



Home of the Tualatin River National Wildlife Refuge

**SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
May 21, 2013**

WORK SESSION

1. **CALL TO ORDER:** Council President Linda Henderson called the meeting to order at 6:00 pm.
2. **COUNCIL PRESENT:** Council President Linda Henderson, Councilors Dave Grant, Matt Langer, and Bill Butterfield. Councilor Robyn Folsom and Krisanna Clark arrived at 6:05 pm. Mayor Bill Middleton was absent.
3. **STAFF PRESENT:** Joseph Gall City Manager, Tom Pessemier Assistant City Manager, Julia Hajduk Community Development Director, Craig Gibons Finance Director, Craig Sheldon Public Works Director, Kristen Switzer Community Services Director, Brad Kilby Planning Manager, Julie Blums Accounting Supervisor, Colleen Resch Administrative Assistant, and Sylvia Murphy City Recorder.
4. **TOPICS DISCUSSED:**

A. Fee Schedule & Development Fees:

Tom Pessemier briefed the Council with a power point presentation (see record, Exhibit A), recapped the purpose of the discussion and informed the Council that the proposed Fee Schedule is scheduled to come before the Council for adoption on June 4th. Tom explained the differences between System Development Charges (SDC) and Fees. He explained how SDC's are developed, calculated and who pays SDC's. Tom briefed the Council on SDC's in comparison to other cities based on LOC (League of Oregon Cities) information. Tom explained residential and commercial fees.

Tom explained staff's recommendation and processes with proceeding forward. The Council discussed the Parks Advisory Board and their role and discussed Washington County TDT. The Council discussed reaching a consensus to move forward with a methodology.

Julia Hajduk explained fees for site plan, variance fees and conditional use fees. Discussion followed regarding code amendments.

Tom stated proposed fee changes will come before the Council on June 4th.

B. Council Summer Meeting Calendar:

The Council discussed their summer meeting schedule and availability of Council members. The Council conceded to cancel the July 2nd, 2013 meeting, depending on whether or not staff has materials to present.

5. ADJOURN:

Council President Linda Henderson adjourned the work session at 7:05 pm and convened to a regular meeting.

REGULAR CITY COUNCIL MEETING

1. **CALL TO ORDER:** Council President Linda Henderson called the meeting to order at 7:15 pm.

2. **PLEDGE OF ALLEGIANCE:**

3. **ROLL CALL:**

4. **COUNCIL PRESENT:** Council President Linda Henderson, Councilors Dave Grant, Robyn Folsom, Bill Butterfield, Matt Langer and Krisanna Clark. Mayor Bill Middleton was absent.

5. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Tom Pessemier Assistant City Manager, Julia Hajduk Community Development Director, Craig Gibbons Finance Director, Craig Sheldon Public Works Director, Kristen Switzer Community Services Director, Mark Daniel Police Captain, Brad Kilby Planning Manager, Michelle Miller Senior Planner, Ashley Graff Intern, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy. City Attorney Chris Crean.

Council President Henderson addressed the Consent Agenda and asked for a motion.

6. **CONSENT:**

A. Approval of May 7, 2013 City Council Meeting Minutes

B. Resolution 2013-022 Authorizing the City Manager to enter into an intergovernmental Agreement (IGA) with Washington County for the 2013 Slurry Seal Program

MOTION: FROM COUNCILOR ROBYN FOLSOM TO ADOPT THE CONSENT AGENDA, SECONDED BY COUNCILOR KRISANNA CLARK, MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (MAYOR MIDDLETON WAS ABSENT).

Council President Henderson addressed the next agenda item.

7. **PRESENTATIONS:**

A. Proclamation Recognizing EMS (Emergency Medical Services) Week

Council President Henderson read the proclamation signed by Mayor Middleton proclaiming May 19-25, 2013, as Emergency Medical Services (EMS) Week. She noted the EMS system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others. She stated the EMS teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills and it is appropriate to recognize the value and the accomplishments of EMS providers by designating EMS Week. She acknowledged members from Tualatin Valley Fire and Rescue (TVFR) in the back of the room and thanked them for their service and for coming to the meeting.

Council President Henderson addressed the next agenda item.

8. NEW BUSINESS:

A. Ordinance 2013-002 Declaring certain sidewalks in the City to be defective under Sherwood Municipal Code Chapter 12.08 for Areas 1 & 2, Phase 3

Public Works Director Craig Sheldon came forward and stated this is the program where we identified approximately 1,700 sidewalk deficiencies throughout the city and said the code states that property owners are responsible for the repairs. He said the 211 addresses identified in this ordinance can join in the 50/50 split program with the City. The sidewalk fee is paid through utility bills as well as the 50% that you are paying back into the coffers to have the sidewalk repaired using a City's contractor.

Councilor Folsom asked Craig if the issues he was talking about are raised sidewalks from tree roots where they need to be shaved or replaced. Craig stated that is correct. Councilor Folsom asked Craig how much is the average cost of repair, such as a small shave to replacing a large section. Craig said the property owners share for a small single shave is generally \$22.00, which is a 50/50 shared cost. A larger repair depends on how damaged the property is, and it has to be 25% of the property to qualify for the citizen program, but projects have been up to \$1,000 depending on if it is a tree issue and if the tree has to be removed. He noted that property owners have 12 months to pay for the repairs. Councilor Folsom clarified that the city is working with property owners by not only paying for half of the repair, but also allowing 12 months to remit payment.

Council President Henderson referenced areas 1 and 2 and asked how many areas are identified. Craig stated the city was separated into 4 areas, and they are still working on area 1 and just starting area 2 and this is phase 3 of the project. He said, after the 211 addresses mentioned are repaired, Council will see another round of identified issues. He said, he estimated that the 211 addresses will probably take, by the time the owners are notified and the bills not going out until later in the fall, we probably won't start this until the middle of July.

Council President Henderson asked the Council if this ordinance should be open to the public to receive comments. The Council agreed.

Nancy Taylor, 17036 SW Lynnly Way, approached the Council and asked if removing effected trees would be debated and asked what happens if the tree is in the middle of 2 properties. Craig stated that some property owners have done a split, but in terms of tree removal, there is a process that has to take place. He stated the addresses on the list will receive a letter from the City and then a person will come to the property and meet with the owner and provide choices, but the issue has to qualify under the program.

Barbara Nordstrom, Lynnly Way, approached the Council and said her sidewalk is impacted by her neighbors' tree and asked how that will be dealt with. Craig asked if her address was identified on the list and she stated yes. Craig explained that she will receive a letter in the mail and a City representative will come to her property and determine who is responsible for the damage, and if it is her neighbor, the City will deal with them. She was concerned about tree removal and stated that she did not want to have the tree removed. Craig stated the City tries not to remove trees if at all possible, but sometimes that trees planted in these areas are not suitable for the area.

Council President Henderson asked Craig to clarify why the Council is considering an Ordinance.

Council Folsom noted that the Council already passed legislation approving the process and asked why the Council is considering another ordinance.

Craig responded the original legislation requires an ordinance to be approved and states that it can be considered under "New Business" and does not require a public hearing. He stated this is relative to the program that was adopted in 2011.

Recorders Note: a motion was stated incorrectly with reference to a resolution. Council President Henderson stated that Ordinance 2013-002 is being considered. Councilor Clark withdrew the motion and restated the following motion.

MOTION: FROM COUNCILOR KRISANNA CLARK TO READ CAPTION AND ADOPT ORDINANCE 2013-002, SECONDED BY COUNCILOR MATT LANGER, MOTION PASSED 6:0. (MAYOR MIDDLETON WAS ABSENT).

Council President Henderson addressed the next agenda item.

9. PUBLIC HEARINGS:

A. Ordinance 2013-003 to amend Section 16.12 of the Zoning and Community Development Code relating to property zoned Very Low Density Residential

The City Recorder read the Public Hearing Statement, indicating the applicant had 15 minutes to provide testimony.

Senior Planner Michelle Miller came forward with a Planning Commission recommendation for a text amendment that applies to all properties zoned Very Low Density Residential (VLDR). She presented a power point presentation (see record, Exhibit B) and stated a text amendment is a type 5 legislative action that if approved by the Council makes changes to the Sherwood Zoning and Development Code. She stated an application was made by a property owner of the very low density land to make changes to the VLDR zone if developed as a planned unit development (PUD). Michelle stated staff has mailed notice to all the property owners with property zoned VLDR, approximately 3 times, informing of the public hearings. She stated the planning commission also held 3 hearings and received testimony, some of which is before the Council this evening. Michelle reminded the Council they are familiar with the applicant as this came before the Council last year and said this text amendment applies to all the properties zones very low density residential. Michelle referenced the exhibit and a zone map and said the property discussed this evening is a mint green color and is between the Fair Oaks subdivision to the north and the Sherwood View Estates to the south and primarily east of Murdock Road. She referenced an aerial map in the exhibit and an area zoned VLDR, an area known as the Tonquin Scablands, a rocky terrain sculpted from ancient glacial flooding and wetlands located in the southeast portion of the site. The VLDR land is categorized as providing for low density, larger single family housing in a natural resource and environmentally sensitive areas warranting preservation, but suitable for limited development. She stated aside from the Fair Oaks and Sherwood View Estates, there are several parcels that have been developed using the standardized zoning rather than a planned unit development. There are effectively 5 parcels with 36 acres that remain underdeveloped and a proposed text amendment could potentially utilize those standards. She said, because of some of the challenges to developing this area, in 2006 the Council

approved a grant resolution for a TGM Grant to develop a master plan area known as the SE Sherwood Master Plan, available in the Council material as labeled exhibit D. She said, participation by the property owners was great with about 120 members participating in the process. She said, there was not a finalization to the plan. The planning commission adopted a resolution supporting the ideas of the plan but the City Council never passed an ordinance in support of the SE Sherwood Master Plan. She explained residential land use zones and said we have 5 residential land use zones in the city, from very low density, which the standard zone limited lot size of 40,000 square feet minimum, to high density which is 5,000 square feet for minimum lot size. She explained that VLDR in this zone allows a density of 0.7 to 1 dwelling unit per acre maximum, whereas high density zone allows up to 24 units per acre. She explained, comparison in lot sizes and referenced the exhibit. She stated that a Planned Unit Development (PUD) is designed to allow flexibility to the development code standards with the tradeoff that it must result in the greater public benefit than the standard zoning would allow, a developer would also need to dedicate 15% of the area to open space and is reviewed by the Planning Commission with a recommendation and must be adopted via an Ordinance by the City Council. She said, it allows more flexibility and unique site design and promotes efficient use of the land and resources, so these general standards would be applied to the text amendment as well, if adopted. Currently, a VLDR has a standard zoning which is up to 1 unit per acre and a minimum lot size of 40,000 square feet. She stated, one of the things unique about the VLDR is that it allows a special density allowance, if developed with a PUD, with a minimum lot size of 10,000 square feet and a density of 2 units per acre and all the regular PUD standards apply. She stated, the Planning Commission considered for the recommendation, to add another alternative called the SE Sherwood Master Plan Unit Development. Those standards are that SE Sherwood Master Plan PUD allows the 4 units per acre, the minimum lot size remains the same, and you also have the elements from the SE Sherwood Master Plan incorporated into the evaluation of the PUD. Those are identified to include buffering from the existing development, the requirement for open space and consideration of the environmental opportunities and constraints identified in the plan and identify the view corridors and consideration of the housing design types based on compatibility with the surrounding neighborhoods. Michelle explained that the information provided to the Council included an executive summary, the proposed Ordinance, the proposed code language, exhibits A – Q, and said several more exhibits and comments have been received. Some were provided via email and Michelle asked the City Recorder to distribute the rest of the information, (see record, Exhibits: C-Yuzon letter, Exhibit D-Gavin Letter, Exhibit E-Kristensen letter and documents).

Michelle asked for questions and requested the Council hold a public hearing and receive testimony.

Council President Henderson asked City Attorney Chris Crean to clarify that this Public Hearing process will allow the applicant 15 minutes to address the Council. Mr. Crean stated the applicant has a total of 15 minutes, then we will receive public testimony, and some portion of the applicants time can be reserved for a rebuttal.

With no other Council questions of staff, Council President Henderson asked to hear from the applicant.

Kirsten Van Loo, 30495 SW Buck Haven Road, Hillsboro, Oregon 97123, testified as the applicant's representative. She came before the Council and stated a year ago she made a presentation for a PUD and testified at length about the project. She stated, as much as Council wanted to support the PUD as it was designed, the attorney representing the City made it very clear that the SE Sherwood Master Plan was a summary preceding document that had been endorsed by the Planning

Commission and not carried through to fruition, thus had no legal standing. She stated because it had no legal standing we could not use any of the sections or portions of that SE Sherwood Master Plan as a legal document to do a PUD in this area. She said the former Mayor asked why we did not do a text amendment first and come and change the zoning code first and said then we could have supported the project. She stated, she has applied for a text amendment and it has been a long process, which began last fall and has involved working with the staff for months to get the right language which was the original submitted language the Council has in their packets. She stated they have been through 3 hearings and several neighborhood meetings. She stated the document that came from the Planning Commission doesn't bare any resemblance to the text amendment that she submitted and requested. She said she submitted what she thought was a very simple text amendment to address some very specific concerns. She addressed three issues. First, the minimum PUD size in the City of Sherwood is 5 acres and there are several parcels of VLDR land that are less than 5 acres and they cannot be developed under any PUD process. She said, my first request was that we drop the PUD size in the VLDR district to 3 acres so it will address all of the vacant parcels. Second, she requested a minimum lot size of 8000 square feet, and through the public testimony and the Planning Commission she raised the request to a 8500 square feet. She said, the reason that we asked for a minimum lot size of 8500 square feet is because the methodology that the City uses for calculating density takes a gross site and takes all of the public right away out of the gross site and then from what is left, one has to subtract any and all water quality facilities that are required to manage storm water that come off of the public right-away, and the 15% open space requirement. She said, there is absolutely no mathematical way that one can plat 10,000 square foot lots out of 43,000 square foot lots, which make an acre, and come up with 4 units per acre. She said, the best we can hit in a perfect world, absolutely square sites, and every number is perfect, the highest you can get with 10,000 square foot lots, is 3.6 units per acre. The best we can do to hit 4 units per acre is a 9,000 square foot lot. She provided a drawing that would show what 9,000 square foot lots can do, (see record, Exhibit F), 9000 square foot lot will give a net density of 4 units per square acre. She stated the problem is there is not one piece of VLDR land that is perfect, it is not square, flat, or rectangular or laid out with numbers to allow perfect lots. That is why we asked for 8500 minimum square foot lots, understanding that we have a maximum of 4 units per acre. She stated the reason we did a SE Sherwood Master Plan was the realization that developing land at 1 unit per acre does not allow for the cost of putting in infrastructure to urban standards. When you develop at 1 unit per acre, as was done in 2004, on Ironwood Acres, the hearings officer made it clear that an alternative to the city's local street standards is appropriate. She reminded the Council from her testimony one year ago, that the reason that was done was because we can't make findings when developing land at one unit per acre to mandate urban streets and urban infrastructure. By developing property at 4 units net per acre, which allows about 40 lots on a 12 acre site, about 30 lots on a 10 acre site it facilitates the potential development of this land that has been sitting fallow for many years. Third, she spoke of the issue, relative to the Planning Commission submittal, is the application of a number of additional subjective review criteria out of the SE Sherwood Master Plan. She reiterated that the attorney representing the City said the document does not have any legal barring and it was a summary of the proceedings from 7 years ago. She noted the Planning Commission minutes state that the SE Sherwood Master Plan was an effort and not a consensus, it was a compromise and it is out of date and there was a lot of discontent because there were people who could not reach a consensus and they ran out of time and money and the summary preceding that were produced and reviewed by the Planning Commission was a wrap-up proceeding. She said it is most inappropriate to apply design criteria for a PUD that are extracted from a document that was never ratified by the City Council, if that document was a summary proceeding and was never taken before the City Council, that means it was not reviewed in the public eye, as it should have been, and it is

inappropriate to apply segments of that document as approval criteria on a PUD. She concluded that the current PUD standards are more than adequate to review all of the items that have been mentioned and there is no need to add more words to the code. She reserved her remaining 5:34 minutes for rebuttal.

Council President Henderson asked for Council questions for the applicant, with none received she opened the public hearing to hear testimony.

Ms. Van Loo mentioned that she may have to read the testimony for an individual who is losing her voice.

Kurt Kristensen, 22520 SW Fair Oaks Court, south of the area that is proposed. Kurt came forward and stated he has been involved since 2004, in finding an equitable way of dealing with some precious nature on the east flank of Sherwood. He stated he submitted the original planning commission resolution (see record, Exhibit E) to remind the Council, as PR people have a way of interjecting language and nuances where the truth almost looks like lies. He stated he has nothing to gain by stating that there were 200 and 300 people that worked countless hours, days and years to come up with the best intention neighborhood development for a very difficult piece of property. He referred to this area as the Sherwood east flank and gave examples of how it is a solid rock, such as it took him 4 days to put in a mailbox and 2 weeks to put in a drip line and the last house built on Fair Oaks Court, had issues with not being able to get the waterline in the ground. He stated the City approved the waterline and put through a plastic pipe that was barely in the ground 10 inches. He commented that in addition to the document he submitted (see record, Exhibit E) this area is under current review by the DEQ and they have just announced that according to the new EPA standards, they have to go out and test again because the hexavalent fluoride dangers are even more significant than was initially indicated. He stated that he honestly thought that when they completed, in good faith, the Planning Commission document the resolution would be transmitted to the City Council and the Council would act on it and said we were assuming that we could trust the city government. He said over the next several years, they were assured several time that it was being taken care of and not until a couple years ago when the current application surfaced, that he learned the document had just been buried. He said there is no point in pointing fingers at undo conduct by anyone that was involved at the City, but he personally cannot come away with a good trust in the city government with the way this was handled. He noted the applicant refers to this resolution as having no barring, and said, this may be so because of the way the city government has handled it and said he can assure the Council, from those involved in this process, they trusted and believed that they had done the right thing and all the requisite things. He asked the Council in looking at the application, in view of the DEQ's current testing schedule, he has made recommendations to the Council; one is do not approve this application as the applicant already has adequate size of numbers to do something. Wait for the DEQ to rule on this issue and consider setting up a committee to study the entire east flank of Sherwood.

Delores Moser, 6424 SW Washington Court, Lake Oswego, 97035, came before the Council and had Ms. Van Loo read a statement for her. Ms. Van Loo stated that Delores had 12-15 neighbors who live in the Fair Oaks subdivision sign a petition briefly stating their approval for the applicants request of 8,500 square foot minimum lot in order to get 4 units per acre, (see record, Exhibit G). Ms. Van Loo read the statement that said the Moser's bought in 1964 and it was zoned R20 between 1964 and 1987. In 1987, Washington County applied new zoning to the property which was R6 which permitted 6 residential units per acre. In 1987, the City requested that the Moser's consent to annex

into the City with equal zoning from the county and said they have a letter from City Manager Jim Rapp stating that they would have a minimum 5000 square foot lot area. She said, with the representation of that nature they agreed to be annexed. In 1991, the City down zoned the property from 6 units per acre to 1 unit per acre without any notice. In 2005, the City began holding meetings and hearings about the SE Sherwood Master Plan and that was the first time the Moser's learned the property had been down zoned 12 years ago. After the time of Mrs. Moser's husband's death, she had the property appraised and it was worth \$4.8 million, but because of the down zoning it is now worth \$1.6 million, a significant lose in value. She said, Mrs. Moser is willing to have 4 units per acre providing 8,500 square feet lots so the land could be developed at 4 units per net acre. Mrs. Moser thanked the Council for listening to the statement and mentioned that it had been a long process and stated that she would like a continuance so she can get more signatures in favor of the zoning of 4 units per acre at 8,500 square feet.

Jean Simson, 22466 SW Nottingham Court, came before the Council and stated that she does not have property in the area but has invested a lot of time with the SE Master Plan process in the hopes of creating something that would benefit the community as a whole. She said the idea of increasing density by relying on a 7 year old plan is a bad practice, especially with the drastic changes to the Moser property and the DEQ cleanup that is in process. She noted in the purposed statement of the current code, when this area was brought into the City it was identified as environmentally sensitive. So changing the text within the same code section to accommodate someone that wants to make more money does not seem right. She calculated that the proposed language will result in even more lots than considered in the SE Sherwood Master Plan. She said it is hard to get a definitive number of acres that will benefit, but using 36 acres that the applicant says will benefit from this 36 or PUD would allow 72 units and the new text will allow 115 lots based on 4 units per acre. She said, that is a worst case scenario, but the plan that has been talked about in the SE Sherwood Master Plan, that the neighbors and other people in area considered, allows 82 units. She said, we are increasing it significantly by piece-mealing it. She said, it seems the difference is caused by the fact that the applicant mentioned gross vs. net. When the Planning Commission and the other factors were taken in they were looking at 4.4 net buildable acres in the SE Sherwood Master Plan, which was ultimately a gross of 2.2 units per acre and it was reduced when we delineated wetlands. She stated the Moser property had a very large treed area and part of the plan in the SE Sherwood Master Plan was the protection of the treed area and it caused a density transfer so that smaller lots could be built on their property with the preservation of the trees and in consideration of building a large park area at the top in addition to the regular wetland easements. She said as she has testified previously, if this piece-meal text amendment moves forward, the City should incorporate safe guards to protect the neighbors and the community including adding some elements for minimum lot sizes, such as 10,000 square foot, and said 15,000 square foot lots would be better and recommends only increasing to 3 units per acre, instead of 4, and not allowing variances, allowing extra setbacks or other issues. And creating buffer zones and create larger setbacks. She said the open spaces goals envisioned in this VLDR in the SE Sherwood Master Plan were closer to 30% open space including the protection of the tree property and the parks. She urged the Council to deny this text amendment and remit it to the Planning Commission and the community for further study and revisit the entire SE Sherwood Master Plan and letting it go to completion.

Lisa Walker, 23500 SW Murdock Road, came forward and provided documents, (see record, Exhibit H) and said she is here representing herself, her spouse and her mother. She stated she was been involved in the development of this latest language in the proposal in front of the Council and wanted to clarify a few things. She stated, first, it is her desire that there be no text amendment change. She

said, we recommended a denial of the text amendment so more work can be done to address these concerns that are so important. She said this is the last area in Sherwood with this classification and it was set up for a reason, it is an environmentally sensitive area zoned that way for a reason and feels it should be kept that way so it can continue to be unique and add to the diversity of the City. She stated that no decision needs to be made tonight and said a decision does not need to be made at all. The applicant is only one property owner, the Moser's, and they have a desire to have this changed. She stated that if the changes have to be made, it is important that the clear guideline be documented to ensure that the spirit of the SE Sherwood Master Plan is considered going forward. She stated she noted two areas in the text amendment language in front of the Council that she doesn't feel were captured completely from the planning commission meetings. She stated the 10,000 square foot lots are very important because of buffering properties of Fair Oaks are 1 acre lots and the Sherwood View Estates have a minimum lot size of 10,000 square feet but most are 12,000 up to 19,000 square feet. She stated all the people that have spoken in these meetings prior, had a big concern of the buffering of the size of the lot next to the edges of the development should be the largest ones. She said, another issue that is not on the sheet is the mention of the 5 acres minimum size for a PUD. She said she previously testified that the only other property owner close to the 5 acres, was 4.8 acres and she was told by staff that they would qualify for the same consideration that the Denali subdivision was, which allows them to get a PUD for 3 acres because of the environmental constraints. She stated it's important, that if we keep it at 5 acres, which she believes we should continue, then we make some designation that...she stated that she doesn't believe that Mr. Huske that owns the 4.8 acres should be kept out of the PUD process, because 4.8 is close enough. She commented on the applicant's rejection, the notion that we consider referencing the SE Sherwood Master Plan and does not know how we can't consider the intent of those comments that we worked so many year on.

Robert James Claus, 22211 SW Pacific Hwy., came before the Council and provided a history of how the area came into existence. He commented regarding Cochran owning the area and the flats and said he was stupid enough to get in a LID that the state was going to take away from him. He said Jim Rapp came to the Claus' and asked if they would buy this. Mr Claus stated he refused and referenced the 1939 Bureau of Mines, said a gravel pit is there and needs to be filled and the balance of the area is scablands. He commented regarding the Council not knowing what scablands are and said this area is the 1000 year pollen records for Oregon in Rock Creek. He said that is the water divide between the Willamette River and Tualatin. He said the area is a critical resource area in geology, in its water management and its retained research area. He commented regarding Fish and Wildlife coming to the Claus' and McClures about purchasing the land, which they did and Mr. Claus said this is why it is not developed. He commented regarding development not occurring because they couldn't, but because the City was polluting the area. He commented regarding a water quality facility in the area and a lawsuit. He said he is not hearing in this discussion about the critical watershed area, nothing from the Fish and Wildlife, nothing about the 1000 year pollen record and has not heard that it is scablands. He commented regarding Kenny Riggs spreading chromium over the area and said one thing chromium does is fix and this is why we have a national wildlife refuge. He said the reason it starting to drift in this area is because JC Reeves built on Kenny Riggs old property. He stated he doesn't understand how the most precious resource we have left in this town is the entrance to the refuge, this is what makes Sherwood livable and this is what you are threatening with density plans. He asked why has no one spoken to the US Fish and Wildlife about the studies done in this area. He said if the Council is going to breakup an area like this, there are studies that have been done, there's money and life style preservation and to do it without environmental harm. He commented regarding the Council being in the same situation as China with

spreading of heavy metals and salts. He stated the Council is in a critical area and none of these questions have been asked.

Dean Boswell, 22796 SW Lincoln, came before the Council and commented regarding hearing of the contaminated area and survey's and forms. He commented regarding movement of dirt will results in contaminants flowing into the wetlands and agreed with Mr. Claus regarding protecting the wetlands. He commented regarding Sherwood being one city in the US that integrated wildlife into the city. He commented regarding the area behind the fire training station and this being contaminated with soil movement. He agreed that surveying the land was necessary to determine what it will pollute before we move dirt to allow for big houses.

Council President Henderson requested the audience refrain from clapping between testimonies to allow the Council to address all issues this evening.

Pat Huske, 23352 SW Murdock Road, came forward and said he owns a number of properties in this area and said he has been talking about this for 7 years, and the contamination issue even longer. He asked the Council for a continuation for this text amendment due to the distractions. He asked the Council if they had a work session on the text amendment or if they are reading emails as presented.

Council President Henderson replied they have not had a recent work session and have received additional testimony this week and are trying to absorb it. He requested a continuance to allow for a work session as it's very complicated.

He stated he applauds the Planning Commission and city planners as we have been dealing with this for a very long time and from where we started to where we are now, he believes we are closer than before. He said he has heard testimony regarding 10,000 square foot lots and not developing the area and said as a property owner, how is DEQ going to clean it up and as a citizen how are we going to clean it up. He said the City doesn't have money and the federal government isn't going to come in, it's up to the property owners. He said for 8 years, he has spent hundreds of thousands of dollars trying to clean up that region. He said the only way we can clean it up is to have a few more lots. He said he owns the property on Murdock Road with the old barn and lots of trees and his property is contaminated. He commented regarding being a property owner and developer and what he can provide in developing the area and saving the trees and possibly saving the old barn. He commented regarding not clear-cutting the trees before the tree ordinance was in place. He commented regarding receiving opposition from the north and the south property owners not wanting this in their back yards. He said he is looked upon as the bad guy raping the land and trying to make money. He said he is not trying to do this, he is trying to earn a living within our town. He stated he lives here, raised his family here and chooses to do business in Sherwood. He commented regarding the awesome planning commission and they having to appease a large group of developers and neighbors and people that don't know anything about things. He commented regarding the contaminate most at risk is trivalent chromium, which you can buy at a vitamin store. He said the EPA standards show that someone is going to have to eat the soil for 364 days a year for 30 years to ever come close to having an issue. He said he is just trying to be a good steward of our property and our town. He said he wants to clean it up and wants a continuance so they can look at this. He said he can save the trees, provide the nature space, give the 40% tree canopy and some beautiful family homes. He stated that he is for families and he's not an evil developer and again urged for continuance and eventually a solution.

With no further testimony received, Council President Henderson closed the public hearing and invited the applicant to provide rebuttal.

Kirsten Van Loo said there are a total of 7 parcels of land that are zoned VLDR that have the potential for development. She said you heard from the Moser's on the Moser parcel and I believe there is a letter on record from the Yuzon's who own 10 acres of land which they annexed in 2006 when it was in urban Washington County and were zoned 6 units per acre. She said they annexed into the City when we were working on the SE Sherwood Master Plan. They were required to sign a Measure 37 waiver so they gave up their 6 units per acre, which was 60 dwelling units, they gave it up and agreed to work with the SE Sherwood Master Plan process in hopes to gain the majority of those back through the SE Sherwood Master Plan planning process. She said, instead of having 60 units per acre of potential development they now have 9, because they own a total of 10 acres. She said, Mr. Huske just testified that he owns land that has been developed as part of Ironwood Estates and owns the parcel with the old Murdock barn which is 4.88 acres and said she categorically disagrees with Lisa Walker and does not believe that Mr. Huske can come in and get a variance by only having 4.88 acres, but said this is not the time for that discussion. She mentioned the Chin property is 3.01 acres and the Walker 3.06 acres and has one single dwelling that could potentially be redeveloped. She said the Council has received testimony, either in writing or orally, from the majority of the property owners supporting some kind of a text amendment. DEQ is managing the DEQ contamination and stated that Mr. Huske has been dealing with it for 7 years and her client has been dealing with it as well. She stated DEQ is doing an accelerated testing process and the property owners are hoping for a mediation. She stated Mr. Huske is correct that the DEQ remediation will not be paid for by the state, county, federal or city government, any and all remediation that has to be done will be done by the property owner and the only way to afford it is if they are doing development. She concluded the land has been inside the urban growth boundary since the adoption of urban growth boundaries in the late 70s, and this land has always been considered developable land. She said there are environmental and construction constraints. She agrees with Mr. Huske and would appreciate a continuance if the Council feels it is necessary to further evaluate.

Council President Henderson closed the public hearing and asked for Council comments.

Councilor Butterfield said in consideration of receiving documentation later than sooner, he needs more time to digest the information.

Councilor Folsom said she agrees and needs more data and information, and answers to questions from staff. She stated this is 145 pages of confusion and needs more guidance to understand it, considering the Council also just received three lengthy testimonies.

Council President Henderson clarified that both Councilor Butterfield and Councilor Folsom were in favor of a continuance at this time.

Councilor Clark agreed.

Councilor Langer stated that we clearly need a work session.

Councilor Grant agreed and asked for a work session and asked staff to provide an executive summary regarding the issues raised tonight. He requested a summary of the details in dispute and a

staff and planning commission recommendation. He stated he respects the work done by the planning commission.

Council President Henderson asked if there are any legal issues or time periods that we need to be aware of if we voted to continue, and asked staff when this issue could be revisited. City Attorney Chris Crean responded that this is a legislative decision and there is no deadline.

Councilor Henderson asked staff if they have clear direction from the Council to organize a work session in the near future. Michelle Miller clarified that the Council would like information regarding the DEQ, the SE Sherwood Master Plan boiled down version of the process, what net density means and what that would look like.

Councilor Folsom noted the Planning Commission did ultimately make a recommendation but it sounds like there was a lot of discussion and she would like a summary of that discussion. Michelle Miller responded that the staff report explains the alternatives that they were debating and reminded the Council that the Planning Commission had 3 hearings and took a number of public testimonies on this issue and it is a complicated area so it does take a lot of thought to come up with the best resolution. She suggested the Council review the information carefully and consider the testimony.

With no further discussion Council President Henderson asked for a motion.

MOTION: FROM COUNCILOR GRANT TO CONTINUE ORDINANCE 2013-003 UNTIL THE COUNCIL HAS HAD A WORK SESSION AND SCHEDULE TO A LATER COUNCIL MEETING, SECONDED BY COUNCILOR BILL BUTTERFIELD, MOTION PASSED 6:0, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR (MAYOR MIDDLETON WAS ABSENT).

Councilor Folsom thanked staff and the planning commission for their work on this. Commented regarding the appreciation for the many hours of the volunteer commissioners and community members.

Council President Henderson stated it would be an injustice to not review the area and the work done seven years ago. She called for a 10 minute recess at 8:35 pm and reconvened at 8:45 pm.

10. CITIZEN COMMENTS:

Council President Henderson referenced the recent tornado in Moore, Oklahoma, and spoke of the importance of emergency management. She asked for a moment of calmness in light of what a small town, similar to Sherwood is going through.

Council President Henderson announced that the FAQ document regarding the proposed Walmart has been updated on the City website and thanked staff for their work. She read a brief statement reminding the public to fill out a request to speak form and present it to City Recorder. She said, she would call the citizens forward in the order that the request forms were received, the citizens need to introduce themselves and speak clearly into the microphone. She reminded the public that citizen comments are to be limited to 4 minutes and said the Council would like to hear from the public and it is helpful to limit testimony to new information, ideas and questions. She said this period is to address comments and questions to the City Council and asked the citizens to please keep comments professional and respectful and refrain from using personal attacks and stated these

tactics would not be tolerated. She said she anticipated a number of ideas from citizens to adopt ordinances regarding Walmart, but reminded the public that legislation cannot be drafted overnight, particularly ordinances. She thanked the public for attending the meeting and stated the City Council meetings normally end at 9:30 pm, and she may poll the Council at 9:30 pm as to whether they want to extend the meeting until 10:00 pm. Council President Henderson called the following people forward.

Janette Hatcher, did not come forward.

Robert James Claus, 22211 SW Pacific Hwy, approached the Council and commented regarding administrative hearings, substantive due process and procedural process. He commented regarding the role of the elected officials, and stated they were not elected to vote their consciences but to bring issues to the public and get their thoughts and that's what representative democracy is about. He stated they were not put on the council to vote their opinions. He commented regarding due process and having the courtesy to listen and not getting into content. He stated the Council cannot get into content and said political speech is the most protected speech. He commented regarding going after viewpoint speech and references Obama and the IRS. He stated he attended the Walmart hearings and provided names of peoples they could have called and had confirmation they were coming here. He commented regarding restricting content and the Council procedurally cutting off people. He said the Council may think they are protecting their lifestyle, but they are simply representatives and they can't tell the citizens what they can say, that is content, and they are stepping out of their roles as elected officials. He said this will get carried into the polling place. He said the public won't tolerate this and that the distinguishing factor in America today is the First Amendment. He commented regarding the Council shutting off a process and not thinking they have to answer to the public. He said the public did not know what was happening in this situation and were told the opposite and now the same people think they run the community, but the community is run by the citizens and they own it in every sense.

Eric Valdez, 17900 SW Frederick Ln, approached the Council and said he emailed comments to the Council and the staff regarding Walmart. He watched the last City Council meeting and he is frustrated at the Council's unwillingness to join the community to stop the Walmart development. He said he reviewed the action plan for development within Sherwood and provided feedback through the process provided. He said he noticed the Council and the Planning Department don't seem to be in touch with what Sherwood citizens want and urged them to reconsider what the Council is using to guide the city vision and represent the citizens of Sherwood and not developers. He said he understands a recall petition has been filed to recall Councilor Matt Langer and said rather than drag the citizens through that process he urged Councilor Langer to resign and said he does not feel that he is representing the community but representing his own.

Tim Vranizan, 15336 SW Highpoint Drive, approached the Council and said he has lived in Sherwood for 17 years. He shared information about his wife's illness and commented that the great support from the community has been the silver lining in all of this. He said he has never been more proud to be part of this community, but in the last few weeks that foundation has been shaken. He stated we all have the right to protest what we don't want and Walmart coming here, but not when you make those protests personal by calling out the Langer family. He commented regarding things he has seen being incorrect and uninformed. He said he knows the Langer family and is friends with the Langer's and knows their children and said they are doing what we are all trying to do, and that is trying to raise a family and trying to help build a community. He said the Langer's have been here for

a very long time and without them this community would not be what it is today. He said he has seen yard signs and face book posts stating all types of things about the Langer's in particular Matt Langer and urged people to remember that the Langer's have children and they have friends asking what's going on. He stated we are all trying to do the same thing here and that is to be good stewards of the community. He stated the Langer's have every right within their legal right to develop that land. He stated he has heard people talking about Walmart and it putting small businesses out of business, it will bring a "lesser quality" of people (this is a quote he has seen) and traffic. He said about 95% of our small businesses in Sherwood are service businesses, such as real estate companies, coffee shops, dentist and nail salons, none of which will be impacted by Walmart. He referred to the lesser quality of people comments and said it is shameful and said they are simply just trying to have a better life for their families by buy lesser expensive food and products. He suggested that the people who don't want lesser quality people probably have minimum wage earners mowing their lawns and cleaning their homes and have no issues with them. He stated traffic is an issue and if he had a choice he wouldn't choose Walmart, but now that it is proposed he is all for it and supports less expensive products and doesn't believe the negative impact will be as great as everyone says.

Jennifer Harris, 21484 SW Roellich Avenue, approached the Council and read a statement as the President of the Sherwood Community Action Committee to expressed concern regarding the proposed Walmart development and proposed over 700 letters from Sherwood residents asking to keep Sherwood, one of Oregon's most livable cities. She said these letters were collected in the last three days. She said our community has come together in wide spread opposition due to the impact Walmart will have on our town. We the residents of Sherwood feel it's important to stand up for our community, our workers, our livability, small businesses and existing retailers. She stated, to please take action to support our city by addressing the real threat that the proposed Walmart Super Center brings to our town. We are at a crossroad in Sherwood and the decisions you make over the next few weeks will have long lasting impacts on our lives. She stated all workers in Sherwood deserve fair wages, benefits and an opportunity to thrive. Our local businesses treat their employees well and we ask that you work to ensure that large corporations such as Walmart, must do the same if they locate to Sherwood. She stated, we ask that you considered the following ordinances. 1) a part time workers bill of rights to ensure large retailers aren't putting a strain on the state resources and putting our local businesses at competitive disadvantage. She said large retailers should need to provide stable employment and treat their workers fairly. She said included in these ordinances should be language requiring retail employers with over 150 employees to give employees the ability to request a full time schedule without penalty, prior to additional employees being hired. Notice of work schedule at least two weeks in advance. Provisions of proportional benefits, that is, they must provide part time employees who work at least 15 hours a week with benefits proportional with those working a full time schedule. If employees are receiving state assistance such as food stamps or benefits through the Oregon Health Plan, we feel those costs should be covered by the employer and not the tax payers of Oregon. She said the language should ban large retailers from staying open 24 hours and not allowing 24 hour parking. She said none of our existing large stores are open round the clock and having one creates an undue burden on taxpayers, the Police force and other emergency responders. She said the language should ban the sale of firearms within 1000 feet of schools. She said St. Frances is within the boundary of the proposed Sherwood Town Center. She said the language should require that if retailers with over 100,000 square feet move out, the building must be reoccupied within a year or torn down at the original retailer expense in order to avoid future blight in our community. She said it is important for a healthy community to not let Sherwood workers and business to not fall prey to the types of corporation policies perpetrated by Walmart. Sherwood can and should do better. She urged the Council to take action and stop Walmart from destroying our

community as it has so many others. She thanked the volunteers for collecting over 700 letters in two days. (see record of letters submitted).

Randy August, 22372 SW Nottingham Court, approached the Council with concern about the proposed Walmart and referred to a traffic study by ODOT, Washington County, and DKS that said it would not impact traffic and said he disagrees. He mentioned the proposed plan for the Cedar Mill area was rejected due to traffic. He said he is upset that this town would allow this and if Walmart does come to Sherwood he will no longer be a resident.

Dean Boswell, 22796 SW Lincoln Street, approached the Council and said he is against Walmart and is disappointed in the City Council overall and said Councilor Clark has been working to try to make things better and Councilor Folsom has also been working hard in the community. He said every person here does something for the community. He said he is also disappointed with the planning commission. He commented regarding community volunteerism, in schools, churches and our local food bank. He said all he gets from the City Council and planning commissioners is that it's the citizens fault for not coming to the meetings. He commented regarding the number of voters and expecting 7000-8000 to show up at these meetings. He stated we voted for the Councilors and is unsure how the planning commissions are voted in, but did this expecting that they would do what is best for the community. He said all he has seen is what's best for a pocket book. He said this is disgraceful and referred to the hard work of the community and they adding hours to their schedules to attend meetings and not having a large enough location to accommodate 7000-8000 people. He commented regarding placing blame and finding a facility to house a large group and being there to listen to every single person. He stated he will attempt to be at every meeting because of this. Mr. Boswell commented regarding providing statements that could get him banned from the meeting and Council President Henderson indicated Mr. Boswell take caution with his statement.

Mr. Boswell said money was put above this community and money was put above people and any person that puts money first and above the love they have for their fellow human being doesn't know how to love. He referenced Walmart statistics on the web regarding crime and workers being treated badly, and said it will fall back on the taxpayers.

Nancy Taylor, 17036 SW Lynnly Way, approached the Council and commented that all the people at the meeting may not come after the Walmart issue is resolved, but she intends to come every Tuesday night as long as she lives here. She said she feels dubbed by what has happened and will give up whatever she need to give up on Tuesday nights to make sure this never happens again.

Nadia Belov, 22741 SW Lincoln Street, approached the Council and said she made a board about Walmart on why they are bad and asked to read it to the Council. She commented regarding the business practices and said the owners are the 10th riches people in the world, they are billionaires and they don't share their wealth and their employees earn less than \$24,000 a year and the workers in other countries earn close to nothing often working in sweatshops and said they are not good for the environment. She said Walmart puts the town value down and brings crime and traffic will increase. She stated she doesn't think a business with a bad reputation is a good fit for Sherwood. She referred to a picture of Walmart workers who work overseas and believes they need higher wages. She referred to a picture of Walmart and an empty big box store and a picture of kids protesting Walmart and said we don't want it either.

Tony Bevel, 17036 SW Lynnly Way, approached the Council and said he wanted to speak with Mayor Middleton and stated he respects Mayor Middleton. He gave an analogy that the Councilors are like canaries and the community members are like miners and the Council's job is to chirp when there is danger and said we have danger in Sherwood, and the Council did not do their job, they let it go on. He said he attended the previous Council meeting and heard the Council say they could not stop it and they did not know, he said this is BS. He referenced the voters pamphlet and Mayor Middleton's statement and said he asked the Mayor what his number one goal was and he said to bring public trust and transparency back to our government and to serve all our residents. Mr. Bevel stated the Council has not done this and he hopes Mayor Middleton addresses this.

Kelli Birtle, 23240 SW Orchard Heights, approached that Council and said she is extremely upset with this and did not know and the last she heard Walmart was squashed. She stated she did not care if it was Walmart or Winco or Costco, we did not need a big box in our small town endangering our children, polluting our air, polluting our sidewalks and our streets. She said our kids know they can walk freely no matter where they go in Sherwood. She said any big box store will drag in all these other people from all of these communities and if they want a Walmart so bad, let them build it in their community, we don't want it. She stated she heard that the Langer's knew what was going on and said she doesn't know this and doesn't care, she said they could have put a rose garden at this location, done something that benefitted the community, a lot better than any box store. She stated as she gathered signatures, people spoke of a Wholefoods and that would be good to, but what will they do for our community and environment, not a lot. She suggested putting in a rose garden or planting trees, something that would benefit the community. She said the traffic will swallow this town, regardless of how many extra lanes are put in, Sherwood is not designed for that type of traffic. She said it was and is this community that built Sherwood, not big investors. She referenced the audience and the community that built Sherwood and said they have a right in the town they developed to raise their families and bringing in a big box store will result in this town being nothing and turning into a City and that is not what we want. She commented regarding the Council being thoughtful and said they were not when they decided to let Walmart in and build on this property and did not place anybody in front of their own greed. She said we as a community don't want this and asked why is the Council, elected by the people, going against the people and what we want. She said the Council is supposed to be the community's voices and represent the community and are doing the exact opposite. She asked the Council if they can live on a minimum wage job and live the lifestyle they live today. She commented regarding Walmart not paying their employees and not being able to live on a minimum wage. She stated Walmart can afford to pay more than minimum wage and can afford health insurance and sick leave and they choose not to because they are greedy and selfish and the Council is allowing it, and are no better than they are. She stated our children will not be safe and asked if the Council has seen the Walmart UTubes and referred to "those types of people" in our community, wandering streets at 2am.

Council President Henderson asked to keep the meeting professional and said she understands there is a lot of high emotions and heckling and comments while someone is speaking is not respectful and does not believe it represents our community. She stated there are others that still want to speak and the Council and staff will be available after the meeting.

Steven Langer, 44205, NW Arnold Lane, approached the Council and read a statement saying they have lived in this community for 125 years, and his great grandfather settled in Sherwood in 1879, immigrating from Prussia. He said they donated the land to the St. Frances Catholic Church and donated land for the J. Clyde Hopkins Elementary school many years ago. He stated part of the

current Glen Eagle area was also part of the Langer 320 acres deeded to him from the State of Oregon. He said they have contributed immensely and his mother provided meals to the Catholic Church on numerous occasions. He said his mother and father lived here for 60+ years, raising their boys who all worked their farm the entire time. He said they have lived here longer than anyone in this community, he believes. He stated it is unfortunate that his mother was unable to see this development and she was aware there were several possibilities and unfortunately passed away a year ago. He stated she lived with him while on dialysis and in her last days before dying, her only regret was not living to see the completion of this. Mr. Langer stated there was an email sent to Councilor Langer that is unconscionable and unacceptable. He commented to the audience members and referenced the email about his mother's funeral and Councilor Langer parading his grandmother through town. Mr. Langer stated he paid for his mother's funeral and made the arrangements for the horse drawn carriage and said comments sent about Councilor Langer "laughing all the way to the bank while his grandmother lay dead", is unconscionable. He spoke to the audience and said they have a right to their opinions but do not have the right to personally attack the family, he said they should be ashamed and this was unacceptable.

Lori Randel, 22710 SW Orcutt Place, approached the Council and said she has livability issues to address. She asked the City post the plan for the new art center and said the discussion about what goes in this building is not being opened. She said while she trusts Councilors Folsom, Henderson and Butterfield for getting the needed theatre space and auditorium space but wants to be sure that there is a space for the visual arts. She said emails with City Manager Joe Gall indicated that classrooms will be added but wants to know if they are art classrooms or meeting space classroom and said if they are art classrooms they should include large sinks, storage space, durable floors and surfaces, usable art space. She said she would like to see a dedicated and appropriate gallery space, not the lobby. She said she would like to see what is being proposed posted on the city website and an opportunity for people to comment. She urged everyone to go to the city website and read the Sherwood Town Center Action Plan and commented regarding the vicinity the plan refers to. She commented regarding the Walmart project and the Sherwood Town Center plan having the same name and this being confusing. She urged people to take the survey. She said she does not want to see low and medium density in that area, between 6 corners and old town, turned into high density, like the ill-conceived project across from her house on Willamette. She said she has heard this project referred to as the insta-slum and is worried that it will become that. She said she doesn't want to see 4,5 or 6 story "insta-slums" being built in old town. She stated the plan basically does away with the cap on three story building. She stated she does not want the city to continue putting in ugly blue fixtures. She said everyone needs to have their voices heard by filling out the survey. She said she would like to urge the Council to pass any ordinances possible to discourage Walmart from opening and if they do open, ordinances that will force them to improve working conditions for their employees and ordinances that will improve the safety for Sherwood residents and the livability of the small town we love. She said if the store does open, she urges everyone to boycott and shop at local stores that treat their employees, suppliers and community in an upstanding manner. She said she would rather see one large empty store than several small ones. She urged the residents to sign the recall petition and said while it has not been determined that Councilor Langer has done anything illegal, she believes it is clear that as a Council member he is not working in the best interest of Sherwood and she can no longer trust in his decision making as a Council member and said she urges Councilor Langer to resign.

Rick Hoar, approached the Council and said he has been friends with the Langer family for over 30 years and has watch the kids grow up. He referred to the email Councilor Langer received and said it

was terrible that someone would attack someone like that and clarified his coordination regarding Council Langer's grandmother's funeral. He commented regarding people not having brains and said he could have purchased this land, sold it to Walmart or to anyone. He said Fred Meyer could have purchased it and asked if anyone knows how Fred Meyer treats their workers. He stated he knows three people employed by Fred Meyer in high positions who were not given 40 hour work-weeks to avoid giving insurance. He urged people to do research about big employers before testifying. He commented regarding the public perception of the Council allowing Walmart and the lack of knowledge regarding what authority the Council has in land use decisions. He stated he has yet to hear this information; that in 1995 when this was approved, was Langer on the Board, no he was not. He said in 2007 when the plan was readdressed, was Langer on the Board, no he was not. He said people are here to attack the Langer family and the Langer name because they sold the land for a lot of money and those attacking don't want anybody to be better off than themselves. He stated this is really bad.

The City Recorder reminded Council President Henderson that it was passed 9:30 pm. Councilor Henderson stated that she had 5 more request to speak forms and asked for Council input.

Councilor Grant said he would like to continue hearing from the citizens, and the rest of the Council agreed.

Councilor Folsom responded to the comments regarding the plans for the new Community Center and said the plans were available at the May 7, 2013, City Council meeting, and asked staff to post them on the city website.

Wes Freadman, 21315 SW Baler Way, approached the Council and agreed with Tim Vranizan and commented that he is proud to call Matt Langer a friend, his family are friends with him and his kids play with the Langer kids. He stated he supports the Langer family whole heartedly. He referred to the arguments about wages and benefits and big box stores and said Home Depot and Target are big box stores too and doesn't know why Walmart is so bad. He said he has heard of traffic concerns and comments wishing for a Fred Meyer and said everything will bring in traffic. He said the Langer's have been here forever and sold their property, they can no longer farm it. He referenced complaints over Walmart and complaints over, pesticised, noise and dust. He said the Langer's are paying the taxes on the property, and referred to earlier statements of wanting a rose garden and said if someone wants a rose garden to put it on their own property. He said this is ridiculous and he doesn't understand this kind of arguments. He said as far as recalling Councilor Langer, no good deed goes unpunished, he gave up a lucrative career at a construction company to come home and care for his family after his father had a stroke. He commented regarding Councilor Langer's volunteerism in the community and Council and not getting rich off these things. He said personal attacks are ridiculous and Matt is an honest man he would trust with his life and those of his kids. He said he is sick and tired of the personal attacks, and people should keep it to the facts, putting logic with facts and said he did nothing wrong. He commented regarding people not selling their house to the lowest bidder, but to the highest bidder. He commented regarding minimum wage jobs at Walmart and said so is Target and a lot of other jobs, he said minimum wage is a temporary fix and is not supposed to be something you would support a family on. He said he doesn't understand the lack of logic and reasoning and arguments. He stated he is proud to call Matt his friend and is tired of the personal attacks.

Dan Predoehl, 22677 SW Lincoln Street, approached the Council and thanked them for the opportunity to speak and said he values the opportunity to engage in conversation and have freedom of speech in a democratic environment. He said he is concerned, regardless of what the big box store is, concerns about the effect a big box store will have on Lincoln Street, which is already called Lincoln Highway. He stated drivers coming from Sunset are flying down his street. He said numerous residents have contacted the city about this problem, and residences have asked the Sherwood Police Department to post additional officers in the area, neither of which seems to have happened or changed with people speeding. He requested, from a safety standpoint, regardless whether the building goes in, this issue be dealt with as soon as possible. He commented regarding statements of "those kind of people" and said he feels there's hypocrisy in the air and said we are in favor of people earning a living wage, which is good. He said those who are categorizing as "minimum wage people" or "low income people" are no less value to anyone in this room. He commented regarding devaluing each other and this not making us any better than the people we don't want in town. He asked when thinking about it to have some integrity and self-perception, and without this we aren't doing much better than those you don't want here. He commented regarding people defining "those people" and getting someone's feedback on the definition. He commented regarding whether it's a minority or someone that doesn't look like you, they are just as valued. He stated he doesn't know Councilor Langer and he and his wife are small business owners of Blue Plume Art Studio, a home business on Lincoln Street and is in favor of consumerism and capitalism and wants to make a profit in his business and if he had a chance to sell it for a profit he would. He said to attack someone in a capitalist environment for where someone is trying to make a living by selling a piece of property or running their business well, that is what makes America. He is concerned about the impact on crimes, with any type of store going in, he doesn't want to be in a fearful environment and is concerned about crime. He said in the proposed budget Mayor Middleton suggested cutting two police positions and said that is not helpful to the city. He stated if there is an issue with crime, he recommends to the Council to consider a budget that does not cut the Police force but protects the citizens.

Jennifer Predoehl, 22677 SW Lincoln Street, approached that Council and shared a story about living wages and her prior living situation in LA and Colorado. She said she lived in a small community with a Walmart and it was the only place in town to buy cloths and home good because they had put everyone else out of business and she did not have any job opportunities, unless she wanted to be a greeter for minimum wage. She said they moved to Sherwood for a better job opportunity, they moved with no jobs, but hope, and were soon on food stamps. She said she and her husband have both worked minimum wage jobs in the past, even with college degrees. She said he is now an Associate Director at George Fox University and they own Blue Plume Art Studio. She said she traveled to South Africa to teach art to aids orphans for 2 months, and said these children live in shacks and have no shoes and are lucky to get 2 meals a day. In March, their township burned down leaving 4,500 homeless. She shared a personal experience with a young man she met in Africa and their personal losses. She said, as a small business owner in Sherwood, she knew our town could make a difference because we understand what the individual is worth. She said she may not have a million dollars to fix some of these places in the world, the places she said Walmart takes advantage of and the consumerist America buys into. She is proud to say that Sherwood came together this past weekend and raised over \$5,000 for the children in South Africa. She said believing in local business will provide hope and create heart, and will give us a community that believes in living wage not only here but across the globe.

Meerta Meyer, 24002 SW Middleton, approached the Council and said she is longtime resident and is a principle Real Estate Broker and has been in the commercial real estate profession for 15 years and has managed millions of square feet of multiple use properties. She stated in her business they work to foster long term relationships with owners, developer and their prospective tenants, and work within communities to provide and foster positive relationships. She said when she reviews prospective tenants as a representative of the property owners, her recommendation is based not only on financial matters but also on the implications of those materials and perceived impacts. She said she has multiple concerns about Walmart coming to Sherwood and said it is very well documented that Walmart will deter other businesses from coming to Sherwood and is well documented that their business model will drive out existing small businesses. She referred to the earlier work session and the discussion about reviewing SDC's, vacancies will likely increase with the Walmart opening, she urged the Council to think about incentivizing small businesses to come into town and said a lengthy discussion on SDC's and how the fees are applied to small businesses needs to be taken into consideration. She said based on existing code she asked the Council to make an emergency decision to ordain the proposed ordinances as requested by citizens and as presented by Jennifer Harris. She asked the Council to review the economic goals of Sherwood and said we have a very clear plan and very clear goals and the objectives are not being met. She said the Council needs to listen to the constituents and make decisions on our behalf that benefit this community. She asked the Council to take the goals of the economic development plan for Sherwood and align them with the Council mission statement, with the focus on partnerships and community pride. She urged the Council again to consider the ordinances on an emergency basis which is allowable under the existing code.

Richard Rementeria, did not come forward.

Brian Larson, 22813 SW Saunders Drive, approached the Council and stated that he does not have an issue with someone owning and selling property and understands that it is an investment, but does have an issue with what has taken place since that point with Matt Langer not as a property seller, but as a Council member and the City Council in general, and the City Planning Department. He said the same thing happened in Hillsboro and they worked together and represented their city and did not allow Walmart. He said most people are frustrated because we haven't seen that here. He said he has heard this was posted 1-2 years ago and referenced public notice locations and said this to him was the minimum. He said if we knew based on square footage, the plan that was proposed and who the players were, a believes a big box of any kind is not favored here, with Walmart being the worst choice. He asked why where we not more proactive and understands Hillsboro rules are different from Sherwood and referenced the FAQ's. He said he feels like the citizens have not been represented in this process and said the residents need signs from City Council and the Planning Commission that they want to work with us and said opportunities have been missed. He said what he has not seen since the last Council meeting is the Council or Planning Commission coming to the public with ideas and looking at options that can be done now. He said he is in favor of the ordinances being spoken of and referenced the City of Portland addressing wages. He said saying this is not going to impacting businesses in Sherwood is ridiculous, as there's 20 other businesses going in next to Walmart, coffee shops, donut shops and hairdressers, all the things we have in old town. He mentioned impacts to Albertson's and Target, stores that have fit well in the community. He referred to studies that show the negative impacts Walmart has on communities and mentioned that if Albertsons or Target move out what type of tenant will occupy that space, a Goodwill store, the options are limited. He asked what else can the Council do to work with the community to give ideas and options.

Elizabeth Farnum, 16933 SW Cobblestone Drive, approached the Council and agreed that unfounded attacks are not necessary or productive. She referred to the Sherwood goals on the city website that mention the small town atmosphere, a historical town, and a quiet community and asked why, if that is the goal and why so many live here, did we need to zone for a store that large. She agreed that instead of attacking we need to be productive and asked the Council to consider the suggested ordinances and to work with their fellow citizens in looking at ways we can deter this organization from opening and respect the wishes of the majority that have spoken.

Council President Henderson stated given the time of almost 10pm, she had three more request to speak forms and will not be accepting any others. Council conceded.

Beth Cooke 23598 SW Mcloughlin Court, approached the Council and commented regarding the potential jobs provided by Walmart. She asked the Council to seek out employees from Walmart, particularly employees from West Linn. She said these are not minimum wage jobs that provide full time employment, it's a well documented corporate practice of Walmart to keep employees to less than 30 hours per week. She said at Oregon's minimum wage this is approximately \$14,000 per year, which is not a livable wage. She said she admires those in the community that have the optimism to believe that this store will be different, and will not have the same negative impact on businesses and other communities. She said she does not share the optimism and asked the Council to act now and take action regarding the proposed ordinances and maintain our healthy community.

Naomi Belov, 22741 SW Lincoln Street, approached the Council and said over the weekend she went out with two petitions, one was a "No Walmart" and said she had tremendous response and the other petition was for a living wage. She said she found it amazing the response from people that do not want Walmart in their community, people from different socioeconomic backgrounds, conservatives and liberals. She said it's not a partisan issue, it's a town pulling together saying we have a standard we want to set for our community, one that will provide for small businesses that adhere to that standard or any store. She commented regarding positive impacts in our community by adoption of the ordinances as well as throughout the world. She commented regarding being very upset about a fire in Bangladesh that killed over 1000 people, when the roof fell while people were making Walmart products. She said not only will our community benefit from the ordinances and standards, but hopefully our country as a whole will begin to address this issue. She commented regarding importing cheap products made by these countries and supporting their livelihoods. She said by us setting this standard, it will have a positive impact across the globe.

Tamara First, 16425 SW Wildlife Haven, approached the Council and said she lives a block outside of historical old town Sherwood and moved to Sherwood 3 years ago from Aloha. She mentioned 19 years ago when they bought their house there, it was completely different. She commented regarding letting their children ride their bikes in their neighborhood and said they choose Sherwood as their community because they wanted their kids to have the freedom as teen to go to the library, the coffee shop and Target. She said their kids are teens now and when looking at the prospect of having Walmart in the community, it's disheartening. It's not the fact that it's Walmart and what Walmart people look like, she said she has shopped at Walmart and will not support this one. She said she is disappointed they did not have the information in advance as to who the actual resident was for the property. She quoted Matt Langer, "this project was in the works for 15 years", and Barry Cain said Walmart has been the company for the last 1.5 years, that they planned on having at that location. She said she is very disappointed that last November when information was given out that Matt Langer said he did not have to or was not required to share who the tenant was. She said she thinks

the reason this has taken so long and has come so close to development time is because Councilor Langer knew people would oppose this and said this disappoints her. She said he also stated that he felt the community would support this project, she said she hopes he knows this is untrue. She said she loves this community and wants it to be a safe place and wants this to be a good economic structure for Sherwood and doesn't want to see small businesses go under.

Council President Henderson thanked everyone for coming and participating and said the Council will be working with staff to review ideas and the suggestions that were brought forward, and when the Mayor returns from vacation next week they will discuss the items and bring the information to the next meeting on June 4, 2013.

Council President Henderson addressed the next agenda item.

11. CITY MANAGER AND STAFF DEPT REPORTS

City Manager Joseph Gall provided an update on the lighting project on the Ridges campus and the Sherwood Middle School and reminded the Council that they talked about using the anticipated Parks SDC's from the apartment building that is under construction. He said the project is moving forward but will not have the money until July 1. He said we can't spend money until we have it, but it is in the budget. He stated, we are working hard to make this happen by the fall, and we are going to go back to the Parks and Recreation Board before going out to bid for the lighting project.

Assistant City Manager Tom Pessemier provided an update on the downtown street and said they were planning on paving the alleys but were delayed by the rain, but are still ahead of schedule and plan on being ready for Cruis'In Sherwood. Ms. Henderson asked when Washington Street is to open. Tom replied he doesn't know the exact date, but it was shortly after the paving of the alleys, in the next week or two.

Council President Henderson addressed the next agenda item.

12. COUNCIL ANNOUNCEMENTS

Councilor Folsom formally requested that a letter from the City be sent to Gramor Development asked them to possibly find a different name for the Sherwood Town Center because we have been working with the Metro grants and Sherwood Town Center Plan project for several years and this is very confusing

Mr. Gall said staff has already drafted the letter, but it would be helpful to have the elected officials support. The Council agreed to support the letter.

Councilor Folsom asked if Garth Appanaitis from DKS Engineering would approach the Council and explain the traffic study they did for the City of Sherwood. She assured the community that it may seem like we are not be proactive, but said the Council hears the concerns and she has spent several hours over the past two weeks working on this issue and said the laws and the code are very important in this case and said this is very different from the Hillsboro project, because of the way it was set up. She said Garth with DKS will explain a study that was done using a conservative methodology to apply the traffic standards that are going to happen in this situation.

Garth approached the Council and said he is with DKS, who serves as the City's on call Traffic Engineer. He said they helped reviewed the traffic studies that were prepared for this site over the last several months. He said at the time of the application the specific use was not called out, so they could just look at general use and general trip generation. He stated, the procedure looks at trip generation for the suspected traffic that will be generated. The use that was used was general shopping center with supporting retail pads. He said they were helping the City review the materials and there were other discussions of other potential uses and a lot of theories of what that use could be. He said another type of land use category for a trip generation would be more applicable to the study. He said at the time, we requested the applicant do some sensitivity test and look at some potential uses, which included the categories of a freestanding discount store and a freestanding discount super store. He said these are categories that are typically associated with both Walmart and Super Walmarts. He said the Super Walmart includes grocery. He said through that analysis they reviewed, it would not include more trips than what was assumed in the original analysis

Councilor Folsom asked Tom to speak of why the traffic can be navigated because it's not on the existing roads that are there and what's happening with the changes and expansion of North Langer Parkway. Tom clarified to Garth and said he believes what Councilor Folsom is asking for is what improvements did they show in their model.

Garth said he didn't have the full conditions of approval with him but recalls some of the transportation related projects that will be constructed per conditions of approval and other agreements include the extension of Langer Farms Parkway from Tualatin-Sherwood Road to Hwy 99 in front of Home Depot. The traffic signal at Tualatin-Sherwood Road and Langer Farms Parkway and believes there is a fee in lue of the frontage improvements along Tualatin-Sherwood Road. He said as many know, Washington County is looking at a design project for the cross section of Tualatin-Sherwood Road which will be near the frontage of that site.

Councilor Folsom asked Tom or Julia for a timeline for the project on Tualatin-Sherwood Road. Julia replied she received a message form the County project manager that they are still on target for 2014 construction. Julia added it's possibly widening and reconfiguring entrances.

Councilor Folsom asked Julia if Target was 135,000 square feet. Julia replied, she cannot confirm but believes it's something like that.

Councilor Folsom said that the Council is taking in all this information and wanted to clarify that the Hillsboro project was very different. Julia confirmed that because of the location of the proposed Walmart in Hillsboro in a station area, it required it to go to the City Council level as this was part of their code and process. Julia stated when you hear from people that the Hillsboro Council voted against it that's because their process required a recommendation from the planning commission and a decision by the Council, similar to the planned unit development process, here in Sherwood. She said this is why they viewed it and voted on it. She said her understanding in speaking with Hillsboro staff person, is that it was voted against, denied, for traffic reasons. Julia stated she is not aware of the traffic issues that warranted denial.

Councilor Folsom said what she hears is the difference of the Sherwood PUD is said the PUD was approved by the planning commission and the Council in 1995.

Councilor Folsom thanked everyone who came to the VPA benefit concert, and reported that money was raised and grants and scholarships will be given.

Councilor Clark stated she has heard a lot of testimony from citizens and has written down the ordinance ideas and asked Mr. Gall if he needs direction from the Council to move forward and draft these ordinances. Mr. Gall said it would be preferable to get some sense from the Council to explore any or all the ordinances and said it would be handed off to the City attorney to look at legality and what we can do within our current laws.

Naomi Belov came forward and provided documents and offered to support the Council (see record, documents added to the letters submitted by Jennifer Harris).

Councilor Clark said she is hearing the citizen comments and her viewpoint on what she is hearing is that we have America and people get to own their land and people get to sell their land and that is the American way, but there are people that are not happy with the choice this landowner made. She stated as a community it is well within our rights to say that we want to define by ordinances how we see our community. She said she agrees with Tim Vranizan who spoke of a personal situation. She said wonderful ideas have come up in these discussions, but there have been some non-Sherwood things said to hurt people directly and that is not the Sherwood that she knows, that helps families in need and wants our children to be safe and to have a wonderful community. She wants to not criticize people but critique policy and ask what we are going to do to embrace each other and build each other up and make this community continue to be a great community that we moved here for. She wants ordinances that support that, because that is the Sherwood she loves and serves, she stated for the record, she is not a liar and did not know what was happening because it was not her land. She cares about the community and wants to see us caring about each other and not tearing each other down and not pointing the finger but asking what can we do to make this community greater.

Councilor Grant complimented Council President Henderson for managing the meeting so well. He said there's a lot of high emotion in the room and it is not easier for the Council to know when to draw the line. He said we want the comments and said the state doesn't require us to have citizen comments, but we do. He commented regarding accepting comments for this reason, to hear what everybody has to say. He said he doesn't like to hear this first amendment stuff as he wants to see everything and hear everything. He said there is no shutting down of people, he wants to hear from the people. He said people in this room are learning about the Council and how the process works and believes there are fewer people saying why did you pick Walmart. He said we did not pick Walmart, and it would not have been his first choice. He said this is not what we do and people should feel lucky this is not what we do, because governments would be bad at that. He said he would like to take credit for Safari Sam's, the Ice Arena or Pacific Family Dental, but as a Council they can't, they can't choice. He said he believes people are starting to understand this. He said the first he saw about Walmart was on the lighted sign on Hwy 99 and said it can't possibly be a big surprise to people in town, because it's been the talk. He said he is a friend of Councilor Langer and said he specifically did not ask him over the last year, because he knew that Councilor Langer, because he knows Councilor Langer is an honorable person and was contractually obligated to keep his negotiations private. He said he knows how these negotiations work and they are all that way, not just Walmart. He said he hopes people honor that and understand this is how it works. He referenced the Kohl's and Target remaining quiet until they had to announce. He said he believes this process has gone as well as it can, and it is different from Hillsboro. He said people compare us to Woodburn

and said this is a terrible comparison, he said he has seen the plan and this is not anything like what he's seen in Woodburn and said this town is nothing like Woodburn either. He said he doesn't want what Woodburn has and doesn't believe it will happen. He said he's been to Wilsonville and has seen what they have in their big box store and appreciates the comments about big box stores and believes the development with the Fred Meyer is great. He said this is what he wants for Sherwood. He said he is excited about this project and it will serve us, this town, in ways we are not serving. He said he doesn't believe it will shut down small businesses, because we don't have small businesses that are geographically isolated, like some rural towns. He mentioned the isolated town of Joseph. He said we should think closely about the comparisons we make. He referenced Hillsboro and Cornelius and the Walmart there and said a lot of people are driving to Winco, Woodburn and Cornelius and this tells me we aren't serving people in this town. He said many people, like himself, go to Walmart when that is what they want and if it's not what we want, we go someplace else. He said we are not serving the people of this town and this project will serve families on tight budgets or on fixed incomes. He commented regarding the Council's many discussions of what it takes to bring businesses to town, the impediments to businesses and SDC's and fees. He said this is what that looks like. He said he doesn't believe it's going to turn our town into a waste land and stated this is a national smear campaign, mixing into this discussion, and promoted by the labor unions. He commented regarding people having an ax to grind against the Langer family and said we all need to slow down, he said he is sadden that this has pitted us against each other. He said we do this because we love this town, he said we are not paid, and he personally doesn't even turn in his expenses. He said he has lived here for 20 years and wants good things to happen in this town. He said we are forced to deal in reality and facts, looking at the actual situations and make decisions. He commented being anxious for the traffic improvements. He urged people to work together.

Council President Henderson reminded the Council of the URA work session that is scheduled after the Council meeting tonight. Mr. Gall said the URA work session could be postponed. The Council agreed to postpone.

Councilor Matt Langer thanked everyone for coming and stated that the PUD was zoned in 1995 and in 2007 the City reconfirmed this zoning. He stated that he was not on the Council for either of these votes. He said that since 2007, there has been a sign on Tualatin-Sherwood Road notifying the public of the pending project. He said at some point a line must be drawn between his private life and his role as a City Councilor. He said specific details regarding the latest retail project happened to fall on the personal side of that line. He invited everyone to look at the city records to see that there were no ethical or legal lines that were crossed.

Councilor Butterfield said that he has known Matt for a long time and has been here for 20 years and stands by him as an honest man and he depends on him, and Matt depends on him, and said we in the community should depend on each other. He said we are taking the information seriously and we know that it is an issue and we are working to try to come to some solution.

Council President Henderson said that what we have heard from the public and from the Council, we want to ask staff to consider ordinances, and there were a number of them, to do some research maybe look at other communities and legal and finding out if we are able. She mentioned the forbidding of the sale of firearms and said she believes this is sanctioned by State law and we cannot supersede State law. Asking staff to look into livability issues, wage issues and then we will come back and review the list and decide how we want to move forward. How can the ordinance be drafted and applied and whether it can be an emergency ordinance or not, find out what kind of noticing we

have to do. Councilor Henderson commented this is often what we do when we have a new topic, is ask staff to research, hold a work session, we often do our own research. She said Councilor Butterfield mentioned relying on each other and said we often meet, not in a quorum, but periodically to talk about issues that we are concerned about in our community, and work together to bring those issues to the Council. She said we do this all the time, and this is Councilor's Grant 11th year on the Council and her 9th year and Folsom's 5th year and we bring issues to staff all the time, regarding livability, concerns about traffic. She commented regarding an audience member leaving due to ADA issues.

Mr. Gall said that is enough direction and thanked the citizens who put together the sample ordinances and said we will try to work on this as soon as possible to bring it back to the Council for consideration.

Council President Henderson asked the citizens that have sample draft ordinances in electronic versions to forward them to staff.

Councilor Folsom said it is a good thing for our community that the citizens are here and said that is how she got involved in the Council and said one of the Council goals was to have a citizen group formed to look at the Charter revisions.

Council President Henderson said that she had the privilege to representing Sherwood in Washington DC last week with Assistant City Manager Tom Pessemier. She said they spent two and a half days meeting with a number of agencies, including the Economic Development Administration, US Department of Rural Development, the National Endowment for the Arts, regarding our Cultural Arts Center, met with the EPA, regarding the Tanner site and with the Department of Justice for a COPS Grant. They met with staff from Senator Merkley and Senator Wyden's office and had 40 minutes with Congresswomen Bonamici. She said that Bonamici had just been to Sherwood 3 weeks before and spoke of all that is wonderful in Sherwood and was impressed with what she saw and is interested in coming back. She said she learned a lot and it was a great opportunity and hopes that in return we will find some federal money to do things in Sherwood to help pay off debt early, to help us with the Community Center, to get areas of town cleaned up through the EPA and grants for facilities in our community that will need improvements. She said she would like to have our lobbyist Joel Rubin for an open work session to talk about the relationships we try to maintain with our federal agencies. She thanked the City for making all the arrangement and thanked the City Recorder for her support.

13. ADJOURN

Meeting adjourned at 10:45pm.

Submitted by:


Sylvia Murphy, CMC, City Recorder


Bill Middleton, Mayor