map, the text of the Comprehensive Plan, or the text of the Zoning and Community Development Code may be initiated by the Council, Commission, or an owner of property within the City.

COMMENT:

The Comprehensive Plan Map Amendment and Zone Change is being initiated by the property owner within the City of Sherwood.

SECTION 16.80.030 Review Criteria.

C. 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.**

COMMENT:

The Comprehensive Map Amendment application proposes to change the zoning of 2.66 acres of the subject property from General Commercial (GC) to Medium Density Residential High (HDRL). This narrative will address the requirements of the Sherwood Comprehensive Plan, the Transportation System Plan and the zoning and development code. This proposal complies with Goal 10 policies governing planning for housing and residential land, Metropolitan Housing Rule OAR660-007, and Metro's 2040 Functional Growth Management Plan. This rezone meets the requirement and primary obligation of Goal 10 by providing a land designation to this property which allows for single family attached housing.

- 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.**

COMMENT:

There is an existing and demonstrable need for HDRL zoning. At best, "compared to demand, Sherwood has a small surplus of residential land." This includes the Brookman annexation and Sherwood West, which is not for certain and years away, and redevelopable land. The 20-year projected need for housing supply in Sherwood is 1,156 homes, with a projected supply of 1,281 counting land within the City (606) and the Brookman annexation area (550). This forecast of growth is below historical rates for Sherwood which had a growth of 3.4% for 2000 - 2013 and 8% from 1990 - 2013. If Sherwood grows faster than the 1% per year forecast of Metro for 2015 - 2035, which has been the trend, Sherwood won't have sufficient land to accommodate growth. If the 80% ownership/20% tenure historical pattern in Sherwood continues, there will be a faster depletion of supply and home

prices will escalate due to scarcity. At this rate, Sherwood will need 45 acres of HDRL instead of 21 acres.

The known 44 acres of HDRL currently in the City (including Brookman Addition) is barely sufficient for the estimated 20-year need. However, before the Brookman Addition is annexed and fully serviceable and buildable, Sherwood approaches insufficient HDRL-zoned land supply and may likely experience acceleration in home price growth and declining housing affordability. The existing 21 acres of HDRL zoned land is in small pieces throughout Sherwood (not counting Brookwood). A majority of these properties have a single-family dwelling and outbuildings with access to roads and services (utilities). Many of these property owners have been approached by developers and the owners have no desire to sell. It is unknown when or if these properties will ever develop to their full HDRL potential.

Sherwood population is rapidly growing and slowly aging. Sherwood annual growth rate is 8% while Washington County is 2.5% and Portland 1.6%. The fastest growing age group in Sherwood from 2000-2010 was 45 +. By 2035, 60+ will account for 24% of Washington County. Aging population results in increased demand for seniors and their particular needs. Whether downsizing or remaining in their homes as long as possible, seniors prefer to remain in the same town. The proposed rezone could address that demand through single family homes with accessory dwelling units for caretakers, extended family or additional rental income. These lots could also potentially accommodate single story ranch style homes or duplexes with lower rent than home ownership.

In 2010, the median age in Sherwood was 34 years. Sherwood has a larger share of households with children at 47%, compared to Washington County at 33% and Portland at 29%. For a younger more diversified household, there will be a need for a moderate price for home ownership and rental opportunities. The proposed rezone would provide a variety of choices for a wide range of millennial households including traditional families, never marrieds, dinks or double incomes, and empty nesters that include affordable ownership and rental scenarios.

"Income is the key to determinant of housing choice" and Sherwood households have a relatively high income. At \$78,400 Sherwood is 20% higher than Washington County at \$64,200. 75% of housing stock is single family detached with 75% ownership. 8% is single family attached townhouses or duplexes. Housing affordability will depend on the relationship between income and housing prices. 2004 - 2014, house sales prices were up 30% from \$245,000 - \$316,500. This is higher than Washington County at \$281,700, Portland at \$269,000 or Oregon at \$237,000. Sherwood prices were also higher than Tualatin, Tigard and Beaverton but lower than West Linn and Wilsonville. Rents were also higher in Sherwood at an average of \$1064 compared to \$850 in Washington County.

To ensure the existing supply of a diverse range of housing types, maintain the existing supply of affordable housing and increase opportunities for new affordable housing and households of all incomes, a steady supply of residential land needs to be available. Scarcity will increase prices due to market demand. These proposed rezoned HDRL lots are ready for development and can fill the immediate need for housing now while keeping a balance to supply and demand to maintain affordability without compromising property values.

Also included in housing needs besides shelter, is its proximity to other attractions, amenities, access to public services and quality schools. The close in location of these infill lots and proximity to public services and schools would be highly desirable to residential

lots. There is extensive shopping choices and professional services nearby as well as the YMCA. Even though the second largest job growth sector is in the professional/office sector, this land has not been desirable for this use, which is most successful in a business park or larger commercial center with large anchor tenants. Most of the people who live in Sherwood work outside the City and most of those who work in Sherwood do not live here. There is little job potential on this small commercial piece while residential development of this proposed rezone will bring needed improvements to the highway with landscaped corridors, bike lane, and extra pedestrian safety and connectivity adding to the amenities of the area making better and more efficient use of the land resources.

The key findings of the Housing Needs Analysis (See Exhibit 3) were to designate land for single family housing and that Sherwood was meeting its obligation to plan for needed housing types for all incomes. To provide an adequate supply of land, voters will need to take in Brookman and will still need Sherwood West. The proposed rezone would designate this land HDRL allowing for many housing type options for all incomes. Since the annexation of either the Brookman land or Sherwood West is unsure and years away, this proposed zone change is very timely to meet current demands.

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.

COMMENT:

This Comprehensive Plan Map Amendment is timely as there is a potential shortage of housing in Sherwood. There is a very limited supply of vacant HDRL properties available within the City's existing boundary. Most undeveloped or vacant commercially zoned property in the City is located primarily along SW Tualatin Sherwood Road, SW Roy Rogers or along Highway 99W. Although the site has frontage along Highway 99W it does not have the benefit of good circulation and connection as other commercial properties in the area. If developed as commercial now the access would be required from Swanstrom Drive, through an existing residential neighborhood. ODOT would not allow more access from Highway 99 and the required future connection of Cedar Brook Way would not be constructed. Due to timing with the construction of the Walmart and other businesses near Walmart, and the requirement for the extension of Cedar Brook Way this property has become undesirable for commercial development due to location and access.

Public infrastructure is available and utilities are able to be constructed to serve the site as they are already in Swanstrom Drive. Traffic impacts from single-family residential development will be less impactful than commercial development on the site.

The proposed rezone of the 2.66 acres would add a total of approximately 16 buildable lots. The irregular shape and traffic movement restrictions significantly limit the development choices available to this site. Granting this request would promote the connectivity and enhance the living environment of the neighborhood, protecting property values and providing an aesthetically pleasing, functioning environment that preserves the character of the neighborhood.

The HDRL zone includes a variety of housing types currently unavailable in Sherwood and satisfies the need for multi-generational and affordable housing. This could include a duplex

or single story with three car garage. These lots could also accommodate ADU – accessory dwelling units – for caretakers, family members or additional rental income.

Allowing the Langer PUD of 55 acres of Light Industrial Land a General Commercial use directed commercial development and small business/retail to Tualatin Sherwood Road. That property is in the Urban Renewal District which benefits the City. The 10 acre Driftwood mobile home park, also in the Urban Renewal District, was rezoned from residential to General Commercial. The remainder of commercial attraction is the Old Town Urban Renewal District. This property is not in the Urban Renewal District. The Cedar Brook PUD rezoned the property north up the 99W corridor from General Commercial to HDR. This trend has remade and identified this 99W corridor as residential and more valuable to the community as such.

This use is more compatible with the surrounding houses. New homes are being built within and near this cul-de-sac, demonstrating the desirability of inner community lots close to schools, parks and public transportation, even if near 99W, and consistent with the nature of the given setting.

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.

COMMENT:

There is a very limited supply of vacant HDRL properties currently available within the City’s existing boundary (21 acres). The existing 21 acres of HDRL zoned land is in small pieces throughout Sherwood. A majority of these properties have a single-family dwelling and outbuildings with access to roads and services (utilities). Many of these property owners have been approached by developers and the owners have no desire to sell. It is unknown when or if these properties will ever develop to their full HDRL potential.

Looking at land currently within the City Limits, the following is the amount of acres available for development in each residential zone.

Table 5. Inventory of suitable buildable residential land, net acres, Sherwood city limits and areas within the UGB, 2014

Zone	Gross Acres	Percent of Total
Land within City Limits		
Very Low Density Residential (VLDR)	24	14%
Very Low Density Residential Planned Unit Development (VLDR-PUD)	1	1%
Low Density Residential (LDR)	22	13%
Medium Density Residential – Low (MDRL)	14	8%
Medium Density Residential – High (HDRL)	21	12%
High Density Residential (HDR)	14	8%

Within the city limits there is more land available in the VLDR and LDR zones than in the HDRL zone. The site is not sufficient in size or have adequate access for HDR or for VLDR-PUD zoning. The subject site is 2.66 acres for the rezone and would add to the existing 21 acre inventory and will go through a subdivision application prior to development. The HDRL zone makes the most sense for the 2.66 acres of this site off Swanstrom Drive.

HDRL is the preferred new zoning designation due to the irregular shape and size of the parcels and the abutting residential development to the north and west. Lots will be limited due to the future location of Cedar Brook Way and the existing wetlands onsite. These limitations really limit the development potential to HDRL.

C. Transportation Planning Rule Consistency

- 1. The applicant shall demonstrate consistency with the Transportation Planning Rule, specifically by addressing whether the proposed amendment creates a significant effect on the transportation system pursuant to OAR 660-012-0060. If required, a Traffic Impact Analysis (TIA) shall be prepared pursuant to Section 16.106.080.**

COMMENT:

A transportation impact analysis (TIA) letter addressing the zone change is included with this application as Exhibit 8.

CHAPTER 16.106: TRANSPORTATION FACILITIES

SECTION 16.106.080 Traffic Impact Analysis (TIA).

A. Purpose

The purpose of this section is to implement Sections 660-012-0045(2)(b) and -0045(2)(e) of the State Transportation Planning Rule (TPR), which require the City to adopt performance standards and a process to apply conditions to land use proposals in order to minimize impacts on and protect transportation facilities. This section establishes requirements for when a traffic impact analysis (TIA) must be prepared and submitted; the analysis methods and content involved in a TIA; criteria used to review the TIA; and authority to attach conditions of approval to minimize the impacts of the proposal on transportation facilities.

This section refers to the TSP for performance standards for transportation facilities as well as for projects that may need to be constructed as mitigation measures for a proposal's projected impacts. This section also relies on the City's Engineering Design Manual to provide street design standards and construction specifications for improvements and projects that may be constructed as part of the proposal and mitigation measures approved for the proposal.

B. Applicability

A traffic impact analysis (TIA) shall be required to be submitted to the City with a land use application at the request of the City Engineer or if the proposal is expected to involve one (1) or more of the following:

- 1. An amendment to the Sherwood Comprehensive Plan or zoning map.**
- 2. A new direct property approach road to Highway 99W is proposed.**

3. **The proposed development generates fifty (50) or more PM peak-hour trips on Highway 99W, or one hundred (100) PM peak-hour trips on the local transportation system.**
4. **An increase in use of any adjacent street or direct property approach road to Highway 99W by ten (10) vehicles or more per day that exceed the twenty thousand-pound gross vehicle weight.**
5. **The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.**
6. **A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.**

COMMENT:

A transportation impact analysis (TIA) letter addressing the zone change is included with this application as Exhibit 8.

C. Requirements

The following are typical requirements that may be modified in coordination with Engineering Staff based on the specific application.

1. **Pre-application Conference.** The applicant shall meet with the City Engineer prior to submitting an application that requires a TIA. This meeting will be coordinated with Washington County and ODOT when an approach road to a County road or Highway 99W serves the property, so that the TIA will meet the requirements of all relevant agencies.
2. **Preparation.** The TIA shall be prepared by an Oregon Registered Professional Engineer qualified to perform traffic Engineering analysis and will be paid for by the applicant.
3. **Typical Average Daily Trips and Peak Hour Trips.** The latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers (ITE), shall be used to gauge PM peak hour vehicle trips, unless a specific trip generation study that is approved by the City Engineer indicates an alternative trip generation rate is appropriate.
4. **Intersection-level Analysis.** Intersection-level analysis shall occur at every intersection where the analysis shows that fifty (50) or more peak hour vehicle trips can be expected to result from the development.
5. **Transportation Planning Rule Compliance.** The requirements of OAR 660-012-0060 shall apply to those land use actions that significantly affect the transportation system, as defined by the Transportation Planning Rule.

COMMENT:

A transportation impact analysis (TIA) letter addressing the zone change is included with this application as Exhibit 8.

D. Study Area

The following facilities shall be included in the study area for all TIAs:

- 1. All site-access points and intersections (signalized and unsignalized) adjacent to the proposed development site. If the site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage and within the access spacing distances extending out from the boundary of the site frontage.**
- 2. Roads and streets through and adjacent to the site.**
- 3. All intersections needed for signal progression analysis.**
- 4. In addition to these requirements, the City Engineer may require analysis of any additional intersections or roadway links that may be adversely affected as a result of the proposed development.**

COMMENT:

A transportation impact analysis (TIA) letter addressing the zone change is included with this application as Exhibit 8.

E. Analysis Periods

To adequately assess the impacts of a proposed land use action, the following study periods, or horizon years, should be addressed in the transportation impact analysis where applicable:

- 1. Existing Year.**
- 2. Background Conditions in Project Completion Year. The conditions in the year in which the proposed land use action will be completed and occupied, but without the expected traffic from the proposed land use action. This analysis should account for all City-approved developments that are expected to be fully built out in the proposed land use action horizon year, as well as all planned transportation system improvements.**
- 3. Full Buildout Conditions in Project Completion Year. The background condition plus traffic from the proposed land use action assuming full build-out and occupancy.**
- 4. Phased Years of Completion. If the project involves construction or occupancy in phases, the applicant shall assess the expected roadway and intersection conditions resulting from major development phases. Phased years of analysis will be determined in coordination with City staff.**
- 5. Twenty-Year or TSP Horizon Year. For planned unit developments, comprehensive plan amendments or zoning map amendments, the applicant shall assess the expected future roadway, intersection, and land use conditions as compared to approved comprehensive planning documents.**

COMMENT:

A transportation impact analysis (TIA) letter addressing the zone change is included with this application as Exhibit 8.

F. Approval Criteria

When a TIA is required, a proposal is subject to the following criteria, in addition to all criteria otherwise applicable to the underlying land use proposal:

- 1. The analysis complies with the requirements of 16.106.080.C;**
- 2. The analysis demonstrates that adequate transportation facilities exist to serve the proposed development or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the City Engineer and, when County or State highway facilities are affected, to Washington County and ODOT;**
- 3. For affected non-highway facilities, the TIA demonstrates that mobility and other applicable performance standards established in the adopted City TSP have been met; and**
- 4. Proposed public improvements are designed and will be constructed to the street standards specified in Section 16.106.010 and the Engineering Design Manual, and to the access standards in Section 16.106.040.**
- 5. Proposed public improvements and mitigation measures will provide safe connections across adjacent right-of-way (e.g., protected crossings) when pedestrian or bicycle facilities are present or planned on the far side of the right-of-way.**

COMMENT:

A transportation impact analysis (TIA) letter addressing the zone change is included with this application as Exhibit 8.

C. METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

TITLE 1 – HOUSING CAPACITY

The Regional Framework Plan calls for a compact urban form and a “fair-share” approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to maintain or increase its housing capacity as provided in section 2.07.120.

COMMENT:

This Comprehensive Plan Map Amendment and Zone Change would increase Sherwood’s housing capacity and meet the Title 1 purpose by providing the opportunity for development of residentially zoned property with a compact form.

TITLE 3 – WATER QUALITY AND FLOOD MANAGEMENT

To protect the beneficial water uses and functions and values of resources with the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding.

COMMENT:

According to Metro’s RLIS Database, there is no floodplain on the site. There is however a wetland (See Exhibit 7) along the eastern portion of the site that will be required to be protected from development activities. Protection of the wetland will be reviewed through the future subdivision application. Therefore, there is no area on site that needs to be protected from flooding.

D. STATEWIDE PLANNING GOALS

Since the Sherwood Comprehensive Plan was acknowledged by LCDC to carry out the Statewide Planning Goals, the subsequent analysis shows how the proposed actions affect the Sherwood Comprehensive Plan’s compliance with the Statewide Planning Goals.

GOAL 1 – CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

COMMENT:

The City’s public hearing process meets the requirements of this Goal for citizen involvement in the land use process. Notice of the proposal will be provided to all property owners within the notice area, published in the newspaper, and will also be posted on the subject property giving interested citizens an opportunity to be involved in the process. A public hearing to consider the request will be held by the Planning Commission and then City Council. Through the notice and public hearing process all interest parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. This process meets the requirements of this Goal for citizen involvement in the land use planning process. In accordance with the findings presented above, the proposed Comprehensive Plan and Zoning Map Amendment are consistent with Goal 1.

GOAL 2 – LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

COMMENT:

The Sherwood Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals and provides goals, policies and procedures for reviewing and evaluating land use requests. The City’s adopted Type V land use planning process provides for Plan Map Amendments and is consistent with Goal 2.

GOAL 3 – AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

COMMENT:

The subject property is comprised of land that is currently located within the Urban Growth Boundary (UGB) and fully within the City of Sherwood's Incorporated City limits. The Comprehensive Plan Map Amendment and Zone Change will only affect the subject site. Therefore, it will not have a direct impact on any Goal 3 Agriculture Lands. Therefore, this Goal is not applicable.

GOAL 4 – FOREST LANDS

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

COMMENT:

The subject property is comprised of land that is currently located within the UGB and fully within the City of Sherwood's Incorporated City limits. The Comprehensive Plan Map Amendment and Zone Change will only affect the subject site. Therefore, it will not have a direct impact on any Goal 4 Forest Lands, and as such this Goal is not applicable.

GOAL 5 – OPEN SPACE, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

To protect natural resources and conserve scenic and historic areas and open space.

COMMENT:

The proposed Comprehensive Map Amendment and Zone Change will not affect or alter the natural resources in the area. According to Metro maps and a wetland delineation there is a wetland along the eastern part of the property. Buffer from the wetland will be determined through the future subdivision process.

GOAL 6 – AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

COMMENT:

The subject property is located within the UGB and City limits, where development at an urban scale and density is anticipated to occur. While the organization of uses and those uses specifically allowed within the property will change, no significant negative change in the quality of air is expected to occur. The proposed uses do not involve any additional noise or smoke that would affect the surrounding air, water, or land resource quality.

City sewer and water are readily available to the subject property. A stormwater facility will be proposed as part of the future subdivision. The proposal does not threaten the availability of local or regional air, water, and land resources. In accordance with the findings presented above the proposed Comprehensive Plan Map Amendment and Zone Change is consistent with Goal 6.

GOAL 7 – AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

To protect people and property from natural hazards.

COMMENT:

The subject property is located outside the 100-year floodplain. The site is sloped with no areas identified as landslide hazards or steep slopes. Detailed review of the site will be completed during the subsequent subdivision process to assure natural hazards are mitigated to the greatest extent practical.

GOAL 8 – RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

COMMENT:

The proposed Comprehensive Plan Map Amendment and Zone Change will allow for the development of the subject site. The proposed future lots will provide individual open space on each lot.

Upon approval of this application, a subdivision application will be submitted to Sherwood. The proposed plan will include the extension of Swanstrom Drive into the site and the extension of public utilities within this right-of-way. Sidewalk already exists along the site's frontage of Swantstrom Drive. Sidewalks will be provided along the road extension for access to recreational areas in the neighborhood (parks and schools). An open space/park area will likely be provided within the future subdivision. There will also be a future tract within the subdivision to preserve the on-site wetlands (passive open space). Therefore, the proposed Comprehensive Plan Map Amendment and Zone Change are in compliance with Goal 8 by providing opportunities consistent with guidelines identified in the Comprehensive Plan.

GOAL 9 – ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for the variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

COMMENT:

The proposed change will redesignate approximately 2.66 acres from General Commercial to Medium Density Residential High. The intent is to provide single-family residential housing to the area. Data necessary to address this Goal in relation to the proposed change, as required by OAR 660-009-0015, is available in the Economic Opportunity Analysis (EOA) that is included in this application (See Exhibit 3). This report provides the most recent and comprehensive data available for economic development trends and for the inventory of

Claus Zone Change

commercial and industrial land within the urban area for the 20-year planning period. Exhibit 3 also includes a supplemental memo by Bill Reid further discussing Goal 9 and how the site with or without the proposed rezone is not of adequate size for GC (General Commercial) zoned property as this is for large commercial sites.

In summary, the proposal conforms to the City's EOA by providing a location for housing. The proposal serves to provide an opportunity for the residential activities that are vital to the citizens of Sherwood, which is consistent with the requirements of this Goal.

GOAL 10 – HOUSING

To provide for the housing needs of the citizens of the state.

COMMENT:

The proposed change will redesignate approximately 2.66 acres from General Commercial to Medium Density Residential High. The intent is to provide opportunities for the development of additional housing in Sherwood.

The proposed Comprehensive Plan Map Amendment and Zone Change is consistent with Goal 10, based on available data, the reduction of vacant commercial land inventory represented by this proposal will not cause a significant impact on the ability to provide commercial/retail within the urban area. For these reasons approval of the proposed Plan change will not have a significant impact on the ability to provide commercial/retail within the UGB or in the local area, and the proposal does not adversely impact the requirements of this Goal.

GOAL 11 – PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

COMMENT:

The City maintains an infrastructure of public facilities and services to support urban development. The City has adopted a Transportation, Stormwater, Wastewater and Water master facility plans. These plans outline the public facilities and services needed to serve land within the UGB. The existing public services and facilities in the area (SW Swanstrom Drive and SW Stein Terrace) are adequate to serve the site. Public extensions and private laterals/water meters will be added during the subdivision. In accordance with the findings presented above the plan proposed is consistent with Goal 11.

GOAL 12 – TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

COMMENT:

The City of Sherwood's Transportation System Plan (TSP) is in compliance with the requirements of this Goal. The relationship of the proposal to the transportation system, and its impacts, have been set forth in detail in the Traffic Impact Analysis letter included as Exhibit 8. The proposed residential development on a portion of the site will have less impact on the transportation system. The Applicant has demonstrated that the identified

Claus Zone Change

amendments do not require mitigation to ensure that adopted operating standards will be met. The analysis has found that the traffic impacts of the project will not cause a change in the functional classification of any street or transportation facility, will not require or result in changes to the standards that implement the functional classifications system, will result in traffic volumes that are consistent with the functional classifications of the affected streets, and no mitigation will be required to assure that adequate level of service and the functionality of the transportation system is maintained. The proposed amendments are therefore in compliance with the Oregon Transportation Planning Rule, the Sherwood Transportation System Plan and the goals and policies contained within the Sherwood Comprehensive Plan. In accordance with findings presented above the proposed plan is consistent with Goal 12.

GOAL 13 – ENERGY CONSERVATION

To conserve energy.

COMMENT:

The design of the proposed development strives to provide an integration residential land uses resulting in a livable, connected community within the City of Sherwood. Inherent in the design is the ability to live in close proximity to other land uses allowing for less vehicle trips and miles traveled resulting in a reduction in the consumption of gasoline and associated emissions. The proposed future subdivision of the site encourages the use of alternative modes of transportation (bicycles, walking) adjacent to the proposed development through the provision of sidewalks.

The existing transportation system adjacent to the site will serve the site and no additional streets will be required. Therefore, the existing system will provide direct, efficient and convenient access to the future lots. The proximity of the development to adjacent developed residential neighborhoods and employment area will reduce the vehicle miles traveled to and from the subject property. The location and nature of the proposed development promotes the conservation of energy needed for transportation. For these reasons the proposal will help conserve energy and be energy efficient, in keeping with the intent of this Goal.

GOAL 14 – URBANIZATION

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

COMMENT:

The entire subject property is located within the Sherwood City limits. All required public facilities and services are available to the property. The site consists of vacant urban land. The use of the site as proposed will contribute to an efficient arrangement of land uses within the UGB, and to the efficient use of urban services, consistent with the directives of this Goal. The proposal does not affect the size or location of the UGB. In accordance with the findings presented above the Comprehensive Plan Map Amendment and Zone Change is consistent with Goal 14.

IV. SUMMARY AND CONCLUSIONS

Based upon the findings of this report and the submitted supplemental graphics material, the applicant has demonstrated compliance with the requirements of the relevant sections of the City of Sherwood Municipal Code, Comprehensive Plan, Metro Urban Growth Management Functional Plan, and Statewide Planning Goals for the requested Comprehensive Plan Map Amendment and Zone Change from General Commercial to Medium Density Residential High for the subject site. Therefore, the request should be approved.

Needs Analysis Report

Exhibit No. 3

NEED ANALYSIS IN
SUPPORT OF
RESIDENTIAL ZONE
CHANGE IN
SHERWOOD, OREGON
ROBERT CL AUS

Prepared by: PNW Economics, LLC

August 12, 2016

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I. INTRODUCTION

General Information

Applicant:	Robert Claus 22211 SW Pacific Highway Sherwood, Oregon 97140
Applicant's Representative	PNW Economics 2323 NW 188 th Avenue #624 Hillsboro, Oregon 97124 (503) 522-1236 phone Contact: Bill Reid bill@pnweconomics.com
Location:	City of Sherwood, Oregon 22211 SW Pacific Highway
Current Zoning District:	General Commercial (GC)
Project Site Area:	+/- 2.66 acres

Summary of Proposal

PNW Economics was retained by Robert Claus to evaluate market need to rezone of 2.66 acres of a 5.86-acre site from General Commercial (GC) to Medium Density Residential High (MDRH). The rezone to MDRH would enable the development of up to 17 additional single-family residential units likely ranging in size from 1,800 to 3,000 square feet and open space.

This analysis will assess the unmet need for this residential product type in Sherwood, Oregon, as well as findings to show how the proposed action helps to satisfy that demand and unmet need in the larger market context.

This memorandum summarizes these trends and our preliminary conclusions regarding potential at the subject site.

II. EXECUTIVE SUMMARY

Analysis in this report documents demand and supply conditions related to single-family residential development in the City of Sherwood over a twenty-year land use planning horizon, from 2015 to 2035. Market findings expressed in this document are crucial for answering several key questions integral to the Robert Claus application for a zone change for the subject property from GC to MDRH. These key questions include:

1. *Is the existing supply of land sufficient to provide attainable residential ownership for detached housing within the City of Sherwood?*

Based on the most recent residential land inventory completed by the City of Sherwood in the Draft *2015 Housing Needs Analysis*, the existing acreage within the city limits dedicated to MDRH use is 21 acres and accounts for only 22% of the overall capacity. This translates into capacity of 161 dwelling units based on historical densities as assumed in the 2015 Draft *Housing Needs Analysis*.

An additional 8 acres of MDRH-zoned land and an additional 15 acres of MDRL/H-zoned land is anticipated within the Brookman Addition, though the area is uncertain as to when it will be annexed and then after that, when the MDRH-zoned land would specifically be serviced by utilities and infrastructure.

2. *Is there market demand to dictate additional acreage needed for MDRH-zoned residential development in the City of Sherwood?*

Analysis of detached ownership housing supply shows that current guaranteed, incorporated inventory for MDRH-zoned land is approximately:

- 7 years of supply at a maximum if only 60% of new households require detached single-family homes as projected in the 2015 Draft *Housing Needs Analysis*; and
- 4 years of supply if 80% of new households require detached single-family housing consistent with historical Sherwood residential growth.
- Up to 23 acres in the Brookman Addition would meet need for MDRH-zoned land in Sherwood, but after existing supply is depleted over the short-term and the City likely suffers housing cost escalation based purely on scarcity.

In other words, there is a near-term need for MDRH-zoned land in Sherwood and the 2.66-acre subject site would help fill the immediate unmet need.

3. *Can the subject property better serve demand for medium density residential development with MDRH versus GC zoning?*

GC zoning precludes medium-density residential development within the zone, while the MDRH designation is provided to meet the medium-density detached residential needs of the City of Sherwood with flexibility to include a mix of higher, detached densities for greater housing choice in Sherwood. Therefore, the subject property would better serve demand for medium-density residential development with an MDRH zoning designation. The rezone would not apply to 3.2 acres of the larger site adjacent to Pacific Highway and that is appropriate for GC zoning.

III. SUBJECT SITE & SURROUNDING AREA

Subject Site Description

The subject site is a triangular-shaped 2.66-acre portion of a larger 5.86-acre site currently zoned General Commercial (GC) at 22211 SW Pacific Highway in Sherwood. The northwestern portion highlighted in Figure 1 represents the 2.66 acres seeking a rezone from GC to Medium Density Residential-High (MDRH).

The subject 2.66 acres is bound to the north and west by detached single-family residential development not unlike what would likely be achieved with MDRH zoning with a successful zone change. In other words, development with MDRH zoning would be consistent with adjacent, existing uses.

FIGURE 1: AERIAL VIEW OF SUBJECT SITE



To the south/southeast is the 3.2-acre portion of the property that would remain General Commercial (GC) with existing access to and from SW Pacific Highway from the southwest-bound lanes. With 3.2 acres and a rectangular shape, the site would stay marketable and developable for

highway-related commercial uses of appropriate size given access from one direction of Pacific Highway.

Transportation & Access

Access to the subject 2.66 acres would primarily be achieved by planned extension of SW Swanstrom Drive as a residential street, as well as the proposed extension of SW Cedarbrook Way bordering along the southeast side of the subject property. Such access would be appropriate for the addition of consistent, single-family land use pattern and related traffic speed and safety.

The 3.2 acres that would remain zoned GC would continue to have right-in, right-out access from SW Pacific Highway. Retention of zoning as such given existing access is appropriate. However, given the limited access to and from Pacific Highway only from the southwest-bound lane, a reduction in gross acreage of the 5.86 current acres by rezoning the 2.66 acres not adjacent to Pacific Highway would be appropriate. Without a dedicated intersection to allow retail commercial traffic from more than one direction of Pacific Highway, nearly 6 acres of GC-zoned land exceeds individual site need given the lower potential retail traffic and the lower yield of developed space supported by that traffic as a result.

Subject Locational Features

Figure 2 provides an aerial map of the subject property in the context of the broader Sherwood, Oregon area and its important economic and community features.

FIGURE 2: AERIAL VIEW OF SUBJECT SITE & AREA AMENITIES



The 2.66-acre subject is a short distance from SW Handley Street via SW Sandstrom Drive. SW Handley directs access to SW Meinecke Parkway and SW Pacific Highway. Via Pacific Highway, the site is a short distance from Langer Drive Commercial District, a Target, Albertsons, Home Depot, Sherwood City Center, and nearby employment centers particularly located along Tualatin-Sherwood Road. The site is also a short distance from Laurel Ridge Middle School and Sherwood High School.

Subject Site Conclusions

In short, it is concluded that the site is both appropriate and highly amenable to residential development:

- At 2.66 acres, largely undeveloped and flat, the site provides appropriate flexibility with regard to residential development feasibility, unit mix, and site plan to provide appropriate detached, single-family lots and homes.
- Locationally the site affords adequate access by residences on the site to various public and commercial amenities in the Sherwood and greater regional area via both SW Meinecke Parkway and SW Pacific Highway.

- Adjacent to already successfully developed single-family homes on SW Sandstrom, the site would offer single-family homes of comparable size, type, proximity to Pacific Highway, and seamless consistency with adjacent, existing neighborhood development.

Alternatively, we find that the 2.66-acre portion of the property is likely in excess of what would feasibly and fully develop as retail commercial use consistent with GC zoning. The currently whole site only has right-in, right-out access from the southwest-bound lanes of Pacific Highway. Without a dedicated intersection directing traffic from all directions to the site, 5.86 acres is a large site to see full yield with such limited retail traffic access.

Retention of 3.2 acres of the site adjacent to Pacific Highway and of flexible, rectangular shape and appropriate parcel depth maintains a more marketable site for retail commercial development under existing zoning and adjacent to additional and necessary household population.

IV. PRIMARY MARKET AREA

The Primary Market Area (PMA) for the subject site in this analysis is defined as the City of Sherwood. Sherwood represents the geographic area from which the subject development will likely draw the majority of its demand due to the local need for high-density attainable housing based on demographics, income levels, and younger families seeking affordable housing alternatives.

V. PROPOSED PRODUCT & DEMOGRAPHICS DEFINED

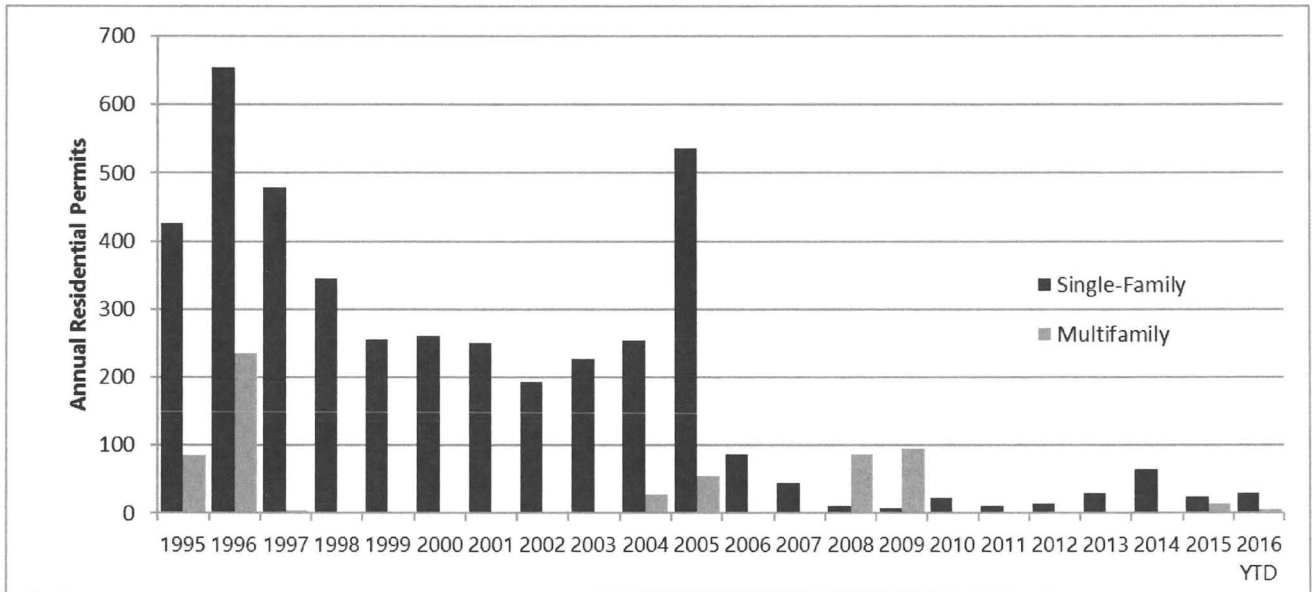
Sherwood Housing Development Trend

Housing development in Sherwood has experienced two distinct periods over the last twenty years. (Figure 7)

- 1995-2005: Sherwood averaged 309 single-family permits between 1995 and 2005, peaking in 2006 at roughly 650 single-family units.
- 2006-Current: Very low levels of new home production have been recorded in Sherwood, ultimately due to the Great Recession, resulting changes in construction lending criteria for the detached, single-family housing industry, and Sherwood's dwindling supply of sizeable, buildable sites. The period began early for the Sherwood housing market in 2006. From 2006 through 2015, Sherwood has averaged 32 single-family residential permits annually.

As of June 2016, Sherwood has recorded 30 single-family building permits.

FIGURE 7: CITY OF SHERWOOD HISTORICAL BUILDING PERMIT ACTIVITY



SOURCE: State of the Cities Data Systems (SOCDS), U.S. Department of HUD

Overall, since 1995, Sherwood has permitted an average of 200 single-family residences annually and 29 multifamily units annually. 2009 was the last year in which multifamily units were permitted at nearly 100 total units.

Finally, since 1995, the City of Sherwood has had the following average structure type split:

- Single-Family: 87% of all permitted residential units (63% since 2006); and
- Multifamily: 13% of all permitted units (37% since 2006).

In other words:

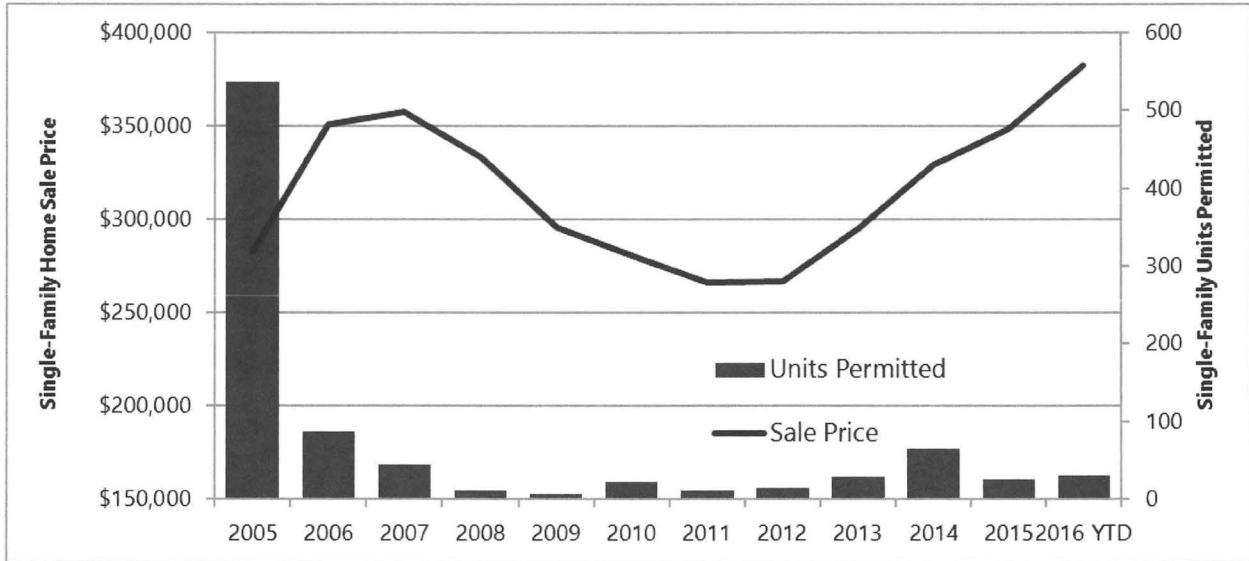
- Sherwood’s residential growth has gone through a pre-Great Recession growth phase (Pre-2006) and is now winding down from a Great Recession & Extended Recovery phase (2006-Current);
- Single-family permitting has in recent years shown irregular and still-low activity compared to historical levels over the last twenty years.
- Households that move into Sherwood have long shown an overwhelming preference for single-family detached housing at 88%. Since 2006, production in Sherwood has averaged 67% single-family during the slower Great Recession & Recovery period for the City.

Sherwood Home Price Trend

Starting in 2013, Sherwood has experienced sharp price growth for single-family homes – including new homes and resales - as depicted in Figure 8. As of June 2016, the average sale price

for a single-family home in Sherwood stands at \$382,500. This represents a remarkable 9.4% annual average home price growth rate over the last four years.

FIGURE 8: CITY OF SHERWOOD SINGLE-FAMILY HOUSE SALE PRICE & PERMITTING TREND



SOURCE: State of the Cities Data Systems (SOCDS), U.S. Department of HUD and Zillow.com (Zip Code 97140)

In fact, new home sale prices in Sherwood have escalated by an average of over 16% annually over the past three years, recording over 20% growth in 2014 alone.

As Figure 8 also demonstrates, however, the sharp escalation in home sales prices in Sherwood over the past four years have not been attributable to major new home development and new product pricing leading the market as happened between 1995 and 2006. The slight surge in 2014 does appear to have had a slight dampening effect upon the pace of home sale price growth in 2015, however.

With Sherwood single-family permitting recovering but still low compared to pre-Recession years, the spike in home prices over the four years has occurred with limited new supply on the market. In other words, new for-sale home scarcity is contributing escalating housing prices in Sherwood instead of home builder cost-pushed home price growth.

In other words:

- Sherwood’s new home values have recovered from the Great Recession, growing by a steep average of over 16% over the past four years (20.5% price growth in 2014 alone);
- Steep home price escalation has been driven by growth in housing demand while recovering but modest new supply has been built.

New Household Residential Demand

PNW Economics conducted an analysis of likely expected household demographics growth projected for a 20-year planning period through 2035 (Figure 9).

FIGURE 9: SHERWOOD FORECASTED RESIDENTIAL DEMAND, 2015-2035

Household Income Range	Net HH Increase		Assumed Tenure Split		Net Increase	
	Total	%	Owner	Renter	Owner	Renter
Income Less than \$15,000	29	2.5%	5.0%	95.0%	1	28
Income \$15,000 - \$24,999	38	3.3%	10.0%	90.0%	4	34
Income \$25,000 - \$34,999	69	6.0%	25.0%	75.0%	17	52
Income \$35,000 - \$49,999	62	5.4%	40.0%	60.0%	25	37
Income \$50,000 - \$74,999	170	14.7%	60.0%	40.0%	102	68
Income \$75,000 - \$99,999	196	17.0%	60.0%	40.0%	118	78
Income \$100,000 - \$124,999	193	16.7%	65.0%	35.0%	126	68
Income \$125,000 - \$149,999	152	13.2%	70.0%	30.0%	107	46
Income \$150,000 - \$199,999	135	11.7%	75.0%	25.0%	101	34
Income \$200,000 or more	111	9.6%	85.0%	15.0%	95	17
Total/Weighted Avg.	1,156	99.9%	60.0%	40.0%	696	461

All Ownership Housing Income Range	Net Increase	Qualified Payment 1/		% of Max	Affordable Home 2/	
		Minimum	Maximum		Minimum	Maximum
Income Less than \$15,000	1	\$0	\$250	100.0%	\$0	\$58,200
Income \$15,000 - \$24,999	4	\$250	\$375	100.0%	\$58,200	\$87,300
Income \$25,000 - \$34,999	17	\$375	\$625	95.0%	\$83,000	\$138,300
Income \$35,000 - \$49,999	25	\$625	\$875	95.0%	\$138,300	\$193,600
Income \$50,000 - \$74,999	102	\$875	\$1,250	90.0%	\$183,400	\$262,000
Income \$75,000 - \$99,999	118	\$1,250	\$1,875	90.0%	\$262,000	\$392,900
Income \$100,000 - \$124,999	126	\$1,875	\$2,500	85.0%	\$371,100	\$460,300
Income \$125,000 - \$149,999	107	\$2,500	\$3,750	85.0%	\$460,300	\$742,200
Income \$150,000 - \$199,999	101	\$3,750	\$6,250	80.0%	\$698,600	\$1,164,300
Income \$200,000 or more	95	\$6,250	\$12,500	75.0%	\$1,091,500	\$2,183,000
Total/Weighted Avg.	696			85.2%		

1/ Assumes 30% of gross income towards payment.

2/ Based on the following financing assumptions

Interest Rate	5.00%
Mortgage Term	30
% of Income	30.00%
% Financed	80.00%

Analysis utilizes household growth projections documented in the recent Draft *Sherwood Housing Needs Analysis*.¹ Projections of housing demand by specific income levels are not treated with the same detail in the Housing Needs Analysis as it is in Figure 9. Figure 9 does, however, utilize the assumed future housing demand tenure split of 60% ownership, 40% rental. As pointed out earlier in this report, historically over 80% of housing development in Sherwood has been detached single-family and 20% attached residential product. This would indicate that projected housing need in the Housing Needs Analysis dramatically departs from historical trend. The implications of this are treated later in this document.

Estimates in Figure 9 are provided for both the total household growth in the Sherwood market, as well as income qualifying households for for-sale housing product across the planning period.

Findings can be summarized as follows:

- The Sherwood PMA is anticipated to grow by 1,156 new households through 2035.
- The single largest-growing cohort in Sherwood is expected to be households with an income range of between \$75,000 and \$99,999.
- Households within the \$100,000 to \$124,999 income are expected to comprise the largest number of households seeking homeownership, followed by households that earn between \$75,000 and \$99,999 annually.
- PNW Economics, based on review of the Sherwood market, finds that demand for homes typically on land zoned MDRH and associated density are represented by households that earn between \$50,000 and \$124,999 annually (highlighted in blue).
- Demand for homes developed on MDRH-zoned land is estimated to be 346 single-family homes through 2035.

IX. SHERWOOD LAND SUPPLY AND DEMAND RECONCILIATION

This final section of the report considers whether MDRH-zoned land capacity within Sherwood, as documented by the Draft 2015 *Sherwood Housing Needs Analysis* is sufficient to meet need similarly documented by that report and further analyzed in this study.

Three scenarios are considered:

1. Guaranteed Incorporated Sherwood MDRH Land Capacity
2. Incorporated Sherwood & Potential Brookman Addition MDRH and MDRL/H Land Capacity

¹http://www.sherwoodoregon.gov/sites/default/files/fileattachments/Planning/page/3740/08_21928_hna_march_25_2015.pdf

3. Historical (80%) Single-Family Tenure Split Demand for MDRH Land

MDRH-Zoned Land Demand & Supply Reconciliation: Incorporated City of Sherwood

Based on the most recent residential land inventory completed for City of Sherwood in the Draft 2015 *Housing Needs Analysis*, the existing and developable acreage within the city limits dedicated to medium-density residential-high (MDRH) is the following:

- 21 acres, or 22% of overall residential land capacity;
- Unit capacity of roughly 161 units zoned MDRH based on a historical average density of 7.7 units per acre.

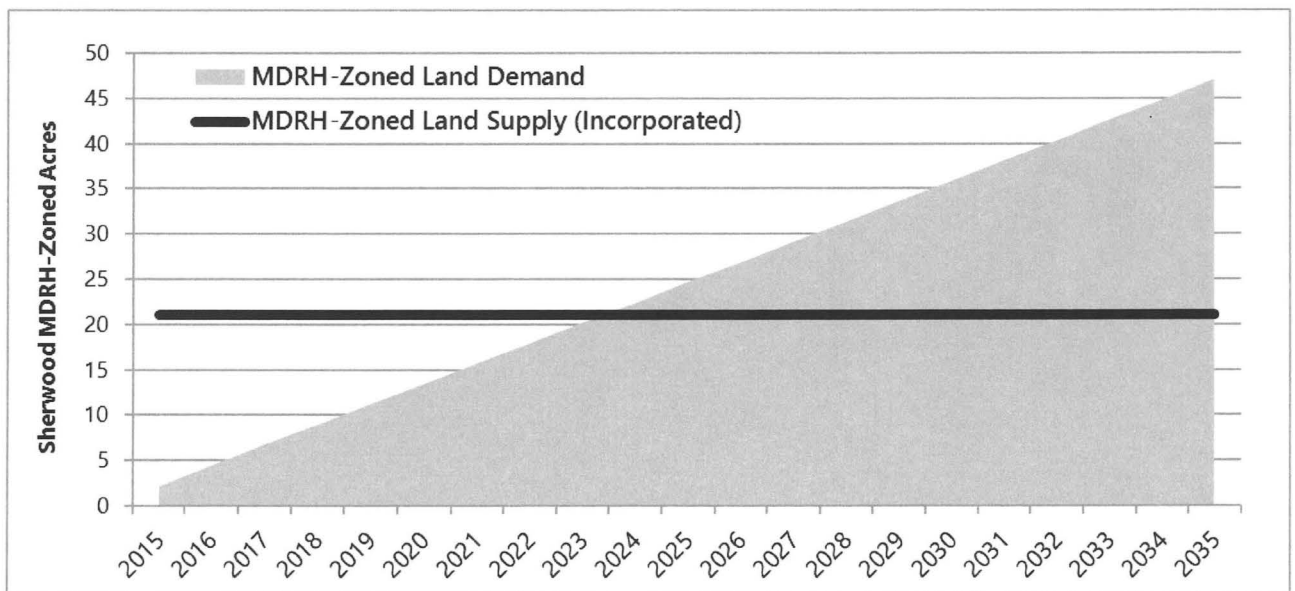
Alternatively, at 7.7 units per acre, 20-year demand for MDRH-zoned land is estimated to be 45 acres.

This would indicate a deficit of guaranteed, buildable MDRH-zoned land within incorporated City of Sherwood over the 20-year planning period of 24 acres.

Figure 10 provides a graphical representation of the City’s known 21-acre supply of MDRH-zoned land along with demand for MDRH-zoned land as it cumulatively grows to roughly 45 acres of demand-driven need.

- Based on existing MDRH-zoned land inventory within the City and need expressed, the currently incorporated City of Sherwood has enough capacity in this zoning category to last only 7 years, or through 2023.

FIGURE 10: INCORPORATED SHERWOOD MDRH-ZONED LAND RECONCILIATION, 2015-2035



MDRH-Zoned Land Demand & Supply Reconciliation: Incorporated City & Brookman Addition

According to the Draft 2015 *Housing Needs Analysis*, total MDRH-zoned land capacity and MDRL/H-zoned land capacity² in both incorporated Sherwood and within the Brookman Addition area is expressed as follows:

- 44 acres, or 25% of overall incorporated and Brookman Addition land capacity;
- Unit capacity of roughly 339 units zoned MDRH based on a historical average density of 7.7 units per acre.

As before, at 7.7 units per acre, 20-year demand for MDRH-zoned land is estimated to be 45 acres for the City of Sherwood.

This would indicate that with the Brookman Addition, and assuming all MDRL/H-designated land in the Brookman Addition is realized as MDRH zoning, the City of Sherwood has a single acre of MDRH-zoned land capacity greater than needed over the 20-year planning period.

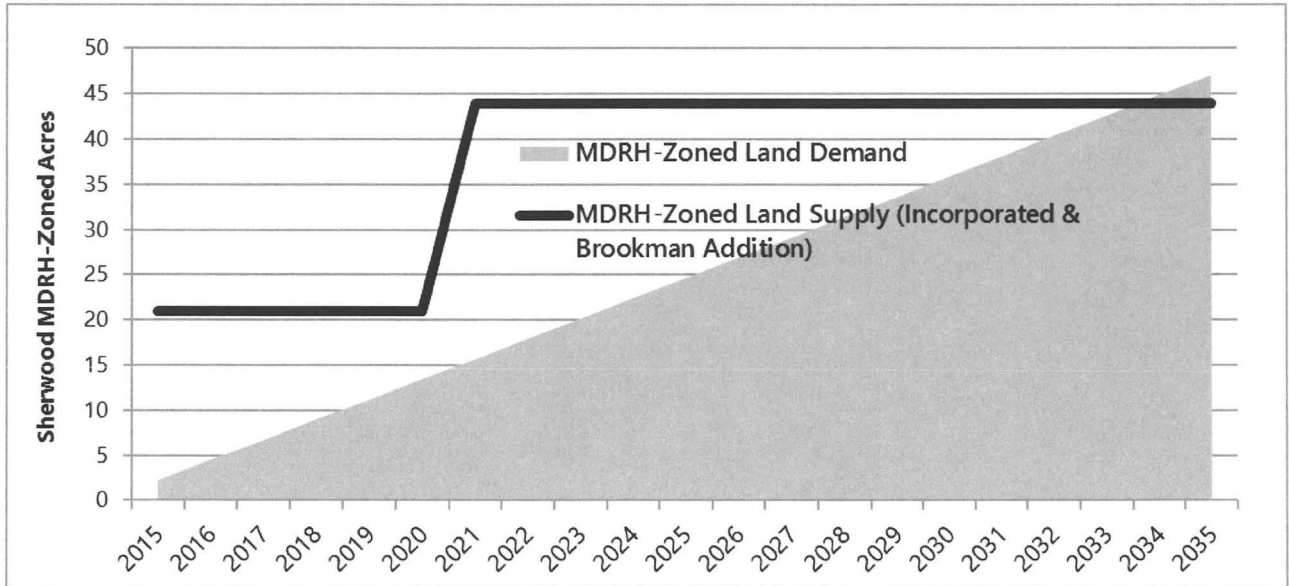
To the extent that any land designated as MDRL/H in the Brookman Addition is eventually realized as MDRL-zoned development, the City of Sherwood nearly certainly risks insufficient MDRH-zoned land capacity over the twenty-year planning period.

For purposes of analysis, PNW Economics assumed a possible five-year timeframe for Brookman Addition annexation to be reconsidered and infrastructure and utility extension to all land zoned MDRH. Figure 11 provides a resulting graphical representation of the City's known 44-acre supply of MDRH-zoned land including the Brookman Addition, along with demand for MDRH-zoned land as it cumulatively grows to roughly 45 acres of demand-driven need.

- By 2035, total MDRH-zoned land capacity including Brookman Addition (44 acres total) is barely sufficient for estimated twenty-year need.
- However, before the Brookman Addition is annexed and fully serviceable and buildable, Sherwood approaches insufficient HDRH-zoned land supply and may likely experience acceleration in home price growth with declining housing affordability.

² Table 6 of the Draft Housing Needs Analysis indicates a plan for 15 acres of MDRL/H-zoned land. This analysis assumes all land zoned as such will be realized at MDRH-zoned densities. To the extent that MDRL/H-designated land in the Brookman Addition is realized at MDRL-zoned densities, this analysis is conservative.

FIGURE 11: INCORPORATED & BROOKMAN ADDITION MDRL-ZONED LAND RECONCILIATION, 2015-2035



Historical (80%) Need For Single-Family & Total Sherwood Land Capacity Reconciliation

The Draft 2015 *Housing Needs Analysis* made the assumption that future housing tenure in Sherwood would be the following:

- Ownership: 60%;
- Rental: 40%.

Historical housing market data for Sherwood indicate, however, that that assumption is a significant change from the previous twenty years. Households that have moved to Sherwood have demonstrated something far closer to the following:

- Ownership: 80%+;
- Rental: 20% maximum.

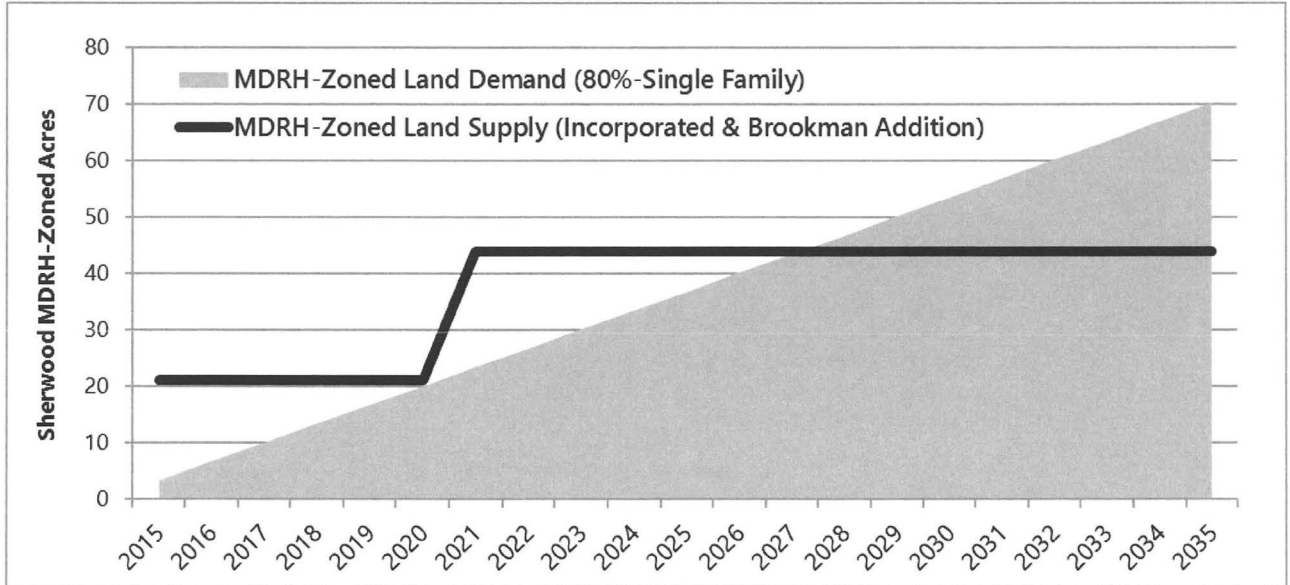
To the extent that future demand for Sherwood housing more closely follows historic pattern and does not change so dramatically, the Draft 2015 *Housing Needs Analysis* underestimates housing demand that the City will ultimately realize. This will have two specific effects:

- Faster depletion of existing residential land capacity; and
- Home price escalation and increasing housing affordability issues driven by scarcity.

At 80% of housing demand going to for-sale, detached homes based on historical average, 20-year MDRH-zoned land demand is estimated to be 53 acres (roughly 3 acres annually) rather than 44 acres (roughly 2 acres annually). Figure 12 provides a graphical representation of the 80% single-family housing demand scenario, the City’s known 21-acre supply of MDRH-zoned land

within the current incorporated area of the City, and the addition of Brookman Addition acreage by 2021.

FIGURE 12: SHERWOOD MDRH-ZONED LAND & 80% SINGLE-FAMILY DEMAND RECONCILIATION, 2015-2035



Results are summarized as follows:

- By 2020, the existing 21-acre inventory of MDRH-zoned land within incorporated Sherwood is depleted.
- The MDRH-zoned land deficit would end with the introduction of assumed Brookman Addition capacity in 2021.
- By 2027, however, demand for MDRH-zoned land would again exceed the total 44-acre inventory in Sherwood.
- City capacity of MDRH-zoned land would be depleted sooner to the extent that any land designated as MDRL/H within the Brookman Addition is realized as MDRL-zoned development rather than as MDRH-zoned development.

In other words, if Sherwood housing demand is more consistent with historical patterns, Sherwood will face both a deficit of MDRH-zoned land within 4 years and again during the planning period even with the Brookman Addition.

MEMORANDUM

To: Danelle Isenhart
Isenhart Consulting, LLC

From: Bill Reid, Principal
PNW Economics, LLC

Subject: Claus Property Zone Change Application: Additional Issues

Date: November 24, 2015

Dear Danelle:

During City of Sherwood staff review of the Claus Property zone change application for General Commercial (GC) to Medium Density Residential-Low (MDRL), additional questions were raised by staff pertaining to economic need arguments supporting the rezone. This memorandum is intended as a response to the following issue:

- Sherwood Goal 9 Employment Land need concerns due to the size of the property exceeding 2 acres.

Sherwood Goal 9 Land Need Concern

PNW Economics reviewed the most recent Goal 9 Employment Land/Economic Opportunities Analysis for the City of Sherwood, the November 2006 "City of Sherwood Economic Development Strategy."¹ The document is intended as an update and policy elaboration of the Growth Management Chapter (Chapter 3) of the City's Comprehensive Plan. The following policies relate to General Commercial-zoned land and development in that document. Policy strategies that are particularly pertinent for the subject property are in bold-face followed by response as it relates to the subject property's current zoning:

*"General Commercial (GC). The GC zoning district provides for commercial uses that **require larger parcels of land**, and/or uses that involve products or activities which require special attention to environmental impacts as per Chapter 8 [environmental resources]." (Emphasis added)*

c. Commercial Planning Designation Objectives

*2) General Commercial (GC) This designation is intended to provide for primarily highway, wholesale, and **large commercial uses** which may not be appropriate in central retail areas or within residential neighborhoods. This designation is applicable in the following general areas. Where uses may be*

¹https://www.sherwoodoregon.gov/sites/default/files/fileattachments/Economic%20Development/page/85/economic_development_strategy.pdf

separated from primarily retail and personal service land uses. Where impacts on residential uses can be minimized. Where adequate off street parking, good pedestrian access and access onto major streets is or can be made available. Where a full range of urban facilities and services are available or can be provided in conjunction with development”.

PNW Economics Response: Located along Pacific Highway with access from Pacific Highway assured, the existing 5.9-acre parcel zoned General Commercial is appropriately located and situated to meet most of the above conditions of the GC zoning designation regarding location, proximity to residential development, lack of impact upon neighborhoods, and access, parking, and available services.

At roughly 5.9 acres currently and without the rezone application, the site fails to meet the “larger parcels of land” or “large commercial uses” basic requirement of GC zoning. Table 1 below provides calculation of potential commercial space yield for the following:

- o The entire 5.9 acres “as-is” zoned GC; and
- o The 3.2 acres with Pacific Highway frontage and access that would remain zoned GC with the rezone application.

TABLE 1: CLAUS PROPERTY COMMERCIAL SPACE YIELD ANALYSIS – EXISTING & WITH REZONE

Measure	Unit	Comment/Source
GC-Zoned Site Without Partial Rezone		
	5.9 Acres	Gross Site Size (Acres)
x	0.9	Gross-to-Net Reduction
=	5.3 Acres	Net Site Size (Acres)
x	<u>43,560</u> Square Feet	Per Acre
=	229,735 Square Feet	Net Site Size (Square Feet)
x	<u>0.25</u> FAR	Floor Area Ratio for suburban commercial
=	57,434 Square Feet	Neighborhood Center (International Council of Shopping Centers)
GC-Zoned Site With Partial Rezone		
	3.2 Acres	Gross Site Size (Acres)
x	0.9	Gross-to-Net Reduction
=	2.9 Acres	Net Site Size (Acres)
x	<u>43,560</u> Square Feet	Per Acre
=	126,237 Square Feet	Net Site Size (Square Feet)
x	<u>0.25</u> FAR	Floor Area Ratio for suburban commercial
=	31,559 Square Feet	Neighborhood Center (International Council of Shopping Centers)

SOURCE: ICSC (http://www.icsc.org/uploads/research/general/US_CENTER_CLASSIFICATION.pdf) and PNW Economics, LLC

If the entire parcel were developed, as is, as General Commercial development under somewhat optimistic gross-to-net acreage conversion of 0.9, the site only yields roughly 57,000 square feet of commercial space. According to International Council of Shopping Centers/Urban Land

Institute definitions of commercial center types, a 57,000 square foot center would fall under the "Neighborhood Center" category and would fail to meet the threshold of a "large" center.

Under the current rezone application of the northern part of the parcel, the roughly 3.2 acres that would remain zoned GC and located along Pacific Highway is estimated to yield roughly 32,000 square feet of commercial space. A center of this size, though smaller, still qualifies as "Neighborhood Center" under International Council of Shopping Center/Urban Land Institute guidelines.

In conclusion, with or without a rezone of part of the Claus property in question, the GC zoning on-site is actually inappropriate given the smaller size of the whole parcel. Without a rezone or with, the parcel only yields Neighborhood Commercial-scale commercial development.

So although City of Sherwood's Comprehensive Plan/Goal 9 policies identify General Commercial land and development as important for the community, the Claus Property fails to yield General Commercial-scale and type of development even in its entirety without a partial rezone.

PNW Economics, LLC concludes that the rezone does not trigger a Goal 9/Employment Land concern due to the fact that the site entirely fails to meet the General Commercial zoning designation goal of larger commercial.

And yet, with the partial rezone, the property still provides the same commercial center type, "Neighborhood Commercial," as if the property is not partially rezoned. But with the partial rezone, the remaining 3.2 acres of the parcel zoned GC would be better supported by additional and pedestrian-connected residential development as proposed under the zoning change application.

22211 SW Pacific Highway Zone Change

APPLICANT/OWNER: Robert and Susan Claus
22211 SW Pacific Highway
Sherwood, OR 97140

**APPLICANT'S
REPRESENTATIVE:** Danelle Isenhart, AICP
Isenhart Consulting, LLC
P.O. Box 2364
Beaverton, Oregon 97075

REQUEST: Zone Change from GC TO MDRL for 2.66 acres
of the 5.86 acre site

**SITE LEGAL
DESCRIPTION:** Tax Lot 2000 of Tax Map 2S1 31BA
Sherwood, Oregon

SIZE: +/- 5.86 acre

Tax Map

Exhibit No. 4

Deed/Preliminary Title Report

Exhibit No. 5

FORM No. 721—QUITCLAIM DEED (Individual or Corporate)

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91024410

2R 07201

NE

QUITCLAIM DEED

Washington County



MAY 14 1991

KNOW ALL MEN BY THESE PRESENTS, That Loren Harrison, hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and quitclaim unto Robert James Claus, hereinafter called grantee, and unto grantee's heirs, successors and assigns all of the grantor's right, title and interest in that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in any-wise appertaining, situated in the County of Washington, State of Oregon, described as follows, to-wit:

- SEE "EXHIBIT A" ATTACHED -

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 6,000.00.

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 6th day of May, 1991, if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized thereto by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Loren Harrison

STATE OF OREGON, County of Graham, ss.

This instrument was acknowledged before me on May 6, 1991, by Loren Harrison.

This instrument was acknowledged before me on May 6, 1991, by Loren Harrison.



Maria Maldonado
Notary Public for Oregon

Loren Harrison
Lexington Pines, #203
585 Thatcher Blvd.
Safford, Arizona 85546

Robert James Claus
Rt. 3, Box 315
Sherwood, OR 97140

After recording return to:
Robert James Claus
Rt. 3, Box 315
Sherwood, OR 97140

Until a change is requested all tax statements shall be sent to the following address:
Robert James Claus
Rt. 3, Box 315
Sherwood, OR 97140

STATE OF OREGON, ss.

County of _____

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as document/tee/file/instrument/microfilm No. _____, Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME TITLE

By _____ Deputy

1-2

MAY 14 1991

EXHIBIT A

DESCRIPTION

Beginning at the Northeast corner of that certain tract of land described in deed to Millie Gillmor, recorded in Book 149, Page 237, Deed Records, Washington County, said corner being South 89°38' East 660.00 feet South 0°29' West 431.0 feet and South 89°58 1/2' East 1058.8 feet from the Northwest corner of Section 31, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence North 3°22' East 425.6 feet to a point on the north line of said Section 31, said point also being the Northeast corner of that certain tract of land described in deed to Herbert Elwert by deed recorded July 27, 1942 in Book 209, Page 747, Deed Records; thence South 89°38" East along the north line of said Section 31, a distance of 433.0 feet to the Northwest corner of that certain tract of land described in deed to Ocie Davis, et ux, recorded in Book 419, Page 310, Deed Records; thence South 17°48' East along the easterly line of said Davis Tract 371.9 feet to a point on the northerly line of the Westside Pacific (State) Highway, said point being opposite Engineer's centerline station 449+26.2 as described in deed recorded in Book 362, Page 685, Washington County Deed Records; thence South 47°03'45" West along the northerly line of said Highway 73.8 feet to a point opposite Engineer's center line station 450+00; thence North 42°03'45" West 10.0 feet; thence South 47°03'45" West along the northerly line of said Highway 200.00 feet, thence South 42°03'45" East 10.0 feet; thence South 47°03'45" West along the northerly line of said Highway 306.0 feet to its point of intersection with the northeasterly line of said Gillmor tract, said point being opposite Engineer's center line station 455+06; thence North 30°29' West along the northeasterly line of said Gillmor Tract 311.5 feet, more or less, to the Northeast corner thereof and point of beginning.

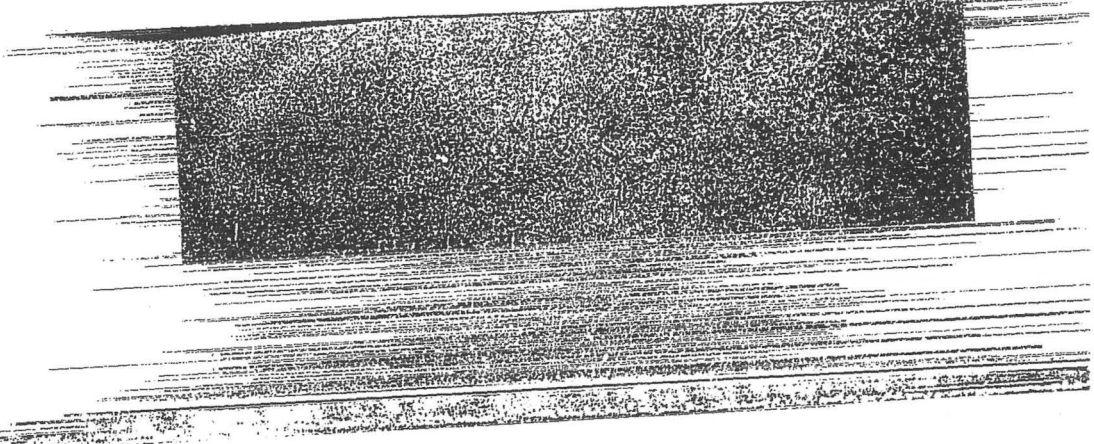
STATE OF OREGON } SS
County of Washington

I, Jerry R. Hanson, Director of Assessment and Taxation and Office Recorder of Conveyances for said county do hereby certify that the within instrument of writing was received and recorded in book of records of said county.



2

Doc : 91024410
Rect: 54333 38.00
05/14/1991 02:27:42PM



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20
M

MAR 27 1991

FORM No. 969—QUITCLAIM DEED—STATUTORY FORM (Individual Grantor).

STEVENS-NEESE LAW PUB. CO. PORTLAND, OREGON

QUITCLAIM DEED—STATUTORY FORM
INDIVIDUAL GRANTOR

91014738

Washington County

KAREN E. CLAUS

Grantor,

releases and quitclaims to ROBERT JAMES CLAUS

Grantee, all right, title and interest in and to the following described real property situated in Washington County, Oregon, to-wit:

- See "Exhibit A" attached -

** This deed is given pursuant to terms of dissolution of marriage and property settlement of the Grantor and Grantee, Case No. C902629DR, Circuit Court, Washington County, Oregon. **

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The true consideration for this conveyance is \$0.00 (Here comply with the requirements of ORS 93.030)
The actual consideration consists of or includes other property or value given or promised which is the whole consideration

Dated this 28th day of January, 1991

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS, BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Karen E. Claus

STATE OF OREGON, County of UTAH) ss.

This instrument was acknowledged before me on January 28, 1991



MARI H. LARSEN
NOTARY PUBLIC - STATE OF UTAH
1177 EAST 2080 NORTH
PROVO, UT 84604
COMM. EXP. 5-29-94

My commission expires May 29, 1994

QUITCLAIM DEED	
Karen E. Claus	GRANTOR
Robert James Claus	GRANTEE
GRANTEE'S ADDRESS, ZIP	
After recording return to:	
Robert James Claus	
Rt. 3, Box 315	
Sherwood, Oregon 97140	
NAME, ADDRESS, ZIP	
Until a change is requested, all tax statements shall be sent to the following address:	
Robert James Claus	
Rt. 3, Box 315	
Sherwood, Oregon 97140	
NAME, ADDRESS, ZIP	

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON,) ss.
County of _____

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as fee/file/instrument/microfilm/reception No. _____, Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME TITLE
By _____ Deputy

1-2

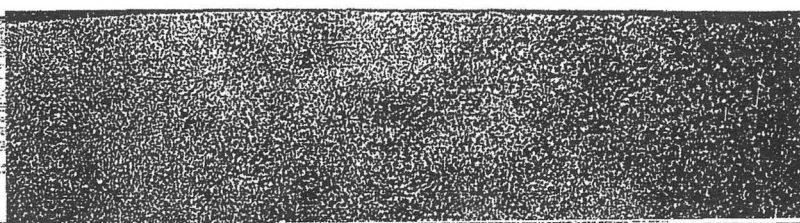


EXHIBIT A

DESCRIPTION

Beginning at the Northeast corner of that certain tract of land described in deed to Millie Gillmor, recorded in Book 149, Page 237, Deed Records, Washington County, said corner being South 89°38' East 660.00 feet South 0°29' West 431.0 feet and South 89°58 1/2' East 1058.8 feet from the Northwest corner of Section 31, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence North 3°22' East 425.6 feet to a point on the north line of said Section 31, said point also being the Northeast corner of that certain tract of land described in deed to Herbert Elwert by deed recorded July 27, 1942 in Book 209, Page 747, Deed Records; thence South 89°38" East along the north line of said Section 31, a distance of 433.0 feet to the Northwest corner of that certain tract of land described in deed to Ocie Davis, et ux, recorded in Book 419, Page 310, Deed Records; thence South 17°48' East along the easterly line of said Davis Tract 371.9 feet to a point on the northerly line of the Westside Pacific (State) Highway, said point being opposite Engineer's centerline station 449+26.2 as described in deed recorded in Book 362, Page 685, Washington County Deed Records; thence South 47°03'45" West along the northerly line of said Highway 73.8 feet to a point oppsite Engineer's center line station 450+00; thence North 42°03'45" West 10.0 feet; thence South 47°03'45" West along the northerly line of said Highway 200.00 feet, thence South 42°03'45" East 10.0 feet; thence South 47°03'45" West along the northerly line of said Highway 306.0 feet to its point of intersection with the northeasterly line of said Gillmor tract, said point being opposite Engineer's center line station 455+06; thence North 30°29' West along the northeasterly line of said Gillmor Tract 311.5 feet, more or less, to the Northeast corner thereof and point of beginning.

STATE OF OREGON }
County of Washington } SS

I, Jerry R. Hanson, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.



Doc : 91014738
Rect: 51496
03/27/1991 02:55:37PM 38.00

2

FORM No. 993--WARRANTY DEED--Grantor to Himself and Others--Individual or Corporate (Ore. Laws 1973, Ch. 207)

90-47055
Washington County

OR 81204

OK

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That ROBERT JAMES CLAUS, KAREN E. CLAUS, and SUSAN LYNNE CLAUS, hereinafter called the grantor, for the consideration hereinafter stated, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto ROBERT J. CLAUS and KAREN E. CLAUS, husband and wife, as to an undivided 42% interest, SUSAN L. CLAUS, as to an undivided 33% interest, & LOREN HARRISON, as to an undivided 25% interest, the grantee, and unto grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Washington and State of Oregon, described as follows, to-wit:

- See "Exhibit A" attached -

** This deed is given as a mere change in form of ownership between family members and according to the terms of a joint family-venture. **

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances, except those of record, including easements, rights of way, taxes, levies, assessments, and mortgages or other encumbrances at time of recording,

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ -0-

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 27 day of December, 1989; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Robert James Claus
Karen E. Claus
Susan Lynne Claus

STATE OF OREGON, }
County of Washington } ss.
12/27, 1989.

STATE OF OREGON, County of _____ } ss.
_____, 19____.

Personally appeared the above named Robert James Claus, Karen E. Claus and Susan Lynne Claus

Personally appeared _____ and _____ who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of _____

and acknowledged the foregoing instrument to be their voluntary act and deed.

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Notary Public for Oregon
My commission expires: 7/18/92

Notary Public for Oregon
My commission expires: _____

Robert and Karen Claus
Route 3, Box 315
Sherwood, Oregon 97140
GRANTOR'S NAME AND ADDRESS

STATE OF OREGON, }
County of _____ } ss.

same as above

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as fee/title/instrument/microfilm/reception No. _____, Record of Deeds of said county.

GRANTEE'S NAME AND ADDRESS

Witness my hand and seal of County affixed.

same as above

NAME TITLE

NAME, ADDRESS, ZIP

By _____ Deputy

Until a change is requested all tax statements shall be sent to the following address.

same as above

NAME, ADDRESS, ZIP

AUG 30 1990

AUG 30 1990

EXHIBIT A

DESCRIPTION

Beginning at the Northeast corner of that certain tract of land described in deed to Millie Gillmor, recorded in Book 149, Page 237, Deed Records, Washington County, said corner being South 89°38' East 660.00 feet South 0°29' West 431.0 feet and South 89°58 1/2' East 1058.8 feet from the Northwest corner of Section 31, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence North 3°22' East 425.6 feet to a point on the north line of said Section 31, said point also being the Northeast corner of that certain tract of land described in deed to Herbert Elwert by deed recorded July 27, 1942 in Book 209, Page 747, Deed Records; thence South 89°38" East along the north line of said Section 31, a distance of 433.0 feet to the Northwest corner of that certain tract of land described in deed to Ocie Davis, et ux, recorded in Book 419, Page 310, Deed Records; thence South 17°48' East along the easterly line of said Davis Tract 371.9 feet to a point on the northerly line of the Westside Pacific (State) Highway, said point being opposite Engineer's centerline station 449+26.2 as described in deed recorded in Book 362, Page 685, Washington County Deed Records; thence South 47°03'45" West along the northerly line of said Highway 73.8 feet to a point oppsite Engineer's center line station 450+00; thence North 42°03'45" West 10.0 feet; thence South 47°03'45" West along the northerly line of said Highway 200.00 feet, thence South 42°03'45" East 10.0 feet; thence South 47°03'45" West along the northerly line of said Highway 306.0 feet to its point of intersection with the northeasterly line of said Gillmor tract, said point being opposite Engineer's center line station 455+06; thence North 30°29' West along the northeasterly line of said Gillmor Tract 311.5 feet, more or less, to the Northeast corner thereof and point of beginning.

STATE OF OREGON
County of Washington } SS

I, Jerry R. Hanson, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Jerry R. Hanson, Director of Assessment and Taxation, Ex-Officio County Clerk

Doc : 90047055
Rect: 39617 38.00
08/30/1990 10:18:16AM

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Fidelity National Title[®] Company of Oregon

PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Fidelity National Title Company of Oregon hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Fidelity National Title Company of Oregon, a/an Oregon corporation.

Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

Countersigned

A handwritten signature in cursive script, appearing to read "T. S. John", written over a horizontal line.



Fidelity National Title[®]

Company of Oregon

900 SW 5th Avenue, Portland, OR 97204
(503)222-2424 FAX (503)227-2274

PRELIMINARY REPORT

ESCROW OFFICER: Lori Medak
TITLE OFFICER: Robert Fleming

ORDER NO.: 45141516789

TO: Fidelity National Title Company of Oregon
Lori Medak
900 SW 5th Avenue
Portland, OR 97204

OWNER/SELLER: Robert James Claus and Susan L. Claus

BUYER/BORROWER:

PROPERTY ADDRESS: 22211 SW Pacific Hwy, Sherwood, OR 97140

EFFECTIVE DATE: September 23, 2015, 08:00 AM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	<u>AMOUNT</u>	<u>PREMIUM</u>
ALTA Owner's Policy 2006	\$ TBD	\$ TBD
ALTA Loan Policy 2006	\$ TBD	\$ TBD
Government Lien Search		\$ 25.00

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Robert James Claus, who also appears of record as Robert J. Claus, as to an undivided 67% interest and Susan L. Claus, as to an undivided 33% interest

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF SHERWOOD, COUNTY OF WASHINGTON, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

EXHIBIT "A" Legal Description

Beginning at the Northeast corner of that certain tract of land described in deed to Millie Gillmor, recorded in Book 149, Page 237, Deed Records, Washington County, said corner being South 89° 38' East 660.00 feet South 0° 29' West 431.0 feet and South 89° 58 1/2' East 1058.8 feet from the Northwest corner of Section 31, Township 2 South, Range 1 West, of the Willamette Meridian, in the City of Sherwood, Washington County, Oregon; thence North 3° 22' East 425.6 feet to a point on the North line of said Section 31, said point also being the Northeast corner of that certain tract of land described in deed to Herbert Elwert by deed recorded July 27, 1942 in Book 209, Page 747, Deed Records; thence South 89° 38' East along the North line of said Section 31, a distance of 433.0 feet to the Northwest corner of that certain tract of land described in deed to Ocie Davis, et ux, recorded in Book 419, Page 310, Deed Records; thence South 17° 48' East along the Easterly line of said Davis Tract 371.9 feet to a point on the Northerly line of the Westside Pacific (State) Highway, said point being opposite Engineer's center line station 449+26.2 as described in deed recorded in Book 362, Page 685, Washington County Deed Records; thence South 47° 03' 45" West along the Northerly line of said Highway 73.8 feet to a point opposite Engineer's center line station 450+00; thence North 42° 03' 45" west 10.0 feet; thence South 47° 03' 45" West along the Northerly line of said Highway 200.00 feet; thence South 42° 03' 45" East 10.0 feet; thence South 47° 03' 45 West along the Northerly line of said Highway 306.0 feet to its point of intersection with the Northeasterly line of said Gillmor tract, said point being opposite Engineer's center line station 344+60; thence North 30° 29' West along the Northeasterly line of said Gillmor Tract 311.5 feet, more or less, to the Northeast corner thereof and point of beginning.

EXCEPTING THEREFROM a parcel of land in the Northwest one-quarter of Section 31, Township 2 South, Range 1 West, of the Willamette Meridian, City of Sherwood, Washington County, Oregon described as follows:

Beginning at the Southwest corner of Lot 7 of the plat of "Wyndham Ridge"; thence along the South line of said plat North 89° 53' 48" West 34.95 feet to the Northwest corner of the property described in Deed Document No. 91024410; thence leaving said South line along the West line of said property South 03° 37' 10" East 153.86 feet; thence leaving said West line on a non-tangent curve having a radius of 55.00 feet concave to the Northwest, the radius point of which bears North 29° 44' 19" West, through a central angle of 76° 02' 29", an arc length of 72.99 feet (chord bears North 22° 14' 27" East 67.75 feet) to a point of compound curvature; thence on a tangent curve having a radius of 15.00 feet concave to the Northeast through a central angel of 15° 52' 59", an arc length of 4.16 feet (chord bears North 7° 50' 18" West 4.14 feet); thence North 00° 06' 12" East 86.67 feet to the point of beginning.

AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or which may be asserted by persons in possession thereof.
3. Easements, or claims thereof, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien, or right to a lien, for services, labor, material or equipment rental, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

SPECIFIC ITEMS AND EXCEPTIONS:

6. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2015-2016.

Tax Identification No.: R551192 and M2006613

7. Unpaid Property Taxes with partial payment are as follows:

Fiscal Year: 2013-2014
Original Amount: \$7,253.38
Unpaid Balance: \$6,985.66, plus interest, if any

Unpaid Property Taxes are as follows:

Fiscal Year: 2014-2015
Amount: \$7,392.75, plus interest, if any
Levy Code: 088.10
Account No.: R551192
Map No.: 2S131BA-02000

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

8. Unpaid Property Taxes are as follows:

Fiscal Year: 2014-2015
Amount: \$24.88, plus interest, if any

Levy Code: 088.10
Account No.: M2006613
Affects Mobile Home only

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

9. City Liens, if any, in favor of the City of Sherwood. An inquiry has been directed to the City Clerk concerning the status of said liens and a report will follow if such liens are found.
10. Rights of the public to any portion of the Land lying within the area commonly known as
Streets, roads and highways.
11. The herein described Land has no rights of ingress and egress to the thoroughfare named below, except across that portion of the boundary line herein after set forth, such rights having been:

Relinquished by a deed to the State of Oregon
Recording Date: November 13, 1954
Recording No.: Book 362, Page 685
Street name: State Highway 99W

Said document was amended by instrument:
Recording Date: February 17, 1955
Recording No.: Book 366, Page 567

12. Waiver of Remonstrance and Consent to Local Improvement District:

Purpose: Street, storm drainage, water and sewer
Recording Date: November 22, 1991
Recording No.: 91-065128

13. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$2,000,000.00
Dated: January 3, 2011
Trustor/Grantor: Robert J. Claus and Susan L. Claus
Trustee: Stewart Title of Oregon
Beneficiary: Bank of Eastern Oregon
Loan No.: 1016146
Recording Date: January 19, 2011
Recording No.: 2011-006110
Affects this and other properties

An agreement to modify the terms and provisions of said deed of trust as therein provided

Executed by: Robert J. Claus and Susan L. Claus and Bank of Eastern Oregon
Recording Date: June 19, 2012
Recording No: 2012-049595

A substitution of trustee under said deed of trust which names, as the substituted trustee, the following

Trustee: First American Title Company of Oregon
Recording Date: November 8, 2013
Recording No: 2013-097118

14. An abstract of judgment for the amount shown below and any other amounts due:

Amount: \$111,332.00
Debtor: Robert James Claus
Creditor: Larry Hardie
Date entered: July 28, 2014
County: Gilliam
Court: Circuit
Case No.: 130026CC
Recording Date: August 22, 2014
Recording No: 2014-052930

15. A pending court action:

Plaintiff: Signature Homebuilders LLC
Defendant: Robert J. Claus, Susan L. Claus and Columbia State Bank
County: Washington
Court: Circuit
Case No.: C145342CV
Dated Filed: September 16, 2014
Nature of Action: Civil Foreclosure

16. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.

To remove this item, the Company will require an affidavit and indemnity on a form supplied by the Company.

17. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

To remove this item, the Company will require an affidavit and indemnity on a form supplied by the Company.

ADDITIONAL REQUIREMENTS/NOTES:

- A. The Land does not include any improvement(s) located on the Land which is described or defined as a mobile home (manufactured housing unit) under the provisions of State Law and is subject to registration.
- B. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.
- C. NOTE: This report is subject to any amendments which might occur when the names of prospective purchasers are submitted to us for examination.
- D. Note: No utility search has been made or will be made for water, sewer or storm drainage charges unless the City/Service District claims them as liens (i.e. foreclosable) and reflects them on its lien docket as of the date of closing. Buyers should check with the appropriate city bureau or water service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.
- E. Note: Effective January 1, 2008, Oregon law (ORS 314.258) mandates withholding of Oregon income taxes from sellers who do not continue to be Oregon residents or qualify for an exemption. Please contact your Escrow Closer for further information.

F. Recording Charge (Per Document) is the following:

County	First Page	Each Additional Page
Multnomah	\$46.00	\$5.00
Washington	\$41.00	\$5.00
Clackamas	\$53.00	\$5.00
Yamhill	\$41.00	\$5.00

Note: When possible the company will record electronically. An additional charge of \$5.00 applies to each document that is recorded electronically.

- G. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final 2006 ALTA Policy unless removed prior to issuance.
- H. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.
- I. Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

EXHIBIT ONE

2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions or location of any improvement erected on the land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed or agreed to by the Insured Claimant;
 - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
- (c) resulting in no loss or damage to the Insured Claimant;
- (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
- (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with the applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in the Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions or location of any improvement erected on the land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed or agreed to by the Insured Claimant;
 - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
- (c) resulting in no loss or damage to the Insured Claimant;
- (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
- (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in the Covered Risk 9 of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

**FIDELITY NATIONAL FINANCIAL
PRIVACY NOTICE
Effective: May 1, 2015**

Order No.: 45141516789--LM

Fidelity National Financial, Inc. and its majority-owned subsidiary companies providing real estate- and loan-related services (collectively, "FNF", "our" or "we") respect and are committed to protecting your privacy. This Privacy Notice lets you know how and for what purposes your Personal Information (as defined herein) is being collected, processed and used by FNF. We pledge that we will take reasonable steps to ensure that your Personal Information will only be used in ways that are in compliance with this Privacy Notice. The provision of this Privacy Notice to you does not create any express or implied relationship, or create any express or implied duty or other obligation, between Fidelity National Financial, Inc. and you. See also **No Representations or Warranties** below.

This Privacy Notice is only in effect for any generic information and Personal Information collected and/or owned by FNF, including collection through any FNF website and any online features, services and/or programs offered by FNF (collectively, the "Website"). This Privacy Notice is not applicable to any other web pages, mobile applications, social media sites, email lists, generic information or Personal Information collected and/or owned by any entity other than FNF.

How Information is Collected

The types of personal information FNF collects may include, among other things (collectively, "Personal Information"): (1) contact information (e.g., name, address, phone number, email address); (2) demographic information (e.g., date of birth, gender marital status); (3) Internet protocol (or IP) address or device ID/UDID; (4) social security number (SSN), student ID (SIN), driver's license, passport, and other government ID numbers; (5) financial account information; and (6) information related to offenses or criminal convictions.

In the course of our business, we may collect Personal Information about you from the following sources:

- Applications or other forms we receive from you or your authorized representative;
- Information we receive from you through the Website;
- Information about your transactions with or services performed by us, our affiliates, or others; and
- From consumer or other reporting agencies and public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others.

Additional Ways Information is Collected Through the Website

Browser Log Files. Our servers automatically log each visitor to the Website and collect and record certain information about each visitor. This information may include IP address, browser language, browser type, operating system, domain names, browsing history (including time spent at a domain, time and date of your visit), referring/exit web pages and URLs, and number of clicks. The domain name and IP address reveal nothing personal about the user other than the IP address from which the user has accessed the Website.

Cookies. From time to time, FNF or other third parties may send a "cookie" to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive and that can be re-sent to the serving website on subsequent visits. A cookie, by itself, cannot read other data from your hard disk or read other cookie files already on your computer. A cookie, by itself, does not damage your system. We, our advertisers and other third parties may use cookies to identify and keep track of, among other things, those areas of the Website

and third party websites that you have visited in the past in order to enhance your next visit to the Website. You can choose whether or not to accept cookies by changing the settings of your Internet browser, but some functionality of the Website may be impaired or not function as intended. See the **Third Party Opt Out** section below.

Web Beacons. Some of our web pages and electronic communications may contain images, which may or may not be visible to you, known as Web Beacons (sometimes referred to as "clear gifs"). Web Beacons collect only limited information that includes a cookie number; time and date of a page view; and a description of the page on which the Web Beacon resides. We may also carry Web Beacons placed by third party advertisers. These Web Beacons do not carry any Personal Information and are only used to track usage of the Website and activities associated with the Website. See the **Third Party Opt Out** section below.

Unique Identifier. We may assign you a unique internal identifier to help keep track of your future visits. We may use this information to gather aggregate demographic information about our visitors, and we may use it to personalize the information you see on the Website and some of the electronic communications you receive from us. We keep this information for our internal use, and this information is not shared with others.

Third Party Opt Out. Although we do not presently, in the future we may allow third-party companies to serve advertisements and/or collect certain anonymous information when you visit the Website. These companies may use non-personally identifiable information (e.g., click stream information, browser type, time and date, subject of advertisements clicked or scrolled over) during your visits to the Website in order to provide advertisements about products and services likely to be of greater interest to you. These companies typically use a cookie or third party Web Beacon to collect this information, as further described above. Through these technologies, the third party may have access to and use non-personalized information about your online usage activity.

You can opt-out of certain online behavioral services through any one of the ways described below. After you opt-out, you may continue to receive advertisements, but those advertisements will no longer be as relevant to you.

- You can opt-out via the Network Advertising Initiative industry opt-out at <http://www.networkadvertising.org/>.
- You can opt-out via the Consumer Choice Page at www.aboutads.info.
- For those in the U.K., you can opt-out via the IAB UK's industry opt-out at www.youronlinechoices.com.
- You can configure your web browser (Chrome, Firefox, Internet Explorer, Safari, etc.) to delete and/or control the use of cookies.

More information can be found in the Help system of your browser. Note: If you opt-out as described above, you should not delete your cookies. If you delete your cookies, you will need to opt-out again.

Use of Personal Information

Information collected by FNF is used for three main purposes:

- To provide products and services to you or one or more third party service providers (collectively, "Third Parties") who are obtaining services on your behalf or in connection with a transaction involving you.
- To improve our products and services that we perform for you or for Third Parties.
- To communicate with you and to inform you about FNF's, FNF's affiliates and third parties' products and services.

When Information Is Disclosed By FNF

We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

- To agents, brokers, representatives, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- To third-party contractors or service providers who provide services or perform marketing services or other functions on our behalf;
- To law enforcement or other governmental authority in connection with an investigation, or civil or criminal subpoenas or court orders; and/or
- To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

In addition to the other times when we might disclose information about you, we might also disclose information when required by law or in the good-faith belief that such disclosure is necessary to: (1) comply with a legal process or applicable laws; (2) enforce this Privacy Notice; (3) respond to claims that any materials, documents, images, graphics, logos, designs, audio, video and any other information provided by you violates the rights of third parties; or (4) protect the rights, property or personal safety of FNF, its users or the public.

We maintain reasonable safeguards to keep the Personal Information that is disclosed to us secure. We provide Personal Information and non-Personal Information to our subsidiaries, affiliated companies, and other businesses or persons for the purposes of processing such information on our behalf and promoting the services of our trusted business partners, some or all of which may store your information on servers outside of the United States. We require that these parties agree to process such information in compliance with our Privacy Notice or in a similar, industry-standard manner, and we use reasonable efforts to limit their use of such information and to use other appropriate confidentiality and security measures. The use of your information by one of our trusted business partners may be subject to that party's own Privacy Notice. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

We also reserve the right to disclose Personal Information and/or non-Personal Information to take precautions against liability, investigate and defend against any third-party claims or allegations, assist government enforcement agencies, protect the security or integrity of the Website, and protect the rights, property, or personal safety of FNF, our users or others.

We reserve the right to transfer your Personal Information, as well as any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets. We also cannot make any representations regarding the use or transfer of your Personal Information or other information that we may have in the event of our bankruptcy, reorganization, insolvency, receivership or an assignment for the benefit of creditors, and you expressly agree and consent to the use and/or transfer of your Personal Information or other information in connection with a sale or transfer of some or all of our assets in any of the above described proceedings. Furthermore, we cannot and will not be responsible for

any breach of security by any third parties or for any actions of any third parties that receive any of the information that is disclosed to us.

Information From Children

We do not collect Personal Information from any person that we know to be under the age of thirteen (13). Specifically, the Website is not intended or designed to attract children under the age of thirteen (13). You affirm that you are either more than 18 years of age, or an emancipated minor, or possess legal parental or guardian consent, and are fully able and competent to enter into the terms, conditions, obligations, affirmations, representations, and warranties set forth in this Privacy Notice, and to abide by and comply with this Privacy Notice. In any case, you affirm that you are over the age of 13, as **THE WEBSITE IS NOT INTENDED FOR CHILDREN UNDER 13 THAT ARE UNACCOMPANIED BY HIS OR HER PARENT OR LEGAL GUARDIAN.**

Parents should be aware that FNF's Privacy Notice will govern our use of Personal Information, but also that information that is voluntarily given by children – or others – in email exchanges, bulletin boards or the like may be used by other parties to generate unsolicited communications. FNF encourages all parents to instruct their children in the safe and responsible use of their Personal Information while using the Internet.

Privacy Outside the Website

The Website may contain various links to other websites, including links to various third party service providers. FNF is not and cannot be responsible for the privacy practices or the content of any of those other websites. Other than under agreements with certain reputable organizations and companies, and except for third party service providers whose services either we use or you voluntarily elect to utilize, we do not share any of the Personal Information that you provide to us with any of the websites to which the Website links, although we may share aggregate, non-Personal Information with those other third parties. Please check with those websites in order to determine their privacy policies and your rights under them.

European Union Users

If you are a citizen of the European Union, please note that we may transfer your Personal Information outside the European Union for use for any of the purposes described in this Privacy Notice. By providing FNF with your Personal Information, you consent to both our collection and such transfer of your Personal Information in accordance with this Privacy Notice.

Choices With Your Personal Information

Whether you submit Personal Information to FNF is entirely up to you. You may decide not to submit Personal Information, in which case FNF may not be able to provide certain services or products to you.

You may choose to prevent FNF from disclosing or using your Personal Information under certain circumstances ("opt out"). You may opt out of any disclosure or use of your Personal Information for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you subsequently gave authorization by notifying us by one of the methods at the end of this Privacy Notice. Furthermore, even where your Personal Information is to be disclosed and used in accordance with the stated purposes in this Privacy Notice, you may elect to opt out of such disclosure to and use by a third party that is not acting as an agent of FNF. As described above, there are some uses from which you cannot opt-out.

Please note that opting out of the disclosure and use of your Personal Information as a prospective employee may prevent you from being hired as an employee by FNF to the extent that provision of your Personal Information is required to apply for an open position.

If FNF collects Personal Information from you, such information will not be disclosed or used by FNF for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you subsequently gave authorization unless you affirmatively consent to such disclosure and use.

You may opt out of online behavioral advertising by following the instructions set forth above under the above section "Additional Ways That Information Is Collected Through the Website," subsection "Third Party Opt Out."

Access and Correction

To access your Personal Information in the possession of FNF and correct inaccuracies of that information in our records, please contact us in the manner specified at the end of this Privacy Notice. We ask individuals to identify themselves and the information requested to be accessed and amended before processing such requests, and we may decline to process requests in limited circumstances as permitted by applicable privacy legislation.

Your California Privacy Rights

Under California's "Shine the Light" law, California residents who provide certain personally identifiable information in connection with obtaining products or services for personal, family or household use are entitled to request and obtain from us once a calendar year information about the customer information we shared, if any, with other businesses for their own direct marketing uses. If applicable, this information would include the categories of customer information and the names and addresses of those businesses with which we shared customer information for the immediately prior calendar year (e.g., requests made in 2015 will receive information regarding 2014 sharing activities).

To obtain this information on behalf of FNF, please send an email message to privacy@fnf.com with "Request for California Privacy Information" in the subject line and in the body of your message. We will provide the requested information to you at your email address in response.

Please be aware that not all information sharing is covered by the "Shine the Light" requirements and only information on covered sharing will be included in our response.

Additionally, because we may collect your Personal Information from time to time, California's Online Privacy Protection Act requires us to disclose how we respond to "do not track" requests and other similar mechanisms. Currently, our policy is that we do not recognize "do not track" requests from Internet browsers and similar devices.

FNF Compliance with California Online Privacy Protection Act

For some websites which FNF or one of its companies owns, such as the Customer CareNet ("CCN"), FNF is acting as a third party service provider to a mortgage loan servicer. In those instances, we may collect certain information on behalf of that mortgage loan servicer for fulfilling a service to that mortgage loan servicer. For example, you may access CCN to complete a transaction with your mortgage loan servicer. During this transaction, the information which we may collect on behalf of the mortgage loan servicer is as follows:

- First and Last Name
- Property Address
- User Name
- Password
- Loan Number
- Social Security Number - masked upon entry
- Email Address
- Three Security Questions and Answers
- IP Address

The information you submit is then transferred to your mortgage loan servicer by way of CCN.

The mortgage loan servicer is responsible for taking action or making changes to any consumer information submitted through this website. For example, if you believe that your payment or user information is incorrect, you must contact your mortgage loan servicer.

CCN does not share consumer information with third parties, other than those with which the mortgage loan servicer has contracted to interface with the CCN application.

All sections of the FNF Privacy Notice apply to your interaction with CCN, except for the sections titled Choices with Your Personal Information and Access and Correction. If you have questions regarding the choices you have with regard to your personal information or how to access or correct your personal information, you should contact your mortgage loan servicer.

No Representations or Warranties

By providing this Privacy Notice, Fidelity National Financial, Inc. does not make any representations or warranties whatsoever concerning any products or services provided to you by its majority-owned subsidiaries. In addition, you also expressly agree that your use of the Website is at your own risk. Any services provided to you by Fidelity National Financial, Inc. and/or the Website are provided "as is" and "as available" for your use, without representations or warranties of any kind, either express or implied, unless such warranties are legally incapable of exclusion. Fidelity National Financial, Inc. makes no representations or warranties that any services provided to you by it or the Website, or any services offered in connection with the Website are or will remain uninterrupted or error-free, that defects will be corrected, or that the web pages on or accessed through the Website, or the servers used in connection with the Website, are or will remain free from any viruses, worms, time bombs, drop dead devices, Trojan horses or other harmful components. Any liability of Fidelity National Financial, Inc. and your exclusive remedy with respect to the use of any product or service provided by Fidelity National Financial, Inc. including on or accessed through the Website, will be the re-performance of such service found to be inadequate.

Your Consent To This Privacy Notice

By submitting Personal Information to FNF, you consent to the collection and use of information by us as specified above or as we otherwise see fit, in compliance with this Privacy Notice, unless you inform us otherwise by means of the procedure identified below. If we decide to change this Privacy Notice, we will make an effort to post those changes on the Website. Each time we collect information from you following any amendment of this Privacy Notice will signify your assent to and acceptance of its revised terms for all previously collected information and information collected from you in the future. We may use comments, information or feedback that you may submit in any manner that we may choose without notice or compensation to you.

If you have additional questions or comments, please let us know by sending your comments or requests to:

Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, Florida 32204
Attn: Chief Privacy Officer
(888) 934-3354
privacy@fnf.com

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EFFECTIVE AS OF: MAY 1, 2015

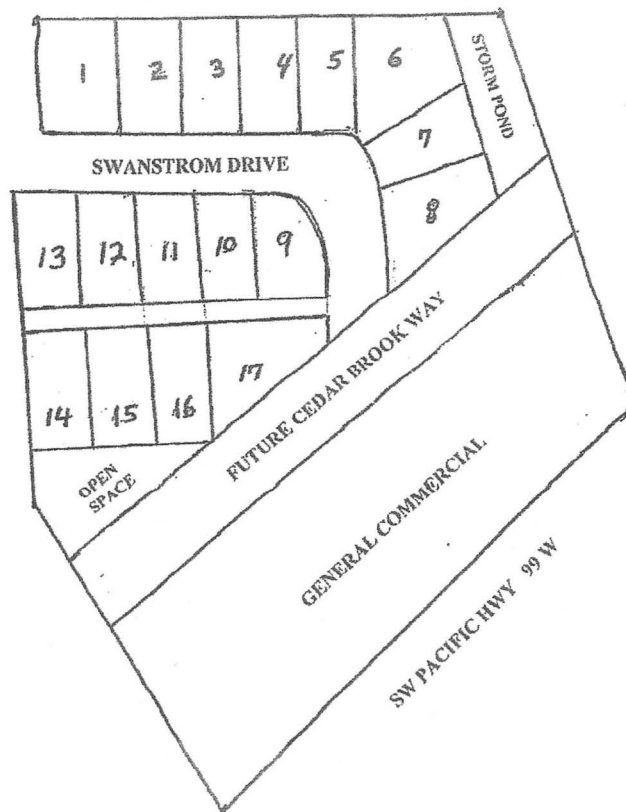
Neighborhood Meeting Information

Exhibit No. 6

NOTICE OF NEIGHBORHOOD MEETING

A Neighborhood Meeting will be held on July 2, 2015 at the Sherwood Senior Center to inform the community about our proposed Comprehensive Plan Amendment / Zone Change and Subdivision. Interested community members are encouraged to attend the Open House.

PROJECT PROPOSAL: Applicant is proposing a Comprehensive Plan Map Amendment/Zone Change and Subdivision for the 5.86 acres located at 22211 SW Pacific Highway, Sherwood, Oregon. Approximately 2.66 acres will be rezoned MDRL Residential and 3.2 acres will remain General Commercial.



OPEN HOUSE INFORMATION:

DATE: July 2, 2015

TIME: 6:30 pm – 8:30 pm

LOCATION: 21907 SW Sherwood Blvd. Sherwood, Or 97140
Sherwood Senior Center

CONTACT: Joe Broadhurst, Applicant's Representative
503-625-3988 jbroadhrst@aol.com

NEIGHBORHOOD MEETING SIGN IN SHEET

Proposed Project: Claus Re-zone
 Proposed Project Location: 2221 SW Pacific Hwy
 Project Contact: JOE BROADHURST
 Meeting Location: Sherwood Senior Center
 Meeting Date: 7/2/15

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
Kendra Ann Bergstedt			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Brent Young			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Cory + Celeste Anderson	17890 SW Handley, Sherwood		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Nathan Doyel	15425 SW Pleasant Hill Rd Sherwood OR			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	


Updated October 2010

Affidavit of Mailing

DATE:

STATE OF OREGON)
)
Washington County)

I, JOE BROADHORST, representative for the CLAUS RE-ZONE 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 JUNE 23, 2015


Representatives Name:
Name of the Organization:

CLAUS REZONE NEIGHBORHOOD MEETING

A Neighborhood Meeting was held July 2, 2015 at the Sherwood Senior Center to inform neighborhood residents of a proposed zone change located at 22211 SW Pacific Hwy from General Commercial to Medium Density Residential Low (MDRL). 318 notices were mailed on June 23, 2015 to all residents within 1,000 feet. Joe Broadhurst and Nathan Claus were present to provide information. An aerial vicinity map and preliminary subdivision plat showing approximately 2.7 acres of the 5.96 acre property to be rezoned was provided. Six neighborhood residents attended.

Kent and Ann Bergstedt reside in Renaissance Crest and prefer residential housing behind their house than commercial and support this rezone.

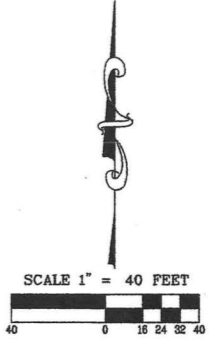
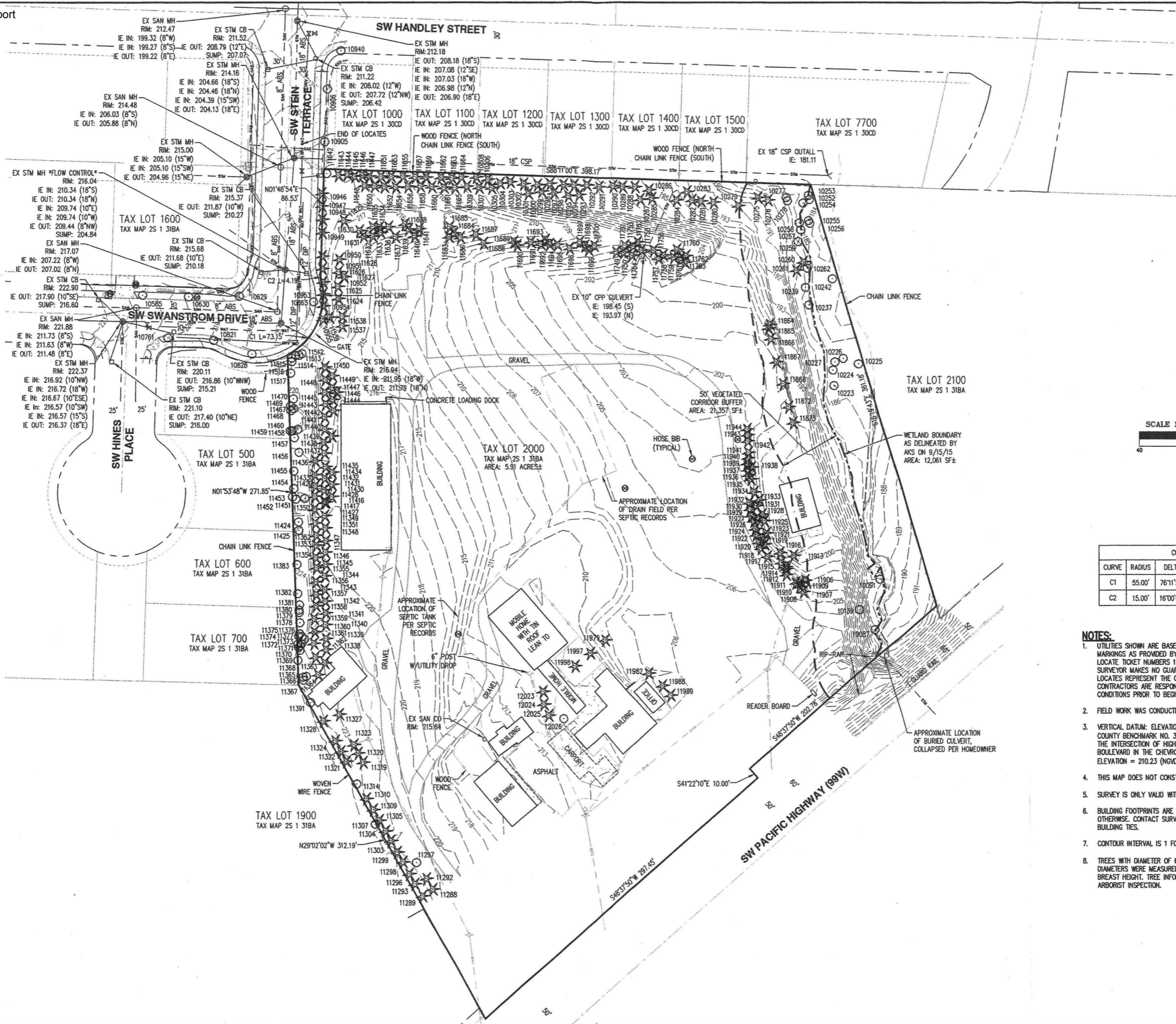
Brent Young, a neighborhood resident property owner, was in support and in favor of less traffic being generated by the rezone and a future connectivity of Cedar Brook Way.

Cory and Celeste Anderson, bordering neighborhood resident property owners, would prefer no development, commercial or residential, and to preserve any trees and open space possible for privacy and aesthetics.

Nathan Doyel, neighbor business property owner, was in favor of the proposed plan for Cedar Brook Way and that MDRL housing was a better plan for the neighborhood residents than General Commercial and supports the rezone.

Plans

Exhibit No. 7



CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	55.00'	76°11'54"	73.15'	N23°54'42"E 67.87'
C2	15.00'	16°00'09"	4.19'	S6°11'10"E 4.18'

- NOTES:**
- UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PROVIDED PER UTILITY LOCATE TICKET NUMBERS 15223935 AND 15228025. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
 - FIELD WORK WAS CONDUCTED SEPTEMBER 21-28, 2015.
 - VERTICAL DATUM: ELEVATIONS ARE BASED ON WASHINGTON COUNTY BENCHMARK NO. 39, A 2" BRASS DISK LOCATED NEAR THE INTERSECTION OF HIGHWAY 99W AND N. SHERWOOD BOULEVARD IN THE CHEVRON GAS STATION PARKING LOT. ELEVATION = 210.23 (NGVD 29).
 - THIS MAP DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY.
 - SURVEY IS ONLY VALID WITH SURVEYOR'S STAMP AND SIGNATURE.
 - BUILDING FOOTPRINTS ARE MEASURED TO SIDING UNLESS NOTED OTHERWISE. CONTACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
 - CONTOUR INTERVAL IS 1 FOOT.
 - TREES WITH DIAMETER OF 6" AND GREATER ARE SHOWN. TREE DIAMETERS WERE MEASURED UTILIZING A DIAMETER TAPE AT BREAST HEIGHT. TREE INFORMATION IS SUBJECT TO CHANGE UPON ARBORIST INSPECTION.

AKS
 AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD STE 100
 TUALATIN, OR 97062
 P: 503.963.6151
 fax: 503.963.6152
 aks-eng.com

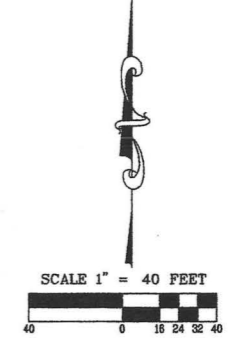
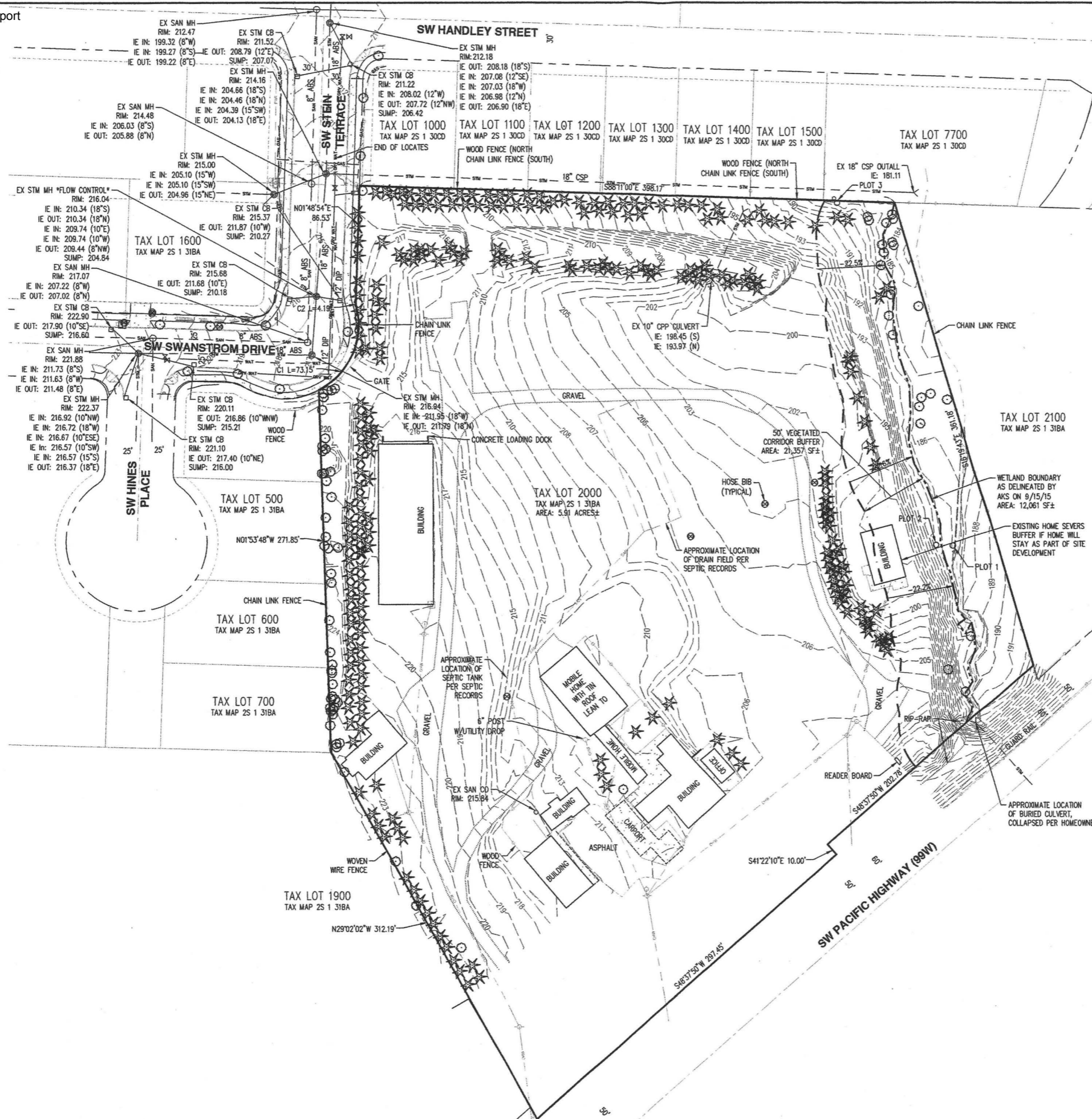
22211 SW PACIFIC HWY
SHERWOOD
 WASHINGTON COUNTY TAX MAP 2S 1 31BA

**EXISTING
 CONDITIONS PLAN**

DESIGNED BY: _____
 DRAWN BY: MSK
 CHECKED BY: NSW
 SCALE: AS NOTED
 DATE: 10/02/2015
 REGISTERED PROFESSIONAL LAND SURVEYOR
 NICK WHITE
 JANUARY 8, 2007
 70652LS
 RENEWS: 6/30/16

JOB NUMBER
4849
 SHEET
01

AKS DRAWING FILE: SH 1 - EX CONDITNG | LAYOUT: SH 1



CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	55.00'	76°11'54"	73.15'	N23°54'42"E 67.87'
C2	15.00'	16°00'09"	4.19'	S6°11'10"E 4.18'

- NOTES:**
- UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PROVIDED PER UTILITY LOCATE TICKET NUMBERS 15223935 AND 15226025. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
 - FIELD WORK WAS CONDUCTED SEPTEMBER 21-28, 2015.
 - VERTICAL DATUM: ELEVATIONS ARE BASED ON WASHINGTON COUNTY BENCHMARK NO. 39, A 2" BRASS DISK LOCATED NEAR THE INTERSECTION OF HIGHWAY 99W AND N. SHERWOOD BOULEVARD IN THE CHEVRON GAS STATION PARKING LOT. ELEVATION = 210.23 (NGVD 29).
 - THIS MAP DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY.
 - SURVEY IS ONLY VALID WITH SURVEYOR'S STAMP AND SIGNATURE.
 - BUILDING FOOTPRINTS ARE MEASURED TO SIDING UNLESS NOTED OTHERWISE. CONTACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
 - CONTOUR INTERVAL IS 1 FOOT.
 - TREES WITH DIAMETER OF 6" AND GREATER ARE SHOWN. TREE DIAMETERS WERE MEASURED UTILIZING A DIAMETER TAPE AT BREAST HEIGHT. TREE INFORMATION IS SUBJECT TO CHANGE UPON ARBORIST INSPECTION.

AKS
 AKS ENGINEERING & FORESTRY, LLC
 12995 SW HERMAN RD STE 100
 TUALATIN, OR 97062
 P: 503.963.6151
 F: 503.963.6152
 aks-eng.com

ENGINEERING - SURVEYING - NATURAL RESOURCES
 FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

22211 SW PACIFIC HWY
SHERWOOD
 OREGON
 WASHINGTON COUNTY TAX MAP 2S 1 31BA
 TAX LOT 2000

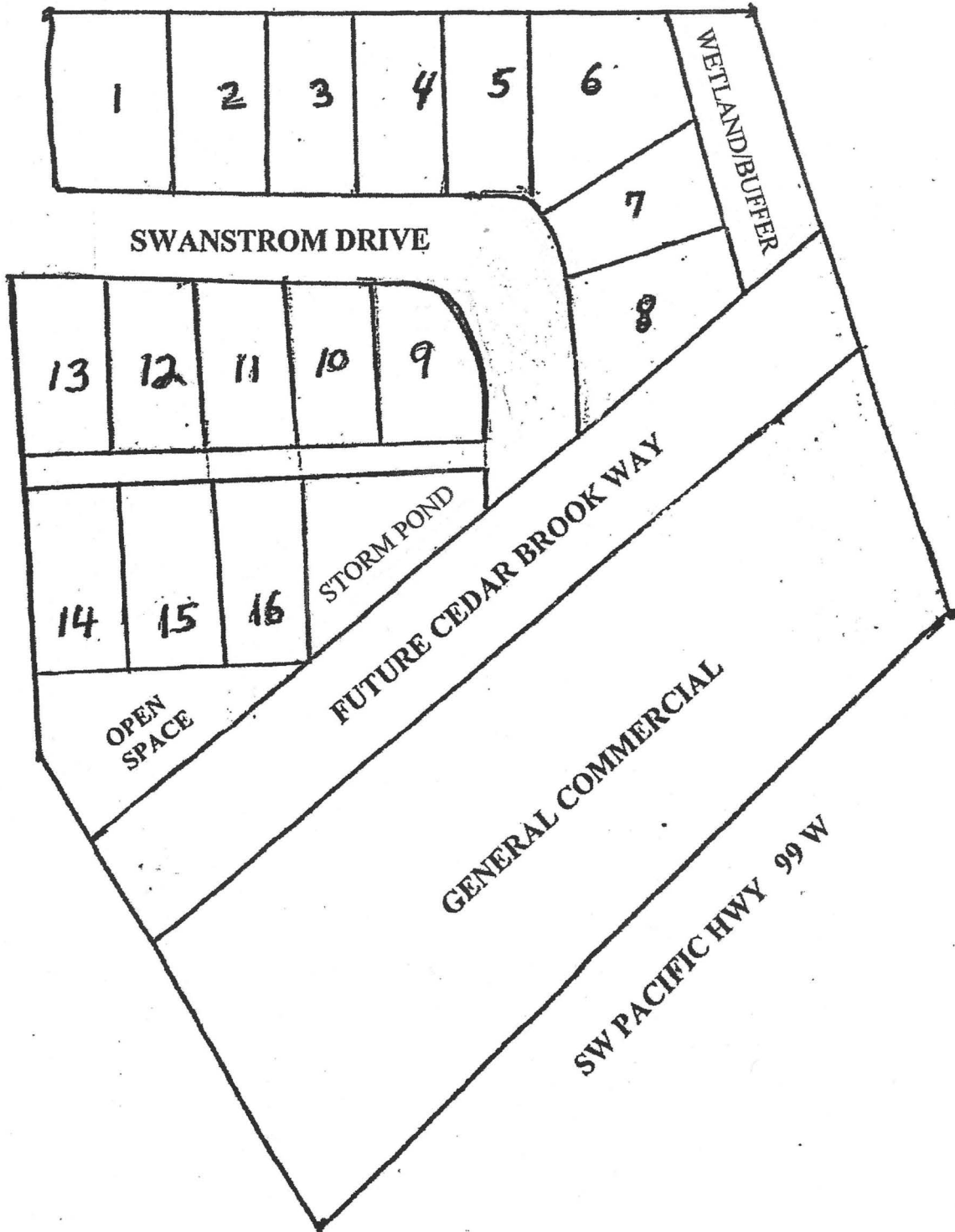
**WETLAND AND
 WATERS MAP**

DESIGNED BY:
 DRAWN BY: MSK
 CHECKED BY: NSW
 SCALE: AS NOTED
 DATE: 10/02/2015

REGISTERED PROFESSIONAL LAND SURVEYOR
 NICK WHITE
 JANUARY 9, 2007
 70652LS
 RENEWS: 6/30/16

JOB NUMBER
4849
 SHEET
01

AKS DRAWING FILE: NR-01 WETLANDS.DWG | LAYOUT: SH 1





AERIAL MAP



SITE

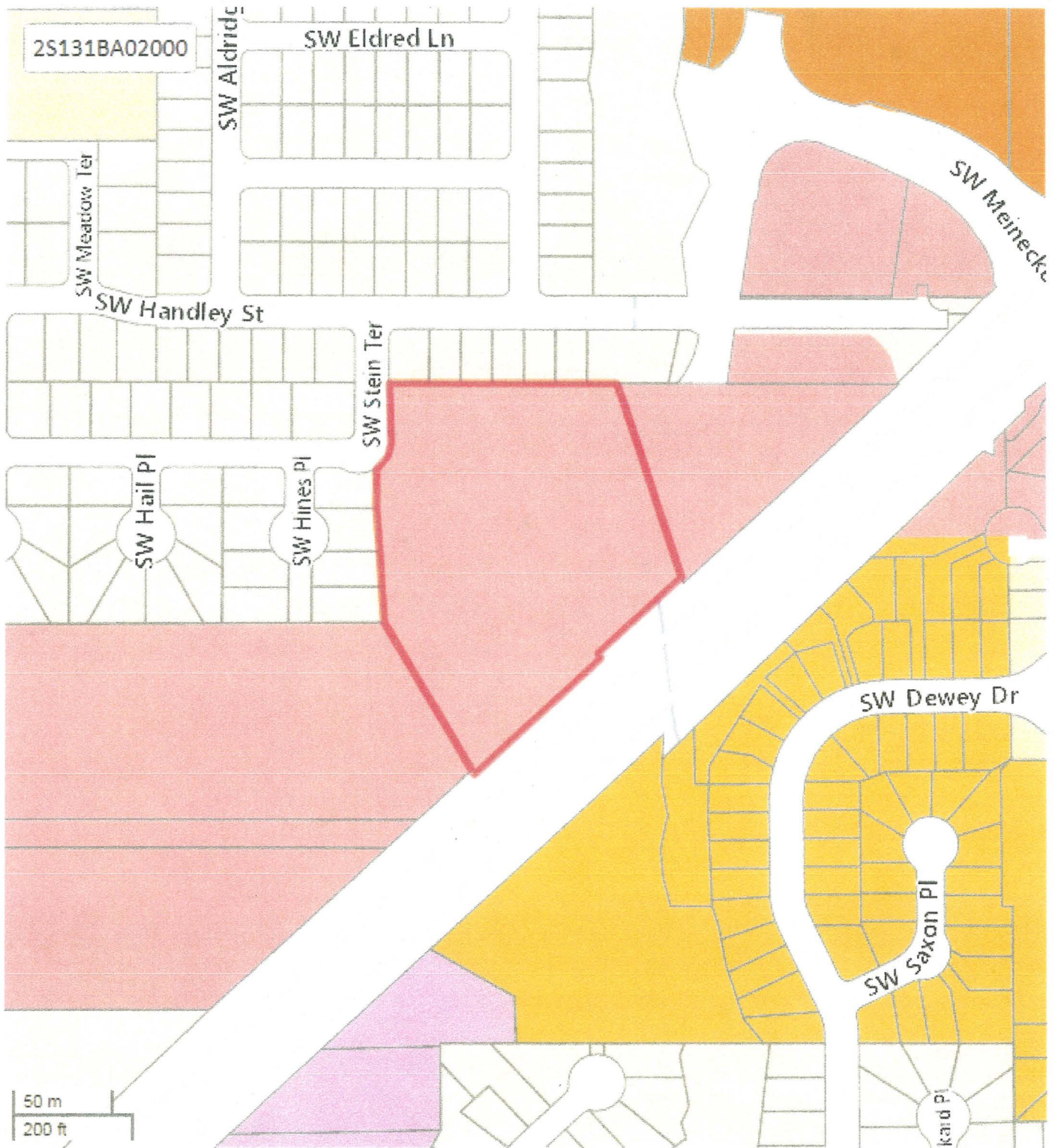


Metro

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.

ZONING

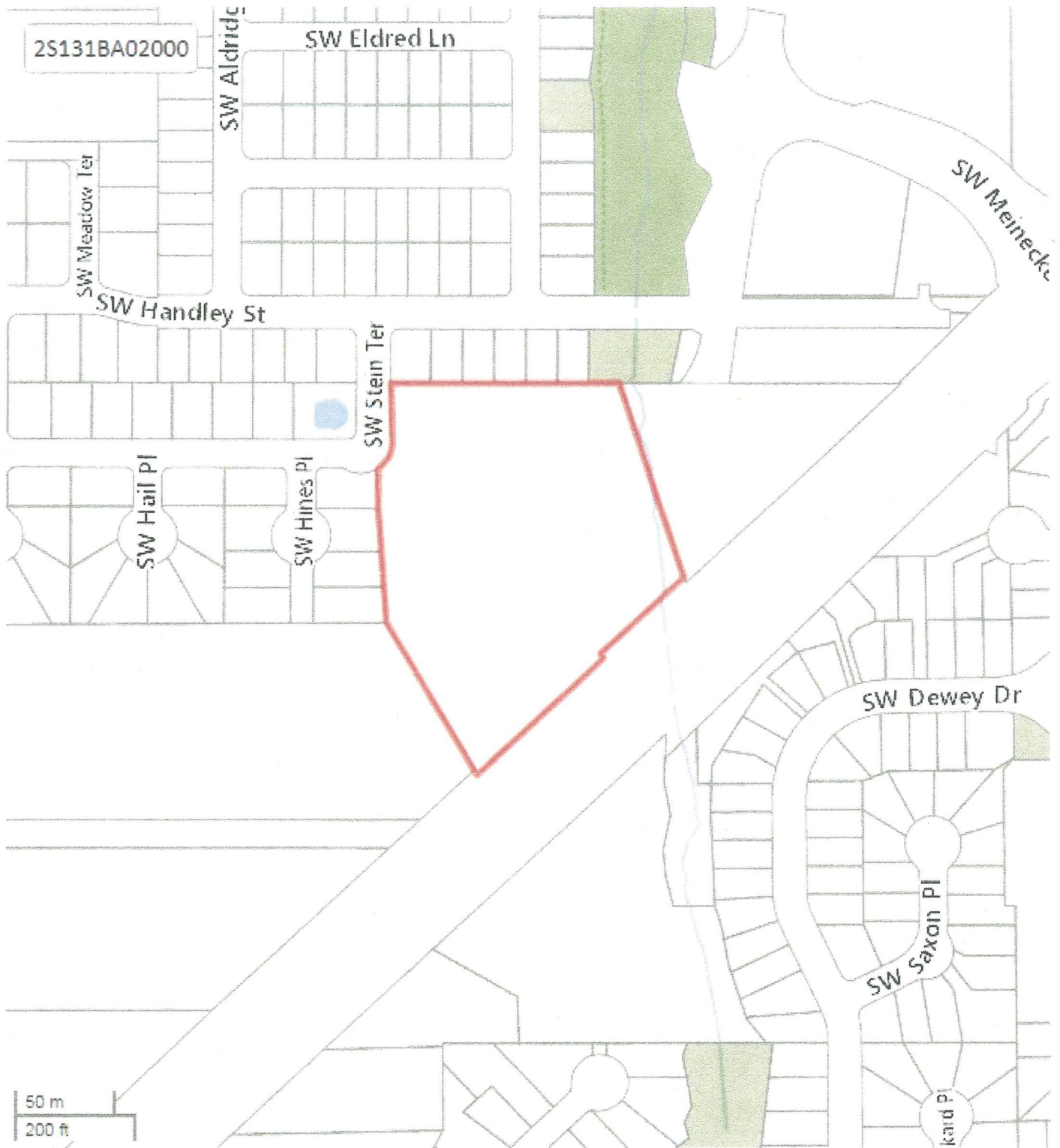


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PARKS & NATURAL AREAS

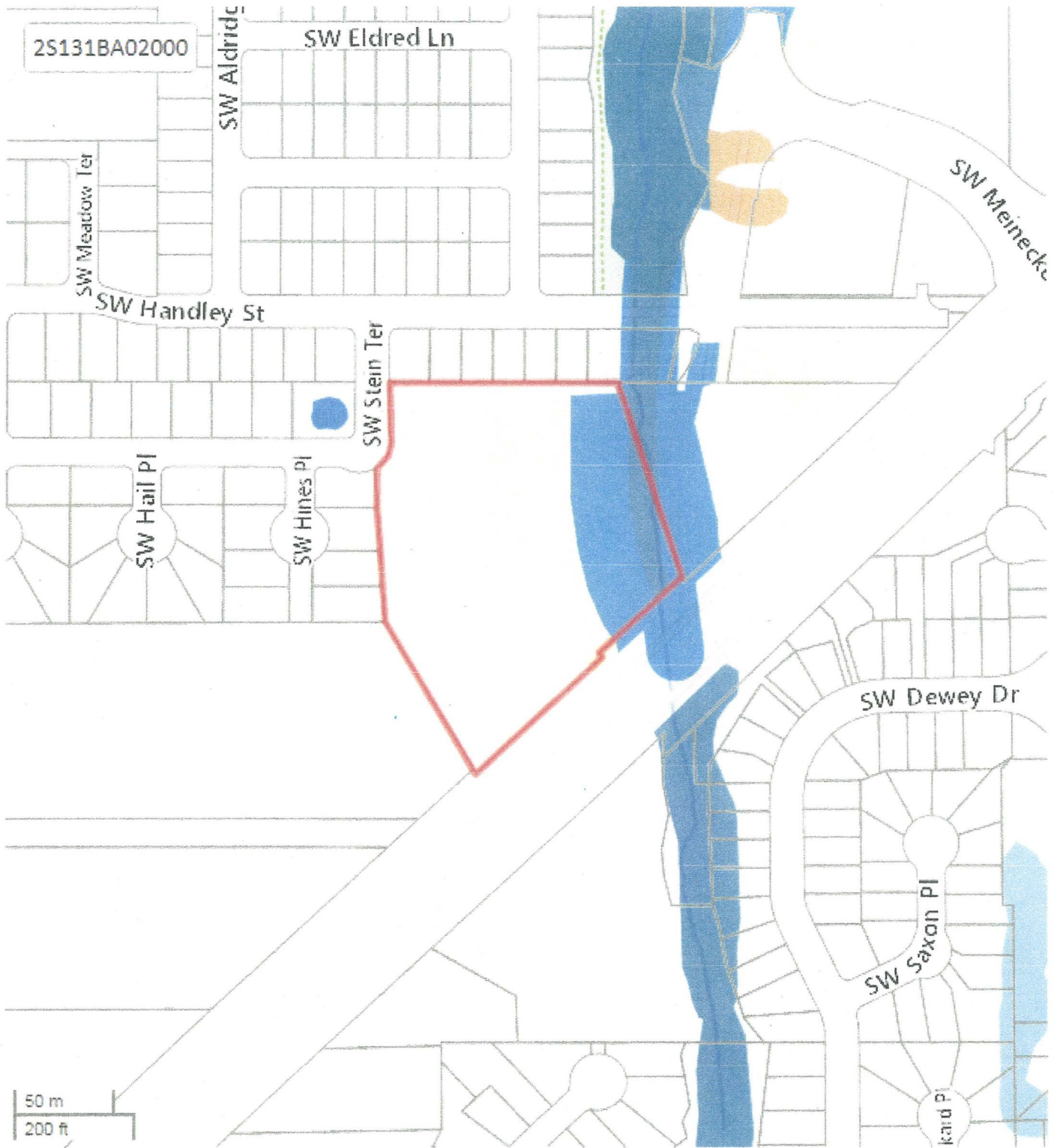


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HABITAT



Metro

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Traffic Report

Exhibit No. 8

TECHNICAL MEMORANDUM

TO: Jim and Susan Claus
FROM: Michael Ard, PE
DATE: September 2, 2016
SUBJECT: 22211 SW Pacific Highway
Zone Change Memorandum



EXPIRES 12/31/17



**LANCASTER
ENGINEERING**

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

This memorandum examines trip generation for the reasonable worst-case development scenarios for a proposed zone change at 22211 SW Pacific Highway in Sherwood, Oregon. The property will be rezoned from GC (*General Commercial*) to MDRH (*Medium Density Residential High*). Oregon's Transportation Planning Rule (TPR) will also be addressed.

Project & Location Description

The property at 22211 SW Pacific Highway (Tax Lot 2S131BA02000) has an area of 257,664 square feet. The site is located on the northwest side of SW Pacific Highway (OR 99W), approximately 1,000 feet southwest of SW Meinecke Road.

SW Pacific Highway (OR 99W) operates under the jurisdiction of ODOT and is classified as a Statewide Highway. In the project study area, it is generally a four-lane facility (two through lanes in each direction) separated by a large center median and has a designated speed of 45 mph. The highway has paved shoulders along both sides of the highway.

SW Meinecke Road is under the jurisdiction of the City of Sherwood and is classified as a Collector roadway in the vicinity of the site. It is a two-lane facility with a single travel lane in each direction and a posted speed of 25 mph. A raised curb center median extends from SW Pacific Highway to SW Dewey Drive in front of the site. Bicycle lanes are present along both sides of the roadway fronting the site, and sidewalks are also in place along both sides of the roadway.

The intersection of OR 99W at SW Meinecke Road is a four-legged intersection controlled by a traffic signal. The northeast-bound and southwest-bound approaches on OR 99W each have a dedicated left-turn lane served by protected phasing, two through lanes, and a channelized right-turn slip-lane. The northbound and southbound approaches on SW Meinecke Road each have a dedicated left-turn lane served with permissive phasing, a through lane, and a channelized right-turn slip-lane.

Jim and Susan Claus
September 2, 2016
Page 2 of 5

Trip Generation

To evaluate the potential traffic impacts that could result from the proposed zone change, the reasonable worst-case development scenarios under the current zoning and proposed zoning designations were examined. To estimate the trips that could be generated by the proposed zone change, trip rates from the *TRIP GENERATION MANUAL*, Ninth Edition, published by the Institute of Transportation Engineers (ITE), were used.

The portion of the subject property proposed for a change in zoning has an area of 150,978 square feet. The reasonable worst-case development scenario for the current zone (GC) was estimated based on the allowed uses under the city's zoning code, assuming a maximum reasonable commercial building footprint of 25 percent of the gross area of the site. A combination of trip rates for land-use code 820, *Shopping Center* and 934, *Fast Food Restaurant with Drive-Through Window* were used. Up to 6,000 square feet of the building area was assumed to be associated with the fast food use(s), and the remainder of the site was assumed to be developed with various retail uses that fit the shopping center land use description. Between the two uses, the trip generation calculations show that a total of 159 trips could be generated during the morning peak hour, 176 trips during the evening peak hour, and 2,382 total trips on a typical weekday.

For both land uses under the existing zoning, a pass-by trip reduction was taken from the total trip estimates in accordance with ITE's recommended practice. This adjustment accounts for pass-by trips that patronize the site while driving by on an adjacent roadway, returning to their original direction of travel. Such trips do not add traffic to the adjacent roadways since they would have traveled past the site even if they had not stopped.

For the proposed MDRH zoning, the City of Sherwood zoning code calls for a density of 5.5 to 11 dwelling units per acre. The portion of the subject property proposed for a zone change 3.47 acres, which can accommodate up to 30 dwelling units assuming that the net developable acreage will be 80 percent of the gross area after any required dedications necessary for access to the lots. Although this highest-intensity development would consist of duplex dwellings with minimum lot sizes of 4,000 square feet, in order to maintain a conservative analysis trip rates for land-use code 210, *Single-Family Detached Housing*, were used to estimate the trips generated under the proposed zoning. The trip generation calculations show that the reasonable worst-case development scenario under the proposed zoning will generate up to 23 trips during the morning peak hour, 30 trips during the evening peak hour, and 286 daily trips.

This change in zoning would decrease the trip generation potential of the property under the reasonable worst case development scenarios by 136 trips during the morning peak hour and 146 trips during the evening peak hour. A decrease of 2,096 daily trips would be anticipated.

A summary of the trip generation calculations for each of the zoning scenarios and the planned development is shown in the following table. Detailed trip generation calculations are included in the appendix to this memorandum.

Jim and Susan Claus
 September 2, 2016
 Page 3 of 5

	Trip Generation Summary							
	Size (sf)	Morning Peak Hour			Evening Peak Hour			Weekday
		In	Out	Total	In	Out	Total	Total
Existing Zoning (GC)								
Shopping Center	31,745	19	11	30	57	61	118	1356
Pass-By Trips		-5	-5	-10	-20	-20	-40	-462
Fast-Food with Drive-Through	6,000	139	134	273	102	94	196	2976
Pass-By Trips		-67	-67	-134	-49	-49	-98	-1488
Total	37,745	86	73	159	90	86	176	2382
Proposed Zoning (MDRH)								
Single-Family Dwelling	30 Units	6	17	23	19	11	30	286
Net Impact from Zone Change		-80	-56	-136	-71	-75	-146	-2096

Transportation Planning Rule

The Transportation Planning Rule (TPR) is in place to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. The applicable elements of the TPR are each quoted directly in *italics*, with a response directly following.

660-012-0060

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
 - (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
 - (b) *Change standards implementing a functional classification system; or*
 - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including,*



Jim and Susan Claus
September 2, 2016
Page 4 of 5

but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

In the case of this report, subsections (A) and (B) are not triggered, since the proposed zone change will not impact or alter the functional classification of any existing or planned facility and the proposal does not include a change to any functional classification standards.

As demonstrated in the previous section, the net increase in trips generated by the potential worst-case development allowed as a result of the change in zoning will result in a reduction to the possible trip generation of the subject property. Accordingly, subsection (C) is also not triggered and the Transportation Planning Rule is satisfied. No mitigations are necessary or recommended in conjunction with the proposed zone change.



Jim and Susan Claus
September 2, 2016
Page 5 of 5

Conclusions

The proposed zone change from GC to MDRH of the property located at 22211SW Pacific Highway in Sherwood, Oregon is projected to result in a significant net decrease in site trips under the reasonable worst case development scenario. Accordingly the zone change would not be projected to cause any detrimental impacts to the nearby transportation network. The zone change will not affect existing or planned transportation facilities as defined under Oregon's Transportation Planning Rule. Based on the analysis, no mitigations are necessary or recommended in conjunction with the proposed zone change.

APPENDIX

Le

TRIP GENERATION CALCULATIONS

Land Use: Shopping Center
Land Use Code: 820
Variable: 1,000 Sq Ft Gross Leasable Area
Variable Value: 31.7

AM PEAK HOUR

Trip Rate: 0.96

	Enter	Exit	Total
Directional Distribution	62%	38%	
Trip Ends	19	11	30

PM PEAK HOUR

Trip Rate: 3.71

	Enter	Exit	Total
Directional Distribution	48%	52%	
Trip Ends	57	61	118

WEEKDAY

Trip Rate: 42.7

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	678	678	1,356

SATURDAY

Trip Rate: 49.97

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	793	793	1,586

Source: TRIP GENERATION, Ninth Edition

Le

TRIP GENERATION CALCULATIONS

Land Use: Fast Food Restaurant with Drive-Through Window
Land Use Code: 934
Variable: 1000 Sq Ft Gross Floor Area
Variable Quantity: 6

AM PEAK HOUR

Trip Rate: 45.42

	Enter	Exit	Total
Directional Distribution	51%	49%	
Trip Ends	139	134	273

PM PEAK HOUR

Trip Rate: 32.65

	Enter	Exit	Total
Directional Distribution	52%	48%	
Trip Ends	102	94	196

WEEKDAY

Trip Rate: 496.12

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	1,488	1,488	2,976

SATURDAY

Trip Rate: 722.03

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	2166	2166	4,332

Source: TRIP GENERATION, Ninth Edition

Le

TRIP GENERATION CALCULATIONS

Land Use: Single-Family Detached Housing
Land Use Code: 210
Variable: Dwelling Units
Variable Value: 30

AM PEAK HOUR

Trip Rate: 0.75

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	6	17	23

PM PEAK HOUR

Trip Rate: 1.00

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	19	11	30

WEEKDAY

Trip Rate: 9.52

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	143	143	286

SATURDAY

Trip Rate: 9.91

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	149	149	298

Source: TRIP GENERATION, Ninth Edition

Bradley Kilby

From: Debbaut, Anne <anne.debbaut@state.or.us>
Sent: Monday, September 26, 2016 1:27 PM
To: Bradley Kilby
Subject: PA 15-06 Amended Notice

Hi Brad,

I reviewed the revised plan amendment notice for your PA 15-06 (DLCD #03-16) for a 2.7 acre rezone from commercial to residential. This is a reminder that the applicant must show compliance with Oregon Administrative Rule 660-009-0010(4) by demonstrating the change is consistent with the city's acknowledged EOA. For ease of reference the Goal 9 rule is linked here: http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_660/660_009.html

Please feel free to call if you have additional questions.

Regards,
Anne Debbaut

Anne Debbaut | DLCD Metro Regional Representative | Portland Metro Regional Solutions Center
o: 503.725.2182 | c: 503.804.0902



Engineering Department Land Use Application Review Comments

To: Brad Kilby, Planning Department Manager
From: Bob Galati PE, City Engineer
Project: Claus Property Plan Amendment and Zone Change (PA 15-06)
Date: October 18, 2016

Engineering staff has reviewed the information provided for the above referenced project. Final construction plans will need to meet the standards established in the City of Sherwood Engineering Department, Clean Water Services (CWS), and Tualatin Valley Fire & Rescue in addition to requirements established by other jurisdictional agencies providing land-use comments. City of Sherwood Engineering Department comments are as follows:

Sanitary Sewer System

Currently the subject site has access to public sanitary sewer mainlines located:

- a) Along the west property line adjacent to SW Stein Terrace. An 8-inch sanitary mainline runs from south to north within SW Stein Terrace right-of-way.
- b) An 8-inch sanitary mainline is stubbed to the north property line along the west property line of City owned property (2S130CD07700), which includes a stormwater treatment facility.

The depths of these sanitary lines have not been reviewed relative to site grades, so no determination of the extent of ability to provide on-site service has been made.

It is anticipated that any issues of determining on-site sanitary sewer service will be resolved during the design review process under a future subdivision or partition land-use process.

Conclusion: The site has access to public sanitary sewer and the zone change and plan amendment land-use process will not have a significant effect on the existing sanitary sewer systems ability to provide future service to the subject property.

Water System

Currently the subject site has access to an 8-inch diameter public water mainline located within SW Stein Terrace. This public water system has the capacity to provide service to the subject site.

It is anticipated that any issues of determining on-site water system service layout will be resolved during the design review process under a future subdivision or partition land-use process.

Conclusion: The proposed zone change and plan amendment land-use process will not have a significant effect on the existing water systems ability to provide future service to the subject property.

Project: 22211 SW Pacific Highway (Claus)
Zone Change and Plan Amendment (PA 15-06)
Date: October 18, 2016
Page: 2 of 2

Stormwater System

Currently the subject property discharges surface water runoff via sheet flow into a drainage corridor which runs south to north along the east side of the property, adjacent to Highway 99W.

It is anticipated that provisions for future on-site stormwater collection, conveyance, treatment and discharge will be resolved during the design review process under a future subdivision or partition land-use process.

Conclusion: The proposed zone change and plan amendment land-use process will not have a significant effect on the existing stormwater systems ability to provide future service to the subject property.

Transportation System

The subject property is located between SW Stein Terrace (residential road) on the north and Highway 99W (state arterial highway) on the south. Access to the site is taken from the intersection of SW Stein Terrace and SW Swanstrom Drive, with the future extension of Swanstrom Drive into the site. The future extension of SW Swanstrom Drive will connect to a future east-west collector road, which is identified in the current City Transportation TSP.

The Transportation Impact Analysis (TIA) performed by Lancaster Engineering (dated October 16, 2015) indicates that the change of use classification and related traffic counts accountable to the zone change will be reduced from the current classification.

The presented exhibit of the internal site transportation layout does not necessarily reflect current City engineering design requirements, but this issue will be resolved during the design review process under a future subdivision or partition land-use process.

Access from the site to the State highway is jurisdictionally controlled by the Oregon Department of Transportation (ODOT) Region 1. Comments and requirements related to the proposed zone change and plan amendment relative to any access to and from Highway 99W will be provided by ODOT. ODOT comments and conditions provided for future land-use actions (subdivision or partition), will be directly incorporated into the Engineering Department review comments and conditions.

Conclusion: Since the proposed zone change reduces the number of vehicle trips to and from the subject site, the proposed zone change does not have a significant effect on the ability of the existing City transportation system to provide future service to the subject property.

Summary

Based on a public improvements perspective, the proposed zone change and plan amendment will not have a significant effect on the ability of existing public systems to provide future service to the subject property.

Engineering conditions of approval for the subject property will be made at the time the when the subject property submits for a development land-use action (subdivision, partition, or other), therefore, there are no engineering conditions associated with this zone change or plan amendment land-use action.

End of Engineering Comments



Oregon

Kate Brown, Governor

Department of Transportation
 Region 1 Headquarters
 123 NW Flanders Street
 Portland, Oregon 97209
 (503) 731.8200
 FAX (503) 731.8259

June 8, 2016

ODOT #7174

ODOT Response

Project Name: Claus Comp. Plan Amendment/Zone Change	Applicant: Robert and Susan Claus
Jurisdiction: City of Sherwood	Jurisdiction Case #: PA15-06
Site Address: 22211 SW Pacific Hwy W (OR 99W), Sherwood, OR 97140	Legal Description: 02S 01W 31BA Tax Lot(s): 02000
State Highway: OR 99W	Mileposts: 15.95

The site of this proposed land use action is adjacent to Pacific Highway (OR-99W). ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation.

ODOT has determined there will be no significant effect to state highway facilities and no additional state review is required for the proposal Comprehensive Plan Amendment and Zone Change. ODOT may have comments at the time of development and asks to receive notice when development is proposed.

Please send a copy of the Notice of Decision:

ODOT Region 1 Planning
 Development Review
 123 NW Flanders St
 Portland, OR 97209

Region1_DEVREV_Applications@odot.state.or.us

Development Review Planner: Joshua Brooking	503.731.3049, joshua.c.brooking@odot.state.or.us
Traffic Contact: Avi Tayar, P.E.	503.731.8221

Table 18A. Commercial 20-Year Land Demand Forecast

Sherwood Urban Growth Boundary

	Low Growth Forecast (acres)	Medium Growth Forecast (acres)	High Growth Forecast (acres)
Demand for Vacant Land (acres)	15	40	106
Less Supply of Vacant Land (acres)	13	13	13
Equals Net Land Need (demand less demand)*	2	27	93

Table 18B Commercial 20-Year Parcel Demand Forecast (tax lots)

Sherwood Urban Growth Boundary

Medium Growth Forecast, Parcel Distribution (tax lots)	Existing Supply of Vacant Tax Lots	Forecast of Demand (Tax Lots)	Forecast of Net Land Need (Tax Lots)
Less Than 1 acre	5	7	2
1 to 4 acres	11	1	(10)
5 to 9 acres	4	2	(2)
10 to 19 acres	0	1	1
20-49 acres	1	1	0
50+ acres	2	0	(2)
Total	23	12	(11)
High Growth Forecast, Parcel Distribution (tax lots)	Existing Supply of Vacant Tax Lots	Forecast of Demand (Tax Lots)	Forecast of Net Land Need (Tax Lots)

Less Than 1 acre	5	32	27
1 to 4 acres	11	9	(2)
5 to 9 acres	4	4	0
10 to 19 acres	0	3	3
20-49 acres	1	1	0
50+ acres	2	0	(2)
Total	23	42	28

* gross buildable acres. Note, numbers in parentheses denote a land supply surplus.

Source: Otak, based upon findings included in demand and supply analysis.

Industrial Land Needs

The demand analysis summarized in **Table 19A** indicates that the long-term vacant industrial land demand in Sherwood is expected to range from 123 acres in the low growth forecast, to 276 acres under the medium growth forecast, and up to 415 acres under the high-growth forecast.

The existing 202 acres of vacant industrial/other employment land supply within the city limits is expected to meet the needs of long-term industrial land demand under the low growth scenario. However, additional vacant industrial land would need to be added to the Sherwood UGB to accommodate future industrial land needs for both the medium and high growth forecasts. The amount of additional required industrial land area ranges from 74 buildable acres in the medium growth scenario to 213 buildable acres in the high growth scenario. Preliminary recommended parcel (tax lot) configurations are summarized in **Table 19B**.

The demand analysis summarized earlier in this EOA indicates that short-term industrial land demand in Sherwood is expected to range from 31 acres in the low growth forecast, to 69 acres under the medium growth forecast, and up to 104 acres under the high-growth forecast. In light of the fact that there are several project ready and short term commercial tax lots within the existing city limits, the City should focus on retaining and expanding existing employers and developing existing vacant industrial areas as a short term strategy.

Long term strategies should include planning for new industrial sites (with integrated commercial and residential development) within future master-planned employment districts in Area 48.



ORDINANCE 2016-016

AMENDING THE COMPREHENSIVE PLAN AND ZONING MAP TO REDESIGNATE APPROXIMATELY 2.66 ACRES OF A 5.86 ACRE SITE FROM GENERAL COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL HIGH

WHEREAS, the City received a land use application, PA 15-06, requesting a comprehensive plan and zoning map amendment on an approximately 2.66 acre portion of the property located at 22211 SW Pacific Highway, tax lot 2S131BA02000; and

WHEREAS, the applicant seeks a comprehensive plan and zoning map amendment from Residential Commercial to Medium Density Residential High for the subject property as identified in Exhibit A; and

WHEREAS, after testimony from the public, staff and applicant, the Sherwood Planning Commission recommended approval of the proposed comprehensive plan and zoning map amendment; and

WHEREAS, the proposed comprehensive plan and zoning map amendment was reviewed for compliance and consistency with the Comprehensive Plan, and regional and state regulations and found to be fully compliant; and

WHEREAS, the proposed amendment was subject to full and proper notice and review and a public hearing held before the Planning Commission on October 25, 2016; and

WHEREAS, the analysis and findings to support the Planning Commission recommendation are identified in Exhibit 1 of the City Council Staff Report; and

WHEREAS, the City Council held public hearings on March 7, 2017 and March 21, 2017 and determined that the proposed comprehensive plan and zoning map amendment 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 application, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearings, the City Council adopts the findings of fact contained in the Planning Commission recommendation identified in Exhibit 1 of the City Council Staff Report.

Section 2. Approval. The proposed comprehensive plan and zoning map amendment as shown in Exhibit A 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 to the Comprehensive Plan and Zoning Map, including notice of adoption to the Department of Land Conservation and Development in accordance with City ordinances and regulations.

Section 4 - Effective Date. This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 21st day of March 2017.

Krisanna Clark, Mayor

Attest:

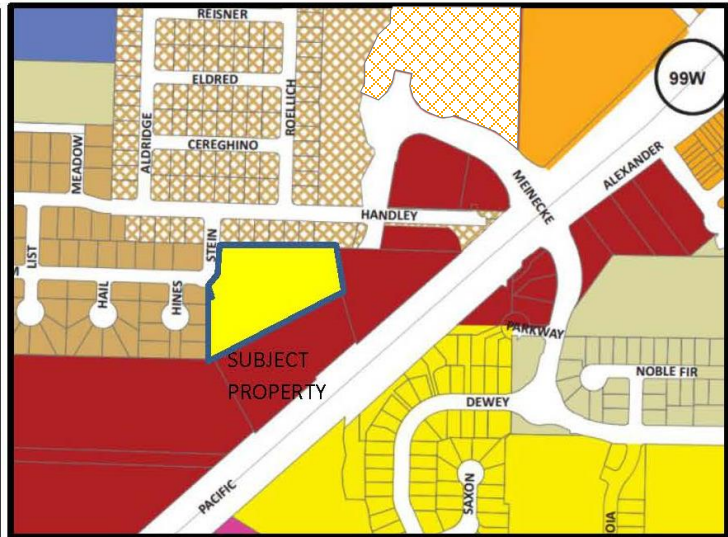
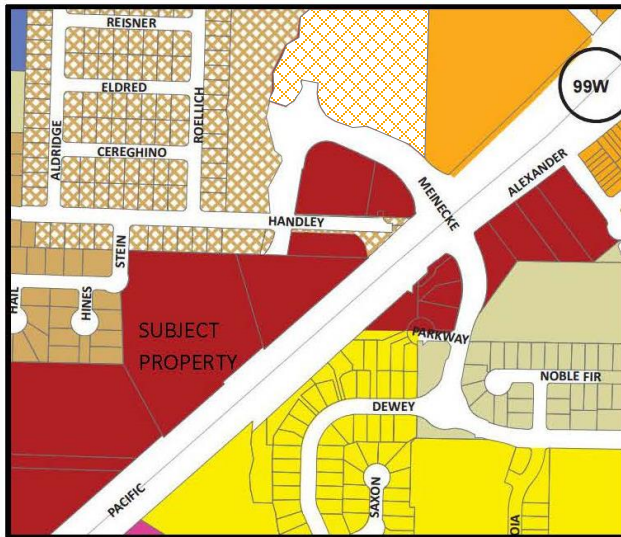
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Young	_____	_____
Garland	_____	_____
Robinson	_____	_____
Kuiper	_____	_____
King	_____	_____
Harris	_____	_____
Clark	_____	_____

EXHIBIT A -PA 15-06 Claus Property Comprehensive Plan and Zoning Map Amendment

EXISTING ZONING

PROPOSED ZONING



Legend

- | | |
|--|---|
|  Very Low Density Residential-VLDR |  Office Commercial-OC |
|  VLDR-PUD (Planned Unit Development) |  OC- PUD |
|  Low Density Residential-LDR |  Retail Commercial-RC |
|  LDR- PUD |  RC- PUD |
|  Medium Density Residential Low-MDRL |  General Commercial-GC |
|  MDRL- PUD |  Open Space |
|  Medium Density Residential High-MDRH |  Light Industrial-LI |
|  High Density Residential |  LI PUD |
|  High Density Residential PUD |  General Industrial-GI |
|  Institutional and Public |  Urban Growth Area-Concept Plan Required |
|  Neighborhood Commercial |  Unannexed Area-Inside UGB* |
| |  Old Town Overlay |
| |  City Boundary |
| |  Urban Growth Boundary |

* Zoning of unannexed parcels does not apply until annexed into the City.