



**SHERWOOD CITY COUNCIL MEETING MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**March 7, 2017**

**WORK SESSION**

1. **CALL TO ORDER:** Mayor Clark called the meeting to order at 6:20 pm.
2. **COUNCIL PRESENT:** Mayor Clark, Councilors Jennifer Kuiper, Kim Young, Dan King and Sean Garland. Councilor Sally Robinson arrived at 6:37 pm. Council President Jennifer Harris was absent.

**PLANNING COMMISSIONERS PRESENT:** Commissioner Justin Kai, Commissioner Russell Griffin arrived at 6:25 pm.

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, Planning Manager Connie Randall, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.
4. **TOPICS:**

**A. Smart Growth Conference-Lessons Learned**

Community Development Director Julia Hajduk provided a presentation (see record, Exhibit A) regarding the Smart Growth Conference that she recently attended. She noted that smart growth is an approach to development that encourages a mix of building types and uses, diverse housing and transportation options, development within existing neighborhoods, and community engagement. She said the New Partners for Smart Growth Conference is the largest and most comprehensive sustainable communities' conference in the nation. She gave an overview of some of the tracks that were offered. She said the conference was attended by Mayor Clark, Council President Harris, Councilor Kuiper, Planning Commissioner Griffin, Planning Commission Flores and herself. She stated this was a 3 day conference with sessions and mobile workshops and said they met regularly during the conference and have met since to discuss the takeaways which include: overall enlightenment, missing middle housing, density is a bad word, parking is expensive, must have a vision, new technologies, don't re-invent the wheel, and interaction and engagement is needed.

She referred to how the conference was enlightening and said participants agreed that we need to make sure we don't live our community civic life in a bubble, we need to interact with other communities and jurisdictions, we need to learn from others and even though we know we don't live in a bubble we are operating in a bubble.

She commented on public engagement and said the key themes include, open data and making data more available, the value and importance of engaging the community and businesses, regular meetings with stakeholders to allow for better coordination, the public is not aware of the complexities with development and the many points at which a development deal might get killed, and opportunities for using new technology to share information and make it easier for the public to be engaged. Discussion followed regarding zone based code and flexibility. Discussion followed regarding public engagement and the need to get quality data to the public through their life streams.

She referred to the ideas they took away regarding Comprehensive Plan and Code which include not underestimating the visioning process needed at the beginning, look at other jurisdiction's comprehensive plans to see how they are done, the comprehensive plan will guide but we'll need to focus on one area at a time, and codes don't have to be cookie cutter and they can be modified based on locational factors, the plan will help us answer who we are now and what we have become, when you "feel" Sherwood where does that feeling come from, what defines us and we must have a vision.

She commented on development considerations which include the high cost of free parking, if you don't like what developers are building in your community invite those that you like to come in, talk to developers to get their input and perspective on what works, missing middle housing and density isn't a good word rather it is more about the feel and the function. Discussion followed regarding missing middle housing which is the gap between high density housing and single family residential.

She stated other takeaways include the value of public art and bringing people into an area to help revitalize the area, more collaboration between government, non-profits and for-profits, the overall vision is changing for American cities due to new technology, and plan the work and work the plan. Discussion followed and the conference participants shared their experiences and what they learned.

City Manager Gall asked if there will be another Smart Growth Conference next year. Ms. Hajduk said a date and a City have been set but she is not sure as it is dependent on federal funding.

## **5. ADJOURN:**

Mayor Clark 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 7:05 pm.
- 2. COUNCIL PRESENT:** Mayor Clark, Councilors Jennifer Kuiper, Kim Young, Dan King, Sally Robinson and Sean Garland. Council President Jennifer Harris was absent.
- 3. STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Police Chief Jeff Groth, City Attorney Josh Soper, Community Development Director Julia Hajduk, Planning Manager Connie Randall, Community Services Director Kristen Switzer, Public Works Director Craig Sheldon, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.

## **4. APPROVAL OF AGENDA:**

Mayor Clark amended the agenda and noted that Resolution 2017-014 and Resolution 2017-015 will be removed from the agenda under New Business as payments have been received and she asked for a motion to approve the amended agenda.

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

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

**5. CONSENT AGENDA:**

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

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

Mayor Clark addressed the next item on the agenda.

**6. CITIZEN COMMENTS:**

Pat Olds, Sherwood resident came forward and thanked the Council and staff on behalf of his family and citizens for installing the new crosswalk between Target and Walmart. He said hopefully this will solve the issue and there will not be another incident.

Tess Keis, Sherwood resident approached the Council and noted that Pat Olds is the brother of Jeff Olds who was killed at the crossing. She said the City has worked hard to install the crosswalk and thanked the City Council.

James Heinlein, 222 North Hall, One University Blvd., La Grande, Oregon came forward and said he is currently attending Eastern Oregon University and is a former graduate of Sherwood High School. He stated he is enrolled in a Public Policy class and has been prompted to draft policy and make a presentation. He said his recommendation is to create a volunteer group to help maintain the current and potential new dog park. He stated the duties could include cleaning up trash, surface material repair and general beautification of the dog park. He said this would increase citizen involvement and decrease maintenance costs for the City and increase awareness of the Sherwood dog park.

Mayor Clark addressed the next item on the agenda.

**7. PRESENTATIONS:**

**A. Recognition of Eagle Scout Award Recipients**

Mayor Clark recognized and congratulated Ryan Kolb for obtaining the rank of Eagle Scout and asked him to describe his project. Ryan said his project was at the Good Neighbor Center which is a homeless shelter in Tigard. He said he improved one of the rooms by removing the old carpet and installing vinyl flooring and

repainted and redecorated the room. He stated that the Kiwanis Club donated the money for the supplies and the project took 2 days with 6 scouts and 3 adult volunteers. Mayor Clark presented Ryan with a certificate of achievement and thanked him for his service

Mayor Clark addressed the next item on the agenda.

## **8. 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**

The City Recorder read the public hearing statement.

Mayor Clark said she has had ex parte contact with both of the applicants as they are good friends. She said they have not had any additional discussions that are outside what is presented here tonight and said she feels she can participate fully.

The City Recorder asked the audience if anyone wishes to challenge the Mayor's comments to participate. No comments were received.

*Recorder note: Due to technical difficulty, Mayor Clark moved to the next agenda items and returned to the public hearing when the issue was resolved.*

## **9. CITY MANAGER REPORT:**

City Manager Joseph Gall announced that there will be a Town Hall meeting regarding the Sherwood recreational and aquatic facility on March 14 at 7 pm at the Sherwood Police Department. He said the meeting will focus on seeking community input about the future of the facility.

Councilor Robinson asked if the meeting would be taped. Mr. Gall noted that there will be small group discussions and a report will follow but the meeting will not be taped.

Mayor Clark stated the purpose of the Town Hall is to hear from the citizens about their different ideas for the recreational facility and what services they want the facility to provide. She encouraged everyone to attend and voice their opinions.

Mayor Clark addressed the next item on the agenda.

## **10. CITY COUNCIL ANNOUNCEMENTS:**

Councilor Kuiper referred to the comments from James Heinlein and said she supports the idea to have a volunteer group. She reported tomorrow night the School Board will host a School Bond update in the Laurel Ridge Community Room at 5:45 pm with the regular meeting at 7:00 pm. She said the Cultural Arts Commission will meet March 20 at 6:30 pm.

Councilor Young said she attended the Friends of the Refuge meeting and announced that they will be offering a full day summer camp and are looking for donations for scholarships. She said the Song Bird Festival is May 20.

Councilor Robinson said she attended the Parks and Recreation Advisory Board meeting last night and said the board is interested in helping update the Park Master Plan as part of the Comprehensive Plan update. She referred to the Comprehensive Plan update and said she would like to have the draft schedule posted on the City website. She thanked the senior staff members for attending the City Council goal setting session on Saturday.

Mayor Clark commented on the City Council Goal setting session and said they discussed goals for the next fiscal year and evaluated the status of their previous goals. She announced that tomorrow night the Washington County Board of Arts Coalition will meet at the Center for the Arts. She commented that the Center for the Arts continues to be used daily. She recapped her State of the City address and thanked SMJ for performing. She stated the State of the City address is on the City website. She said she will be lobbying in Salem on Thursday with the Metro Mayor's Consortium. She announced the next Chamber mixer is at the McCabe Real Estate office at 5:30 pm on Thursday and candy donations are being accepted for the Egg Hunt for Hope. She announced the events she will be attending the following week. She stated that Clancy's will host a St. Patrick's Day event and First Street between Clancy's and Pine Street will be closed this year. She said the American Legion is having a St. Patrick's Day dinner. She announced the Sherwood High School Wrestling team is having a Luau at the Elks on March 18 at 5 pm.

Mayor Clark returned to the public hearing.

## **8. 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**

Planning Manager Connie Randall recapped the staff report and provided a presentation (see record, Exhibit B). She stated the applicant is proposing to rezone approximately 2.66 acres of a 5.86 acre site from General Commercial (GC) to Medium Density Residential High (MDRH). She referred to the vicinity map and said this is located adjacent to Hwy 99 and south of Handley Street. She stated the required findings are to demonstrate a need for MDRH development in light of the City's economic health, current market demand, availability and location of other residential land in the area and the general public good. She said data from the housing needs analysis completed with the Sherwood West Preliminary Concept Plan and the applicant's narrative, demonstrate that there are currently 96 acres of buildable land zoned for residential use in the City limits and 21 acres are zoned for MDRH property. She said an additional 79 buildable acres are located outside the City limits within the UGB and the Brookman area and approximately 11 acres of those are expected to be zoned MDRH. She state there is not enough land available in the City zoned MDRH development and even if you include Brookman there is a deficit of about 10 to 11 acres.

She said the next finding requires that the proposal be timely and said there is an immediate need for residential land and the demand is high. She stated the properties in this corridor have remained undeveloped and there is an indication that properties within the area will begin developing as land supply

continues to dwindle. She said utility services are available to the property and with the development there will be added opportunities for the larger area.

She stated the next required finding is that other MDRH zoned properties are unavailable or unsuitable for immediate development. She said there is a demonstrated lack of other properties zoned MDRH and some of the property that was identified in the housing needs analysis is currently under development with the Mandel Farms subdivision so it even further reduces what currently is available for MDRH development. She said the other land available within the UGB has failed to be annexed into the City in the Brookman area so it is not currently considered available for development at this time.

She said the proposed residential uses are anticipated to generate 2,546 fewer weekday peak hour vehicle trips than what could be expected if the site developed with GC and consequently the proposal will not negatively impact any adjacent transportation facility. She stated the proposed amendments are not inconsistent with the goals of the Comprehensive Plan, Transportation System Plan and Metro and State Standards.

She referred to statewide Planning Goal 9 which is economic development. She said this goal requires that proposals not negatively impact the City's ability to provide economic development opportunities, as identified in the adopted Economic Opportunities Analysis. She said it is one thing to demonstrate a need for residential housing but we also need to demonstrate there is not a need for the commercial land as well and it won't negatively impact the City's ability to meet the employment and commercial goals and economic opportunities. She said the economic opportunities analysis is part of the 2007 Economic Development Strategy. She noted that the analysis identifies that for a 20 year period in the planning horizon there is need for up to 93 acres of commercial land and there was a range from 27 to 93 acres with 40 acres being the midpoint. She said there is currently 86 acres of undeveloped land zoned for commercial uses and an additional 79 acres that are partially developed, resulting in a total of 165 acres. She stated removing 2.66 acres from our commercial supply will not negatively impact our ability to meet the demands the City may face in the next 20 years for commercial uses.

She said based on the staff report, the information presented by the applicant and considering the public testimony received by the Planning Commission on October 25, 2016, the Planning Commission recommends approval of the proposed Comprehensive Plan and Zoning Map Amendment to the City Council as proposed.

Councilor Kuiper referred to page 38 of the packet which states the 2006 analysis showed approximately 175 acres of existing commercial land and then later refers to changes that result in approximately 230 acres of commercial land. Ms. Randall replied the 230 acres includes developed acres.

Councilor Robinson commended Ms. Randall for taking over this project in the absence of Brad Kilby and thanked her for her efforts.

Councilor Kuiper referred to page 34 of the packet, section H, which states properties north and east of the subject site are also zoned General Commercial and properties to the north of the subject site are zoned Low Density Residential and asked if it should be properties to the south and east. Ms. Randall agreed that it is not truly south but maybe southwest and northeast. Councilor Kuiper asked about the property immediately east of the site which includes a single family home and accessory parking for Pacific Family Dental and asked if there is wetland there. Ms. Randall said there is a resource between the two.

With no further questions from Council, Mayor Clark opened the public hearing. With no public testimony received, Mayor Clark asked the applicant to come forward.

Nathan Claus approached the Council and stated he is working with Robert and Susan Claus on the zone change. He stated that they generally agree with the staff report and discussed the former uses of the property. He said in their opinion this is prime property in Sherwood and has had a long productive life. He stated they are planning on developing the property and stated Cedar Brook Way negatively impacts the property. He noted the property is self-sufficient and has utilities at the edges of the property and has deeded ingresses and egresses with Hwy 99W. He said there is no need for Cedar Brook Way to be developed. He stated as per the Transportation Plan, Cedar Brook Way is proposed and referred to the traffic circle by Pacific Family Dental and said there is a dead end which is proposed to go over the wetlands and bisect their property. He said this harms the GC zoning in the back.

Nathan Claus referred to the neighborhood meeting and said most comments were positive. He said the border around the proposed zone change is mostly residential and they would prefer residential over commercial zoning. He said the largest concern was the development of apartments. He said the feedback was positive. He referred to Cedar Brook Way and said it is proposed as a collector and is part of the Transportation Plan but little else has been confirmed. He commented on the process and said this road provides no benefit to them and harms the value of the property. He stated that this is a takings and once the City starts building the road they expect to be properly compensated. He said if the road goes and property is potentially rezoned it could lay the groundwork for how the rest of the corridor is going to be developed. He noted there is a warehouse in the back of the property and the plan is pending the approval of the zone change, they will move the warehouse to the front of the property. He stated the current house on the back will be updated. He said they will retain the deeded highway ingresses and egresses and plan to start the subdivision in the next 6 to 9 months. He noted the electronic outdoor advertising sign on the front of the property is not part of this application.

Nathan Claus commented on the history of Cedar Brook Way and said it is their opinion that it was always a political decision. He said it was added to the Transportation Plan for no clear reason. He stated that for 15 years they have tried to seek a solution to this problem. He commented that when Nathan Doyel expanded his parking lot onto the adjacent property he did not have to deal with Cedar Brook Way. He said they have fought this issue for 15 years and are ready to develop and are trying to come up with a solution that works best for everyone.

Susan Claus approached the Council and said Cedar Brook Way will not be put in due to this zone change.

Councilor Kuiper asked where the access is to this proposed development. Susan Claus responded Stein Terrace.

Mayor Clark said she understands that Cedar Brook Way is not part of this proposed zoned change but asked when Cedar Brook Way was added to the Transportation Plan. Susan Claus said 2005. Julia noted it was in the 2005 TSP.

Councilor Kuiper asked where Cedar Brook Way is platted to go. Community Development Director Julia Hajduk said it is not platted. She said the TSP identified a connection on one end of the property and it ultimately goes to Elwert.

Mayor Clark clarified that it is part of a future plan and not definitely identified. Ms. Hajduk said the location is not definitely identified.

Mayor Clark asked for any additional public comment.

Tess Keis, Sherwood resident came forward and asked how many houses were being proposed and if the access is going through several neighborhoods. She said she is concerned about growth and traffic patterns in Sherwood. She also noted that there is a proposal coming regarding the Brookman area which will also impact growth and traffic. She stated there will be a lot more traffic and asked how congested this area will become and how safe will it be for our citizens and students.

Mayor Clark asked for any additional public comments. With no further comments she gave the applicant an opportunity to respond.

Susan Claus approached with Council with a rebuttal and asked if the 20 minutes they have remaining also includes the 2<sup>nd</sup> reading or do we get another 30 minutes at the 2<sup>nd</sup> reading. City Attorney Soper the remained 20 minutes is just for this reading.

Robert Claus responded to the transportation question and said if the property is left in its current commercial zoning it will increase traffic. He said they are proposing 15 to 20 homes. He stated the density is approximately 50 units an acre. He commented on Cedar Brook Way and said they are looking at it for a number of reasons. He said there are actually 3 routes there. He stated Doyel's have an easement recorded on it both vegetative and slope which may or may not allow the road to ever be built. He said the City would have to build the road. He noted that it may not be a wetland and may be a drain way. He stated the City is in a good position to go study what they have to do. He said a number of people examined the drain way. He said this has all been studied and all the options are open. He stated this proposes a similar transit transportation mix which neighbors prefer.

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

Ms. Randall responded to the question regarding density and traffic and said staff usually considers these factors as part of the land use application hearing. She said currently Swanstrom Drive comes down and terminates and goes into Stein Terrace out to Handley. She stated there is an opportunity that Swanstrom could extend into the property and provide access. She said the decision on the roads is depended on the type of development that is coming and the traffic and required spacing for intersections and the design of the roadway. She noted the density proposed is MDRH is 5.5 to 11 units per acre which calculates to 13 to 26 units. She said there are standards that require 5000 square feet minimum lot sizes and requirements for open space, public dedication for roadway right-of-way and this effects the ultimate density. She said the front yard set backs are 14 feet to a living structure and 20 feet to a garage, 5 feet on the sides and 20 feet on the rear.

City Attorney Josh Soper reminded the Council that no action is required under the new ordinance adoption procedures that were approved by the voters in November. He said this is the first hearing and there will be a second hearing and at that point Council will make a decision.

Mayor Clark clarified that Council does not need to make a motion to move the legislation forward. Mr. Soper said that is the old procedure and no action is needed.



With no further questions, Mayor Clark stated the ordinance will be considered again at the next Council meeting.

Mayor Clark adjourned at 8:10 pm and convened to an Executive Session.

**EXECUTIVE SESSION**

1. **CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 8:19 pm.
2. **COUNCIL PRESENT:** Mayor Clark, Councilors Jennifer Kuiper, Kim Young, Dan King, Sally Robinson and Sean Garland. Council President Jennifer Harris was absent.
3. **STAFF PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Finance Director Katie Henry, Community Development Director Julia Hajduk and City Attorney Josh Soper.
4. **TOPICS:**
  - A. Pursuant to ORS 192.660(2)(e) Real Property Transactions.
5. **ADJOURN:**

Mayor Clark adjourned the Executive Session at 8:56 pm.

Attest:

  
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Sylvia Murphy, MMC, City Recorder

  
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Krisanna Clark, Mayor