



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, September 3, 2013

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

6:00 pm URA Board of Directors Work Session

6:15 pm City Council Work Session

7:00 pm Regular City Council Meeting



Home of the Tualatin River National Wildlife Refuge

URA BOARD WORK SESSION

1. Grant Writing Alternatives

CITY COUNCIL WORK SESSION

1. Automatic Meter Reading (AMR) Project

REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. CONSENT

- A. Approval of August 20, 2013 Council Meeting Minutes
- B. Approval of August 22, 2013 Council Meeting Minutes
- C. Resolution 2013-050 Authorizing the City Manager to sign the 2013 IGA with Washington County for the purposes of continued participation in the Urban Area Security Initiative (UASI)
- D. Resolution 2013-051 Authorizing the City Manager to sign an Intergovernmental Agreement (IGA) with Washington County Health and Human Services for the purposes of supporting the Sherwood Youth Substance Abuse Team

5. PRESENTATIONS

- A. Proclamation Declaring Constitution Week

6. PUBLIC HEARING-Business Carried Forward

- A. Ordinance 2013-003 to amend Section 16.12 of the Zoning and Community Development Code relating to property zoned Very Low Density Residential (Michelle Miller, Senior Planner)

7. CITIZEN COMMENTS

8. COUNCIL ANNOUNCEMENTS

9. CITY MANAGER REPORT

10. ADJOURN

AGENDA

**SHERWOOD CITY COUNCIL
September 3, 2013**

**URA Board Work Session
6:00-6:15 pm**

6:15-7 pm City Council Work Session

7:00 pm Regular City Council Meeting

**Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140**

How to Find Out What's on the Council Schedule:

City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, by the Friday prior to a Council meeting. Council agendas are also posted at the Sherwood Library/City Hall, the YMCA, the Senior Center, and the City's bulletin board at Albertson's. Council meeting materials are available to the public at the Library.

To Schedule a Presentation before Council:

If you would like to appear before Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder Sylvia Murphy by calling 503-625-4246 or by e-mail to: murphys@sherwoodoregon.gov



SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
August 20, 2013

WORK SESSION

1. **CALL TO ORDER:** Mayor Bill Middleton called the meeting to order at 5:35 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Bill Butterfield, Matt Langer and Dave Grant. Councilor Krisanna Clark arrived at 5:39 pm. Councilor Robyn Folsom was absent.
3. **STAFF AND LEGAL COUNSEL PRESENT:** Joseph Gall City Manager, Tom Pessemier Assistant City Manager, Jeff Groth Police Chief, Julia Hajduk Community Development Director, Public Works Director Craig Sheldon, Julie Blums Interim Finance Director, Colleen Resch Administrative Assistant and Sylvia Murphy City Recorder. City Attorney Pam Beery.

4. **TOPICS DISCUSSED:**

A. Washington County Vehicle Registration Fee

Community Development Director Julia Hajduk explained and presented a presentation (see record, Exhibit A). She recapped background, explained the uses for the fees, explained local share and Sherwood's needs. Council discussion followed and staff sought feedback from the Council on whether or not the question of the proposed fee should be put before the voters. Council conceded the voters should decide.

B. SW Corridor Plan

Julia Hajduk explained and presented information (see record, Exhibit B). General discussion followed.

C. Review of City Council Rules

City Attorney Pam Beery explained the meeting format and Council reviewed their City Council Rules (see record, Exhibit C). Discussion occurred on Section D-Agenda, Section E.3.f and better defining of "extra-territorial", Section E.3.j, changing "will set" to "may set", referring to the Council setting time limits on discussion. The Council discussed "Public Comments" and the public providing name and addresses when coming before the Council to speak. City Manager Gall indicated he had received feedback from the public concerned with providing addresses. The Council agreed to continue discussion of the rules at a future work session.

5. **ADJOURN:**

Mayor Middleton adjourned the work session at 6:58 pm and convened to a regular Council Session.

REGULAR CITY COUNCIL MEETING

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 7:03 pm.
2. **PLEDGE OF ALLEGIANCE:**
3. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Bill Butterfield, Krisanna Clark and Matt Langer. Councilor Robyn Folsom was absent.
4. **STAFF AND LEGAL COUNSEL PRESENT:** Tom Pessemier Assistant City Manager, Jeff Groth Police Chief, Julia Hajduk Community Development Director, Julie Blums Interim Finance Director, Craig Sheldon Public Works Director, Kristen Switzer Community Services Director, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy. City Attorney Pam Beery.

Mayor Middleton addressed the Consent Agenda and asked for a motion.

5. **CONSENT AGENDA:**

A. Approval of August 6, 2013 Council Meeting Minutes

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

Mayor Middleton addressed the next agenda item.

6. **PRESENTATIONS:**

A. Recognition of Sherwood High School Students Academic Achievement

Mayor Middleton stated Sherwood School Superintendent Heather Cordie was unable to attend tonight due to a prior commitment. The City Council recognized Sherwood High School Students for Academic Achievements, students that received a perfect 4.0 GPA for the 2012-13 school year. Assistant City Manager Tom Pessemier called forward students and the Council presented them with Certificates of Achievement.

Mayor Middleton addressed the next agenda item.

B. Washington County Presentation, Tualatin-Sherwood Road Improvements

Russell Knoebel Principle Engineer with Washington County Land Use and Transportation Department came forward and presented information to the Council (see record, Exhibit D). Russell explained Tualatin-Sherwood Road is one of the most congested arterials in Washington County with an average of 60,000 vehicles per day, a critical route connecting I-5 to 99W, designated by Washington County as a thru-truck route, with approximately 10% of the 60,000 being heavy vehicles. He said this 10% is a large number for a typical arterial in Washington County as far as truck traffic. He said Tualatin-

Sherwood Road and 99W has a high rate of collisions, ranking in the top 5% of ODOT's Safety Priority Index System List and is currently ranked 21 out of 262 high collision intersections in Washington County. He said there is a significant vehicle queuing and explained queuing as a technical term for indicating how far cars are backed-up. He said we see vehicles queuing in the intersection from past Baler Way, about 1500 feet and at times extending to Old's place, about 2700 feet from the intersection.

He explained project funding and said in 2005 the Washington County Coordinating Committee recommended MSTIP 3c funding for the design and in 2012, the Washington County Coordinating Committee looked at 49 different projects and selected 19 projects, this project being one of the 19 projects selected for construction funding. He said the project will improve traffic flow through the corridor and is planned to provide dedicated bicycle facilities and improve pedestrian circulation and address future anticipated capacity needs. He said currently there is a combination of factors causing delays in capacity; the single west-bound lane through 99W, as you're heading down Tualatin-Sherwood Road towards Roy Rogers Road, there's a single lane getting across 99W. He said there is also a single west-bound lane back at Baler Way, he explained the confusion of the lanes in this area. He said another issue is the signal spacing and said the signals are not adequately spaced distance wise, and overlap from one signal to the next signal, causing backup. He said there are also short turn pockets for cars and not enough room for people to store that do want to take turns.

He stated the project team looked at four options as well as two additional options 2A and 2B after discussion with property owners. Russell referred to Map Option 1 in the presentation and said this would remove the signal at the Albertsons and Theater entrance, leaving a six lane cross section, with two lanes in each direction, plus two left bound turn lanes onto Hwy 99W. He stated Option 2 looked at what it would look like to leave all the signals in place. He said Option 2 created the need for eight lanes, with two additional turn lanes, these lanes would be the left turns into the Theater complex and these would overlap with the left turn lanes onto 99W, creating four turn lanes in that area and two thru lanes in each direction. He said turn lanes are about 14 feet wide and this would mean an additional 28 feet of right-of-way that would be needed, putting you into the buildings and having a larger impact. He stated Option 3 looked at removing the signal at Baler Way. He said this also created an eight lane cross section with the dual lefts overlapping at the signal at Albertsons. He stated it kind of affected the investment the City made in the collector with Baler Way and the connection to the arterial. He stated Option 4, they looked at removing both signals, the one at Baler Way and the signal at Albertsons and placing another one in the middle next to Bank of America and across from the Burger King. He stated this also creates a right-of-way impact, putting you into the Burger King and other businesses there. He said this option had very little public support, if any.

Russell explained the public involvement process and said the County used a range of public involvement activities to educate and involve the public. He said they had an Open House; they sent notices to property owners, posted newspaper ads, invited the Sherwood Town Center Advisory Committee and the Steering Committee and briefed them at two separate meetings in September of last year. He said Washington County released media releases and they had 45 people attend the first Open House. He said they created a website that would allow public access to the project status and opportunities for public involvement and meeting materials. He said we are in the process of scheduling a second Open House this fall.

He said some key themes of the first general public involvement process was to look and try to make vehicle travel times better and said some of the comments were to reduce traffic lights to maximize

capacity, lengthen the traffic light time at 99W for Roy Rogers and Tualatin-Sherwood Rd. He said this is under ODOT's control. He said other comments were to clear up the signage for lane usage and gave examples. He said other standard themes they see are about landscaping and landscaping planters, and said there were positive comments about having more of those and negative comments about the ones that are out there and getting rid of them. He said there were a lot of comments about pedestrian and bike facilities, both pro and cons. He said in addition to this they had specific property owner meetings, eight meetings with commercial property owners, that included Les Schwab, a couple of meeting with them and the Cinemas, with the Jim Morris property and Langer properties and also met with the Sherwood Market Center, which is the Albertsons property and with the Sherwood Cross Road Center, which is the Safeway anchor. He said both of these properties are managed by Regency Center. He said they also met with Target and Sherwood Langer Farms LLC. He said in addition to these meetings they held four additional meetings with the property owners of the Albertsons complex and Theater complex, where we looked at the two extra options under Option 2, options 2A and 2B. He said they had hired a traffic engineer and they looked at some of their traffic analysis and our studies based on their traffic analysis. He said in addition to that, the County decided to hire a facilitator to help with discussions with these two property owners. He said the County hired Jean Lawson and said she worked with these property owners, the City and the County in individual meetings and then we had 3 or 4 combined meetings with all those groups to talk about issues and try to address certain concerns.

Russell said after all this, the design teams recommendation is Option 1, which removes the signal in front of Albertsons. He said our studies reveal this option provides several benefits, including achieving traffic operation, such as the best access spacing and the best traffic time. He said their studies show that by 2035 if you do nothing verses doing Option 1, it's a difference of 15 minutes, with Option 1 saving you 15 minutes through this corridor, verses doing nothing over the next twenty years. He said they talked about the least amount of right-of-way impacts with Option 1, no building or drive through impacts and very limited parking space impacts throughout the area. He said it's the lowest construction cost and pointed out it's very consistent with previous planning work, the I-5/99W Connector Study, Washington County's TSP and the City of Sherwood's TSP, the City's Adam's North Concept Plan and the Sherwood Town Center Plan. Russell referenced the map in the presentation of the recommended option with the removal of the signal in front of Albertsons and the extension of the five lanes to the northwest and passed the future Walmart site to the southeast.

Russell explained the next steps and said they will start undertaking final design and they want to continue coordinating with individual property owners and talk about access to Sherwood Market Place and access to the Regal Cinemas and we are also seriously considering, if not added to the plan a pedestrian crossing to replace the signal we remove at Albertsons and understand there is a transit stop or some type of park and ride on that side of the theater side of the street, therefore a need for pedestrians to cross there. Russell gave an example of a recently installed fully signalized pedestrian crossing on Evergreen in Hillsboro. He said they are also looking at local street types of improvements and an additional Open House this fall and hopefully get construction underway in 2014. Russell offered to answer questions.

Councilor Grant referenced a map in the presentation and asked to confirm he understands; the primary access to the cinema and bank would become the Baler Way signal, going behind the Les Schwab, being the functional in and out.

Russell responded correct, and said the other access would remain in place, but this would be the right-in right-out.

Councilor Grant commented regarding many people using the Albertsons to get to the theater and said he believes this was a huge mistake made a long time ago. He said when Langer Farms Parkway is completed and goes out towards Home Depot, which is currently underway, this will change a lot. He said people traveling north on 99W will go this route and not wait to get to the intersection at 99W. He asked if the change there will be more dramatic than Russell anticipates and cause them to rethink some of their assumptions or do they feel they have certainty of how the change will play out.

Russell responded that there is certainty and they took into consideration throughout their traffic study, and while there are a lot of people turning right at the 99W signal, the majority of that traffic is continuing either onto Roy Rogers Road or taking a left onto 99W. He said the people that will cutoff at Langer Parkway, will definitely help in that access area. He said this is another strategy the County looks at, is trying to get traffic out of busier intersections and local street connections.

Councilor Langer stated people know one of the tougher tasks is accommodating Regency Centers and Juniper Ridge at the theater and restaurants and asked what solutions the County has offered them to accommodate the loss of the left turn movements.

Russell referenced a slide in his presentation and said this is what the County is proposing to do right now, and said we have already had a neighborhood meeting and we will be coming to staff with a TSP amendments, which in the lower section of the slide extends Baler Way to the back of Jim Morris' property. He said Jim has an easement on the back of his property for the theater for that site, this is a potential opportunity for additional access to that site.

Councilor Langer asked regarding allowing U-turns at 99W and Baler? Russell replied, yes and said this is another thing we are continuing to look at, the U-turn at Baler is something we can control and easily do, the U-turns at 99W are tougher as we will have to work with ODOT, but is something we will continue to look at.

Councilor Clark asked in regards to the development in the Albertsons area as well as Regal Cinema development, and referenced the U-turn which is before and asked if the County is making any kind of accommodations for signage issues as the signage will be past the light that is being created so that people know where to turn before they have passed the complex.

Russell replied, yes, and said the County has looked at this and has spoken with City staff and said the County has options with our blue signage. He said with the actual on site marque signage, the County is more than willing to work with the business to help facilitate that, but this will ultimately be the City's call on what those will look like. He said the City has fairly stringent sign codes, but they will have opportunities to work with the businesses and City staff.

Mayor Middleton asked to receive public comments on the presentation.

Phil Grillo and Beth Faherty (spelling?) came forward and provided the Council with a letter (see record). Mr. Grillo stated he was here on behalf of TakFal Properties, LLC, owners of the Sherwood Cinema Centers and Beth is a principle there. He stated the letter he provided outlines some of their concerns

and based on some of the comments, the Council understands some of their concerns. Mr. Grillo stated roughly 75% of all the trips going into our site make a left into the center. He said when the light goes away and left turn movements are prevented, 75% of our business will go someplace else. He said the question is, will the 75% go to the backdoor entrance that the County is talking about and asked is this reasonable commercial access for a center like ours. He said they are certain that it is not and this is why they have tried to work with the County on other options. He said they had two options in front of the County and said he was at the last of the County meetings on this project and said as far as he knows, based upon that meeting, there is no public support for Option 1. He said he has heard this will be a significant impact on the businesses and said he heard that from the planning commission last week when they were before them with the aspect of the Town Center. He said he is asking for solutions and the Councils support to push the County to find better solutions to that the option they are talking about, with the backdoor entrance.

Mr. Grillo stated their first option they spoke with the County about, that Russell spoke of but did not explain, was to remove one of the left turn pockets coming into the center, which would create more right-of-way space, more building space on Tualatin-Sherwood Road that would allow the road to be widened in the westbound direction, where the congestion is in that direction. He said they have worked with traffic engineer Lancaster Engineering and they have a preliminary design for that. He said the County doesn't like that option but has not pointed to any adopted standards that would be violated by what we are proposing, which would reduce delay and increase safety both on that street and at the main intersection. He said the second option, he thinks is more innovative and said that option has three parts to it and is explained in his letter. The first is for the County and the City to work together with ODOT to create access onto 99W, right-in only access, so instead of having to make a left-turn movement in, we can get a right-turn movement off 99W and not have to put all the traffic through the light. He said the second aspect is to have better connectivity to the backdoor, which is what the County has been proposing. He said they don't oppose that, they just can't exist solely on that. He said the third component, in part to protect other turning movement is, that we would under that circumstance agree to a restriction on the left-turn movement into our site, but we would ask that the left-turn movements that go from our site out onto Tualatin-Sherwood Road and from the Albertsons, the left-turn movement in for them, which doesn't really restrict the flow of traffic westbound, that those movements be retained, therefore the signal be retained except the movement left into our site. He said this continues to protect the pedestrian movements and said he stopped at this location today before tonight's Council meeting, for about 20 minutes and counted 23 students, children, crossing that intersection, this number does not include adults. He said there are a lot of kids that cross that intersection.

He stated they need the Council's support and the County's support to work on these and find another option. He said the option the County is proposing is not acceptable and we don't want to have to take other measures to protect our interest, we are trying to work collaboratively, but so far this has not worked.

Beth spoke and stated that she is one of the owners of Regency and said she wanted to provide background on the County's intent to improve Tualatin-Sherwood Road back in November, which consisted of four proposed plans, two of which were absurd and not potentially possible with their \$12 million budget. She said the County's approach to rollout their plan was a divide and conquer approach where they kept the shareholders on the north side of Tualatin-Sherwood Road and the south side separate to create a "just accept it, this is what we are doing" kind of deal. She said it was an awkward situation that elongated the process. She said we have been working hard to be collaborative in this

process and as mentioned by Russell, we did hire a mediator to work with the County and us. She said it resulted in lots of unproductive meetings. She commented about attending City meetings regarding the New Town Center and said with the County's current plan, she sees it making a vacant shopping center and not conducive to what a Town Center should be. She said per the City's TSP and land use approval for our site, the light was a requirement for the land use approval. She said she is aware that there is a City TSP and a County TSP, but currently the City's TSP is to remove Baler and the County's TSP is to remove the one at Regency and Regal. She said to her it suggests that the City and the County need to work together to come up with what is pertinent to the community. She said if the light is removed and the County thinks that might improve the accidents, fender benders, freight and large vehicle access, then wait to the first death of a child or someone crossing to catch a bus because they can't make it down to Baler. She said this will put a freeway through the City, in addition to the one we already have and this frightens her for the community and the people that are running successful business at Regency and Regal.

Ty Wyman and Chris Daniell Regency local Property Manager came forward. Mr. Wyman stated he is the attorney for Regency Centers, and said Regency owns both Sherwood Crossroads which is the Safeway based center as well as the Sherwood Market Center (Albertsons). He stated the time devoted to this issue tonight is not at all what this issue is worth. He said we are talking about an issue that will define this area of the City for many years. He said he fears if this signal is removed the City will spend the next several decades regretting that and trying to get it back. He stated he would add to Mr. Grillo's thoughts, and said his experience and Mr. Grillo's experience is in land use planning and the law in land use planning and commented that Oregon does land use planning. He commented regarding reasons for plans, plans that guide public infrastructure and plans that guide private entities investments in property. He said both of these properties were development with the subject traffic signal shown in the City's TSP. He said the irony is that the City had the cinema install the signal that the County would now remove, killing the cinemas business. He said that the traffic signal still shows in the City's TSP. He said they believe that removing the signal by the City or by the County would be unlawful as it still shows in the TSP. He commented regarding land use planning and coordination between the State, County and the City. He said they would rather not test this in court and would rather sit with everyone and talk through the options. He said the options should be subject to hearings either at this Council or at the County Board. He asked what is the criteria for the removal of the signal if it shows in the City's TSP. He said at some point in time, this Council decided it should be there. He commented that the centers are filled with small businesses and the impact to those people would be utter decimation. He asked Mr. Daniell to describe the impact this would have.

Chris Daniell stated that he is the Property Manager for Sherwood Crossroads and Sherwood Market Center. He asked that the City reevaluate the County's proposed changes to Tualatin-Sherwood Road in light of its impact to businesses and direct contradiction to the proposed Town Center Plan from a pedestrian friendly standpoint. He said it doesn't make commercial real estate sense to limit access, let alone the main entrance of a shopping center that is home to 27 businesses. He said the Burger King franchisee provided a similar example of a location of a store in Las Vegas where the store immediately dropped 30% in sales and was forced to close. He said cross shopping is well known between the Sherwood Market Center and the cinema center and taking away the pedestrian access will not only result in an inconvenience to customers and citizens of Sherwood, but raise clear safety concerns for those not interested in proceeding to either Hwy 99 or Baler Way to cross. He said we have tried to work with the County and reach a mutually acceptable solution for well over a year to no avail and we are

now asking for the support of the City of Sherwood, a place where we do business, offer important neighborhood services, and pay taxes.

Councilor Grant asked for clarification of the pedestrian access, as he heard in the first presentation that they County was going to leave or create a new form of pedestrian access and you (Mr. Wyman) are talking about the County taking away any pedestrian crossing, he asked what the proposal is in Option 1. Mr. Wyman replied what they hear is what the County is “thinking about” and what they know is that the County wants to remove the signal. He said they don’t want to remove the signal to enhance pedestrian access to cross the road, they want to do it to increase the flow of traffic. He said we have had no assurance provided, he referenced Barbur Blvd. and said the only assurance they have received is that the signal is going to come out.

Mayor Middleton called to receive public comments.

Stephanie Garrison came forward and asked if anyone considered the Walmart traffic adding to this, as this will be significant. She asked when the Council makes their decision to try and remember where the Walmart traffic will be coming from, Tigard, Tualatin and Newberg. She said she has not heard anything about timing the lights on Tualatin-Sherwood Road and said ODOT told her 5 or 6 years ago that the lights should be timed in about three years and that was 2-3 years ago and they are still not timed. She commented regarding hearing of lights coming in and lights going out and commented regarding getting the lights timed for trucks and gave examples of hitting all the yellow lights. She said what should take her 10 minutes to travel to Tualatin takes her 25 minutes, not because of traffic but because she hits every yellow light. She asked the Council to consider this first when determining what lights to keep or remove.

Eugene Stewart came forward and commented regarding the TSP amendment map and referenced two property owners across Roy Rogers Road from Safeway, and said with this program they are proposing to take away the entrance and there will not be an entrance to the property off Roy Rogers, the suggestion is for them to go down to Tualatin-Sherwood then to have a proposed road that will come back to the property. He said you’re creating an island with no access for them. He said the Anderson property has no access from 99W. He asked when are we going to put the road in so the property can be developed, it’s a prime corner and how do we approach this. He said it seems to him, that if 90% of the traffic coming down Tualatin-Sherwood Road is then turning left to go down 99W, do they want to stop in Sherwood or just get around Sherwood. He said in the 1980’s when they had the chance to build the 205 extension over, they gave that money away for something else and now we are trying to deal with this. He suggested getting them to six corners and then sending traffic down 99W rather than this option. He referenced the increased traffic in the downtown area and said this doesn’t stop the traffic it’s just trying to get around the mess. He asked how do we look at this analytically. He said Washington County indicated that 10% of the traffic on Tualatin-Sherwood Road was truck traffic and then at the public hearings for the Langer properties the traffic study said it was 5%, this is a big difference. He said this is the only way to get to I-5 until you get to Tigard, in between streets don’t allow truck traffic. He said we need to find a better way, we have not come up with a good solution. This may fit the County’s pocket book now, but will we spend twice as much down the road. He said it doesn’t make sense to him to drive into the Les Schwab, drive to the end and come back into the parking lot to park. He commented regarding speaking with the owner of Les Schwab and they were told at one time to flip their building.

Mr. Russell Knoebel returned and responded to the comments and questions and stated they have worked closely with Cam, and Les Schwab and said they are supportive of the TSP amendment for the Baler extension and understand the impact it will create and are comfortable with the solution.

Russell addressed the pedestrian concerns and said the County is putting in a signal to replace the signal, and the new signal will be a pedestrian only signal, allowing pedestrians to trigger it to stop traffic in both directions and cross safely. He said it will also provide a refuge island in the middle. He said the other options we looked at created two additional lanes for pedestrians to cross, leaving the signal in place, there are now eight lanes for pedestrians to cross.

Russell said another big issue that has come up numerous times is the lack of collaboration and lack of opportunities. He said he spoke of the public process and said it was a lot more extensive than what they typically do. He said we had eight meetings initially with commercial properties in this area. He said we realized that two properties were going to be affected and we had additional meetings with these properties to find out concerns. He said the County typically negotiates with an individual property owner, not two property owners at the same time. He referenced the comments received about the County trying to “divide and conquer” and the County saying they are willing to meet with them on an individual basis to talk about impacts and costs and try to solve. He said they have insisted on keeping both properties owners in the meeting together and the County has not had the ability to enter into a negotiated settlement with them and talk about money, because we can’t do that with two property owners at the same time. He said we have continued to meet with the property owners on a general basis to see what we can do to make this work for them. He said the Albertsons business area has five access points, and they are losing one signalized access point, it will be a right-in, right-out and will have four additional access points into that location.

He addressed the comments regarding the signal being required as part of the theater development and said it was also required that they create a secondary access at Baler Way. He said their traffic study at the time said that 60% of their traffic would go out at the signal in front of them and 40% would go out at Baler Way. Russell said they testified tonight saying that 75% of their traffic is going out at the signal in front of them. He said they did not meet their original development agreement to create that easy access at Baler, he said there still is a way to do it, but it’s quite convoluted. He said the County is proposing to make that a lot better and to encourage that type of movement along the Baler extension.

Russell addressed the comments regarding signal timing and said the County has implemented a “smart signal system” from Teton to I-5 and we are implementing that same system next year from Teton to 99W. He said it’s a very smart signalized system and can do what was asked. He explained how the system works and said the signals have camera’s and can readjust each signal cycle to determine the amount of traffic coming through that signal, and adjust the signals ahead so someone can make all the signals. He said the light at 99W will not be part of the “smart system” and they are working with ODOT to try and include the signals throughout Sherwood to try and include them to the County’s “smart signal” process on Tualatin-Sherwood Road. He said if we get there, then all the signals will be able to communicate with each other and make it a better system.

Russell addressed the business issues and said there are federal studies that talk about changes in access and how they affect businesses, and most of those studies are done by federal highways so they could be tainted, but the studies do show there is little to no impact to businesses by the access

changes, and they have studied it before and after. He gave an example of the access to the Tualatin McDonalds off Boones Ferry Road and said this is the busiest McDonalds in this region.

Russell offered to answer Council questions; with none heard Mayor Middleton thanked Mr. Russell.

Susan Claus came forward and indicated she wanted to speak on this subject. She told Councilor Langer that he should recuse himself and said all this is being caused by your Walmart and you're directly impacting the existing businesses as well as your own businesses, asking questions and trying to get into the process, you should recuse yourself. She said both the County and the City are admitting that they are revising these existing site plans, violating both sets of their site plans. She commented regarding people having learned to use these business and you're systematically cutting it off. She said there is not even a process for them, you're violating their site plans and have not gone through a process with them and these were part of their agreements to do business in this town. She said what we are trying to do tonight needs to be tabled or wait until you get through this whole process. She said this is too sophisticated for staff to handle and you're taking away driveways and access points and asking staff who has on-the-job training and a contracted attorney to make judgments on this. She commented regarding speaking with the small businesses in these two business complexes and they wanting to come and speak to the Council but fear being victimized. She said you can't fundamentally change our commercial district on the promise, the disaster of Walmart and not acknowledge this is the first level of fallout we are getting from Walmart. She commented regarding an Intergovernmental agreement and potential litigation from the property owners and who will litigate this, the County, Metro or the City and said it usually falls to the City. She commented regarding they being here first and have existing rights and existing site plans and said you can't violate our own land use laws. She commented regarding the Act Three Theater marque being in the front and how would people see this from behind. She said they had from ODOT access when they first went in there and it was bargained away in their original site plan. She referenced comments made by the County engineer and a traffic study from 15 years ago. She said what they are telling us now is the way it is and we need to make sure we are honoring our existing businesses and not for the sake of current development dollars that have come to the staff, cobble all the existing businesses.

Mayor Middleton stated the Council is not making decisions tonight, this was information only. He addressed the next agenda item.

7. NEW BUSINESS

A. Resolution 2013-045 Amending the RedFlex contract for the Photo Red Light Enforcement System

Police Chief Jeff Groth provided the staff report and stated staff identified a need for a contract amendment and said there are two changes; the monthly payment will switch to a flat rate from a per citation amount. He said there is no fluctuation in the amount and this will allow for consistency, billing and budgeting and remove existing burdens on staff and prevents costly programming needed for staff to rectify invoices. He said the second change was, staff added performance clauses, he explained the clauses. Chief Groth recapped the staff report and provided the Council with background history of the contract, fees as indicted in the contract and explained the current process of rectifying invoice. Chief Groth offered to answer questions.

Council President Henderson confirmed the new term of the contract being five years and asked if five years was standard. Chief Groth confirmed the contract term was for 5 years and yes, it is a standard and consistent to what was in the original contract.

Council President Henderson confirmed when an invoice is received by staff it will not have to be audited and asked how much time will be save. Chief Groth confirmed it will not have to be audited and Julie Blums replied it saves her about an hour per month.

Chief Groth clarified that there was previously only a percentage that could be rectified and staff indicated that if they could not rectify the data in the invoice, they were not willing to pay that amount. He said this was causing issues with staff not wanting to pay for the full invoices.

Councilor Butterfield asked if this process doesn't work, will we have the opportunity to renegotiate. Chief Groth replied yes, we've had that opportunity from day one.

Councilor Clark asked if the revenue generated by RedFlex pays for the average of the fee. Chief Groth replied yes, it more than covers it.

Mayor Middleton confirmed the City will go to receiving a flat revenue of \$18,000 per month and asked what had we received in revenue in prior months. Julie Blums replied over the 32 months of having this system in place, our total court revenue is about \$90,000 per month, this includes both RedFlex and regular citations, and would estimate that 75-80% of that is Redflex.

Councilor Clark asked where does the excess go. Julie replied it goes into the General Fund and pays for court staff and additional services.

With no further comments, the following motion was received.

MOTION: FROM COUNCILOR GRANT TO ADOPT RESOLUTION 2013-045, SECONDED BY COUNCIL PRESIDENT HENDERSON, MOTION PASSED 6:0, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR, (COUNCILOR FOLSOM WAS ABSENT).

Mayor Middleton addressed the next agenda item.

B. Ordinance 2013-005 Amending Section 10.08.070 of the Municipal Code relating to prohibiting parking on certain streets

Chief Groth thanked the residence that worked with the City on this program and the Mayor and recapped the staff report. He said the Council held a work session in May 2013 and said we have had an ongoing problem in the City with neighborhoods being used for overflow parking, alternative parking areas or drop-off points and or non-residence use. He said the neighborhoods in question have seen a tremendous amount of this, creating issues of congestion, overcrowding and littering. He said staff has created residential parking districts using models from other jurisdictions. He said Exhibit 1 to the Ordinance is the proposed code language and said there was not existing code language. He said this ordinance will allow the Council to add additional parking districts by resolution. He addressed the financial impacts and said each sign will cost about \$200 and the majority of the cost will be offset by residents and or Homeowners Associations in the effected neighborhoods. He said he doesn't have the

costs of permits yet, but it will be minimal and the permits will be simple vinyl window permits and a rearview mirror hanging permit, an insignificant cost borne by our existing budget. He said there has been some staff time, but once the program gets started it will not take much staff time to manage. Chief Groth offered to answer questions.

Councilor Grant asked regarding the staff time of the police department to patrol and check parking permits. Chief Groth replied this is something that they already do.

Councilor Langer referred to the area behind the high school and asked about dealing with the parking and not pushing the issue further out into the neighborhoods, he recalls discussing this in the work session and asked was this vetted out and how would we deal with this. Chief Groth replied we would look at this when we add districts and referred to the resolution the Council will be considering this evening if this ordinance was approved. He said we will have to wait and see and said he believes staff has identified the areas that are most prone to parking and the outer areas are too far and people probably won't be parking there because it's too far to walk. He said there is potential that there will be other areas around the school that can be added in the future and said we are working with another neighborhood to complete that process, and will address those as we need to.

Assistant City Manager Tom Pessemier asked a process question of the City attorney and stated the ordinance declares an emergency with an effective date of August 21st, and allowing resolutions to be adopted. He said on tonight's agenda there is a resolution pertaining to this and asked if there is an amendment that needs to be made to this ordinance or is that acceptable.

City Attorney Pam Beery stated the Council can enact the resolution this evening and the resolutions would not take effect until the ordinance takes effect by operational law. She said if it's more convenient for the Council to do that you have the authority.

Councilor Clark commented she recall the school district attending the work session when this was discussed and they spoke of additional ideas they had to help with the congestion issues, she asked if we will be working with them in the future as we create districts to address their issues and student ability to park outside. Chief Groth replied absolutely and said we have stayed in contact with the school district and the information before the Council tonight has been shared with the school district so they can message with parents. He commented regarding the school district doing things within their control, selling their parking permits and what level they want to oversell permits. He said the relationship we have with the school district and the high school staff will allow us to work out any issues and he does not have any concerns.

With no further comments, the following motion was received.

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO READ CAPTION AND ADOPT ORDINANCE 2013-005, SECONDED BY COUNCILOR CLARK, MOTION PASSED 6:0, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR, (COUNCILOR FOLSOM WAS ABSENT).

Mayor Middleton addressed the next agenda item.

C. Resolution 2013-046 Establishing two (2) residential Parking Districts within the City of Sherwood in accordance with Chapter 10 of the Sherwood Municipal Code

Chief Groth stated this resolution establishes the first two parking districts in accordance with the ordinance that just passed. Chief Groth explained the exhibits attached to the staff report and said the two parking districts are entitled Woodhaven Phase 1. He explained that in working with the Woodhaven HOA, they identified a desire to do what they believe are the affected areas in two phases. He said they have been working with City staff to put this program together and financially helping to support this program. Chief Groth explained the Woodhaven fact sheet and letter for Phase 1, permit application. He explained exhibits C1 and C2 as the Smock fact sheet and letter. He said we have two forms because the particulars of each district are different. He said the issues in the Woodhaven area are related to school parking and explained the enforceable hours. He said the issues in the Smock area, considering the area is very small, is related to neighborhood and the Snyder Park access area and parking will be prohibited 7 days a week. Chief Groth reminded the Council that any of the forms can be amended as the need arises.

Mayor Middleton asked for Council questions, with none heard he asked for a motion.

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO ADOPT RESOLUTION 2013-046, SECONDED BY COUNCILOR BUTTERFIELD, MOTION PASSED 6:0, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR, (COUNCILOR FOSLOM WAS ABSENT).

Mayor Middleton addressed the next agenda item.

D. Ordinance 2013-006 Assessing Sidewalk construction costs on certain lots and parcels in the City and directing the City Recorder to enter such assessments in the City's Lien Docket

David Janusz Program Coordinator in Public Works came forward and stated as written in Sherwood Municipal Code section 12.08 the city assigns sidewalk responsibility to the abutting property owners. In 2011 the City Council approved the formation of the Sidewalk Repair Assistance Program. He said the program is in no way intended to relieve the property owner of their responsibilities, but rather intended to assist property owners with the cost of repairing and replacing sidewalks. He said the program will assist the homeowners by scheduling and performing all the work required to repair the sidewalk hazard and the City will share the cost of the repair 50/50. He said in 2012 the Public Works department completed a City wide inspection of all sidewalks and identified approximately 1700 sidewalk deficiencies. On August 9 2012 Public Works invited 150 residents to option into the program or perform their own repairs in the allotted 60 days. He said most residents in this first group either participated in the program or performed the repairs themselves. For those that neither participated in the program or repaired the sidewalks, the City repaired the sidewalks on their behalf in April 2013. The homeowners were then issued an invoice in early May requesting payment in full at 100% of the total cost within the next 30 days. He said in accordance to chapter 12.08 of the code, the unpaid balances after 30 days, may be accessed as a lien against the property. He said to date, we have three addresses where the property owners did not participate in the program nor compensated the City for the repairs completed on their behalf. David called out the addresses in question and said staff is recommending to place a lien on the properties identified to recoup costs associated with the program. David said as this ordinance takes effect in 30 days, the City would extend to the owners an opportunity to pay the balance in full within 30 days and prevent the lien process from going forward. He said although not required, a door hanger was provided to the homeowners inviting them to come tonight and offer comments in their own defense.

City Attorney Beery clarified that this is not a public hearing and the Council can offer an opportunity to the effected property owners.

Mayor Middleton asked to receive comments from the affected property owners.

Mike Stewart 22741 SW Martin Court Sherwood came forward (provided a letter, see record) and stated he has had maintenance issues with his home and the street tree issue is the third one. He said when he purchased the home in 1996, he spent three days rehangng the natural gas lines under the house because they were not to code. Mr. Stewart explained the issues with his gas line and said this is the way he bought the home after it was inspected by city inspectors. He said five years ago, he had a water leak with a main supply line under the garage floor and spent \$1200 for a reroute. He explained the copper line and it being soldered at the joints and said code requires that the joints be braised not soldered. Mr. Stewart said the City has an approved list of trees that they require the builders and developers to plant. He said two of the trees he has a problem with, a red maple and an ornamental plum. He explained issues with the fruit tree dropping fruit, tracking into his home and staining the carpet, attracting insects and said it does not belong on a street. He said in regards to the red maple, he has contacted his attorney, Paul Nelson, who has been in contact with the City. Mr. Stewart read from a letter and commented regarding the City not planting the red maple tree and it being planted by a contractor, who selected the tree from a list provided by the City, thus the City having a direct role in the type of tree planted and the City failed to properly research the growth habits of the red maple before including it on the approved list. He said if the City had competently compiled its tree list the maple would have been excluded and the current maintenance issue would have never arisen. He continued and said it's inequitable to expect his client or any other property owners to be responsible for the cure of a problem caused by the City inadequate research of the growth habits. Mr. Stewart said this is where he is coming from, he did not create the defect, as a property owner he expects to be responsible for the normal maintenance and repair of a sidewalk over its service life provided that it has been properly inspected and installed. Mr. Stewart referenced the documents provided to the Council and explained the photos. He said the City's building and maintenance people did not do a review of where they located street trees and street lamps, therefore we have instances like this (referred to photos). He said we don't have competent people doing the job and he is fed up with putting out his money for someone else's negligence or incompetence. He said this is the reason he has not paid this and has spent his money contacting his attorney. He said he expects competent City government and he has not gotten it yet.

Mayor Middleton thanked Mr. Stewart, no other property owners came forward and staff offered to answer questions.

Councilor Grant stated this seems unusual to him, for this to be handled by an ordinance and said he doesn't recall seeing something like this be an ordinance. He said when we put the sidewalk program in place, did we not put remedies in place for staff to handle issues.

City Attorney Beery replied before the City can impose a lien it requires Council action. She said staff has administered the program all the way through to this point, but requires governing body approval by ordinance to impose a lien on the City's lien docket. She said the reason an ordinance is required is because imposing a lien is a remedy the City doesn't take lightly and the ordinance creates the appropriate level of formality and Council approval.

Tom Pessemier added the ordinance that requires this ordinance was put in place a long time ago and we did create a Sidewalk Assistance Program to try and help people who we knew were having problems trying to reach the original ordinance. He said the ordinance was put in place in the 1980's or 1990's and basically outlined this process and we are now at the very last step of what the ordinance requires, we did not make changes to that ordinance.

Council President Henderson referred to Mr. Stewart's cost of repairs \$783 and asked if this is half of the cost of the repairs. David replied no, this is the total cost for all the vendors to perform all the work. David explained the actual repair consisted of the removal of a concrete panel, the removal of a tree, and said the removal of the street tree required an arborist report and a tree removal permit, the cost of the removal of the tree and the cost of the replacement of the concrete panel.

Mayor Middleton asked in regards to the removal of the tree and if we had to remove any other trees in sidewalks performing sidewalk repairs. David replied, yes, there were many trees that were removed as it's designated as the cause of the problem with the sidewalk. He said for those who opted to participate in the program, the costs of the tree are split in half.

Mayor Middleton confirmed Mr. Stewart's full cost of \$783 and asked what he was billed. David replied this is what he was billed, the full amount. David stated there may have been an uplifted panel that could have been shaved down, and asked Public Works Director Craig Sheldon to confirm.

Craig Sheldon stated there were two shaves on the property and the City waived one shave, the tree removal and the permit. Craig explained when the City offered the program, Mr. Stewart did not sign up for the program, he sought legal advice and they contacted our attorney which started a process that's laid out in our ordinance, he said we sent bills and said the city allowed more time than we could have. Craig said Mr. Stewart's attorney has spoken with our attorney and this is the final step in the process for the Council's decision.

Mayor Middleton asked if the City is giving Mr. Stewart 30 days to comply. David replied at this point we have 30 days before we can process any lien at the County, so we are offering during this period of waiting, for homeowners to rectify the balance.

Councilor Langer asked to revisit the fundamental question brought forward by Mr. Stewart as it may have occurred in other places, with knowing the history of not-so-favorable trees planted and we recently revised the tree list, tree canopy requirements, and other code language and asked to hear a refresh on the concept. He said getting to the core, he hears that Mr. Stewart's tree was planted per code and per development and now the homeowner has to deal with fixing it. He said this had to occur in many places across the City.

Craig replied he can't answer all the questions as he was not here when the subdivision went in, and said he assumes the developer of the subdivision probably submitted a set of plans to the City and whoever in the Engineering or Planning departments approved a set of plans. Craig said he can't speak of his waterline or his gas line as this doesn't have anything to do with us. Craig said we do have issues out there with trees that were planted and said if you look at the code, the tree code indicates the property owner is responsible for the trees as well as maintaining them. Craig said we started the tree maintenance program last year because we wanted everything trimmed up with the proper canopy. He

said the sidewalk code says the same thing that the property owner is responsible for the sidewalk in front of their property. Craig said he knows the Community Development department went through a tree process list this last year and a half and cleaned up some of the code. He said under the current code the street trees as well as the sidewalks fall under the responsibility of the property owner and we are just following the process.

Councilor Langer asked what solutions did the property owner have over the last ten years as the tree was growing under and shoving the sidewalk up. Could the homeowner realized the problem and cut down the tree without a permit or would they have gotten into trouble for that.

Craig replied in the past any tree removal went through the Parks Board as there's a tree ordinance, and now, some of the tree things go through the Planning department and this is now a staff decision and a tree needs to be planted off of the tree list if it's removed. Craig said there is a removal process that could have happened.

Councilor Langer said he still sees in town issues with trees planted next to street lights making the light ineffective at night. He said currently if a resident has this problem and comes into the City to go through the process, might that tree be removed and not be replanted because the trees are already too dense.

Craig replied there is a process that not all trees can be removed, there's a process if it's causing damage to utilities and staff can make that decision and we would have an arborist look at that.

Julia Hajduk, Community Development Director added that as part of the Planning Departments code cleanup, they made code amendments that would allow the removal of trees without replacement.

Council President Henderson asked of the 150 residents in this first phase, those people that signed up for the assistance program, for a bill of \$800, what would they have paid. David replied they would have been invoice for \$400 and explained it's a separate bill from a utility bill. He explained a payment or nonpayment of the sidewalk program will not reflect on your utility services. It is a payable amount, available to be paid over a 12 month period and is half of the total cost. He confirmed the City would have taken care of all the repairs and permitting.

Councilor Langer clarified in Mr. Stewarts case, the entire amount was \$783 and if he had signed up for the program, it would have been half of this cost. David confirmed this was correct.

Councilor Langer said he heard staff was going to allow 30 days for the property owners to come in and pay, and asked if they would still get the 50% off. David replied, at this point it's the full amount and said the option to get into the program is within the first 45 days of the 60 day window to repair the sidewalk. He explained this allows us to work closely with our vendors to schedule them to do the work in an area at the same time to be able to lower the cost.

Councilor Langer asked in regards to these three properties, if the vendor returned at an inconvenient time. David replied we scheduled these three repairs in a time that the vendors where in another area of the City and these three owners had not paid the full cost due.

Mayor Middleton confirmed it's not possible to let them join the program now, correct. City Attorney Beery replied not as the ordinance is written.

With no further comments, the following motion was received.

MOTION: FROM COUNCILOR CLARK TO READ CAPTION AND ADOPT ORDINANCE 2013-006, SECONDED BY COUNCILOR GRANT, MOTION PASSED 6:0, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR, (COUNCILOR FOLSOM WAS ABSENT).

Mayor Middleton addressed the next agenda item.

E. Resolution 2013-047 Endorsing the SW Corridor Plan and providing direction for future participation in the implementation of the SW Corridor Plan

Julia Hajduk Community Development Director stated the Council held a work session this evening regarding the SW Corridor and Council also received an update from Metro Councilor Dirksen a few months ago as part of your regular business meeting under presentations. Julia said for the past two years, staff and former Mayor Mays and current Mayor Middleton have been working on the Plan and the purpose of Plan was to create a framework intended to improve the land use and transportation conditions of the SW Corridor. She said throughout this process we identified existing conditions, opportunities, challenges, goals, worked with all the affected jurisdictions, Portland, Tigard, Tualatin, Sherwood, as well as jurisdictions that touch the SW Corridor area, Beaverton, Lake Oswego, Durham, King City, Washington County, Metro and Trimet. She said through this process a plan was developed and said the SW Corridor Plan identifies some of the things identified through the Plan and up to this stage, that high capacity transit is not an alternative to be considered further in Sherwood at this stage of the implementation, but local transit service particularly between Tualatin and Sherwood is an integral element of the plan.

Julia stated the resolution before the Council will formally endorse the work that has been developed to date which will facilitate moving the project to the next step and it also confirms the City's commitment to remain part of the process. She said one of the reasons why we believe that is important is that it allows us to benefit from funds leveraged with our jurisdictional partners to implement the Corridor Plan, and we would also have the ability to inform future decisions within the region and actively participate in addressing transportation and transit issues important to the local community.

She said from a financial standpoint it will involve staff time, we anticipate 2-4 meetings per month throughout the process as well as the Mayor will be going to some meetings. We also anticipate that Metro will be asking the local jurisdictions to participate in some funding in the next budget cycle, and we don't know what that is yet and we would certainly be able to make decisions on how much we are willing to pitch in as we get further along in the process.

Councilor Butterfield stated he personally does not endorse the Plan, but does see the need to keep our finger on the pulse. He said he is kind of torn, and will await comments from the other Council members.

Council President Henderson stated we have talked about this at a number, 3 or 4 work sessions, and as Julia mentioned, light rail is not an option for Sherwood. She said she has stated, as long term plans, that whatever improvements we get, improve not only residential traffic but commercial traffic. She said having discussed Tualatin-Sherwood Road this evening, and being part of the discussion, we are at the end of the line of the Corridor, and don't want to be the last to be offered a piece of the pie, and sitting at

the table is an important issue. She said she doesn't believe there is anyone in the room that doesn't want improved transportation east-west or who would turn away public transit east-west, which we currently don't have, from Sherwood going east. She said this is what she is hoping for.

With no further comments, the following motion was received.

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO ADOPT RESOLUTION 2013-047, SECONDED BY COUNCILOR CLARK, MOTION PASSED 5:1, (MIDDLETON, HENDERSON, CLARK, GRANT AND LANGER VOTED IN FAVOR, BUTTERFIELD VOTED AGAINST, (COUNCILOR FOLSOM WAS ABSENT).

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

8. PUBLIC HEARING:

A. Resolution 2013-048 Calling an election on and approving a Ballot Title, Summary, and Explanatory Statement for the annexation of 12 tax lots comprising 97.5 acres of land in the Brookman Road Plan Area for the November 5, 2013 Election

Brad Kilby Planning Manager came forward and made a presentation to the Council, (see record, Exhibit E). He said the Council has before them a request from 12 property owners in the Brookman area to annex their properties into the City of Sherwood and the total acreage of that request is about 97.5 acres. Brad stated he will speak of the differences between this request and the request that was on the ballot in 2011.

Brad stated the request from 2011 was a request to annex the entire Brookman area that was brought into the City in 2002 with the UGB expansion and that would have been 258 acres. It required approval by both the City voters and the voters within the affected area. He said within that affected area, the election went down 78% voting "no" with 38 properties against it and 10 properties for it. Within the City it failed with a margin of 51% to 48%. He said tonight's request would be different because it was brought in under a triple majority method, meaning that the majority of the owners that own the majority of the property, with the majority of the assessed value have requested to be brought into the City and annexed into the City. He said it only requires a vote of the city folks as opposed to the city and the affected area, because the area that would be affected by this annexation, they have all signed on to come into the City. He said the "hatched" area down at the bottom (referencing the map in the presentation) shows the 12 properties that have requested and signed the petition to come in. He said if you choose to put this on the ballot, the City limits would extend to the west side of Brookman Road, and wouldn't be the east side, we would extend it all the way over to the west side to accommodate future improvements if development was to come in.

Brad said in 2009 the Brookman Concept Plan was approved by the Council, which essentially adopted zoning the area and the properties that are affected by this annexation, (Brad referenced the map in the exhibit) property near Ladd Hill and Middleton Road and said this property is all zoned for residential development and is bisected by a large natural resource area, and I would expect upon annexation that it would be zoned Medium Density Residential Low and Medium Density Residential High and any future development within that area would need to accommodate sewer and water access and would

have to be extended and upgraded from the existing City services as well as protect that resource in compliance with our development ordinance and the standards of Clean Water Services. He said Brookman Road would serve as a primary access for future development in this area, secondary road include Middleton, Ladd Hill and Old Hwy 99, but essentially the primary access into this area would probably come from either Middleton or Brookman Road. He said utilities are available (he referred to map in the exhibit) near Ladd Hill and said this is where the sewer would come in, a flag portion along the City limits and that piece of property is where the sewer is expected to come in. He said sewer and water would have to be brought in by future development and it would have to be upgraded. He said property zoned for primarily residential development, 97.5 acres, it's served by Tualatin Valley Fire and Rescue (TVFR) and will continue to be served by TVFR. Police service is currently provided by Washington County Enhanced Sherriff Patrol District and that would go away with this resolution and ultimate approval by the voters and would be picked up by the Sherwood Police Department.

Brad addressed taxes and said it did not change much from the 2011 election; the tax rate is such that people out there will be paying on average of \$429 per \$100,000 of assessed value over what they pay today, if they paid like the taxes that were the full tax on their property. A lot of the properties out there are in some type of tax deferral, whether forest or farmland or some other type. He said they do not lose that deferral if they are annexed into the City, they lose the deferral upon development. He said in 2011 the City Council entertained, a City initiated request, an offer of phasing in the taxes over a period of ten years, this is something that the legislature allows, the applicant did not request it in the application and you might hear them request it tonight.

Brad referred to the presentation and the list of properties and parcel sizes, from less than .5 acres to 15.82 acres, but the overall assessed value of the properties is about \$2,154,880 and all 12 of the properties have a represented signature asking to be brought into the City. Brad stated staff recommends the Council approve the annexation request by adopting a resolution. He said this has to occur tonight in order to get on the November 5, 2013 ballot and if you decide not to take action on this request tonight or want to consider it later, then it probably won't get on until the March 5, 2014 election. He said this annexation request is on the same timeline as the Special Committee and ordinances being discussed.

Brad said Council may amend the resolution to include additional properties, but this is not recommended by staff, they haven't been brought in. Brad referred to the map and said typically we don't like to see islands, and pointed out three properties surrounded by City property, if annexation is successful. He said he believes the applicant has spoken to all the property owners and these folks did not have an interest in coming into the City. Brad said there is a gentleman on the end (referred to map) that is interested in coming into the City, and staff has spoken to the City Attorney, and unfortunately it's a procedural issue, he would not have met the notice requirements to get onto this ballot, and in order to bring him in would negate the request of the 12 other property owners and push it out to a March 5, 2014 election.

Brad offered to answer Council questions, with none heard the Mayor opened the public hearing.

Brad stated written testimony was received today by the Council through the City Recorder, that he wants to enter into the record. An email from Bridgette Storey sent today at 12:29pm (see record, Exhibit F), who lives on Redfern and she had concerns about the extension of Redfern and she would like to see all the properties brought in, if they were going to be brought in at all. Brad said if the Council

looks at the ordinance staff has proposed it has language that does not extend Redfern and therefore takes care of that issue but does not take care of her request to bring in all the properties. We also received a letter from Chris and Meerta Meyer (see record, Exhibit G), who have indicated that they don't believe this annexation is timely, that the 2009 Concept Plan is outdated and needs to be updated before we can consider annexation of this area.

Mayor Middleton opened the public hearing to receive testimony.

Stephanie Garrison came forward and confirmed the properties shown on the map with the hash marks signed something requesting to be annexed. Brad Kilby confirmed. She asked if it was through a realtor. Brad replied it was through a petition. Ms. Garrison said her concern is she knows one of the property owners did not sign anything and is not interested in being annexed. She said if she knows of one that is a personal friend, how many more x's on the map, is staff lying about. Conversation ensued and Mayor Middleton interjected.

Tom Pessemier spoke and asked for a process check. He said this is not a land use hearing, and we typically try and run these similar to a land use process. He said typically we allow the applicant of the proposal to come up and make opening remarks and we usually give them a period of time, due to the late time tonight, 10 minutes could be given to make a presentation, then allow the rest of the public to come up and provide comments and allow the applicant to reserve time to rebut those comments. He said this might add benefit to this process as questions can be answered by the applicant and staff doesn't have to answer some of the questions because they are the applicants to address. Tom suggested inviting the applicant forward to answer questions and avoid the back and forth conversation between staff and members of the audience.

City Attorney Pam Beery stated she concurs and said if folks come up to testify that questions are directed through the Mayor and not directly to staff.

Ms. Garrison stated as a Sherwood land owner she would like to see written evidence that these people signed saying they wanted to be annexed in, she said she is finding it highly doubtful. She said she is concerned about the high density growth in the area and not having good roads, Brookman road does not have a shoulder, a hilly road, hardly any divider on it, people drive 50-55 miles per hour, it's a really dangerous road. She said, if you guys are talking about development wise, and eventually it might get annexed in, in speaking of development, keep this in mind and drive the road and sit in some ones driveway, this is not an easy road to get out of. She said when we drive out on Brookman we get tagged nearly every day. She said she would like to see evidence that people signed up for this and offered to leave her contact number and said to the Council when you consider adopting a plan for this area keep in mind how, what a crappy road Brookman Road is for pull-in pull-out.

Mayor Middleton asked if the applicant was present.

Chris Goodell with AKS Engineering 13910 SW Galbreath Drive, Suite 100, Sherwood, came forward and said we prepared the application and submitted it for the property owners that are included, he commented regarding proceedings being a bit out of order with the applicant typically going first and now we are responding to comments. He said staff can talk about this as well and said the requirement for the triple majority in the annexation is that we get a majority of the property owners and a majority of the registered voters in the affected properties and we have well beyond that with 89% of the property

owners and 90% of the registered voters of the affected area that is hatched in there (referred to the map in the presentation).

He said he thinks, he is guessing, the property that is being discussed is under a split ownership with a 1/3 ownership, 6 owners he believes and said we have 2 out of the 6 owners, 1/3. He said one of the parties signed the petition. He said that issue aside, the application satisfies the annexation requirement criteria as far as the triple majority. Mr. Goodell offered to answer questions regarding the application.

Councilor Grant asked Mr. Goodell to explain the improvements that are to come onto Brookman Road by the time all the property got developed, whenever that is. Mr. Goodell stated staff can probably answer this question better than himself and said the Concept Plan has a list of improvements to intersections and frontage improvements for the properties on Brookman Road. He said the expectations is, Brookman is a County road and would be improved to County standards, curb gutters, sidewalks and said he believes it's a collector street, three lane section.

Mayor Middleton indicated to the Council it was past 9:30pm and said this would be the last order of business for tonight and asked if the Council was okay with that, no Council objections were received.

Tom Pessemier informed the Mayor, if we followed our normal process, we would have other members from the audience come up. He said Chris Goodell has taken 2 minutes of his time, he could provide comments to questions of the audience and could then have dialog with the Council.

Mayor Middleton agreed.

Neil Shannon 23997 SW Redfern Dr. came forward and stated he has been referred to as a citizen activist who you can take your activities back to a starting point, and he takes this back to October 10, 2007, which was a first of a Brookman Road Concept Plan public meetings that I had an opportunity to attend. He commented regarding attending several meetings for Brookman road and said he is very familiar with the program. He said he is in opposition to this annexation and believes the City would be better served to take a look at annexing the entire section of properties as a lump sum rather than take it as piecemeal. He said he is concerned about leaving islands that are not part of the City that would continue to be parts of Washington County rather than the City. He said he knows that there were a lot of problems with that along Tualatin-Sherwood Road at times in the past. He said he is very aware of the election two years ago, and is not surprised that it failed at the time, he personally did not feel that the City was supporting the program very diligently. He said as far as the City not adopting it, there was a Council Charter change as well posed at that election and there was a lot of negativity towards the City at that time, and he is not surprised that the annexation failed. He said as far as the annexation failing from the Brookman Road residents, he said he talked a number of them, and the reason it failed at that time was because of the economy. He said no one there saw any opportunity of selling or developing their property and saw no reason to join the City of Sherwood, even with the ten year grace that was being offered at the time for City taxes and City services. He said he thinks that may be reversed now and thinks this proposal is an indication of that reversal. He said another concern he has is a note on display at the properties, the bottom right hand corner, he would like to double check that it is a property that is being proposed for annexation. He said he has looked at it and has some plot plats, he believes it's labeled as property 105, and it is not listed as one of the tax ID's that are on the table and I see that the owners, this was probably three years ago, the property may have sold, but the owners at that time were listed as John and Denise Hagg and said he did not see them on the

petitioners list either. He said he is concerned and wants to make sure this is accurate. He stated he is in opposition of this annexation and the City would be better served to look at trying to bringing the entire section of properties in. He said Brad mentioned the sewer line coming down the little flagpole and said he is surprised as the City just last year did a major sewer line improvement from Cedar Creek parallel to Redfern and have stubbed out at the stub end of Redfern Drive.

Susan Claus 22211 SW Pacific Hwy came forward and said before, when the Concept Plan was contemplated, all of the annexed properties that were proposed in that whole Concept Plan were supposed to be responsible for the infrastructure, on whatever prorated basis or share. She asked what is the mechanism if it's piecemealed in, are you obligating the people who have already said they don't want to be annexed in, how do those prorated shares go and are we still dedicated to the idea that this group of properties, this concept, that they have to pay their own way for the infrastructure. She said she asked that not only on behalf of the citizens, but especially on behalf of the people contemplating the annexation. No one wants to be presented with an astronomical bill that they did not understand, that they were responsible for the infrastructure that would allow them to come into the town. Including Brookman Road, it is not part of the City, how are they going to improve that and what are we going to do there. She said until we have clarity where everybody understands their obligation, so the citizens are voting on who's responsible for the infrastructure, the annexation people understand and the people who are not being annexed in also understand, we as a city obligate them as a future... their property values are going down tremendously, if there is some way we are obligating them to this whole idea and plan, everybody needs to be aware of that and it should be within the notification of all the people in this district so everyone is on the same page and no one gets surprised by a bill for infrastructure. She said she wants to confirm that even though there are high percentages of people that agree that the registered voters and property owners, that it does take at least 51% of the vote of the city residents. Is that 51% of the residents that vote on that particular time? What does that 51% entail and does that stop everything in its tracks. She stated like one of the other problems, we had either or language that said...maybe that was a scribes error or whatever. She said we have always been dedicated to the fact in the City of Sherwood that the citizens have that vote and it's a majority, not an either or, and if we had 49% or less with the citizens but these guys agreed to it, and because they agree to it can that override, it shouldn't be that way and I want to make sure it's not. She said it's also incumbent on us as if we are preparing the ballot title that we have clear language and don't use double negatives, people aren't voting when they think they are voting no for something they are actually voting yes, please make the language clear on the ballot and any kind of writing that the city does on behalf of that on the ballot language, make it clear, let the voters know because a lot of those people are only going to engage themselves at the time they are going to vote. She said staff has been committed at the metro level to have high density coming into this area, whether it's Brookman or the other side of 99W, if it is true that we are MDRH to MDRL, there should be some kind of notice to the citizens, if you're going to try and jam a bunch of apartments on the south end of town we need to know and that is appropriate and don't do a bait and switch.

Denise Hagg 16655 SW Brookman Rd. came forward and stated we are that property on the far right hand side and that was a mistake, we did not sign a petition, we are not interested in coming into the City.

Mike Walsh came forward and asked regarding process and asked if there is ever a situation that could arise where if this did not come to a ballot that the Council would be able to vote it into annexation or not.

City Attorney Beery asked for clarification on the question. Mr. Walsh stated right now the proposal is to put this to a vote to the citizens of Sherwood, and if it's denied to put on the ballot now or in 2014, would there ever be a situation that would arise where the Council can make that decision to annex or not.

City Attorney Beery stated the City Charter requires voter approval for annexations and there are also state law provisions that dictates who votes and in this case because of the level of consent, it's Sherwood voters and it would take a Charter change to allow the City Council once again to allow annexation.

Mr. Walsh said his understanding of the original assessment of how the property should be zoned and its impact to the community was done back in 2009 and to the point that the letter was proposed, what is the standard timeframe for the city to review these plans to where they are still valid, is there a set timeframe where a study may expire and be required by ordinance to be reviewed again.

Julia Hajduk replied there is no set timeline and when this was adopted and implemented via our Comprehensive Plan, so you have Comprehensive Plan designations in place and it would not expire, that doesn't mean you can't reevaluate in the future or at any time, the zoning of an area and update a plan if you so choose, but there is no expiration to the Comprehensive Plan.

Mr. Walsh stated he would propose that this is postponed from being on the ballot for this year, for a few reasons; from 2009 to current date, seems to him as a fairly large span of time given the developments occurring on Tualatin-Sherwood, with Walmart and the light at Regal Cinema, this needs to be reassessed. And as a citizen of this city, I would like to know specifically what lots are going to be zoned high density, where apartment buildings are going in and would like to have that information so I can make a well informed decision and I don't think that information is being presented currently.

Tim Voorhies PO Box 908 came forward and thanked everyone for their time and effort and asked if this is a land use issue. City Attorney Beery replied this is the Councils determination of whether to send this to the ballot, if it's approved by the voters then the later actions taken to zone it would be land use decisions.

Mr. Voorhies said, but isn't it land use because you're voting to bring it in and stuff and should notifications have been sent out to property owners. Ms. Beery replied, this decision is whether...because we have a voter approver requirement in the Charter, the first step is for the Council to send the question to the voters and if the voters approve it, then it will come back to the city to take those land use actions and at that point notice will be provided.

Mr. Voorhies said the problem he sees with this, directing his comments to the Mayor and said he knows it isn't the Mayor, but after a decision is made by the city or any public comment has been made or anything like that, the decisions have already been made, the plot plans have already been mapped. We as citizens are always behind the eight ball, trying to get caught up. We lose money trying to play with the City and fight with the city and everything else, our tax dollars are paying them to fight with us. My property at SteelTek is probably 750 feet away, and if I had not come down today and read this, I would have not known anything about this until it's too late. He asked what about all the other property owners, what about all those people that have kids in Middleton, Archer Glen, you bring in high density, where are those kids going to go to school. Where are those kids going to go to school with the 102 unit

insta-slum you're putting in, what about the 40 extra apartments that are going in above the commercial that I've heard about at the cannery site. Why bring something in if you don't have the infrastructure to support it, it doesn't make any sense to bring it in. Tax dollars are tax dollars, it doesn't make sense and one property up there is wrong, what it really a "slide of a hand". He stated he doesn't trust the election process, doesn't trust the staff on getting the proper amount of signatures on initiatives, a lot of stuff has gone wrong here and we need to make it right and you all as Council members are the boss for the city. He said he has heard old city managers say it's what you want us to do, we do what the Council says.

City Attorney Beery stated she would like to add clarification on what notice was given to make it clear; she said this is clearly not a quasi-judicial proceeding, which is the kind of proceeding the witness indicated would require individual property owner notice, the city processes these initially as legislative matters because of the size of the proposal and the notice that was given was given in accordance to legislative procedures. Ms. Beery confirmed with Julia Hajduk and Julia said it a process in accordance with Metro and state law for annexations which are different from a traditional land use action.

Comments and questions were heard from the audience and Mayor Middleton requested the audience members not speak from the audience and called forward Mr. Goodell.

Mr. Goodell came forward and stated he believes city staff posted the sign on the site. He said their legal description included in the application did not include the corner property and said Brad can speak as to what happened there. Mr. Goodell said it was not included to be annexed. He said with respect to piecemeal, this is a property owner initiated annexation, the prior go-around was a city initiated annexation, he said it is almost impossible to gather 100% of the property owners in a private property owner initiated annexation, he said it's different, you had a few property owner spearheading the process and got a large group of owners together that wanted to be annexed into the City, aside from the one property in the corner, that is what you see before you, it's owner initiated and not possible to get every single person and it is not required. He commented regarding the high density comments and said this is all medium density and this is a function of the Concept Plan, all the zones have been spelled out for a couple of years is medium density residential, 5000-7000 square foot lots. He said he doesn't know if this is considered high density residential, but it is not per the City's ordinance. He said in terms of traffic and infrastructure, annexation in and of itself has no impact on traffic, you're not going to see a single subdivision as a result of the annexation, you're not going to see new homes built as a result of the annexation, or people hooking up to sanitary sewer connections as a result of the annexation, that is something that would become evident after a zone change application and after subdivision applications were approved. He said in that case, you would have neighborhood meetings, further hearings and a full public process for all those types of activities. Mr. Goodell emphasized, this was a property owner initiated annexation, people that wanted to join the City and this is the impetus behind the application. Mr. Goodell offered to answer questions.

Mayor Middleton closed the public hearing and asked for Council discussion, indicating that Brad Kilby could address the question of noticing.

Brad Kilby stated there is a mapping error on tax lot 105, and said if you notice (referring to the map in the presentation) at the end, all of the property owners that did sign it, 105 is not included, it's simply a mapping error. He said that property is not included in your ordinance to be brought in, it was the actual legal description submitted by the applicant along with those properties that had signed the application. He said you can see this tax lot, which is 9.92 acres tax lot assessed value \$63,900, about half way

down, it says signed petition, 1 of 3, this is what Chris Goodell was talking about with 1 of the 3 landowners signed it. He said this is enough for a majority when you're talking about the whole area. He said it's the majority of the property owners, with the majority of the area with the majority of the assessed value, that's what constitutes a triple majority. Brad said with regards to the notice, state law requires that everyone within 100 feet of the properties proposing to come in be notified, and that notice was sent out and it also required that we post notice in the Tigard Times and we did that for two consecutive weeks, even leading up to this hearing and we also posted the site in two locations, on Middleton and on Brookman. He said it's a fairly large property and these were the two most logical places to post, Brad explained the specific areas of the posting. He said we contacted the School district to see whether or not they had issues with these properties coming in and they were involved in the planning of the 2009 Concept Plan and they did not express any concerns of the capacity at the school.

He said can some of these properties be developed with multifamily structures, he referred to the presentation map and said the bright yellow ones could potentially be with multifamily residential, the tan colored ones are medium density residential low and in the medium density residential low, multifamily dwellings are not a permitted use. He said it's a small portion of that site if they were to be developed multifamily, they could potentially be, but he is not sure of the acres of that area or what NCD's they could get. He said with regards to Brookman Road and future development out there, Brookman would come in with this annexation to the City and would still be a County facility, but would be in at the City to allow City utilities to go down Brookman and it would have to be improved to meet County arterial standards, which at this point is a three land section, similar to what you might see at Day Break on Elwert. He said he thinks there are larger issues with Brookman, but annexation is not necessarily the time to address those, this is how City's grow, you annex property in and as it gets developed, and you already have it concept planned, you know where utilities are coming from, you know your streets and know what your zoning will be and at the point where this comes in, there is a discussion of how the properties are developed and what improvements are required to serve those specific properties. Brad addressed the comments about plan expiration and said this is a 2009 adopted plan and this was brought in in 2002 to accommodate a projected 20 year land supply for the city, under the urban growth boundary amendment. He said we took seven years before we actually planned it and then five years, and it's still within its twenty year plan horizon.

Councilor Langer stated to confirm, this is all private property and all owners, with the exception of two that happen to be on a property where there are three owners, everybody with the exception of those two are requesting and signed for it. Brad confirmed this is correct and said the petitions and signatures were certified by Washington County. Brad provided additional right-of-way information indicating this was public.

Councilor Langer confirmed the schools were involved in the decisions and did not have any capacity issues. Brad replied they were involved in the 2009 Concept Plan and did not raise any issues with capacity and he attempted to contact Heather Cordie, Superintendent on three different occasions and spoke with her Administrative Assistant and she said they had no comment.

Councilor Langer asked the 2009 Plan you're referring to is a 20 year plan. Brad replied he is not sure what the time horizon is, but an urban growth boundary expansion is intended to accommodate a 20 year growth supply, so in 2002 when they made that they said over the next 20 years we expect this area to develop to urban density and the City came in 7 years later and went through the concept planning process to designate and comp plan that area.

Councilor Langer asked how much other similarly zoned properties in Sherwood are available for residential, the majority of this is medium density residential low, is there much other property of that zoning type sitting around the City. Brad replied he doesn't know the exact numbers and there are probably properties along Elwert that would be eligible MDRL and the majority of other properties you might see developed are infill projects that are small, under 10 lots.

Councilor Langer asked if the Brookman area is the next big growth spot for Sherwood. Brad replied it's the area that has been designated for growth since 2002, and there are other areas you might recall, that were brought into the Urban Reserve Area, those are areas that might be considered and are currently under consideration under the appeal that is at the state level, as to whether or not they can be covered as Urban Reserves, potentially those areas could come into the Urban Growth Boundary and be developed prior to this.

Councilor Langer asked if we approve it and let it go to the ballot tonight, this is obviously not the last step past the majority vote of the citizens of Sherwood. Brad confirmed it's up to all of the Sherwood citizens and not up to the people within the area anymore, he clarified the people that are not part of this request will not get to vote on this request because they are outside of the City and their property is not being proposed to be annexed.

Councilor Clark addressed the comments about piecemeal and asked if there is a problem with bringing the property owners in with respect to the Sherwood citizens approval, that want to be in and not including the properties that don't want to be in. Brad replied not specifically related to, what they have assembled here are properties where it is conducive to serve with public utilities extended outside of the City. He said under ideal circumstances you would want the entire area to come in because that makes the most sense to work with all the property owners to bring in services. He said this is a large group of people and it's like herding goats when you're trying to assemble a bunch of property owners that have the same idea and we know from experience that not everybody in Brookman Road agrees that their property should be annexed, so I would highly suspect, unless again you went with a City initiated annexation to annex the entire area, it would have to pass muster again to come in much more than you see today. He said he thinks what you see is something referred to, development follows pipe and pavement, and suspects that once these properties adjacent out here have services available, they will be interested and might try and annex into the City. He said to be clear, nobody in this area is required to develop their property once they are annexed, that is still a property owner decision and when they do decide to develop they will be subject to our standards as opposed to the existing standards of Washington County.

City Attorney Beery added she agrees with what Brad has said and from a legal standpoint there is no limitation other than that the boundary be reasonable and given that public services and facilities are those that have been considered with these, she is certain that the test will be met and this is the legal requirements.

Tom Pessemier added we have studied this area for a long time since 2009 with a concept plan and the proposal is fairly logical when you talk about being able to serve it with utilities, if you were going to stage an annexation proposal, which would make sense in this area, this is the most likely way we would do it if the City were to propose it. He said we would tell you if we did not think it was readily serviceable, and the last thing we want to do is create issues that we will have to live with for a long time

and the Council would have to live with because people can't logically develop their property, this particular configuration of property does make a lot of sense to city staff and the Engineering Department.

Councilor Butterfield stated his vote tonight is going to be to send this to the voters.

Attorney Beery asked Brad, he indicated that the cross-hatching was a mapping error and the legal description that was submitted doesn't include the erroneous cross-hatched parcel. Brad replied this is correct. Ms. Beery confirmed the acreage calculation and everything else was done based on the correct area so that we have a correct ballot title in front of the Council. Brad replied it is correct based on 97.5 acres and 12 parcels.

Mayor Middleton stated he agrees with Councilor Butterfield, that these people brought this to us and we are not out there trying to take their land.

Mayor Middleton asked for a motion.

MOTION: FROM COUNCILOR GRANT TO ADOPT RESOLUTION 2013-048, SECONDED BY COUNCILOR LANGER, MOTION PASSED 6:0, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR, (COUNCILOR FOLSOM WAS ABSENT).

9. ADJOURN:

Mayor Middleton adjourned at 10:05 pm to a URA Board of Directors meeting and due to the time, the Council did not address Citizen Comments, Council Announcements or the City Manager Report.

Submitted by:

Sylvia Murphy, MMC, City Recorder

Bill Middleton, Mayor



SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
August 22, 2013

REGULAR CITY COUNCIL MEETING-Special Meeting

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 5:32 pm.
2. **PLEDGE OF ALLEGIANCE:** Mayor Middleton waived this formality.
3. **COUNCIL PRESENT:** Mayor Bill Middleton, Councilors Bill Butterfield, Matt Langer and Krisanna Clark. Councilor Dave Grant arrived at 5:34pm. Councilor Linda Henderson and Robyn Folsom were absent.
4. **STAFF PRESENT:** Tom Pessemier Assistant City Manager, Julia Hajduk Community Development Director, Brad Kilby Planning Manager, Colleen Resch Administrative Assistant and City Recorder Sylvia Murphy.
5. **NEW BUSINESS**
 - A. **Resolution 2013-049 a Resolution repealing Resolution 2013-048 and calling an election on and approving a Ballot Title, Summary, and Explanatory Statement for the annexation of 12 tax lots comprising 97.5 acres of land in the Brookman Road Plan Area for the November 5, 2013 Election**

Mayor Middleton referenced a new map provided by staff (see record, Exhibit A) and said this is the third map we received and asked Planning Manager Brad Kilby how comfortable he was with this and said it seems like we are moving very fast and there's a lot of errors. Brad replied 120% comfortable and said he verified the map with the applicant and went through it. Brad stated he is not a GIS guy and is not making excuses for GIS, and the person that created the map is not here and wasn't here to make the corrections and he tried to make the corrections on his own and he is now 120% positive the map is correct.

Mayor Middleton asked what about the rest of the packet. Brad replied the rest of the packet is correct, as well and there was some word-smithing that was recommended based on some of the testimony provided Tuesday night. Brad explained from the meeting held on Tuesday, there was one property that had three property owners and the resolution indicated we had 100% and it should have said the majority.

Assistant City Manager Tom Pessemier added staff has spent the last day and a half going over this in detail and said we had issues with a ballot title that was done a year and a half ago and said they were minor issues, but minor issues are a big deal on ballot titles and explanatory statements. He said we have been through this 3 or 4 times as have the city's attorney's and Brad verified every single tax lot on the map and has spent a lot of time between Tuesday and tonight making sure it's the best that it can be.

Mayor Middleton stated the little word of “majority” is a lot different than “all”, and we would have paid for that. Tom confirmed and said rather than trying to quantify it, we are meeting the state law requirement which indicates “majority”. Tom explained if the applicant wants to do something in the ballot indicating a percentage that is up to them, but we did not want to take responsibility for anything other than what we are required to do under state law.

Mayor Middleton stated he does not want to rush anything through like this again. If we have time, we can always wait and do it right.

Councilor Butterfield stated his contention was that we work hard and have everybody take a look at us and know that we are transparent and honest and this made us look, I felt, silly and that we were not prepared or did not have correct information and the audience took it as we were trying to pull something over on them. He said we need to avoid that at all costs and everybody knows why, we need to have that in the back of our heads, we shouldn't have to worry about that, but it is a problem.

Tom replied we couldn't agree more and moving forward... we don't do these very often and doesn't think we have done this particular process exactly, we have done variations of it. He said he has heard a number of things that we as staff can take away from this; we probably need to be having these conversations a lot earlier, weeks before we near a deadline on a vote. We need to think about meeting all the requirements and we met the Metro and State requirements regarding notice, but we need to think about going beyond so we let people know in the area. He said there are a couple of issues we can learn as far as noticing and getting information to the Council and the public sooner. We will consider doing this as an internal policy or maybe come back with a resolution for Council to consider adopting, stating that we can go beyond the state requirements for annexations.

Councilor Grant stated he agrees and it's not fun to be up here and this is something that is new to us and said you see people out there rolling their eyes and we are perplexed as much as they are and they are thinking we are just trying to pull something.

Councilor Grant said it was his understanding on the far right of the map, the southeastern piece was the piece that was causing the people to roll their eyes and this was the part that they didn't say yes on. He said maybe he misunderstand that. He said he did understand the piece that had the three owners and only one signed and that was not that piece. He referred to the woman that came up and said no, I'm not on board and said it was his understanding that it was only the map that was hatched but the actual list did not include the far southeast corner. He asked if he understood this correctly.

Brad replied, you're correct, none of the spreadsheets have changed, and it's still 12 parcels and 97.5 acres.

Councilor Grant stated this map appears to have changed a bit, it still has that piece crosshatched. Brad corrected and said it was the piece next to it that was crosshatched. Councilor Grant confirmed he understood the correction.

Councilor Clark referred to the new crosshatched piece, oblong shaped and said her concern is that we are sending this to the voters and creating three islands, because the property below Brookman Road is all Sherwood property, is that correct. Brad replied, it's not Sherwood property. She said so we did not create

an island. Brad replied, no, because we did not take in that right-of-way around....Councilor Clark said she knows there have been other cities that have had problems, Beaverton, Gresham, with creating islands that then have trouble with police contact and working with jurisdictions if there is a large crime in the area. She confirmed, those pieces enter into the large land that is not annexed. Brad confirmed this was correct.

Councilor Langer said he read the paragraph indicating background/problem and said it makes sense to him. He said it's a good catch and good corrections and said it would have been great to catch it on Tuesday night, there was a lot happening and a lot of drama that kind of distracted our focus on work. He said a lot of times Councilors or staff will catch it and amend something and there was a lot of activity that night and understands how we were distracted.

Mayor Middleton addressed the Resolution 2013-049 under New Business and asked for a motion.

Councilor Langer motioned to approve Resolution 2013-049, seconded by Councilor Grant. Brad Kilby indicated adoption of the resolution with the amended map. Councilor Langer confirmed.

Tom Pessemier reminded the Council of the proper process of amending the resolution first by adding the map (Exhibit A) and doing a second motion to approve the resolution as amended.

Councilor Langer withdrew his motion and Councilor Grant withdrew his second. Prior to Councilor Langer restated his motion, Councilor Clark asked about repealing Resolution 2013-048, the City Recorder indicated that by adopting this Resolution 2013-049, the title indicated 2013-048 is being repealed.

The following motion was received.

MOTION TO AMEND: FROM COUNCILOR LANGER TO AMEND RESOLUTION 2013-049 TO INCLUDE THE NEW REVISED MAP, SECONDED BY COUNCILOR GRANT, MOTION PASSED 5:0, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR, (COUNCILOR HENDERSON AND FOLSOM WERE ABSENT).

MOTION: FROM COUNCILOR LANGER TO APPROVE RESOLUTION 2013-049 AS AMENDED, SECONDED BY COUNCILOR BUTTERFIELD, MOTION PASSED 5:0, ALL PRESENT MEMBERS VOTED IN FAVOR, (COUNCILOR HENDERSON AND FOLSOM WERE ABSENT).

6. ADJOURN:

Mayor Middleton adjourned at 5:42 pm.

Submitted by:

Sylvia Murphy, MMC, City Recorder

Bill Middleton, Mayor

TO: Sherwood City Council

FROM: Mark Daniel, Police Captain

Through: Jeff Groth, Police Chief and Joseph Gall, City Manager

SUBJECT: Resolution 2013-050 authorizing the City Manager to renew the inter-governmental agreement (IGA) with Washington County for participation in the Urban Area Security Initiative (UASI)

Issue:

Should the City Council authorize the City Manager to renew the existing inter-governmental agreement (IGA) with Washington County, enabling the City of Sherwood to continue to participate in the Urban Area Security Initiative?

Background:

The City of Sherwood has become an equal partner in the security and safety/preparedness of the Portland Metropolitan Area (otherwise known as the Urban Area consisting of Clark, Clackamas, Multnomah and Washington Counties), increasing our ability to be prepared and equipped as a regional asset in preparedness. It is critical we maintain this partnership by signing the 2013 IGA.

The Portland, Oregon Urban Area was awarded its first grant under the federal Urban Areas Security Initiative (UASI) program in 2003. Pursuant to the grant guidance, the urban area created a management team called the Urban Area Points of Contact (UAPOC) Group to guide and direct program implementation. Recognizing the need for highly specific, expert-level assistance with program implementation, the UAPOC Group created regional discipline working groups.

The Law Enforcement Working Group (LEWG), as one example, was formed by the UAPOC Group as one of these discipline working groups to increase the regional coordination of public information. Other working groups include Public Works and Communications. Membership is open to agencies from the six Portland UASI partners (Clackamas, Clark, Columbia, Multnomah and Washington Counties and the City of Portland), cities within those counties, states of Oregon and Washington, federal government, transit agencies, and port districts.

Financials:

There is no cost associated with this resolution. By signing, we remain an organization which may receive grant funding, and various assets which will be used by the City of Sherwood in order to keep our critical infrastructure and assets secure, while becoming a regional resource of qualified staff, with unique assets, which may be utilized as a regional asset, for use in the event of a significant event.

Recommendation:

City Staff respectfully recommends that City Council approve this resolution authorizing signature of the 2013 IGA with Washington County for the purposes of participation in the Urban Area Security Initiative (UASI).



RESOLUTION 2013-050

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE 2013 INTERGOVERNMENTAL AGREEMENT (IGA) WITH WASHINGTON COUNTY FOR THE PURPOSES OF CONTINUED PARTICIPATION IN THE URBAN AREA SECURITY INITIATIVE (UASI)

WHEREAS, the duly elected governing body of the City of Sherwood, Oregon, having been presented with information about the need for enhanced public safety with regard to its involvement with the Urban Area Security Initiative (UASI); and

WHEREAS, the Sherwood City Council hereby resolves that continuing the intergovernmental agreement (IGA) with Washington County meets the public safety needs of the citizens of the City of Sherwood and authorizes the City Manager to sign the 2013 IGA with Washington County for the purposes of participation in the Urban Area Security Initiative (UASI).

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

Section 1. The City Manager is authorized to sign the 2013 agreement with Washington County, attached as Exhibit A.

Section 2. This Resolution shall take effect immediately upon its passage by the Council and signature by the Mayor.

Duly passed by the City Council this 3rd day of September 2013.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

INTERGOVERNMENTAL AGREEMENT

Between

WASHINGTON COUNTY, OREGON

and

THE CITY OF SHERWOOD, OREGON

THIS IS an intergovernmental agreement (Agreement) between Washington County (County) and the city of Sherwood (City) entered into pursuant to the authority granted in Oregon Revised Statutes (ORS) Chapter 190 for the coordination of activities related to use of the United States Department of Homeland Security's Urban Areas Security Initiative (UASI) grant program funds for addressing the unique planning, organization, equipment, training, and exercise needs of high-threat, high-density urban areas to assist in building an enhanced and sustainable capacity to prevent, protect against, respond to, and recover from acts of terrorism.

Recitals

WHEREAS, the United States Department of Homeland Security, Federal Emergency Management Agency (FEMA) Grant Programs Directorate, provided UASI grant funding in the amount of \$2,157,259 in Fiscal Year 2012 to the state of Oregon (State) for distribution to the Portland Urban Area (PUA); and

WHEREAS, the State awarded UASI Grant #12-170 (CFDA #97.008) to the city of Portland, Bureau of Emergency Management (PBEM), as subgrantee, for Fiscal Year 2012 in the amount of \$2,049,396, a copy of which is attached to this Agreement and incorporated herein as Exhibit A; and

WHEREAS, UASI Grant #12-170 is intended to increase the capabilities of the PUA, which includes jurisdictions, agencies, and organizations in Multnomah, Clackamas, Columbia, and Washington counties in Oregon and Clark County in Washington, to prevent, protect against, respond to, and recover from threats and acts of terrorism; and

WHEREAS, a list of equipment, supplies, professional services, training, and exercises to be funded by the grant has been developed through the application process and coordination with the State; and

WHEREAS, PBEM, as Grant Administrator, is required to oversee and coordinate the expenditure of the UASI grant funds and has developed procedures to guide the procurement, delivery, and reimbursement processes; and

WHEREAS, PBEM, as Grant Administrator, is required to make periodic reports to the State regarding the expenditure of the UASI grant funds and has developed procedures to coordinate the collection and submission of information and documents needed to support the reporting process; and

WHEREAS, the city of Portland and all other PUA jurisdictions, agencies, and organizations that receive direct benefit from UASI grant purchases are required to comply with all terms of the UASI Grant # 12-170 award including, but not limited to, obligations regarding reporting, access to records, financial tracking and procurement, and supplanting of funds; and

WHEREAS, the city of Portland has entered into an agreement with Washington County to secure the County's commitment to follow the city of Portland-developed procurement, delivery, reimbursement, and reporting procedures, to ensure its compliance with all terms of the grant, and to obligate it to coordinate with and obtain similar assurances from directly benefiting jurisdictions, agencies, and organizations within the County (sub-recipients).

NOW, THEREFORE, the parties agree as follows:

1. **The County agrees:**

- a) To coordinate grant-related procurement, reimbursement, and reporting activities with the City consistent with the processes developed by the city of Portland to manage those activities.
- b) To serve as the point of contact for all requests made by the City and to be responsible for submitting all purchase requests to the city of Portland on behalf of the City.
- c) To maintain a sub-recipient monitoring plan in compliance with the requirements set forth in the most recent versions of applicable federal regulations and Office of Management and Budget (OMB) circulars.
- d) To ensure the City maintains compliance with the terms of this Agreement and UASI Grant #12-170.

2. **The City agrees:**

- a) That it has read the award conditions and certifications for UASI Grant #12-170, that it understands and accepts those conditions and certifications, and that it agrees to comply with all the obligations, and be bound by any limitations applicable to the city of Portland, as grantee, under those grant documents.
- b) To comply with all city of Portland and State financial management processes, and to maintain accounting and financial records in accordance with Generally Accepted Accounting Principles (GAAP) and financial, administrative, and

audit requirements as set forth in the most recent versions of the Code of Federal Regulations (CFR) and OMB circulars. A nonexclusive list of regulations commonly applicable to DHS grants includes:

- i. Administrative Requirements: 44 CFR Part 13 (State and Local Governments) and 2 CFR Part 215 (Non-Profit Organizations).
 - ii. Cost Principles: 2 CFR Part 225 (State, Local, and Tribal Governments); Part 230 (Non-Profit Organizations); and Federal Acquisition Regulations (FAR) Part 31.2 (Contracts with Commercial Organizations).
 - iii. Audit Requirements: OMB Circular A-133.
- c) To comply with all city of Portland and State procurement requirements, including competitive bid processes as outlined in Portland City Code (PCC) and Oregon Revised Statutes (ORS). A nonexclusive list of code and statutes commonly applicable to procurement include:
- i. PCC Chapter 5.33 (Goods and Services) and PCC Chapter 5.68 (Professional, Technical and Expert Service Contracts).
 - ii. ORS 279A (Public Contracting – General Provisions) and ORS 279B (Public Contracting – Public Procurements).
- d) That all equipment, supplies, and services provided by the city of Portland are as described in the approved grant budget documents, which the City has seen.
- e) That regardless of how it is procured, all equipment and supplies purchased shall be owned by the City until disposition takes place. The City shall be responsible for inventory tracking, maintenance and storage while in possession of such equipment and supplies.
- f) That regardless of who the owner is, all equipment purchased with grant funds will be made available to all eligible regional partners per 44 CFR 13.32(c)(2). All reasonable requests must be met when sufficient notice is given and no reasonable conflict exists. Owners may not charge “rental” fees for equipment, but may seek reimbursement for normal expendables (not already covered by grant funds) such as fuel, vehicle damage, maintenance for wear and tear, etc., when appropriate.
- g) To comply with all property and equipment tracking and monitoring processes required by the grants, this Agreement, the city of Portland, and the State, and to treat all single items of equipment valued over \$5,000 as fixed assets and to provide the city of Portland with a list of such equipment. The list should include, but is not limited to, status, asset number, funding source, date of purchase, equipment description, serial number, and location where the equipment is housed or stored. All requirements for the tracking and monitoring of fixed assets are set forth in 44 CFR Part 13 and OMB Circular

A-133. An A-133 compliance supplement on transfer and disposition reporting can be found on the Whitehouse website:
http://www.whitehouse.gov/sites/default/files/omb/assets/OMB/circulars/a133_compliance/2011/pt3.pdf. The City shall maintain and store all equipment and supplies, provided or purchased, in the manner that will most prolong the life and keep it in good working order at all times.

- h) That any request or invoice it submits for reimbursement of costs is consistent with the items identified in the approved grant budget documents.
- i) That it understands and accepts full financial responsibility and may not be reimbursed for costs incurred which have not been approved by the city of Portland, the State, and the U.S. Department of Homeland Security, FEMA Grant Programs Directorate.
- j) That it will not deviate from the items listed in the approved grant budget documents without first securing written approval from the city of Portland.
- k) That all publications created with funding under this grant shall prominently contain the following statement: “This document was prepared under a grant from FEMA’s Grant Programs Directorate, U.S. Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of FEMA’s Grant Programs Directorate or the U.S. Department of Homeland Security.”
- l) That all financial records, supporting documentation and all other records pertinent to this grant or agreements under this grant shall be retained by the City following termination, completion or expiration of this Agreement for purposes of state of Oregon or federal examination and audit, as established by federal, state or city of Portland retention schedules (whichever is longer). Currently, the city of Portland’s retention requirement for these documents is 10 years. A nonexclusive list of codes and statutes commonly applicable to retention include:
 - i. City of Portland Retention Schedules, Section 4808
<http://www.portlandonline.com/auditor/index.cfm?c=27183&a=7949>
 - ii. OAR 166-200-0050(17)
 - iii. 44 CFR Part 13.42
- m) To obtain a copy of 44 CFR Part 13 and all applicable OMB circulars, and to apprise itself of all rules and regulations set forth.
- n) Not to supplant its local funds with federal and to, instead, use the federal funds to increase the amount of funds that, in the absence of federal aid,

would be made available to fund programs within the UASI grant program guidelines.

- o) To comply with National Incident Management System (NIMS) objectives identified as requirements by the State and certify that the City is registered with the State as being NIMS compliant.
- p) To comply with all applicable federal, state, and local environmental and historic preservation (EHP) requirements and provide information requested to ensure compliance with applicable laws.
- q) To comply with federal guidelines concerning exclusions for vendors by verifying that a vendor is not excluded from receiving federal funds prior to any expenditure made and record of verification is maintained. Currently, verification can be made at the System for Award Management site – www.sam.gov.
- r) To provide timely compliance with all reporting obligations required by the grant's terms and the city of Portland.
- s) To provide the city of Portland and the County with Performance and Program Reports, Financial Reimbursement Reports, and Audit Reports when required by the city of Portland and in the form required by the city of Portland.
 - i. Performance Reports and Asset Inventory Reports are due to the city of Portland and the County biannually on June 15 and December 15 during the term of the grant agreement. Late Performance Reports could result in the suspension and/or termination of the grant.
 - ii. Results of the City's OMB Circular A-133 report are due to the city of Portland and the County within six months of the City's receipt of the report, along with a corrective action plan (if applicable).
 - iii. Financial Reimbursement Reports are due no less frequently than quarterly during the term of the grant agreement. Late Financial Reimbursement Reports could result in suspension and/or termination of the grant.
 - iv. Per UASI Grant #12-170, Part II, Section H.3.b., reimbursement for expenses may be withheld if Performance Reports are not submitted by the specified dates or are incomplete.
- t) To follow the travel expense and per diem guidelines as set forth by the U.S. General Services Administration (GSA) as well as the guidelines of the city of Portland and State. Per UASI Grant #12-170, Section H.3.c., reimbursement rates for travel expenses shall not exceed those allowed by the state of

Oregon. Requests for reimbursement for travel must be supported with a detailed statement identifying the person who traveled, the purpose of the travel, the dates, times, and places of travel, and the actual expenses or authorized rates incurred.

GSA per diem rates can be found on the GSA website:
<http://www.gsa.gov/portal/category/21287>.

The city of Portland's guidelines can be found on the Office of the City Auditor's website:

BCP-FIN-6.13 Travel:
<http://www.portlandonline.com/auditor/index.cfm?c=34747&a=160271>

BCP-FIN-6.14 Non-travel Meals, Light Refreshments and Related Miscellaneous Expenses:
<http://www.portlandonline.com/auditor/index.cfm?&a=160283&c=34747>

- u) To comply with all applicable laws, regulations, program guidance and guidelines of the state of Oregon, the Federal Government, and Oregon Emergency Management (OEM) in the performance of this Agreement, including but not limited to those listed in Grant #12-170, Part III. Subgrantee Compliance and Certifications.
 - v) To comply with all of its obligations under this Agreement and any applicable, incorporated document or documents.
3. **Effective Date and Duration.** This Agreement shall be effective from the date both parties have signed and shall be terminated upon the end date of the agreement between the city of Portland and the State (Grant #12-170), unless otherwise extended by the parties in writing or this IGA is terminated due to failure of one of the parties to perform.
 4. **Amendment.** This Agreement may be modified or amended only by the written agreement of both parties but must remain consistent with the requirements of the UASI program grant, the agreement between the State and the city of Portland, and the city of Portland's UASI grant agreement with the County.
 5. **Termination.** Either party may terminate this Agreement in the event the other fails to comply with its obligations under the Agreement. If the Agreement is terminated due to the City's failure or inability to comply with the provisions of the grant or the Agreement, the City will be liable to the city of Portland for the full cost of any equipment, materials, or services provided by the city of Portland to the City, and any penalties imposed by the State or Federal Government. Each party will notify the other, in writing, of its intention to terminate this Agreement and the reasons therefore. The other party shall have fourteen days, or such other

time as the parties may agree, from the date of the notice in which to correct or otherwise address the compliance failure which is the subject of the notice.

6. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State, without regard to principles of conflicts of law. Any claim, action, suit or proceeding that arises from or relates to this Agreement shall be brought and conducted exclusively within the Circuit Court of Washington County for the state of Oregon. In the event a claim is brought in a federal forum, then it shall be brought and conducted solely and exclusively in the United States District Court for the District of Oregon.
7. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be an original, all of which shall constitute one and the same instrument.
8. **Survival.** The terms, conditions, representations, and all warranties in this Agreement shall survive the termination or expiration of this Agreement.
9. **Force Majeure.** Neither party shall be held responsible for delay or default caused by fire, riot, acts of God, or war where such cause was beyond reasonable control. Each party shall make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon cessation of the cause, diligently pursue performance of its obligations under this Agreement.
10. **Indemnification.**
 - a) Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, the City shall indemnify, defend and hold harmless the County, its commissioners, employees, and agents from and against any and all liability, claims, damages, losses, and expenses, including but not limited to reasonable attorneys' fees arising out of or resulting from the acts of the City, its officers, employees and agents in the performance of this agreement. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, the County shall indemnify, defend and hold harmless the City from and against all liability, loss and costs arising out of or resulting from the acts of the County, its officers, employees and agents in the performance of this agreement.
 - b) The City shall take all reasonable steps to cause its contractor(s) or subcontractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save, and hold harmless OEM and its officers, employees, and agents ("Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including attorneys' fees) arising from a tort (as now or hereafter defined in ORS 30.260) caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or

omissions of the City's contractor or any of the officers, agents, employees or subcontractors of the contractor ("Claims"). It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by the contractor from and against any and all Claims

- c) The City shall require its contractor(s) or subcontractor(s) to obtain insurance in amounts required by OEM, not to exceed OEM's limits of liability under the Oregon Tort Claims Act, and shall provide that the state of Oregon, OEM, and their officers, employees, and members are named as Additional Insureds, but only with respect to the contractor's or subcontractor's services performed under this grant.
11. **Third Party Beneficiaries.** The County and the City are the only parties to this Agreement and are the only parties entitled to enforce its term, except as specifically noted herein. Nothing in this Agreement gives, or is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly, or otherwise, to third persons unless such persons are individually identified by name herein. City acknowledges and agrees that the obligations City assumes under this agreement benefit, and may be enforced by, the city of Portland, and the Oregon Office of Emergency Management.
12. **Successors in Interest.** The terms of this Agreement shall be binding upon the successors and assigns of each party hereto.
13. **Entire Agreement.** The parties agree and acknowledge that this Agreement is a complete, integrated agreement that supersedes any prior understandings related to implementation of the FY-12 UASI program grant and that it is the entire agreement between them relative to that grant.
14. **Worker's Compensation.** Each party shall be responsible for providing worker's compensation insurance in compliance with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers (contractors with one or more employees, unless exempt under ORS 656.027). Neither party shall be required to provide or show proof of any other insurance coverage.
15. **Nondiscrimination.** Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local non-discrimination ordinances.
16. **Human Trafficking (2 CFR Part 175).** The City, employees, contractors and sub-recipients under this Agreement and their respective employees may not:
 - i. Engage in severe forms of trafficking in persons during the period of the time the award is in effect;

- ii. Procure a commercial sex act during the period of time the award is in effect; or
- iii. Use forced labor in the performance of the subgrant or subgrants under the award.

The City must inform the city of Portland, the County, and OEM immediately of any information the City receives from any source alleging a violation of any of the above prohibitions in the terms of this IGA. OEM may terminate Grant #12-170, without penalty, for violation of these provisions. OEM's right to terminate Grant #12-170 unilaterally, without penalty, is in addition to all other remedies under Grant #12-170.

- 17. **Access to Records.** Each party shall maintain, and shall have access to the books, documents, papers, and other records of the other party which are related to this Agreement for the purpose of making audit, examination, excerpts, and transcripts. Copies of applicable records shall be made available upon request. Access to records for OEM, the Oregon Secretary of State, the Office of the Comptroller, the General Accounting Office (GAO), or any of their authorized representatives, shall not be limited to the required retention period but shall last as long as records are retained.
- 18. **Subcontracts and Assignment.** Neither party will subcontract or assign any part of this Agreement without the prior written consent of the other party. Notwithstanding County approval of a subcontractor, the City shall remain obligated for full performance hereunder, and the County shall incur no obligation other than its obligations to the City hereunder.

Washington County

Sr. Deputy County Admin.

Rod Rice

Rod Rice

Date 7/22/13

~~Chairman Board of Commissioners~~

APPROVED AS TO FORM

Alan M. Dicker

Date July 18, 2013

Attorney

APPROVED WASHINGTON COUNTY
BOARD OF COMMISSIONERS

MINUTE ORDER # 13-229

DATE 8-6-13

BY Barbara Hejmanek
CLERK OF THE BOARD

City of Sherwood

Date _____

APPROVED AS TO FORM

Attorney

Date _____

City Fiscal Contact

Date _____

Title

Telephone Number

E-Mail Address

Address

DUNS# _____

CAGE CODE# _____



INTERGOVERNMENTAL AGREEMENT

Between

THE CITY OF PORTLAND, OREGON

And

Washington County

THIS IS an Intergovernmental Agreement (IGA) between the City of Portland ("City") and Washington County ("Agency") entered into pursuant to the authority granted in ORS Chapter 190 for the coordination of activities related to the use of the United States Department of Homeland Security's Urban Areas Security Initiative (UASI) grant program funds for addressing the unique planning, organization, equipment, training, and exercise needs of high-threat, high-density Urban Areas, to assist in building an enhanced and sustainable capacity to prevent, protect against, respond to, and recover from acts of terrorism.

Recitals

WHEREAS, the United States Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) Grant Programs Directorate, provided UASI grant funding in the amount of \$2,049,396 in Fiscal Year 2012 to the State of Oregon ("State"), acting by and through the Oregon Military Department, Office of Emergency Management (OEM) for distribution to the Portland Urban Area (PUA); and

WHEREAS, the State awarded UASI Grant #12-170 to the City of Portland, Bureau of Emergency Management (PBEM), as Grantee, for Fiscal Year 2012 in the amount of \$2,049,396, a copy of which is attached to this Agreement and incorporated herein as Exhibit A; and

WHEREAS, UASI Grant #12-170 is intended to increase the capabilities of the PUA, which includes jurisdictions in Multnomah, Clackamas, Columbia and Washington counties in Oregon and Clark County in Washington, as well as the Port of Portland and TriMet, to build an enhanced and sustainable capacity to prevent, protect against, respond to, and recover from acts of terrorism; and

WHEREAS, a list of equipment, supplies, professional services, training and exercise events to be grant funded has been developed through the application process and coordination with the State; and

WHEREAS, PBEM, as Grant Administrator, is required to oversee and coordinate the expenditure of the UASI grant funds and has developed procedures to guide the procurement, delivery, and reimbursement processes; and

WHEREAS, PBEM, as Grant Administrator, is required to make periodic reports to the State regarding the expenditure of the UASI grant funds and has developed procedures to coordinate the collection and submission of information and documents needed to support the reporting process; and

WHEREAS, the City and all other PUA jurisdictions that receive direct benefit from UASI grant purchases are required to comply with all terms of the U.S. Department of Homeland Security, UASI Grant CFDA # 97.008, Grant #12-170 award including, but not limited to, obligations regarding reporting, access to records, financial tracking and procurement, and supplanting of funds; and

WHEREAS, the City has entered into agreements with the PUA counties to secure their commitment to follow the City-developed procurement, delivery, reimbursement, and reporting procedures, to ensure their compliance with all terms of the grants, and to obligate them to coordinate with and obtain similar assurances from directly benefiting jurisdictions (i.e., "sub-recipients") within the respective counties.

NOW, THEREFORE, the Parties agree as follows:

1. The City agrees:

- a) That it is authorized to purchase and distribute equipment, supplies and services which have been approved by the State and, as appropriate, the City may delegate this purchasing authority to the Agency. Such authorization, however, does not guarantee payment for the Agency. The State requires documentation invoicing by the Agency, to the City, and compliance with the Agency's purchasing practices, the City's purchasing practices and any applicable state and federal rules and regulations prior to approval of payments.
- b) Because there is no IGA between the City and the sub-recipients of the Agency, the Agency will be the point of contact for all requests made by their sub-recipients. The Agency will be responsible for submitting all purchase requests on behalf of their sub-recipients to the City.
- c) When the City has purchased goods or services for the Agency or the Agency's sub-recipient arrangements for delivery will be made between the parties and the Agency or the Agency's sub-recipient shall be the Owner of said goods or services and shall be responsible for complying with all applicable requirements as outlined in Code of Federal Regulations (CFR) and Office of Management and Budget (OMB) Circulars.

2. The Agency agrees:

- a) That it has read the award conditions and certifications for Grant #12-170, that it understands and accepts those conditions and certifications, and that it agrees to comply with all the obligations, and be bound by any limitations applicable to the City, as grantee, under those grant documents.
- b) To comply with all City and State financial management processes, and to maintain accounting and financial records in accordance with Generally Accepted Accounting Principles (GAAP) and financial, administrative, and audit requirements as set forth in the most recent versions of the Code of Federal Regulations and Office of Management and Budget Circulars. A nonexclusive list of regulations commonly applicable to DHS grants includes:
 - i. Administrative Requirements: 44 CFR Part 13 (State and Local Governments) and 2 CFR Part 215 (Non-Profit Organizations).
 - ii. Cost Principles: 2 CFR Part 225 (State, Local, and Tribal Governments); Part 230 (Non-Profit Organizations); and Federal Acquisition Regulations (FAR) Part 31.2 (Contracts with Commercial Organizations).
 - iii. Audit Requirements: OMB Circular A-133.
- c) To comply with all City and State procurement requirements, including competitive bid processes as outlined in Portland City Code (PCC) and Oregon Revised Statutes (ORS). A nonexclusive list of code and statutes commonly applicable to procurement include:
 - i. PCC Chapter 5.33 (Goods and Services) and PCC Chapter 5.68 (Professional, Technical and Expert Service Contracts).
 - ii. ORS 279A (Public Contracting – General Provisions) and ORS 279B (Public Contracting – Public Procurements).
- d) That all equipment, supplies, and services provided by the City are as described in the approved grant budget documents.
- e) That regardless of how it is procured, all equipment and supplies purchased shall be owned by the Agency or the Agency's sub-recipient until disposition takes place. The Agency or the Agency's sub-recipient shall be responsible for inventory tracking, maintenance and storage while in possession of such equipment and supplies.

- f) That regardless of who the Owner is, all equipment purchased with grant funds will be made available to all eligible regional partners per 44 CFR 13.32(c)(2). All reasonable requests must be met when sufficient notice is given and no reasonable conflict exists. Owners may not charge "rental" fees for equipment, but may seek reimbursement for normal expendables (not already covered by grant funds) such as fuel, vehicle damage, maintenance for wear and tear, etc., when appropriate.
- g) To comply with all property and equipment tracking and monitoring processes required by the grants, this Agreement, the City and the State. To treat all single items of equipment valued over \$5,000 as fixed assets and to provide the City with a list of such equipment. **The list should include, but is not limited to, status, asset number, funding source, date of purchase, equipment description, serial number, and location where the equipment is housed or stored.** All requirements for the tracking and monitoring of fixed assets are set forth in 44 CFR Part 13 and OMB Circular A-133. An A-133 compliance supplement on transfer and disposition reporting can be found on the Whitehouse website: http://www.whitehouse.gov/sites/default/files/omb/assets/OMB/circulars/a133_compliance/2011/pt3.pdf
The Agency or the Agency's sub-recipient shall maintain and store all equipment and supplies, provided or purchased, in the manner that will most prolong the life and keep it in good working order at all times.
- h) That any request or invoice it submits for reimbursement of costs is consistent with the items identified in the approved grant budget documents.
- i) That it understands and accepts full financial responsibility and may not be reimbursed for costs incurred which have not been approved by the State and the U.S. Department of Homeland Security, FEMA Grant Programs Directorate.
- j) That it will not deviate from the items listed in the approved grant budget documents without first securing written approval from the City.
- k) That all publications created with funding under this grant shall prominently contain the following statement: "This document was prepared under a grant from FEMA's Grant Programs Directorate, U.S. Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of FEMA's Grant Programs Directorate or the U.S. Department of Homeland Security."
- l) That all financial records, supporting documentation and all other records pertinent to this grant or agreements under this grant shall be retained by

the Agency following termination, completion or expiration of this Agreement for purposes of State of Oregon or Federal examination and audit, as established by Federal, State or City retention schedules (whichever is longer). Currently, the City of Portland's retention requirement for these documents is 10 years. A nonexclusive list of code and statutes commonly applicable to retention include:

- i. City of Portland Retention Schedules, Section 4808
<http://www.portlandonline.com/auditor/index.cfm?c=27183&a=7949>
 - ii. OAR 166-200-0050(17)
 - iii. 44 CFR Part 13.42
- m) To obtain a copy of 44 CFR Part 13 and all applicable OMB Circulars, and to apprise itself of all rules and regulations set forth.
- n) Not to supplant its local funds with federal funds but rather use the federal funds to increase the amount of funds that, in the absence of federal aid, would be made available to fund programs within the UASI grant program guidelines.
- o) To comply with National Incident Management System (NIMS) objectives identified as requirements by the State and certify that the Agency and any sub-recipients of the Agency are registered with the State as being NIMS compliant.
- p) To comply with all applicable federal, state, and local environmental and historic preservation (EHP) requirements and provide information requested to ensure compliance with applicable laws.
- q) To comply with federal guidelines concerning exclusions for vendors by verifying that a vendor is not excluded from receiving federal funds prior to any expenditure made and record of verification is maintained. Currently, verification can be made at the System for Award Management site – www.sam.gov.
- r) To timely comply with all reporting obligations required by the Grant's terms and the City.
- s) To provide the City with Performance and Program Reports, Financial Reimbursement Reports and Audit Reports when required by the City and in the form required by the City.
- i. Performance Reports and Asset Inventory Reports are due to the City biannually on June 15th and December 15th during the term of

- the grant agreement. Late Performance Reports could result in the suspension and/or termination of the grant.
- ii. Results of the Agency's OMB Circular A-133 report are due to the City within six months of the Agency's receipt of the report, along with a corrective action plan (if applicable).
 - iii. Financial Reimbursement Reports are due no less frequently than quarterly during the term of the grant agreement. Late Financial Reimbursement Reports could result in the suspension and/or termination of the grant.
 - iv. Per UASI Grant #12-170, Part II, Section H.3.b., reimbursement for expenses may be withheld if Performance Reports are not submitted by the specified dates or are incomplete.
- t) To follow the travel expense and per diem guidelines as set forth by the U.S. General Services Administration (GSA) as well as the guidelines of the City and State. Per UASI Grant #12-170, Section H.3.c., reimbursement rates for travel expenses shall not exceed those allowed by the State of Oregon. Requests for reimbursement for travel must be supported with a detailed statement identifying the person who traveled, the purpose of the travel, the dates, times, and places of travel, and the actual expenses or authorized rates incurred.

GSA per diem rates can be found on the GSA website:
<http://www.gsa.gov/portal/category/21287>.

The City's guidelines can be found on the Office of the City Auditor's website:

BCP-FIN-6.13 Travel:
<http://www.portlandonline.com/auditor/index.cfm?c=34747&a=160271>

BCP-FIN-6.14 Non-travel Meals, Light Refreshments and Related Miscellaneous Expenses:
<http://www.portlandonline.com/auditor/index.cfm?&a=160283&c=34747>

- u) To develop a sub-recipient monitoring plan that shall be in compliance with the requirements set forth in the most recent versions of applicable CFR and OMB Circulars.
- v) To maintain a list of all sub-recipients of the Agency, and insure that the entities on that list are in compliance with the terms of this Agreement, and Exhibit A. The list of sub-recipients shall be made available to the City by the Agency upon execution of this IGA, and the Agency shall alert the City to any changes in the list within a reasonable amount of time.

- w) To comply with all applicable laws, regulations, program guidance and guidelines of the State of Oregon, the Federal Government and OEM in the performance of this Agreement, including but not limited to those listed in Grant #12-170, Part III. Subgrantee Compliance and Certifications.
 - x) To comply with all of its obligations under this Agreement and any applicable, incorporated document or documents.
3. **Effective Date and Duration.** This Agreement shall be effective from the date both parties have signed and shall be terminated upon the end date of the agreement between the City and the State (Grant #12-170), unless otherwise extended by the parties in writing or this IGA is terminated due to failure of one of the Parties to perform.
 4. **Amendment.** This Agreement may be modified or amended only by the written agreement of both parties but must remain consistent with the requirements of the UASI program and the Agreement between the State and the City.
 5. **Termination.** Either party may terminate this Agreement in the event the other fails to comply with its obligations under the Agreement. If the Agreement is terminated due to the Agency's failure or inability to comply with the provisions of the grants or the Agreement, the Agency will be liable to the City for the full cost of any equipment, materials, or services provided by the City to the Agency, and for any penalties imposed by the State or Federal Government. Each party will notify the other, in writing, of its intention to terminate this Agreement and the reasons therefore. The other party shall have fourteen days, or such other time as the parties may agree, from the date of the notice in which to correct or otherwise address the compliance failure which is the subject of the notice.
 6. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the state of Oregon, without regard to principles of conflicts of law. Any claim, action, suit or proceeding that arises from or relates to this Agreement shall be brought and conducted exclusively within the Circuit Court of the state of Oregon for the county of Multnomah. In the event a claim is brought in a federal forum, then it shall be brought and conducted solely and exclusively in the United States District Court for the District of Oregon.
 7. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be an original, all of which shall constitute one and the same instrument.
 8. **Survival.** The terms, conditions, representations and all warranties in this Agreement shall survive the termination or expiration of this Agreement.

9. **Force Majeure.** Neither party shall be held responsible for delay or default caused by fire, riot, acts of God, or war where such cause was beyond reasonable control. Each party shall make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon cessation of the cause, diligently pursue performance of its obligations under this Agreement.

10. **Indemnification.**

- a. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, the Agency shall indemnify, defend and hold harmless the City, its commissioners, employees and agents from and against any and all liability, claims, damages, losses, and expenses, including but not limited to reasonable attorneys fees arising out of or resulting from the acts of the Agency, its officers, employees and agents in the performance of this agreement. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, the City shall indemnify, defend and hold harmless the Agency from and against all liability, loss and costs arising out of or resulting from the acts of the City, its officers, employees and agents in the performance of this agreement.
- b. The Agency shall take all reasonable steps to cause its contractor(s) or subcontractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless OEM and its officers, employees and agents ("Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including attorneys' fees) arising from a tort (as now or hereafter defined in ORS 30.260) caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the Agency's contractor or any of the officers, agents, employees or subcontractors of the contractor ("Claims"). It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by the contractor from and against any and all Claims
- c. The Agency shall require its contractor(s) or subcontractor(s) to obtain insurance in amounts required by OEM, not to exceed OEM's limits of liability under the Oregon Tort Claims Act, and shall provide that the State of Oregon, OEM, and their officers, employees and members are named as Additional Insureds, but only with respect to the contractor's or subcontractor's services performed under this grant.

11. **Third Party Beneficiaries.** The City and the Agency are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, or is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly, or otherwise, to third persons unless such persons are individually identified by name herein.
12. **Successors in Interest.** The terms of this Agreement shall be binding upon the successors and assigns of each party hereto.
13. **Entire Agreement.** The parties agree and acknowledge that this Agreement is a complete, integrated agreement that supersedes any prior understandings related to implementation of the FY-12 UASI program grant and that it is the entire agreement between them relative to that grant.
14. **Workers' Compensation.** Each party shall be responsible for providing worker's compensation insurance in compliance with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers (contractors with one or more employees, unless exempt under ORS 656.027). Neither party shall be required to provide or show proof of any other insurance coverage.
15. **Nondiscrimination.** Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local non-discrimination ordinances.
16. **Human Trafficking (2 CFR Part 175).** The Agency, employees, contractors and sub-recipients under this Agreement and their respective employees may not:
 - o Engage in severe forms of trafficking in persons during the period of the time the award is in effect;
 - o Procure a commercial sex act during the period of time the award is in effect; or
 - o Use forced labor in the performance of the subgrant or subgrants under the award.

The Agency must inform the City and OEM immediately of any information the Agency receives from any source alleging a violation of any of the above prohibitions in the terms of this IGA. OEM may terminate Grant #12-170, without penalty, for violation of these provisions. OEM's right to terminate Grant #12-170 unilaterally, without penalty, is in addition to all other remedies under Grant #12-170. The Agency must include these requirements in any subgrant made to public or private entities.

17. **Access to Records.** Each party shall maintain, and shall have access to the books, documents, papers and other records of the other party which are

related to this agreement for the purpose of making audit, examination, excerpts, and transcripts. Copies of applicable records shall be made available upon request. Access to records for Oregon Emergency Management (OEM), Oregon Secretary of State, the Office of the Comptroller, the General Accounting Office (GAO), or any of their authorized representatives, shall not be limited to the required retention period but shall last as long as records are retained.

- 18. Subcontracts and Assignment.** Neither party will subcontract or assign any part of this agreement without the prior written consent of the other party. Notwithstanding City approval of a subcontractor, the Agency shall remain obligated for full performance hereunder, and the City shall incur no obligation other than its obligations to the Agency hereunder.

City of Portland

Date _____

APPROVED AS TO FORM

Attorney

Date _____

Washington County

Date _____

APPROVED AS TO FORM

Attorney

Date _____

**OREGON MILITARY DEPARTMENT
OFFICE OF EMERGENCY MANAGEMENT
URBAN AREA SECURITY INITIATIVE GRANT PROGRAM
CFDA # 97.008**

GRANT AWARD CONDITIONS AND CERTIFICATIONS

PROGRAM NAME:	UASI FY 2012	GRANT NO:	# 12-170
SUBGRANTEE:	City of Portland	FEDERAL AWARD:	\$2,049,396
ADDRESS:	Bureau of Emergency Management 1001 SW 5 th Ave., Suite 650 Portland, OR 97204	AWARD PERIOD:	4/1/13 thru 5/31/14
PROGRAM CONTACT:	Carmen Merlo carmen.merlo@portlandoregon.gov	TELEPHONE:	(503) 823-2691
FISCAL CONTACT:	Shelli Tompkins shelli.tompkins@portlandoregon.gov	TELEPHONE:	(503) 823-4187

BUDGET

Equipment	
CBRNE Incident Response Vehicles	\$111,000
CBRNE Logistical Support	\$88,000
CBRNE Operational/Search and Rescue	\$598,476
Information Technology	\$217,919
Interoperable Communications	\$42,000
Other Authorized Equipment	\$31,500
Personal Protective Equipment	\$25,000
Exercises	\$50,000
Planning	\$715,216
Training (ODP-approved)	\$67,815
Administration	\$102,470
Total	<u>\$2,049,396</u>

GRANT AWARD AGREEMENT AND PROVISIONS

I. Provisions of Award

- A. Agreement Parties. This Agreement is between the State of Oregon, acting by and through the Oregon Military Department, Office of Emergency Management (OEM) and the Subgrantee.
- B. Effective Date. This Agreement shall become effective on the date this Agreement has been fully executed by every party. Agreement termination shall not extinguish or prejudice OEM's right to enforce this Agreement with respect to any default by Subgrantee that has not been cured.
- C. Source of Funds. Payment for this Program will be from the Fiscal Year 2012 Urban Area Security Initiative Grant Program.
- D. Merger Clause; Waiver. This Agreement and referenced documents constitute the entire Agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. No waiver, consent, modifications or change of terms of this agreement shall be binding unless agreed to in writing and signed by both the Subgrantee and OEM. Such waiver, consent, modification or change, if made shall be effective only in the specific instance and for the specific purpose given.
- E. Acknowledgment. The Subgrantee, by signature of its authorized representative, hereby acknowledges that he/she has read this agreement, understands it, and agrees to be bound by its terms and conditions (including all references to other documents). Failure to comply with this agreement and with applicable state and federal rules and guidelines may result in any or all of the withholding of reimbursement, the termination or suspension of the agreement, denial of future grants, or damages to OEM.

TERMS AND CONDITIONS

II. Conditions of Award

- A. The Subgrantee agrees that all allocations and use of funds under this Agreement will be in accordance with the FY2012 Homeland Security Grant Program Funding Opportunity Announcement (FOA), the requirements of which are incorporated into this Agreement by this reference, and to expend funds in accordance with the approved budget unless the Subgrantee receives prior written approval by OEM to modify the program or budget. OEM may withhold funds for any expenditure not within the approved budget or in excess of amounts approved by OEM. Failure of the Subgrantee to operate the program in accordance with the written agreed upon investment justification contained in the grant application materials and budget will be grounds for immediate suspension or termination of this Agreement.
- B. The Subgrantee agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this Agreement.
- C. By accepting FY 2012 funds, the Subgrantee certifies that it has met NIMS compliance activities outlined in the NIMS Implementation Matrix for State, Tribal, or Local Jurisdictions. Additional information on achieving compliance is available through the NIMS Resource Center at <http://www.fema.gov/emergency/nims/>.
- D. Administrative Requirements, Retention and Access to Records, and Audits.
 1. Administrative Requirements. The Subgrantee agrees to comply with all financial management and procurement requirements (Section E), to maintain accounting and financial records in accordance with Generally Accepted Accounting Principles (GAAP) and financial, administrative, and audit requirements as set forth in the most recent versions of the Code of Federal Regulations (CFR), the Office of Management and Budget (OMB) Circulars, Department of Homeland Security (DHS) program legislation, and DHS/Federal Emergency Management Agency (FEMA) regulations. A nonexclusive list of regulations commonly applicable to DHS grants includes:
 - a. Administrative Requirements. 44 CFR Part 13 (State and Local Governments).
 - b. Cost Principles. 2 CFR Part 225 (State, Local, and Tribal Governments) and 48 CFR Federal Acquisition Regulations (FAR) Part 31.2 (Contracts with Commercial Organizations).
 - c. Audit Requirements. OMB Circular A-133.

2. Retention of Records. All financial records, supporting documentation, and all other records pertinent to this grant or agreements under this grant shall be retained by the Subgrantee until the latest of (a) six years following termination, completion or expiration of this Agreement, (b) upon resolution of any litigation or other disputes related to this Agreement, or (c) an extended period as established under 44 CFR 13.42. It is the responsibility of the Subgrantee to obtain a copy of 44 CFR Part 13 and all applicable OMB Circulars, and to apprise itself of all rules and regulations set forth.
3. Access to Records. Subgrantee acknowledges and agrees, and Subgrantee will require its subrecipients, contractors, successors, transferees, and assignees to acknowledge and agree, to provide OEM, Oregon Secretary of State, Office of Inspector General (OIG), Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), or any of their authorized representatives, access to records, accounts, documents, information, facilities, and staff. Subgrantee and any subrecipients must cooperate with any compliance review or complaint investigation by any of the above listed agencies, providing them access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary. The right of access is not limited to the required retention period but shall last as long as the records are retained.
4. Audits. If the Subgrantee expends \$500,000 or more in Federal funds (from all sources) in its fiscal year, the Subgrantee shall have a single organization-wide audit conducted in accordance with the provisions of OMB Circular A-133. Copies of all audits must be submitted to OEM within 30 days of completion. If the Subgrantee expends less than \$500,000 in its fiscal year in Federal funds, the Subgrantee is exempt from Federal audit requirements for that year. Records must be available for review or audit by appropriate officials as provided in Section II.D.3 herein.
5. Audit Costs. Audit costs for audits not required in accordance with OMB Circular A-133 are unallowable. If the Subgrantee did not expend \$500,000 or more in Federal funds in its fiscal year, but contracted with a certified public accountant to perform an audit, costs for performance of that audit shall not be charged to the grant.

E. Procurement Requirements (44 CFR Part 13.36).

1. The Subgrantee shall use its own procurement procedures and regulations, provided that the procurement conforms to applicable Federal and State law (including without limitation ORS chapters 279A, 279B, 279C).
2. All procurement transactions, whether negotiated or competitively bid and without regard to dollar value, shall be conducted in a manner that encourages fair and open competition to the maximum practical extent possible. **All sole-source procurements in excess of \$100,000 must receive prior written approval from OEM** in addition to any other approvals required by law applicable to the Subgrantee. Justification for sole-source procurement in excess of \$100,000 should include a description of the program and what is being contracted for, an explanation of why it is necessary to contract noncompetitively, time constraints and any other pertinent information. Interagency agreements between units of government are excluded from this provision.
3. The Subgrantee shall be alert to organizational conflicts of interest or non-competitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. Contractors that develop or draft specifications, requirements, statements of work, or Requests for Proposals (RFP) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Any request for exemption must be submitted in writing to OEM.
4. The Subgrantee agrees that, to the extent it uses contractors or subcontractors, such recipients shall use small, minority, women-owned or disadvantaged business concerns and contractors or subcontractors to the extent practicable.

F. Property/Equipment Management and Records Control, and Retention of Property/Equipment Records.

1. Property/Equipment Management and Records Control. The Subgrantee agrees to comply with all requirements set forth in 44 CFR Part 13 for the active tracking and monitoring of property/equipment. Procedures for managing property/equipment, whether acquired in whole or in part with grant funds, until disposition takes place, will, at a minimum, meet the following requirements:

- a. All property/equipment purchased under this agreement, whether by the Subgrantee or a subcontractor, will be recorded and maintained in the Subgrantee's property/equipment inventory system.
 - b. The Subgrantee shall maintain property/equipment records that include: a description of the property/equipment; the manufacturer's serial number, model number, or other identification number; the source of the property/equipment, including the Catalog of Federal Domestic Assistance (CFDA) number; who holds title; the acquisition date; the cost of the property/equipment and the percentage of Federal participation in the cost; the location, use and condition of the property/equipment; and any ultimate disposition data including the date of disposal and sale price of the property/equipment.
 - c. A physical inventory of the property/equipment must be taken and the results reconciled with the property/equipment records, at least once every two years.
 - d. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property/equipment. Any loss, damage, or theft shall be investigated.
 - e. Adequate maintenance procedures must be developed to keep the property/equipment in good condition.
 - f. If the Subgrantee is authorized to sell the property/equipment, proper sales procedures must be established to ensure the highest possible return.
 - g. Subgrantee agrees to comply with 44 CFR Part 13.32.e when original or replacement equipment acquired under a grant or subgrant is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency.
 - h. The Subgrantee agrees that, when practicable, any property/equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the U.S. Department of Homeland Security".
 - i. The Subgrantee shall pass on property/equipment management requirements that meet or exceed the requirements outlined above for all subcontractors, consultants, and the subgrantees who receive pass-through funding from this Agreement.
2. **Retention of Property/Equipment Records.** Records for property/equipment shall be retained for a period of six years from the date of the disposition or replacement or transfer at the discretion of OEM. Title to all property/equipment and supplies purchased with funds made available under the Urban Area Security Initiative Grant Program shall vest in the Subgrantee agency that purchased the property/equipment, if it provides written certification to OEM that it will use the property/equipment for purposes consistent with the Urban Area Security Initiative Grant Program.

G. **Funding.**

1. **Matching Funds.** This Grant does not require matching funds.
2. **Allowable Costs.** The Subgrantee agrees that all allocations and use of funds under this Agreement will be in accordance with the Fiscal Year 2012 Homeland Security Grant Program and FOA.
3. **Supplanting.** The Subgrantee certifies that federal funds will not be used to supplant state or local funds, but will be used to increase the amount of funds that, in the absence of federal aid, would be made available to the Subgrantee to fund programs consistent with Urban Area Security Initiative Grant Program guidelines.

H. **Reports.** Failure of the Subgrantee to submit the required program, financial, or audit reports, or to resolve program, financial, or audit issues may result in the suspension of grant payments, or termination of this Agreement, or both.

1. **Performance Reports.**

The Subgrantee agrees to submit reports in a form acceptable to OEM on reporting on its progress in meeting its agreed upon strategic goals and objectives. The narrative reports will address specific information regarding the activities carried out under the FY 2012 Urban Area Security Initiative Grant Program and how they address identified project specific strategic goals and objectives.

Performance reports are due to OEM on the last day of each calendar year quarter.

Any Performance Report that is outstanding for more than one month past the due date may cause the suspension or termination of the grant. The Subgrantee must receive prior written approval from OEM to extend a performance report requirement past its due date.

2. Biannual Strategy Implementation Report.

The Subgrantee agrees to provide reports to OEM in a form acceptable to OEM to enable OEM to meet its obligation to provide to FEMA the Biannual Strategy Implementation Report (BSIR) to show progress made toward meeting strategic goals and objectives. **BSIR completion is due** twenty-one days after the end of each BSIR reporting period, July 21 for the reporting period January 1 through June 30; and January 20 for the reporting period of July 1 through December 31.

3. Financial Reimbursement Reports.

a. In order to receive reimbursement, the Subgrantee agrees to submit a signed Request for Reimbursement (RFR), using a form provided by OEM that includes **supporting documentation for all grant expenditures**. RFRs may be submitted monthly but no less frequently than quarterly during the term of this Agreement. **At a minimum, RFRs must be submitted no later than one month following the end of each calendar year quarter, and a final RFR must be submitted no later than one month following the end of the grant period.**

b. Reimbursements for expenses will be withheld if performance reports are not submitted by the specified dates or are incomplete.

c. Reimbursement rates for travel expenses shall not exceed those allowed by the State of Oregon. Requests for reimbursement for travel must be supported with a detailed statement identifying the person who traveled, the purpose of the travel, the dates, times, and places of travel, and the actual expenses or authorized rates incurred.

d. Reimbursements will only be made for actual expenses incurred during the grant period. The Subgrantee agrees that **no grant funds may be used for expenses incurred before April 1, 2013 or after May 31, 2014.**

e. The Subgrantee shall be accountable for and shall repay to OEM any overpayment, audit disallowances or any other breach of grant that results in a debt owed to the Federal Government. OEM shall apply interest, penalties, and administrative costs to a delinquent debt owed by a debtor pursuant to the Federal Claims Collection Standards and OMB Circular A-129.

4. Audit Reports. The Subgrantee shall provide OEM copies of all audit reports pertaining to this Agreement obtained by the Subgrantee, whether or not the audit is required by OMB Circular A-133 (Section II.D.4-5).

I. Contribution: Subcontractor Indemnity and Insurance.

1. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against a party (the "Notified Party") with respect to which the other party ("Other Party") may have liability, the Notified Party must promptly notify the Other Party in writing of the Third Party Claim and deliver to the Other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Either party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by the Other Party of the notice and copies required in this paragraph and meaningful opportunity for the Other Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to the Other Party's liability with respect to the Third Party Claim.

2. With respect to a Third Party Claim for which OEM is jointly liable with the Grantee (or would be if joined in the Third Party Claim), OEM shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by the Grantee in such proportion as is appropriate to reflect the relative fault of OEM on the one hand and of the Grantee on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of OEM on the one hand and of the Grantee on the other hand shall be determined by reference to, among other things, the

parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. OEM's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if OEM had sole liability in the proceeding.

3. With respect to a Third Party Claim for which the Grantee is jointly liable with OEM (or would be if joined in the Third Party Claim), the Grantee shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by OEM in such proportion as is appropriate to reflect the relative fault of the Grantee on the one hand and of OEM on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the Grantee on the one hand and of OEM on the other hand shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. The Grantee's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if it had sole liability in the proceeding.
 4. Subgrantee shall take all reasonable steps to cause its contractor(s) or subcontractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless OEM and its officers, employees and agents ("Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including attorneys' fees) arising from a tort (as now or hereafter defined in ORS 30.260) caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Grantee's contractor or any of the officers, agents, employees or subcontractors of the contractor ("Claims"). It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by the contractor from and against any and all Claims
 5. Subgrantee shall require its contractor(s) or (subcontractor(s) to obtain insurance in amounts required by OEM, not to exceed OEM's limits of liability under the Oregon Tort Claims Act, and shall provide that the State of Oregon, OEM, and their officers, employees and members are named as Additional Insureds, but only with respect to the contractor's or subcontractor's services performed under this grant.
- J. Time is of the Essence. The Subgrantee agrees that time is of the essence under this Agreement.
- K. Governing Law, Venue, Consent to Jurisdiction. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit, or proceeding (collectively, "Claim") between OEM (or any other agency or department of the State of Oregon) and the Subgrantee that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court for the State of Oregon; provided, however, if the Claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. This Section applies to a claim brought against the State of Oregon only to the extent Congress has appropriately abrogated the State of Oregon's sovereign immunity and is not consent by the State of Oregon to be sued in federal court. In no event shall this Section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, from any claim or from the jurisdiction of any court. **The Subgrantee, by execution of this Agreement, hereby consents to the In Personam Jurisdiction of said courts, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.**
- L. Notices. Except as otherwise expressly provided in this Section, any communications between the parties hereto or notice to be given hereunder shall be given in writing by personal delivery, facsimile, or mailing the same by registered or certified mail, postage prepaid to the Subgrantee or OEM at the address or number set forth on page 1 of this Agreement, or to such other addresses or numbers as either party may hereafter indicate pursuant to this Section. Any communication or notice so addressed and sent by registered or certified mail shall be deemed delivered upon receipt or refusal of receipt. Any communication or notice delivered by facsimile shall be deemed to be given when receipt of the transmission is generated by the transmitting machine. Any communication or notice by personal delivery shall be deemed to be given when actually delivered. The parties also may communicate by telephone, regular mail or other means, but such communications shall not be deemed Notices under this Section unless receipt by the other party is expressly acknowledged in writing by the receiving party.

- M. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of OEM, the Subgrantee, and their respective successors and assigns, except that the Subgrantee may not assign or transfer its rights or obligations hereunder or any interest herein without the prior consent in writing of OEM.
- N. Survival. All provisions of this Agreement set forth in the following sections shall survive termination of this Agreement Section II.D (Administrative Requirements, Retention and Access to Records, and Audits); Section II.E (Procurement Requirements); Section II.F (Property/Equipment Management and Records Control, and Retention of Records); Section II.H (Reports); and Section II.I (Contribution; Subcontractor Indemnity and Insurance).
- O. Severability. If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular term or provision held to be invalid.
- P. Relationship of Parties. The parties agree and acknowledge that their relationship is that of independent contracting parties and neither party hereto shall be deemed an agent, partner, joint venturer or related entity of the other by reason of this Agreement.

III. Subgrantee Compliance and Certifications

- A. Debarment, Suspension, Ineligibility and Voluntary Exclusion. The Subgrantee certifies by accepting funds under this Agreement that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, nor voluntarily excluded from participation in this transaction by any Federal department or agency (44 CFR Part 13.35). The Subgrantee shall establish procedures to provide for effective use and dissemination of the Excluded Parties List (<http://www.epls.gov/>) to assure that their contractors are not in violation of the nonprocurement debarment and suspension common rule.
- B. Standard Assurances and Certifications Regarding Lobbying. The Subgrantee is required to comply with 44 CFR Part 18, *New Restrictions on Lobbying*. The restrictions on lobbying are enforceable via large civil penalties, with civil fines between \$10,000 and \$100,000 per expenditure. The Subgrantee understands and agrees that no funds provided under this Agreement may be expended in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government. These lobbying prohibitions can be found at 31 USC § 1352.
- C. Compliance with Applicable Law. The Subgrantee agrees to comply with all applicable laws, regulations, program guidance, and guidelines of the State of Oregon, the Federal Government and OEM in the performance of this Agreement, including but not limited to:
 - 1. Administrative Requirements set forth in 44 CFR Part 13.
 - 2. Cost Principles set forth in 2 CFR Part 225 and 48 CFR Federal Acquisition Regulation (FAR) Part 31.2.
 - 3. Audit Requirements set forth in OMB Circular A-133.
 - 4. The provisions set forth in 44 CFR Part 7; Part 9; Part 10; and Federal laws or regulations applicable to Federal assistance programs.
 - 5. The Freedom of Information Act (FOIA), 5. USC § 552 with consideration of State and local laws and regulations regarding the release of information and regulations governing Sensitive Security Information (49 CFR Part 1520).
 - 6. Award Term for Trafficking in Persons set forth in 2 CFR Part 175.
 - 7. Requirements for Drug-Free Workplace set forth in 2 CFR Part 3001.
 - 8. Animal Welfare Act of 1966, as amended, 7 USC § 2131 et seq.
 - 9. Clean Air Act of 1970, as amended, 42 USC § 7401-7671, and Clean Water Act of 1977, as amended, 33 USC § 1251.
 - 10. Protection of Human Subjects, set forth in 45 CFR Part 46.
 - 11. National Flood Insurance Act of 1968, as amended, 42 USC § 4013, pursuant to regulations set forth in 44 CFR Part 63.
 - 12. Flood Disaster Protection Act of 1973, as amended, 42 USC § 4002.
 - 13. Coastal Wetlands Planning, Protection, and Restoration Act of 1990, as amended, 16 USC § 3951, pursuant to regulations set forth in 44 CFR Part 9.
 - 14. USA Patriot Act of 2001, as amended, 8 USC § 1105, 1182, 1189.

D. Non-discrimination and Civil Rights Compliance, Equal Employment Opportunity Program, and Services to Limited English Proficient (LEP) Persons.

1. **Non-discrimination and Civil Rights Compliance.** The Subgrantee, and all its contractors and subcontractors, assures compliance with all applicable nondiscrimination laws, including but not limited to:
 - a. Title VI of the Civil Rights Act of 1964 as amended, and related nondiscrimination regulations in 44 CFR Part 7.
 - b. Title VIII of the Civil Rights Act of 1968, as amended.
 - c. Titles I, II, and III of the Americans with Disabilities Act of 1990, as amended, 42 USC §§ 12101 – 12189.
 - d. Age Discrimination Act of 1975, as amended, 42 USC § 6101.
 - e. Title IX of the Education Amendments of 1972, as amended, 20 USC § 1681 et seq.
 - f. Section 504 of the Rehabilitation Act of 1973, as amended, 29 USC § 794, as amended.

If, during the past three years, the Subgrantee has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the Subgrantee must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the OEM. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the Subgrantee, or the Subgrantee settles a case or matter alleging such discrimination, Subgrantee must forward a copy of the complaint and findings to the OEM.

2. **Equal Employment Opportunity Program.** The Subgrantee, and any of its contractors and subcontractors, certifies that an equal employment opportunity program will be in effect on or before the effective date of this Agreement. The Subgrantee must maintain a current copy on file.
3. **Services to Limited English Proficient (LEP) Persons.** The Subgrantee, and any of its contractors and subcontractors agrees to comply with the requirements of Executive Order 13166, improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin and resulting agency guidance, national origin discrimination includes discrimination on the basis of LEP. To ensure compliance with Title VI, Subgrantee must take reasonable steps to ensure that LEP persons have meaningful access to your programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Subgrantee is encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. For assistance additional information regarding LEP obligations, please see <http://www.lep.gov>.

E. Environmental and Historic Preservation.

1. The Subgrantee shall comply with all applicable Federal, State, and local environmental and historic preservation (EHP) requirements and shall provide any information requested by FEMA to ensure compliance with applicable environmental and historic preservation laws including but not limited to:
 - a. National Environmental Policy Act of 1969, as amended, 42 USC 4321, and related FEMA regulations, 44 CFR Part 10.
 - b. National Historic Preservation Act, 16 USC 470 et seq.
 - c. Endangered Species Act, 16 USC 1531 et seq.
 - d. Executive Orders on Floodplains (11988), Wetlands (11990) and Environmental Justice (12898).

Failure of the Subgrantee to meet Federal, State, and local EHP requirements and obtain applicable permits may jeopardize Federal funding.

2. The Subgrantee shall not undertake any project without prior EHP approval by FEMA, including but not limited to communications towers, physical security enhancements, new construction, and modifications to buildings, structures, and objects that are 50 years old or greater. The Subgrantee must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the Subgrantee must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, the Subgrantee will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Any

construction activities that have been initiated without the necessary EHP review and approval will result in a non-compliance finding and will not be eligible for FEMA funding.

3. For any of the Subgrantee's or its contractors' or subcontractors' existing programs or activities that will be funded by these grant funds, the Subgrantee, upon specific request from the U.S. DHS, agrees to cooperate with the U.S. DHS in any preparation by the U.S. DHS of a national or program environmental assessment of that funded program or activity.
- F. Drug Free Workplace Requirements (2 CFR Part 3001). The Subgrantee agrees to comply with the requirements of the Drug-Free Workplace Act of 1988, as amended, (41 USC § 701 et seq.), which requires that all organizations receiving grants (or subgrants) from any Federal agency agree to maintain a drug-free workplace. The Subgrantee must notify this office if an employee of the Subgrantee is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment.
- G. Classified National Security Information. No funding under this Agreement shall be used to support a contract, subgrant or other agreement for goods or services that will include access to classified national security information if the award recipient has not been approved for and has access to such information. Classified national security information as defined in Executive Order (EO) 12958, as amended, means information that has been determined pursuant to EO 12958 or any predecessor order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form. See award notification.
- H. Human Trafficking (2 CFR Part 175). The Subgrantee, employees, contractors and subrecipients under this Agreement and their respective employees may not:
1. Engage in severe forms of trafficking in persons during the period of the time the award is in effect;
 2. Procure a commercial sex act during the period of time the award is in effect; or
 3. Use forced labor in the performance of the subgrant or subgrants under the award.
- The Subgrantee must inform OEM immediately of any information the Subgrantee receives from any source alleging a violation of any of the above prohibitions in this award term. OEM's right to terminate this Agreement unilaterally, without penalty, is in addition to all other remedies under this Agreement. The Subgrantee must include these requirements in any subgrant made to public or private entities.
- I. Fly America Act of 1974. The Subgrantee agrees to comply with the requirements of the Preference for U.S. Flag Air Carriers: Travel supported by U.S. Government funds requirement, which states preference for the use of U.S. flag air carriers (air carriers holding certificates under 49 USC § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, as amended (49 USC § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to the Comptroller General Decision B138942.
- J. Activities Conducted Abroad. The Subgrantee agrees to comply with the requirements that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.
- K. Acknowledgement of Federal Funding from DHS. The Subgrantee agrees to comply with requirements to acknowledge Federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.
- L. Copyright (44 CFR Part 13.34). The Subgrantee agrees to comply with requirements that publications or other exercise of copyright for any work first produced under Federal financial assistance awards hereto related unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations). For any scientific, technical, or other copyright work based on or containing data first produced under this Agreement, including those works published in academic, technical or professional journals, symposia proceedings, or similar works, the Subgrantee grants the Government a royalty-free, nonexclusive and irrevocable license to reproduce, display, distribute copies, perform, disseminate, or prepare derivative works, and to authorize others to do so, for Government purposes in all such copyrighted works. The Subgrantee shall affix the applicable copyright notices of 17 USC § 401 or 402 and an acknowledgement of Government sponsorship (including Subgrant number) to any work first produced under an award.
- M. Use of DHS Seal, Logo and Flags. Subgrantee agrees to obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

IV. Suspension or Termination of Funding

OEM may suspend funding in whole or in part, terminate funding, or impose another sanction on an Urban Area Security Initiative Grant Program recipient for any of the following reasons:

- A. Failure to comply substantially with the statutory and administrative requirements or objectives of the Urban Area Security Initiative Grant Program, with the Program guidelines, or with other applicable federal or state laws and regulations.
- B. Failure to make satisfactory progress toward the goals and objectives set forth in the approved Investment Justifications.
- C. Failure to adhere to the requirements of this Agreement and standard or special conditions.
- D. Proposing or implementing substantial plan changes to the extent that, if originally submitted, would not have been funded.
- E. Before imposing sanctions, OEM will provide reasonable notice to the Subgrantee of its intent to impose sanctions and will attempt to resolve the problem informally.

V. Termination of Agreement

- A. OEM may unilaterally terminate all or part of this Agreement or may reduce its scope of work if there is:
 - 1. A reduction in federal funds which are the basis for this Agreement.
 - 2. A material misrepresentation, error, or inaccuracy in Subgrantee's application.
 - 3. A change, modification or interpretation of State or Federal laws, regulations or guidelines that deprives OEM of authority to provide grant funds for the program or provide funds from the planned funding source.
 - 4. A failure by OEM to obtain sufficient funding, appropriation, limitations, allotments or other expenditure authority to allow OEM, in the exercise of its reasonable administrative discretion, to meet its payment obligations under this Agreement.
- B. OEM may terminate this Agreement, - immediately upon written notice to Subgrantee, or at such later date as OEM may establish in such notice, if Subgrantee commits any material breach or default of any covenant, warranty, obligation or certification under this Agreement. In its notice, OEM may permit Subgrantee an opportunity to cure the breach, default or failure in such time and on such terms as OEM may specify in such notice.

VI. Subgrantee Representations and Warranties

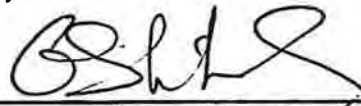
The Subgrantee represents and warrants to OEM as follows:

- A. **Existence and Power.** The Subgrantee is a political subdivision of the State of Oregon. The Subgrantee has full power and authority to transact the business in which it is engaged and full power, authority, and legal right to execute and deliver this Agreement and incur and perform its obligations hereunder.
- B. **Authority, No Contravention.** The making and performance by the Subgrantee of this Agreement (a) have been duly authorized by all necessary action of the Subgrantee, (b) do not and will not violate any provision of any applicable law, rule, or regulation or order of any court, regulatory commission, board or other administrative agency or any provision of the Subgrantee's articles of incorporation or bylaws and (c) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which the Subgrantee is a party or by which the Subgrantee or any of its properties are bound or affected.
- C. **Binding Obligation.** This Agreement has been duly authorized, executed and delivered on behalf of the Subgrantee and constitutes the legal, valid, and binding obligation of the Subgrantee, enforceable in accordance with its terms.
- D. **Approvals.** No authorization, consent, license, approval of, filing or registration with, or notification to, any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by the Subgrantee of this Agreement.

for


5/17/13
Date

Paulina Layton, Mitigation and Recovery Section Director
Oregon Military Department
Office of Emergency Management
PO Box 14370
Salem, OR 97309-5062

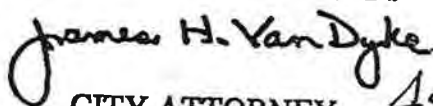


5/8/13
Date

Signature of Authorized Subgrantee Official

for
Charlie Hales, Mayor

Name/Title

APPROVED AS TO FORM

CITY ATTORNEY *JHD*

Approved for Legal Sufficiency:

By Keith L. Kutler by e-mail
Assistant Attorney General

March 28, 2013
Date

RECEIVED

MAY 15 2013

ORDINANCE No. 185990

***Accept and appropriate a grant in the amount of \$2,049,396 from the Department of Homeland Security, FY 2012 Urban Areas Security Initiative Grant Program for the purpose of enhancing emergency preparedness through planning, training and equipping emergency responders. (Ordinance)**

The City of Portland ordains:

Section 1. The Council Finds:

- 1. The Department of Homeland Security provides financial assistance to selected urban areas through the FY 2012 Urban Areas Security Initiative (UASI). The City of Portland, in cooperation with regional partners (TriMet, Port of Portland, Multnomah, Clackamas, Washington and Columbia Counties of Oregon and Clark County, Washington) applied for financial assistance to address the unique equipment, training, planning, exercise and operational needs of large urban areas.**
- 2. The Department of Homeland Security has designated Portland, Oregon as the core urban area in the State of Oregon. The City of Portland will be eligible for a portion of the \$2,049,396 available to our regional metropolitan area**
- 3. Funds provided under the UASI Grant Program will be granted directly to the States with no less than 80% of the total award going to selected urban areas. Funds will be used and dedicated for equipment, training, planning and exercises. The Portland Urban Area has completed a regional strategy to guide the use of federal homeland security grant funds. The City of Portland Bureau of Emergency Management (PBEM) will administer the Grant for the region.**
- 4. There are no financial match requirements for this Grant.**

NOW THEREFORE, the Council Directs:

- a. The Mayor and Portland Bureau of Emergency Management are authorized to accept the grant from the Department of Homeland Security in the amount of \$2,049,396.**
- b. The Mayor is authorized to provide such information and assurances as are required for the grant period.**
- c. The FY 2012/2013 budget is hereby amended as follows:**

GRANTS FUND

Fund - 217

Business Area – EM00

Bureau Program Expenses – \$500,000

185990

000281

- d. The OMF Grants Office is authorized to perform all administrative matters in relation to the grant application, grant agreement or amendments, requests for reimbursement from the grantor, and to submit required online grant documents on the Mayor's behalf.
- e. The Director of PBEM is authorized to accept on behalf of the City of Portland any subsequent modifications by the Department of Homeland Security for UASI Grant No 12-170 (EM000025) provided such modifications do not increase the City of Portland's financial obligation or risk. Any modifications that increase the City of Portland's financial obligation or risk must be authorized by the Portland City Council.

Section 2. The Council declares that an emergency exists because a delay would unnecessarily delay the City's ability to perform the activities authorized by the grant. Therefore this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council:

APR 24 2013

Mayor Charlie Hales
Prepared by: Valentine Hellman
Date Prepared: 4/3/2013

LaVonne Griffin-Valade
Auditor of the City of Portland

By

Susan Parsons
Deputy

TO: Sherwood City Council

FROM: Jeff Groth, Police Chief
Through: Joseph Gall, City Manager

SUBJECT: Resolution 2013-051 authorizing the City Manager to sign an Intergovernmental Agreement (IGA) with Washington County Health and Human Services for the purposes of supporting the Sherwood Youth Substance Abuse Team (YSAT)

Issue:

Should the City Council authorize the City Manager to sign an intergovernmental agreement (IGA) with Washington County Health & Human Services, enabling the Sherwood Youth Substance Abuse Team to receive assistance in addressing drug and alcohol use by youth and young adults in Sherwood?

Background:

On March 5, 2013, City Council held a Work Session regarding the Sherwood Youth Substance Abuse Team (YSAT). The Sherwood YSAT continues to work to address the problem of youth substance abuse in Sherwood. Additionally, the Sherwood Police have been active in enforcing the laws dealing with the possession of alcohol by minors and furnishing alcohol to minors.

Recently, and in support of both efforts, the Sherwood Police Department has partnered with Washington County Health & Human Services, and has the opportunity to enter into an intergovernmental agreement (IGA) that will help build local capacity to address both issues.

The IGA will provide assistance and financial support to:

- Establish a drug and alcohol free coalition
- Complete a community needs assessment
- Develop a strategic plan
- Promote the use of environmental strategies to decrease drug and alcohol use by youth and young adults residing in Sherwood

Financials:

There is no cost associated with this resolution. The IGA will provide for the reimbursement of funds in support of current efforts.

Recommendation:

City Staff respectfully recommends that City Council approve this resolution authorizing signature of the IGA with Washington County Health & Human Services in support of YSAT.



RESOLUTION 2013-051

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH WASHINGTON COUNTY HEALTH AND HUMAN SERVICES FOR THE PURPOSES OF SUPPORTING THE SHERWOOD YOUTH SUBSTANCE ABUSE TEAM (YSAT)

WHEREAS, the duly elected governing body of the City of Sherwood, Oregon, having been presented with information about the opportunity to partner with Washington County Health and Human Services in support of the Sherwood Youth Substance Abuse Team; and

WHEREAS, the Sherwood City Council hereby resolves that the intergovernmental agreement (IGA) with Washington County Health and Human Services meets the public safety needs of the citizens of the City of Sherwood and authorizes the City Manager to sign the Intergovernmental Agreement with Washington County Health and Human Services for the purposes of supporting the Sherwood Youth Substance Abuse Team (YSAT).

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

Section 1. The City Manager is authorized to sign the Intergovernmental Agreement (IGA) with Washington County Health and Human Services, attached as Exhibit A.

Section 2. This Resolution shall take effect immediately upon its passage by the Council and signature by the Mayor.

Duly passed by the City Council this 3rd day of September 2013.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

INTERGOVERNMENTAL AGREEMENT

This Agreement is entered into, by and between Washington County, a political subdivision of the State of Oregon, and City of Sherwood.

WHEREAS ORS 190.010 authorizes the parties to enter into this Agreement for the performance of any or all functions and activities that a party to the Agreement has authority to perform.

Now, therefore, the parties agree as follows:

- 1) The effective date is: 7/1/13, or upon final signature, whichever is later.

The expiration date is: 6/30/14; unless otherwise amended.
- 2) The parties agree to the terms and conditions set forth in Attachment A, which is incorporated herein, and describes the responsibilities of the parties, including compensation, if any.
- 3) Each party shall comply with all applicable federal, state and local laws; and rules and regulations on non-discrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition or handicap.
- 4) To the extent applicable, the provisions of ORS 279B.220 through ORS 279B.235 and ORS 279C.500 through 279C.870 are incorporated by this reference as though fully set forth.
- 5) Each party is an independent contractor with regard to each other party(s) and agrees that the performing party has no control over the work and the manner in which it is performed. No party is an agent or employee of any other.
- 6) No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.
- 7) This Agreement may be terminated, with or without cause and at any time, by a party by providing _____ (30 if not otherwise marked) days written notice of intent to the other party(s).
- 8) Modifications to this Agreement are valid only if made in writing and signed by all parties.
- 9) Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of that party.
- 10) Each party shall give the other immediate written notice of any action or suit filed or any claim made against that party that may result in litigation in any way related to this Agreement.

- 11) Each party agrees to maintain insurance levels or self-insurance in accordance with ORS 30.282, for the duration of this Agreement at levels necessary to protect against public body liability as specified in ORS 30.269 through 30.274.
- 12) Each party agrees to comply with all local, state and federal ordinances, statutes, laws and regulations that are applicable to the services provided under this Agreement.
- 13) This Agreement is expressly subject to the debt limitation of Oregon Counties set forth in Article XI, Section 10 of the Oregon Constitution, and is contingent upon funds being appropriated therefore.
- 14) This writing is intended both as the final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement.

WHEREAS, all the aforementioned is hereby agreed upon by the parties and executed by the duly authorized signatures below.

Jurisdiction

Signature

Date

Printed Name

Title

Address: _____

WASHINGTON COUNTY:

Signature

Date

Printed Name

Title

Address:

155 N First Ave.
Mail Stop # 6
Hillsboro, OR 97124

Sherwood Police Department
Washington County Strategic Prevention Framework State Incentive Grant (SPF SIG)
7/1/13

ATTACHMENT A PART I

Goal: To promote a safe and healthy community in Sherwood by reducing youth and young adult drug and alcohol problems.

Objectives:

1. The Washington County Department of Health and Human Services, in partnership with the Sherwood Police Department and the Youth Substance Abuse Team seeks to build local capacity to address drug and alcohol use by youth and young adults residing in Sherwood by:
 - Establishing a drug and alcohol free coalition. Sherwood Police Department will increase community representation on the Youth Substance Abuse Team to include diverse sectors of the community, such as Parents, Law enforcement, Schools, Businesses, Media, Youth-serving organizations, Religious and fraternal organizations, Civic and volunteer groups, Healthcare professionals, and State, local, and tribal agencies with expertise in substance abuse.
 - Completing a community needs assessment. Sherwood Police Department will provide and assist in gathering relevant data to inform this process, such as youth and young adult arrest rates, juvenile referrals, substance use rates, youth and community perceptions (some included in the Student Wellness and Oregon Healthy Teens Surveys), and environmental factors.
 - Developing a strategic plan, which will include evidence-based environmental strategies to address findings from community based needs assessment.
2. The Washington County Department of Health and Human Services, in partnership with the Sherwood Police Department and Youth Substance Abuse Team seeks to promote the use of environmental strategies to decrease drug and alcohol use by youth and young adults residing in Sherwood by:
 - Enhancing law enforcement strategies.
 - Increasing positive community norms and community awareness of criminal and civil consequences related to drug and alcohol use.
 - Providing information to law enforcement officers' on substance abuse prevention strategies.
 - Participating in the development and implementation of a county-wide approach to collecting and reporting data regarding alcohol related criminal behavior among the 18 to 25 year old population.
 - Participating in the quarterly Countywide Dangerous Drinking Deterrence Council to coordinate planning, implementation and evaluation of strategies to reduce high risk drinking among young adults.

Outcomes:

- Additional representatives will be recruited to become active members on the Youth Substance Abuse Team.
- The Youth Substance Abuse Team will complete the needs assessment by December of 2013.
- The Youth Substance Abuse Team will identify and prioritize risk and protective factors for the target population.
- The Youth Substance Abuse Team will identify 3 effective strategies (aligned with risk and protective factor priorities) for reducing high risk drinking and drug use, with a focus on environmental strategies.
- The Sherwood Police Department will conduct a minimum of 3 minor decoy / compliance check operations targeting all establishments in partnership with Oregon Liquor Control Commission (each compliance check should be followed with a press release).
- The Sherwood Police Department will participate in underage possession (alcohol) and furnishing (minor and adult) enforcement operations, using portable breathalyzers when appropriate; resulting in a 10% increase in Adult Minor in Possession citations and a 10% increase in arrests for furnishing alcohol to a minor.
- 60% of Sherwood police officers exposed to relevant trainings and educational materials will report an increase in knowledge regarding high-risk drinking prevention, alcohol impairment and/or enforcement techniques.
- One to two Sherwood police officers will participate in the quarterly Countywide Dangerous Drinking Deterrence Council, as the oversight body to the SPF SIG project.

Reporting:

Contractor will meet quarterly with SPF SIG Coordinator and submit a Program Summary and Financial reports that include cumulative data regarding progress towards all goals, objectives and outcomes listed in Attachment A. (Approximately September 13, December 13, March 14, and June 6). All reports should follow the County format.

Sherwood Police Department
Washington County Strategic Prevention Framework State Incentive Grant (SPF SIG)
7/1/13

ATTACHMENT A PART II

During the 2013-14 fiscal year, Washington County will reimburse Contractor for true and verifiable expenses up to four thousand dollars and no/cents (\$4,000.00) for the satisfactory delivery of services defined in the Strategic Prevention Framework State Incentive Grant and described in Attachment A of this contract.

Contractor will submit an invoice to request reimbursement for true and verifiable expenses of the previous month. In June 2014, at the time Contractor submits final monitoring and fiscal reports, Contractor shall reimburse County any advanced funds which were not expended.

Except where specific exceptions are defined in Attachment A, mandatory utilization, performance, outcome and fiscal monitoring reports are due from Contractor by the 15th of the months following the end of each quarter (October, January, April, and July). Following demonstration of satisfactory utilization, performance, and outcomes, County will continue to reimburse monthly invoices. If contractor is less than 90% utilized at each fiscal quarter (full utilization is defined as 25% by September 30, 50% by December 31, 75% by March 31, and 100% by June 30 unless defined otherwise in Attachment A), the County reserves the right to modify payment of County funds to reflect actual utilization levels. Similarly, the County reserves the right to modify or terminate the contract if agency performance and/or outcomes are less than 85% of the levels detailed in Attachment A.

Delay in receipt of complete monitoring reports or monthly reimbursement invoices will result in a delay in the disbursement of contract funds and may result in a penalty up to and including a 10 percent reduction in funds allocated in the next monthly check.

All contract payments are subject to the availability of funds and will be paid subsequent to County receipt of payments from the State Mental Health and Developmental Disability Services Division.

\$4,000

SPF-SIG 706015-7040371

TO: Sherwood City Council

FROM: Michelle Miller, AICP, Senior Planner
THROUGH: Brad Kilby, AICP, Planning Manager, and Joseph Gall, City Manager

SUBJECT: Ordinance 2013-003 to Amend Section 16.12 Of The Zoning And Community Development Code Relating To Property Zoned Very Low Density Residential

Summary:

This proposed ordinance will amend the Zoning and Development Code to change the minimum lot size and density requirements for properties zoned very low density residential, when developed as a planned unit development.

Previous Council Actions:

City Council held a public hearing on May 21, 2013, closed the record and began deliberations. They continued the hearing in order to review the testimony presented at the hearing.

Background/Problem Discussion:

The City of Sherwood received a land use application from a property owner within the VLDR zone proposing to amend the Development Code for all properties in the VLDR zone. The applicant proposed to allow an increase in density from two units per acre to four units per acre if developed as a Planned Unit Development (PUD). The applicant recently proposed to allow a minimum lot size for the PUD of 8,500 for single-family homes.

The Sherwood Planning Commission held multiple hearings on the proposed amendments and received testimony from residents and property owners in the area. During deliberations, the Commission discussed the multiple issues concerning the challenges of developing the property within the VLDR zone and at the same time preserving the character of the existing and abutting neighborhoods. In the end, the Planning Commission found the 10,000 minimum lot size and four units per acre persuasive and recommended approval of the amendment reflecting these changes.

At the hearing on May 21, 2013, the City Council heard testimony from property owners in the area concerning the text amendment, the SE Sherwood Master Plan, the environmental issues as well as the contaminated soil found on some of the properties under consideration for the text amendment. Staff provided the attached memo that discusses those issues in detail. Due to the time that has elapsed since the last hearing date, staff sent out additional notice to all owners of property within the VLDR zone on August 17, 2013.

Alternatives:

The City Council could adopt, amend or deny the proposed Ordinance 2013-003.

Financial Implications:

N/A

Recommendation:

City staff respectfully recommends that the City Council adopt the attached Ordinance 2013-003 which reflects the Sherwood Planning Commission's recommendation.

Attachment:

Staff Memo dated August 23, 2013



MEMORANDUM

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

Mayor
Bill Middleton

Council President
Linda Henderson

Councilors
Dave Grant
Linda Henderson
Robyn Folsom
Bill Butterfield
Matt Langer
Krisanna Clark

City Manager
Joseph Gall, ICMA-CM



2009 Top Ten Selection



2007 18th Best Place to Live



DATE: August 23, 2013
TO: Mayor and City Council
FROM: Michelle Miller, AICP, Senior Planner
SUBJECT: Very Low Density Residential Text Amendment (PA 13-01)

The Sherwood City Council held a public hearing on the text amendment on May 21, 2013. At the hearing, the applicant, property owners and other interested citizens testified concerning the text amendment. Council then closed the record and began their deliberations. Due to the amount and complexity of testimony received, the Council decided to continue the hearing to consider and review the information in detail. Council has since received additional information in the form of emails concerning the text amendment, but the documents have not been added to the record. Council could decide to reopen the record and add this form of written testimony to the record. If Council decides to reopen the record at the upcoming hearing, it would then allow others an opportunity to provide additional testimony, and not only the emails received by Council since the last hearing.

Since a few months have elapsed since the May 21, 2013 hearing, your packet contains some of the same information you originally received in May, written testimony received at the hearing and information you have received since the first hearing. In your September 3rd council packet, staff included the following information:

- Staff Report and this memo dated August 23, 2013
- Proposed Ordinance 13-03
- Exhibit 1: Planning Commission Recommendation
- Exhibit 1A- Recommended Code language
- Exhibit 1B-Q, Attachments to the Planning Commission

Recommendation

- Written testimony referenced as Exhibit C-G received at the May 21, 2013 hearing
- Emails with attachments from John and Judy Carter and Kurt Kristensen, received on May 30, 2013 and August 9 and 26, 2013

To review, the Sherwood Planning Commission recommendation for the text amendment maintains the current minimum lot size at ten thousand square feet and allows four lots per net acre, if developed as a planned unit development in the very low-density residential (VLDR) zone. If a developer elects to apply these new standards, there would be additional criteria to reflect elements from the Southeast Sherwood Master Plan in the design, location, and areas of open space within the proposed planned unit development (PUD). The Planning Commission noted it was the best overall compromise of the differing viewpoints and used elements of the SE Sherwood Master Plan to achieve a greater housing density than the current PUD standards. It also compared favorably to the existing development of Sherwood View Estates PUD, located south of the developable properties, with the same minimum lot size as well as a similar density of 3.6 units per acre.

At the hearing on May 21, 2013, the testimony focused on four main issues that will be addressed in this memo:

- Minimum lot size
- Maximum allowed density per acre
- SE Sherwood Master Plan
- Ken Foster Farm DEQ contaminated site area and environmental considerations

Minimum Lot Size

The City has five residential zoning districts that support ranges of densities varying from high-density (*16.8-24 dwelling units per acre*) to very low-density (*0.7 – 1 dwelling unit per acre*). The minimum lot size for a single family home is 5,000 square feet in all zones except two. The minimum lot size within the VLDR zone is 40,000 sq. ft. The minimum lot size for a single-family residence in the Low Density Residential (LDR) zone is 7,000 sq. ft. There is a special exception for PUDs in the VLDR that allows for lots that are 10,000 sq. ft. in size if developed as a PUD. The City Council considers approval of each PUD subdivision after a recommendation by the Planning Commission. While the applicant proposed 8,500 square foot minimum lots when part of a PUD, the Commission recommended keeping the lot size at 10,000 square feet.

At the May 21st City Council hearing, the applicant proposed that Council consider 8,500 square foot minimum lot size instead of 10,000 sq. ft. because the larger lots would not achieve the maximum density due to environmental constraints, constructing the roads, and adding 15% of the site for open space that is required for PUDs. According to the applicant and other interested property owners, the expense of constructing the required infrastructure for 10,000 sq. ft. lots would make residential development financially infeasible, unless the lot size could be reduced to a minimum size 8,500 square feet.

Maximum Density per acre

Each zoning designation has a range of density that the proposed subdivision must fall in between in order to be compliant with the current development code. The area east of SW

Murdock Road is zoned VLDR. The VLDR zoning district provides for low density, larger lot single-family housing with a density of 0.7 to 1 dwelling unit per acre. If developed through the PUD process, and if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, the permitted density of 1.4 to two (2) dwelling units per acre may be allowed.

The applicant agreed with the four dwelling units per net buildable acre. The Planning Commission recommendation allows an additional density allowance of up to four dwelling units per net buildable acre, if the PUD proposal meets some additional criteria that support the SE Sherwood Master Plan.

SE Sherwood Master Plan

The SE Sherwood Master Plan was a grant-funded planning effort that brought together developers, property owners and residents within the area west of SW Murdock Road to develop a master plan for the eastern area of Sherwood. The recommended master plan was a hybrid of several alternatives that were developed through well-attended open house workshops. Through the planning phase, the developers emphasized the need for providing sufficient density to pay for the necessary infrastructure while the citizens emphasized a preference for larger lots to preserve the wildlife habitat. This resulted in the development of a hybrid plan that provided for a mix of lot sizes that would allow smaller lots in portions of the plan area while ensuring lots were 15,000 square feet in size abutting the southern portion of the site. The gross density, under the preferred option would be 2.2 units per gross acre or a net density of 4.43 units per net acre. Sherwood's Code defines a net buildable acre as, "an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses. When environmentally sensitive areas also exist on a property and said property is within the Metro urban growth boundary on or before January 1, 2002, these areas may also be removed from the net buildable area provided the sensitive areas are clearly delineated in accordance with this Code and the environmentally sensitive areas are protected via tract or restricted easement."

City Council never adopted the SE Sherwood Master Plan but the Planning Commission recognized the effort and indicated that developers should be encouraged to use the plan as a guide for future development proposals. The Planning Commission recognized that the area and residents have changed over time, but the land remained undeveloped. Since City Council did not formally recognize the Master Plan, there was no clear direction as to what or how the community wanted to plan for that area in the future. The Planning Commission noted that many of the same challenges that brought the area to the forefront of a planning effort in 2006 still remain today, and that the area is still undeveloped. Based on public and Planning Commission feedback, it appears that there may be a desire to have the City Council adopt the SE Sherwood Master Plan or revisit the plan and adopt an updated plan before approving any new amendments that implement the SE Sherwood Master Plan. If the City were to revisit the plan, it would require additional staff and

consultant time that is not currently funded or included in the Planning Department's work plan.

Ken Foster Farm DEQ contaminated site area

Several challenges exist for site development in this area including the Tonquin Scablands, a rocky terrain sculpted from ancient glacial flooding. There are two high points: one point in the center of the area and one in the southern portion of the site with sloping terrain in between. This results in challenges to the street and pedestrian circulation network and added costs to develop and design the infrastructure.

The area is part of the former Ken Foster Farm (KFF) site, a forty-acre tract used as pastureland found to contain contaminated soil in 2006. It includes the area between the Moser property to the north (22900 SW Murdock) and Sherwood View Estates to the south. The Department of Environmental Quality (DEQ) information indicates that from 1962-1971, tannery wastes from Frontier Leather Tannery were applied as a soil amendment. The waste contained chromium concentrations most of which are present in trivalent form. However, "the more toxic and mobile hexavalent form chromium is also present at the KFF site, likely resulting from trivalent chromium's oxidation over time."¹ "Hexavalent chromium could represent a potential health threat for on-site residents through direct contact, incidental ingestion, vapor or dust inhalation, or ingestion or contact with potentially contaminated groundwater, surface water, or freshwater sediments. Trivalent chromium is the primary form of chromium present and it is non-toxic to humans."² In 2011, DEQ updated its risk-based concentrations for hexavalent chromium based on new EPA toxicity data causing DEQ to reevaluate the earlier findings.

Oregon DEQ conducted an additional investigation this past summer and developed a work plan to address the contamination at these revised concentration levels.³ They plan further field investigations to acquire data for assessing potential health risks to current and future residents, and assessing surface runoff to the wetland areas in the southeast portion of the KFF site.

Phase I of this plan will focus on 23120 SW Murdock Road (Yuzons) which is the largest and generally most impacted residential property at the KFF site. For the Phase II investigation, DEQ will develop a remediation plan based on the results compiled during the initial phase, but has not determined how long the field investigation will take.

Residents testified at the last City Council hearing on this topic and via e-mail that decisions on the proposed text amendment should be tabled until more is known about the

¹ Remedial Investigation Work Plan, Former Ken Foster Farms, Prepared for Oregon DEQ by Kennedy/Jenks Consultants on July 23, 2013.

² <http://www.deq.state.or.us/lq/ecsi/ecsidetail.asp?seqnbr=2516>

³ Id.

contamination from DEQ. Mark Pugh, Project Manager for the KFF project, is currently conducting fieldwork on the site to determine where the contamination is most prevalent, taking samples in the more high use developed areas near existing homes and yards. He indicated that they would be using the assumption of one unit per acre to develop the sampling pattern and intensity of the field investigation based on the existing development pattern.

If City Council determines that future PUD developments could have a greater density, DEQ would require that each property meet their remediation criteria for clean up within a "high use" area or residential area. Any properties that would be developed at a greater density in the future beyond the standard one unit per acre would be responsible for safely cleaning up the area to the approved corresponding level of density. DEQ would continue to monitor and determine the appropriate remediation for each specific site area and ensure compliance with the standards that they have put in place for this area. The City would require through the land use decisions that the development would need to comply with DEQ.

Conclusion

As the Planning Commission discussed during their hearings, this area is not without challenges for developers, property owners and residents. During deliberations, the Planning Commission discussed these same issues concerning the challenges of developing the property within the VLDR zone and at the same time preserving the character of the existing and abutting neighborhoods. In the end the Planning Commission, found the 10,000 minimum lot size and four units per acre persuasive and recommended approval of the text amendment reflecting these changes.

Attachments:

1. Written testimony referenced as Exhibit C-G received at the May 21, 2013 hearing
2. Emails with attachments from John and Judy Carter and Kurt Kristensen, received on May 30, 2013 and August 9 and 26, 2013



ORDINANCE 2013-003

**TO AMEND SECTION 16.12 OF THE ZONING AND COMMUNITY DEVELOPMENT CODE
RELATING TO PROPERTY ZONED VERY LOW DENSITY RESIDENTIAL**

WHEREAS, the City received an application for a text amendment to the Sherwood Zoning and Development Code amending the provisions of Chapter § 16.12 Residential Land Uses; and

WHEREAS, the applicant proposed to increase the density and minimum lot size allowed for single family homes in the very low density residential zone (VLDR) if developed under the planned unit development standards; and

WHEREAS, after testimony from the public, staff and the applicant, the Sherwood Planning Commission, recommended modifying the proposed language to increase the minimum density allowed to four units per acre, with a minimum lot size of 10,000 square feet if developed under the Planned Unit Development standards; and

WHEREAS, the proposed amendments were reviewed for compliance and consistency with the Comprehensive Plan, regional and state regulations and found to be fully compliant; and

WHEREAS, the proposed amendments were subject to full and proper notice and review and public hearings were held before the Planning Commission on January 8, 2013, February 26, 2013 and April 9, 2013; and

WHEREAS, the Planning Commission voted to forward a recommendation to the City Council for the proposed Development Code modifications to Chapter 16.12; and

WHEREAS, the analysis and findings to support the Planning Commission recommendation are identified in the attached Exhibit 1; and

WHEREAS, the City Council held a public hearing on May 21, 2013 and continued the business to September 3, 2013, and determined that the proposed changes to the Development Code met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

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

Section 1. Findings. After full and due consideration of the application, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearing, the City Council adopts the findings of fact contained in the Planning Commission recommendation attached as Exhibit 1 finding that the text of the SZCDC shall be amended as documented in Exhibit 1-A.

Section 2. Approval. The proposed amendments for Plan Text Amendment (PA) 12-04 identified in Exhibits 1-A are hereby **APPROVED**.

Section 3 - Manager Authorized. The Planning Department is hereby directed to take such action as may be necessary to document this amendment, including notice of adoption to DLCD and necessary updates to Chapter 16 of the Municipal Code in accordance with City ordinances and regulations.

Section 4 - Applicability. The amendments to the City of Sherwood Zoning and Community Development Code by Sections 1 to 3 of this Ordinance apply to all land use applications submitted after the effective date of this Ordinance.

Section 5 - Effective Date. This ordinance shall become effective the 30th day after its enactment by the City Council and approval of the Mayor.

Duly passed by the City Council this 3rd day of September 2013.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Clark	_____	_____
Langer	_____	_____
Butterfield	_____	_____
Folsom	_____	_____
Grant	_____	_____
Henderson	_____	_____
Middleton	_____	_____

PA 12-04 Very Low Density Residential Text Amendment

Recommendation:

The Planning Commission held hearings on January 8, 2013, and February 26, 2013 on proposed amendments to the Sherwood Zoning and Development Code pertaining to § 16.12.020 Very Low Density Residential zone. The Planning Commission heard and received written testimony from the applicant, staff and property owners within the area.

After receiving direction from the Commission at the first hearing on January 8, 2013, staff presented amendments to the initial applicant's text amendments that incorporated basic elements from the SE Sherwood Master Plan with a minimum lot size of 8,500 square feet and a maximum residential density of four units per acre if developed as a plan unit development. The applicant was in favor of these amendments and the Commission heard testimony on those amendments on February 26, 2013. At that hearing, Lisa and Roger Walker presented alternative language to staff's amendments that increased the minimum lot size to 10,000 square feet but kept the density at four units per net acre. The Commission found their amendments concerning minimum lot size persuasive. (Exhibit M) During their deliberations on the amendments, the Planning Commission weighed three alternatives for Council to consider.

Alternative 1 - The Planning Commission discussed the merits of conducting a new or revised SE Sherwood Master planning effort for the area and requested Council's guidance on this policy decision. They noted that many of the same challenges that brought the area to the forefront of a planning effort in 2006 still existed and that the area remained relatively undeveloped. The Commission continued to be concerned about how this area might develop in piecemeal fashion and recognized the SE Sherwood Master Plan attempted to ensure that this area developed in a more comprehensive manner. They recognized that the SE Sherwood Master Plan was not formerly adopted via ordinance by Council or incorporated into the Comprehensive Plan, which would generally be the conclusion of an approved master planning effort.

The Commissioners who had participated in the SE Master Plan noted that the actual plan did not reach a formal consensus from the participants. However, of the three alternatives developed through the master planning process, one alternative layout was the most agreeable to all parties and one concept layout matched most closely with the idea and vision of the participants for the area. The 2006 Planning Commission opted to agree to a resolution that recognized the planning efforts of the SE Sherwood Master Plan and encourage future development that reflected the objectives identified in the plan. In the end, the Commissioners noted that the grant funds for the master planning process in 2006 had been exhausted as well as the time allotted for the planning process for the group to continue developing a plan that they could wholeheartedly endorse.

The Commission discussed either starting the process anew with the new landowners and other property owners within the zone that would include new information on the site constraints and environmental contamination or in the alternative, to take the existing information found within the 2006 plan and revise the outcomes reached with the earlier plan. The Commission wanted Council to evaluate whether there was merit in developing an updated SE Sherwood Master Plan to reflect the changes within that zoning designation. This option would require Council to deny the requested text amendment. It would also include the recommendation that Council direct staff to budget funds and time to update the SE Sherwood Master Plan.

Alternative 2 - The Commission discussed the historical problems with the designation of the subject area to be zoned very low density residential (VLDR). The existing zoning was up to one single-family home per acre with 40,000 square foot lot minimums. If developed as a Planned Unit Development, the density could be up to

two units per acre and the minimum lot size was 10,000 square feet. The Commission considered whether VLDR continued to be an appropriate zoning designation for this costly, environmentally constrained area. Due to the constraints, the Commission concluded that it would likely continue to be difficult to develop under large lot zoning in an urbanized manner despite its location within the City limits.

The Commission noted that the surrounding property owners that resided in the area also had an expectation that the area would maintain its existing character of larger lot single-family homes. The Commission felt that these issues would continue to be unresolved under current circumstances. This option would require Council to deny the requested text amendment and wait for the contaminated soil issue to be resolved and consensus be reached.

Alternative 3: In this alternative, the Planning Commission recommended that Council consider the alternative amendment originally developed by staff and revised by Lisa and Roger Walker. (Exhibit O, Proposed Amendments) The amendments call for 10,000 square foot lot size minimum along with four units per net buildable acre if developed as a planned unit development. They noted it was the best compromise and used elements of the SE Sherwood Master Plan to achieve a greater density. It also most closely resembled the existing developments of Sherwood View Estates reflecting the same minimum lot size as well as a similar density of 3.6 units per acre within the Sherwood View Estates development. This option would require Council to adopt the proposed text amendment as revised.

Proposal: The applicant proposes to amend the § 16.12 Residential Uses section of the Sherwood Zoning and Development Code, (SZDC), specifically the § 16.12.020 Very Low Density Residential Zone. The proposed changes are attached as Exhibit M.

I. BACKGROUND

- A. Applicant: John Satterberg/Community Financial
P.O. Box 1969
Lake Oswego, OR 97035
- B. Applicant's Representative: Kirsten Van Loo, Emerio Design
- C. Location: The proposed amendment is to the text of the development code and specifically applies to the properties zoned Very Low Density Residential (VLDR).
- C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission will make a recommendation to the City Council who will make the final decision. Any appeal of the City Council decision would go directly to the Oregon Land Use Board of Appeals.
- D. Public Notice and Hearing: Notice of the January 8, 2013 Planning Commission hearing on the proposed amendment was published in *The Gazette* on January 1, 2013 and *The Times* on December 20, 2012. Staff posted notice in five public locations around town and on the web site on December 19, 2012. Regular updates were provided in the City newsletter.

While this does not apply citywide, it may affect the value of property located within the very low density residential zone; therefore Measure 56 notice was sent on December 19, 2012 informing property owners within that zoning designation. DLCD notice was provided on December 4, 2012.

- E. Review Criteria:
The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC). Applicable Statewide Planning Goals: Goal 1

Citizen Involvement, Goal 2 Land Use Planning, Goal 5 Natural Resources, Scenic and Historic Areas and Open Space, and Goal 12 Transportation.

F. Background:

The area east of SW Murdock Road is zoned very low density residential, (VLDR). The VLDR zoning district provides for low density, larger lot single-family housing and other related uses in natural resource and environmentally sensitive areas warranting preservation, but otherwise deemed suitable for limited development, with a density of 0.7 to 1 dwelling unit per acre.

If developed through the Planned Unit Development (PUD) process, and if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, the permitted density of 1.4 to two (2) dwelling units per acre may be allowed.

There are two existing planned unit developments within this VLDR zoning designation: Fair Oaks, and Sherwood View Estates. The remaining properties, approximately fifty-five acres, consists of 11 parcels zoned VLDR and nine single-family homes. The area includes a 2.25-acre wetland located in the southeast corner of the site with standing water most of the year. Areas are included in Metro's natural resource Goal 5 inventory including Class A wildlife habitat, with groves of woodland habitat and mature trees.

Several challenges exist for site design including the Tonquin Scablands, a rocky terrain sculpted from ancient glacial flooding. There are two high points: one point in the center of the area and one in the southern portion of the site with sloping terrain in between. This results in challenges to the street and pedestrian circulation network and added costs to develop and design.

Another challenge to the area is due to the presence of soil contamination identified by the Department of Environmental Quality (DEQ). The VLDR site area was part of the "Ken Foster Farm" site, originally about 40 acres and was used for farming. Portions of the larger Ken Foster Farm site had been used for discarding animal hides and carcasses that were remnants from the local tannery operation in the city. As part of the Department of Environmental Quality (DEQ) investigation of the Tannery site located on SW Oregon Street, it was discovered that the soil on the Ken Foster Farm site was also contaminated. The property to the northeast of the undeveloped area, Ironwood Subdivision, was in development when the issue arose which required significant soil removal and oversight from the Department of Environmental Quality (DEQ).

DEQ entered the Ken Foster Farm site into the Environmental Cleanup Site Information Database in 2000, and completed a Preliminary Assessment (PA) in 2004, funded by cooperative grant funds from the Environmental Protection Agency (EPA) Region 10. (DEQ Technical Memorandum) The results of the soil sampling completed for this site listed concentrations of antimony, chromium, lead and mercury above expected background concentrations. In addition, sediment samples from the wetland areas on the site were found to contain elevated concentrations of chromium copper, mercury and zinc.

They found that the human health risk based upon the soil results from the EPA Impervious Area results and data from property-owner site investigations on two of the properties within the former farm acreage was relatively low, according to the report. Since valid soil sample tests of the subject site indicate that hexavalent chromium was not present in soils, and that the prevalent form of chromium in soils is trivalent chromium. The other concentrations do not present an unacceptable human health risk on an individual contaminant basis. The DEQ concluded that the chance of significant exposure to residents living around these areas is low under current conditions.

In 2005, the City received a grant to develop the Southeast Sherwood Master Plan (Exhibit D), a master plan for the area to serve as a guide to coordinating the potential separate land use actions and infrastructure investments of property owners, developers, and the City in order to create a cohesive, livable neighborhood that could develop over time. The SE Sherwood Master Plan was prepared with the input of property owners, developers, neighbors and City representatives. Three open houses were held in order to develop a preferred alternative for development of this area. The purpose was to identify a more efficient way to develop the area and to try to get property owners in the area to work collaboratively when considering developments. The plan did not result in amendments to the Comprehensive Plan or Zoning map but was accepted by the Planning Commission via Resolution 2006-01(Exhibit E).

The recommended master plan was a hybrid of several alternatives that were developed through the open house workshops. Through the planning phase, the developers emphasized the need for providing sufficient density to pay for the necessary infrastructure while the citizens emphasized a preference for larger lots to preserve the wildlife habitat. This resulted in the development of a hybrid plan that provided for a mix of lot sizes with a range of increased density in the center of the plan area to 15,000 square foot lot sizes abutting the southern portion of the site. The gross density, under the preferred option would be 2.2 units per gross acre and a net density of 4.43 units per net acre.

The Planning Commission approved the SE Sherwood Master Plan in concept in 2006. Although not formally adopted and incorporated into the Comprehensive Plan nor adopted by the City Council, it does provide guidance for development and the intention of the community and surrounding property owners for the area. The applicant's proposal applies some of the recommendations for development as adopted by resolution to the SZDC regarding the density requirements and proposes a minimum lot size to achieve the resulting net density if developed through a planned unit development process.

The applicant, the property owner of tax lot 2S133CB01000, just north of the Sherwood View Estates had previously applied for a Planned Unit Development in 2011 for an eight-lot subdivision (Denali PUD 2011-01). The City Council approved via Ordinance 2012-004, a six-lot subdivision and Planned Unit Development known as Denali Planned Unit Development including application of a Planned Unit Development Overlay on the Comprehensive Plan and Zone Map.

The applicant has not submitted a final development plan for the planned unit development and elected to pursue a text amendment in order to achieve the greater density that would have been allowed under the SE Sherwood Master Plan.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The City sent a request for comments to the standard agency notification list on December 5, 2012. The City received one comment as discussed below. The City has received either no response or no comment on the proposal from the other agencies.

Engineering Department: After review of the proposal, the proposed amendment will not have a significant impact on the infrastructure and services are available to accommodate this increased density.

Public:

Kurt Kristensen 22520 SW Fair Oaks Ct. Sherwood, OR 97140 submitted comments via email that are attached as **Exhibit C**.

Mr. Kristensen is opposed to the text amendment as written as it does not incorporate the entire SE Sherwood Master Plan and some of the elements of the plan may not be implemented if the Planning Commission recommends adoption of the text amendment as proposed by the applicant. He requests that the Planning Commission recommend to Council the SE Sherwood Master Plan so it can be implemented in its entirety. Mr. Kristensen is also concerned about the environmental impacts that the entire site area presents.

Response: Not all of the recommendations within SE Sherwood Master Plan are incorporated with this proposed text amendment. The text amendment standards will apply only to properties developed as a planned unit development. This gives the Planning Commission and City Council another level of review where they could impose the unique conditions that would not be available to them if developed as a standard subdivision or partition such as the open space areas and pedestrian connections that are part of the SE Sherwood Master Plan. They could incorporate the elements of the SE Sherwood Master Plan within each proposed development so long as the standards are not contrary to the Code.

The density standards and minimum lot size developed under the SE Sherwood Master Plan were not compatible with existing VLDR PUD standards and therefore the applicant submitted this proposal. The particular text amendment provisions are not contrary to the SE Sherwood Master Plan as a whole. The Commission could chose to move the plan forward to Council later and this text amendment does not prohibit this.

No other comments have been received as of the date of this staff report.

III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are 16.80.030.1 and 3.

16.80.030.1 - Text Amendment Review

An amendment to the text of the Comprehensive Plan shall be based upon the need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the Comprehensive Plan, and with all other provisions of the Plan and Code, and with any applicable State or City statutes and regulations.

Need Identified:

The applicant identified the need for the proposed text amendment in response to the Planning Commission Resolution 2006-01. The Planning Commission resolution accepted the SE Sherwood Master Plan report and approved the process to implement the plan. The Resolution advised that the Planning Commission would consider development proposals from an applicant that is consistent with the principals and goals listed in the master plan. Alternative B/C from the master plan became the recommended layout with a net density of 4.43 units per buildable acre. Although not formally adopted and incorporated into the Comprehensive Plan nor adopted by the City Council, the plan provides guidance for development and the intention of the community and surrounding property owners for the area. Had it been formally adopted by the Council, it would have then required amendments to the SZDC regarding the density requirements in this particular zone as the density shown in the plan is much higher than the existing special density allowance currently allowed in the VLDR.

The Planning Commission did not forward a recommendation to the Council to adopt the specific changes to the density, minimum lot size and changes to the minimum parcel size to develop a planned unit development that the applicant is now proposing. Nor were any of the Code amendments outlined in the plan adopted by the Council. The Commission resolved that they would review applications applying the standards developed through the master planning process.

One could advance the idea that because the Planning Commission adopted via resolution the master plan that the Commission would subsequently find the need to adopt text amendments that would

support the outcomes and the density achieved in the plan that was approved through the master planning process.

FINDING: The Planning Commission must review the proposed changes to the Code that the applicant has brought forward to determine if it does indeed achieve the result of the master plan and whether they satisfy the need within the zoning designation for these amendments.

Comprehensive Plan:

Chapter 3. Growth Management

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

The property is located within the City limits and within the urban growth boundary. Most of the area has not been partitioned and the density is well below the 1 dwelling unit per acre minimum. Several of the properties do not currently have urban facilities such as adequate roadways, water, sanitary sewer and pedestrian connections. Development could improve the level of services occurring in this area and would provide improved connection and infrastructure within our City boundaries. Additionally, the properties will have direct access to SW Murdock Road, an arterial.

The applicant proposes a maximum density of four units per acre and a minimum lot size of 8,000 square feet if developed as a planned unit development. Planned unit developments are only allowed in this zone, if it can be demonstrated that the natural areas can be preserved. Each applicant within this zone will have to comply with this standard when applying for a PUD. This is consistent with the policy.

FINDING: Based on the above discussion, the proposed text amendment is consistent with the growth management policy objective.

Chapter 4. Land Use

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

Very Low Density Residential Minimum Site Standards:

1 DU/Acre, 1 acre minimum lot size

This designation is intended to provide for single-family homes on larger lots and in PUD's in the following general areas:

Where natural features such as topography, soil conditions or natural hazards make development to higher densities undesirable. This zone is appropriate for the Tonquin Scabland Natural Area.

Along the fringe of expanding urban development where the transition from rural to urban densities is occurring.

Where a full range of urban services may not be available but where a minimum of urban sewer and water service is available or can be provided in conjunction with urban development.

The applicant identified several changes to the Planned Unit Development (PUD) standards within the VLDR zone. The minimum lot size is still considered a large lot for an urbanized area as it will remain the largest minimum lot size in the City if developed as a PUD. The zone is located on the fringe of the urbanized area and compatible with the surrounding properties already developed as planned unit developments under the VLDR standards to the north and south of the subject area as the larger lots will still contain single family dwelling units.

FINDING: Based on the above discussion, the proposed amendments are consistent with the land use policy objective.

Consistency with Statewide Planning Goals

Goal 1- "Citizen Involvement"

The purpose statement of Goal 1 is "to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

The proposed code changes do not include changes to the City's citizen involvement program, which complies with Goal 1; however, the process to develop the proposed changes was fully compliant with this Goal. The City provided notice to property owners zoned VLDR, published notice in the paper and posted notice around the City.

In 2005, over 120 people participated and provided input through the various open houses in the SE Sherwood Master Plan process to develop the recommended plan. There were multiple work sessions with the Planning Commission and two public hearings were held on March 28 and April 4, 2006 to provide the public an opportunity to be heard.

Goal 2- "Land Use Planning"

The purpose statement of Goal 2 is "to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to ensure an adequate factual base for such decisions and actions".

The proposed code changes affect the land use process when utilizing the planned unit development standards. The City's land use planning process and policy framework, which are in compliance with Goal 2, will not change as result of this action.

FINDING: As discussed above in the analysis, the applicant identified a need for the proposed amendments to reflect the Planning Commission approval of the SE Sherwood Master Plan and the density, lot size and amendments when a planned unit development was sought. The amendments are consistent with the Comprehensive Plan and applicable City, regional and State regulations and policies.

16.80.030.2 – Transportation Planning Rule Consistency

A. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.

The transportation analysis conducted during the SE Sherwood Master Plan process concluded that the street system could accommodate an increased density to the level proposed by the applicant. The analysis considered the trip generation increases for net densities ranging from 3.35 to 5.03 units per acre.

FINDING: The amendments will not result in a change of uses otherwise permitted and will not have a significant impact on the amount of traffic on the transportation system; therefore, this policy is not applicable to the proposed amendment.

IV. RECOMMENDATION

Based on the above findings of fact, and the conclusion of law based on the applicable criteria, the Planning Commission has provided three viable alternatives for the City Council to consider.

The Commission, recommends Alternative 3, however respects that ultimately this is a legislative decision to be made by Council.

V. EXHIBITS

- A. Proposed development code changes--with "track changes" submitted by the applicant
- B. Applicant's materials submitted on October 16, 2012
- C. Comments from Kurt Kristensen, submitted via email on December 26, 2012
- D. SE Sherwood Master Plan dated February 26, 2006
- E. Planning Commission Resolution 2006-01 dated, May 9, 2006
- F. Patrick Huske Comments
- G. Lisa and Roger Walker Comments
- H. Jean Simson Comments
- I. Mary and Richard Reid Comments
- J. Mr. and Mrs. Joseph Barclay Comments
- K. John and Judith Carter Comments
- L. Proposed VLDR Text Amendment-SE Sherwood Master Planned Unit Development
- M. Walker additional proposed language with written comments
- N. Kurt Kristensen additional testimony
- O. Final Proposed Amendments—with "track changes" after hearings

**Recommended Development Code Language
April 2, 2013**

Please Note: Proposed Additions are underlined in blue

Proposed Deletions are crossed out in ~~red~~

Chapter 16.12 Residential Land Uses

16.12.010. - Purpose and Density Requirements

A. Very Low Density Residential (VLDR)

1. Standard Density

The VLDR zoning district provides for low density, larger lot single-family housing and other related uses in natural resource and environmentally sensitive areas that warrant~~ing~~ preservation, but are otherwise deemed suitable for limited development. Standard density in the VLDR zone is, ~~with a density of~~ 0.7 to 1 dwelling unit per acre.

2. VLDR Planned Unit Development Density Standards

~~Property in the VLDR zone that is~~ developed through the Planned Unit Development (PUD) process, ~~as under~~~~per~~ Chapter 16.40, ~~and~~ if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, ~~the permitted~~ may develop to a density of 1.4 to 2.0~~two (2)~~ dwelling units per net buildable acre ~~may be allowed under the following conditions:~~

~~Minor land partitions shall be exempt from the minimum density requirement.~~

a. ~~The Housing densities up to two (2) units per net buildable acre, and~~ minimum lot sizes ~~of~~ is not less than 10,000 square feet; ~~may be allowed in the VLDR zone.~~

b. The following areas are dedicated to the public or preserved as common open space: floodplains, ~~as per~~ under Section 16.134.020 (Special Resource Zones); natural resources areas as shown on, ~~per~~ the ~~—~~ Natural Resources and Recreation Plan Map, attached as Appendix C, or ~~as specified in Chapter~~ ~~—5~~ of the Community Development Plan; ~~and~~ wetlands defined and ~~regulated~~ ~~as per~~ under current ~~—~~ Federal regulation and Division VIII of this Code; and

c. The ~~Review Authority determines that the~~ higher density development ~~would~~ will better preserve natural resources as compared to one (1) unit per acre ~~design~~.

3. Southeast Sherwood Master Planned Unit Development

a. Property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan may develop to a maximum density of 4.0 dwelling units per net buildable acre.

Recommended Development Code Language

April 2, 2013

- b. Development under Section 16.12.010.A.3 must generally follow the development pattern shown as Alternative B/C in the SE Sherwood Master Plan (2006) and address the following factors:
 - (1) Varied lot sizes are allowed with a minimum lot area of 10,000 square feet if it can be shown that adequate buffering exists adjacent to developed properties with screening, landscaping, roadways or open space.
 - (2) The open space areas as required by Chapter 16.40 (Planned Unit Development), where feasible, should include parks and pathways that are located within the general vicinity of Alternative B/C in the SE Sherwood Master Plan.
 - (3) There is a pedestrian friendly transportation system that links the site with nearby residential developments, schools, parks, commercial areas and other destinations.
 - (4) The unique environmental opportunities and constraints identified in the SE Sherwood Master Plan.
 - (5) The view corridors identified in the SE Sherwood Master Plan.
 - (6) Housing design types that are compatible with both surrounding and existing development.
- c. A density transfer under Chapter 16.40.050 C. 2. is not permitted for development under this Section 16.12.010.A.3.
- d. The Planning Commission will consider the specific housing design types identified and the preservation of the identified view corridors at the time of final development review to ensure compatibility with the existing and surrounding development.

16.12.010. - Purpose and Density Requirements

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A. Very Low Density Residential (VLDR)

The VLDR zoning district provides for low density, larger lot single-family housing and other related uses in natural resource and environmentally sensitive areas warranting preservation, but otherwise deemed suitable for limited development, with a density of 0.7 to 1 dwelling unit per net buildable acre.

1. If developed through the Planned Unit Development (PUD) process, as per Chapter 16.40, and if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, the permitted density of ~~1.4 to two (2)~~ four (4) dwelling units per net buildable acre may be allowed.

- a. ~~To be eligible for a PUD in the VLDR zoning district the project site must be a minimum of 3(three) acres.~~

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- b. The minimum lot size in a PUD in the VLDR zoning district shall be 8000 sq. ft.

- ~~1.2.~~ Minor land partitions shall be exempt from the minimum density requirement.

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~~2. - Special Density Allowances~~

~~— Housing densities up to two (2) units per acre, and minimum lot sizes of 10,000 square feet, may be allowed in the VLDR zone when:~~

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- ~~a. The housing development is approved as a PUD, as per Chapter 16.40; and~~

- ~~b. The following areas are dedicated to the public or preserved as common open space: floodplains, as per Section 16.134.020 (Special Resource Zones); natural resources areas, per the Natural Resources and Recreation Plan Map, attached as Appendix C, or as specified in Chapter 5 of the Community Development Plan, and wetlands defined and regulated as per current Federal regulation and Division VIII of this Code; and~~

- ~~e. The Review Authority determines that the higher density development would better preserve natural resources as compared to one (1) unit per acre design.~~

NOTE: The chart in 16.12 needs to be amended to show the minimum lot size for VLDR development in a PUD is 8,000 sq. ft.

Proposal: The application proposes to amend the development code standards of the Very Low Density Residential (VLDR) zoning district to include specific elements of the SE Sherwood Master Plan so that plan can be implemented relative to new development density. The proposed code text amendment language changes the allowable density to 4 dwelling units per net buildable acre if developed through a planned unit development.

Background: In 2005 the City Council authorized the SE Sherwood Master Plan process and participation in the Oregon Transportation and Growth Management Quick Response program to fund the study and master plan process. Numerous public meetings and workshops with property owners were held, and in 2006 the Planning Commission passed a resolution to accept the SE Sherwood Master Plan and approve a process to implement the plan. The entire SESMP area is zoned Very Low Density Residential and contains approximately 55 acres. At this time, these are the only lands inside the City that are zoned VLDR.

Several design/development alternatives were presented during the master plan process, *Alternative B/C* became the 'recommended plan', with a net density of 4.43 units per buildable acre.

Figure 8 - Alternative B/C Plan View



Affected Property: There are four parcels in the City of Sherwood with VLDR zoning that could be developed under the VLDR standards currently in place, using the PUD standards. Those four parcels are:

1. Moser – 2S1 33 BC TL 1700, 11.63 acres
2. Miller – 2S1 33 CB TL 200, 5.37 acres
3. Yuzon – 2S1 33 CB TL 100, 10.36 acres
4. First Community – 2S1 33 CB TL 1000, 3.71 acres

These four parcels total approximately 31 acres. Assuming a loss of 20% of the total acreage for streets, an estimated TOTAL development density under the current development standards would result in 45-49 units (at the currently allowable density of 2 units/net acre through the PUD approval process), or a gross density of approximately 1.6 dwellings/gross acre.



Figure 2 - Study Area and Property Ownership, September 2005

With the adoption of the recommended text amendments, as supported by the SESMP, a total of six parcels could be developed, as follows:

1. Moser – 2S1 33 BC TL 1700, 11.63 acres
2. Miller – 2S1 33 CB TL 200, 5.37 acres
3. Yuzon – 2S1 33 CB TL 100, 10.36 acres
4. First Community – 2S1 33 CB TL 1000, 3.71 acres
5. Huske – 2S1 33 CB TL 300, 4.88 acres
6. Chinn – 2S1 33 CB TL 600, 3.01 acres
7. Walker – 2S1 33 CB TL 700, 3.06 acres *(while this parcel is large enough to be redeveloped under the proposed text changes, it is doubtful that more than one additional dwelling unit could be added to the site due to the existing development)*

The Chinn property was included in the original SESMP, and is included in these calculations, however, access to that property is limited and little interest in development was expressed by that property owner @ the time of the SESMP public outreach. It is likely that the Chinn parcel will someday develop as a 3 parcel Minor Partition with 1 acre lots.

The Huske parcel adjacent to Murdock Road was included in the SESMP designs and was anticipated to be redeveloped; however, without the proposed text amendments that site does not qualify for review under the current PUD standards and currently can ONLY be redeveloped with 1 acre lots.

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

The Technical Memo from Julia Hajduk to Kevin Cronin included as an appendix item (#5) in the SESMP details the history of the zoning designations for the area, and clarifies the “downzoning” of the property as it was annexed into the City. The process employed throughout the SESMP evaluation provided an opportunity for citizens to “get involved” with development of a new plan for the area. This text amendment request carries the work completed for the SESMP to its culmination.

If the recommended text changes are approved by the Planning Commission and City Council there is opportunity for development of 70 + single family lots in this section of the city. The potential resulting density is similar to that anticipated by the SESMP.

Excerpted purpose statement from the SESMP

The Sherwood City Council agreed with the need for a master plan study and adopted Resolution 2005-059 on September 6, 2005 (see appendix 1). Primary goals include developing solutions to the problems of piecemeal development, exploring options to provide better urban levels of service, emergency response, transportation, tree preservation, open space for fish and wildlife habitat, and recreation opportunities such as walking trails.

Excerpted Alternatives Comparison from the SESMP

Alternatives Comparison

Alternative	A	B	C	B/C
Total # of proposed lots ¹	54	83	80	82
Acres of right-of-ways & alleys	6.5	7.1	9.4	7.1
Acres of open space	14	13	9	11
Gross Density ²	1.5	2.3	2.2	2.2
Net Density ³	3.35	5.03	4.39	4.43

1. Proposed lots - does not include 11 “existing” 1-acre lots.
2. Gross Density is equal to number of new lots divided by total acres of developable land. Total acres of developed land does not include “existing” lots. Roads, alleys, and open space have not been subtracted from total developable land. Total developable land equals 36.6 acres.
3. Net Density is equal to number of new lots divided by net acres of developable land (roads, alleys, and open space have been subtracted from total developable land area).

Excerpted Density Question from SESMP

Question 4: *Why is the City considering a new zoning designation or amending the existing Very Low Density designation?*

Answer: According to the Metro Housing Rule (OAR 660-007-0035), Sherwood is required to provide a minimum 6 units per acre for new housing. For example, the Washington County zoning designation is R-6, or six to an acre, for the Yuzon property, which is far and above the existing 1 acre minimum and is consistent with the state standard. Typically, when areas are annexed to the City a property is “upzoned” to an urban density and not “downzoned” to a rural density located in a city limits. The City is simply following the pre-existing zoning that was in place before annexation. The City is honoring the property owners request to review the zoning standards because they see higher densities all around them. From a market perspective, in order to privately finance public improvements, and reduce the burden on taxpayers, the development community needs a project “to pencil out” so different land use scenarios need to be considered prior to any master plan being adopted.

Chapter 16.80 - PLAN AMENDMENTS

16.80.010 - Initiation of Amendments

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

Response: The amendment is being initiated by a property owner.

16.80.020 – Amendment Procedures

Zoning Map or Text Amendment

A. Application - An application for a Zoning Map or text amendment shall be on forms provided by the City and shall be accompanied by a fee pursuant to Section 16.74.010

Response: The proposed text amendment application is considered a **legislative action** and is requested on the general land use application form, accompanied by the required application fee.

B. Public Notice - Public notice shall be given pursuant to Chapter 16.72

Response: As a Type V **legislative action** application - Chapter 16.72.020 requires public notice for the required hearings to be both in the newspaper and posted in several locations throughout the city. Mailed notice to property owners is not required because this application is for a text amendment that is not specific to any single parcel of land. The application fee paid to the City includes monies to cover the public notice costs for the proposed text amendment.

C. Commission Review - The Commission shall conduct a public hearing on the proposed amendment and provide a report and recommendation to the Council. The decision of the Commission shall include findings as required in Section 16.80.030

Response: The proposed text amendment application will be reviewed by the Planning Commission at a public hearing.

D. Council Review - Upon receipt of a report and recommendation from the Commission, the Council shall conduct a public hearing. The Council's decision shall include findings as required in Section 16.80.030. Approval of the request shall be in the form of an ordinance.

Response: The proposed text amendment application will be reviewed by the City Council at a public hearing.

16.80.030 - Review Criteria

A. Text Amendment

An amendment to the text of the Comprehensive Plan shall be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the adopted Sherwood Comprehensive Plan, and with all other provisions of the Plan, the Transportation System Plan and this Code, and with any applicable State or City statutes and regulations, including this Section.

Response: The proposed text amendment is in response to PC Resolution 2006-001. The Planning Commission accepted the SE Sherwood Master Plan Report and approved a process to implement the plan. The PC resolved to consider development proposals that are consistent with the principals and goals listed in the SE Sherwood Master Plan. The specific amendments to the text are contained in Exhibit 'A'.

Comprehensive Plan

Response: The proposed text amendment does not include changes to the text of the Comprehensive Plan, but amends language of the development code, which implements the Comprehensive Plan. The proposed amendment continues to implement the Land Use goals and policies as they apply to Very Low Density Residential zoned lands.

Applicable Statewide Planning Goals

Goal 1: Citizen Involvement

Response: The purpose of Goal 1 is *“to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process”*. The proposal is to amend the code to implement the elements of the SE Sherwood Master Plan that was accepted by the City and does not include changes to the citizen involvement program. There was extensive citizen involvement in the development of the SE Sherwood Master Plan, including several public workshops, meetings with property owners and planning commission meetings. This application process includes additional opportunities for public input as well. Citizens will be notified of the proposed text amendment changes as required by Section 16.72 and will have an opportunity to participate in the public hearings held before the Planning Commission and the City Council.

Goal 2: Land Use Planning

Response: The purpose of Goal 2 is *“to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions”*. The proposal is to amend the code to incorporate criteria developed through the master plan process into the development code so that the SE Sherwood Master Plan can be implemented as accepted by the Planning Commission. The proposal does not include changes to the planning process.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

Response: The purpose of Goal 5 is *“to protect natural resources and conserve scenic and historic areas and open spaces”*. The area within the boundaries of the SE Sherwood Master Plan includes steep slopes, wetlands and woodlands. The proposed plan amendment is to incorporate elements of the SE Sherwood Master Plan into the development code so that the plan can be implemented as accepted by the Planning Commission. The PC resolution includes specific performance targets for open space to conserve natural resources within the plan area. The proposed text amendment allows for increased net density in the VLDR zone and retains the 15% open space requirement if developed through a Planned Unit Development. Existing resource protections remain intact.

Goal 12: Transportation

Response: The purpose of Goal 12 is *“to provide and encourage a safe, convenient and economic transportation system”*. The proposal is to amend the development code to increase density on Very Low Density Residential lands to 4 units per net buildable acre, if processed

through a PUD. Allowing opportunities for increased density in the area of the SE Sherwood Master Plan will help make it economically feasible for development to pay for infrastructure. The proposed text amendment will not promote any changes to the adopted Transportation Systems Master Plan for the City of Sherwood.

B. Map Amendment

An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan.....

Response: A map amendment is not proposed.

C. Transportation Planning Rule Consistency

1. *Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.*
2. *"Significant" means that the transportation facility would change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification, allow types of land use, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility, or would reduce the level of service of the facility below the minimum level identified on the Transportation System Plan.*
3. *Per OAR 660-12-0060, Amendments to the Comprehensive Plan or changes to land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:*
 - a. *Limiting allowed uses to be consistent with the planned function of the transportation facility.*
 - b. *Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses.*
 - c. *Altering land use designations, densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*

Response: The proposal is to incorporate elements of the SE Sherwood Master Plan into the development code so that the plan can be implemented. Transportation analysis conducted during the SE Sherwood Master Plan process concluded that the street system serving the area is planned to have adequate capacity to accommodate the alternatives presented. The analysis considered trip generation increases for net densities ranging from 3.35 to 5.03 units per acre. The proposed text amendment is for a change in net density on VLDR lands to 4 units per net buildable acre if developed through the PUD process. This change reflects the net density of the 'recommended plan' in the SE Sherwood Master Plan that was accepted by the Planning Commission. Topography and geology of the area present infrastructure challenges and approval of the amendments will make it feasible for transportation facilities planned for by the City to be completed.

The functional classification of all public streets within and adjacent to the VLDR-zoned parcels has been evaluated with the conclusions of the SESMP in mind. Development of the few

remaining vacant parcels of land within the VLDR district under the proposed densities envisioned with this text amendment will not result in levels of travel or access that is inconsistent with the existing functional classification of the identified streets.

While not an approval criteria, it is critical to understand that the City of Sherwood Transportation Systems Plan – adopted in 2005 – requires connectivity as illustrated in the excerpt below.



**Figure 8-8
LOCAL STREET CONNECTIVITY**

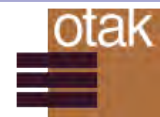
This connectivity was considered in the SESMP, and was reflected in each of the design scenarios. Furthermore – commentary in the SESMP reflected the need for development at densities that could support the construction of the desired infrastructure. The proposed text amendment facilitates development at a density that can provide the necessary transportation system elements.

Southeast Sherwood Master Plan

February 20, 2006



Prepared for the:
City of Sherwood
Oregon Transportation and Growth Management Program
A joint program of the Department of Transportation and
the Department of Land Conservation and Development



In association with
DKS Associates



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The TGM program supports community efforts to expand transportation choices for people. By linking land use and transportation planning, TGM works in partnership with local governments to create vibrant, livable places in which people can walk, bike, take transit or drive where they want to go.



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Patrick Allen - Vice Chair
Jean Lafayette
Dan Balza
Matt Nolan
Russell Griffin
Todd Skelton

City of Sherwood Planning Department

Kevin Cronin - Planning Supervisor
Julia Hajduk - Senior Planner
Cynthia Butler - Administrative Assistant

Consultant Team

Joe Dills - Project Manager, Otak
Michelle Stephens - Planner, Otak
Benvenuto “Ben” Bortolazzo - Architect & Urban Designer, Otak
Anne Samuel - Landscape Architect, Otak
Carl D. Springer - Senior Transportation Planner, DKS Associates
Chris Maciejewski - Transportation Engineer, DKS Associates

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Matthew Crall, TGM Project Manager

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Oregon Department of
Land Conservation and
Development



Oregon Department of
Transportation

Table of Contents

I.	Background	9
	Introduction	9
	Purpose	10
	Process	11
II.	Opportunities and Constraints	12
III.	Alternatives	15
	Alternative A	16
	Alternative B	17
	Alternative C	18
	Alternatives Comparison	19
IV.	Recommended Plan	20
	Description of Recommended Plan	20
	Rationale for the Recommended Plan	26

List of Figures

1.	Vicinity Map	9
2.	Study Area & Property Ownership	10
3.	Opportunities and Constraints Map	13
4.	“Create Your Own Alternative” - Example	15
5.	Alternative A - Plan View	16
6.	Alternative B - Plan View	17
7.	Alternative C - Plan View	18
8.	Alternative Hybrid B/C Plan View	20
9.	Recommended Plan with Existing Homes and Lot Lines	21
10.	Transect Diagram	21
11.	Local Green Street with Parking	23
12.	Local Green Street without Parking	23
13.	Murdock Green Street Design - Cross Section	24
14.	Murdock Green Street Design - Plan View	24
15.	Alternative B/C Plan View	27
16.	Alternative B/C Perspective View	28
17.	Alternative B/C Illustrated View of Park	29

Appendix

1.	Sherwood City Council Resolution 2005-059	31
2.	Open House #1 Materials and Feedback	32
	2-a) Open House #1 Feedback Form	32
	2-b) Summary of Public Comment Received	33
	2-c) Open House # 1 Frequently Asked Questions	37
	2-d) Baseline Transportation Memorandum, DKS Associates	39
	2-e) Opportunities and Constraints Memorandum	42
3.	Open House #2 Materials and Feedback	50
	3-a) Open House #2 Feedback Form	50
	3-b) Summary of Public Comment Received	51
	3-c) Alternatives Transportation Analysis Memorandum, DKS Associates	56
4.	Open House #3 Materials and Feedback	60
	4-a) Open House #3 Feedback Form	60
	4-b) Summary of Public Comment Received	62
	4-c) Open House # 3 Frequently Asked Questions	67
	4-d) “Create Your Own Alternative” Station Results	68
	4-e) AKS Engineering Plan	72
	4-f) Raindrops to Refuge Position Statement	73
5.	Southeast Sherwood Study Area Technical Memo, September 27, 2005	74
6.	Site Photographs	78



I. Background

Introduction

The SE Sherwood Master Plan is a guide for the transition of a 55-acre area in Sherwood, Oregon into a new, walkable neighborhood. The plan is intended to coordinate the separate land use actions and infrastructure investments of property owners, developers, and the City of Sherwood to create a cohesive, livable neighborhood.

The study area is located east of Murdock Road and extends to the eastern limits of the City and urban growth boundary (UGB) (see figure 1). The study area consists of 11 parcels, zoned Very Low Density Residential (VLDR), and nine existing homes.

Figure 1 - Vicinity Map



Purpose

The purpose of the master plan is for the City of Sherwood to be proactive in coordinating future development of the site. Making good use of the City's urban land supply is consistent with smart growth principles to use land resources efficiently and take advantage of existing urban services. It is also consistent with Sherwood's Comprehensive Plan policies regarding the integration of land use, transportation, open space, natural resource conservation, and preservation of historic resources.

Prior to initiating the study, the City held two informal neighborhood meetings to discuss issues and potential solutions, pre-application meetings for two subdivisions, and heard interest in development proposals from other owners. Based on the potential for piecemeal development, the City concluded that there was a need for a master plan to guide the transition of the area.

The Sherwood City Council agreed with the need for a master plan study and adopted Resolution 2005-059 on September 6, 2005 (see appendix 1). Primary goals include developing solutions to the problems of piecemeal development, exploring options to provide better urban levels of service, emergency response, transportation, tree preservation, open space for fish and wildlife habitat, and recreation opportunities such as walking trails.

The City applied for and received a grant from the Oregon Transportation and Growth Management Program to conduct the master plan process. As stated in the grant's statement of work, which was endorsed by the City Council, the goals of the study were to plan:

A. *A pedestrian friendly transportation system that will link the site with nearby residential developments, parks, schools, commercial sites, and other destinations;*

B. *An increase in residential densities;*

C. *A land use plan that provides for a mix of housing types that is compatible with adjacent uses;*

D. *Conceptual plans for public facilities (roads, paths, water, sewer and storm drainage) needed to support the land use plan;*

E. *Implementing strategies including map and text amendments for the City to adopt (to be prepared by the City); and*

F. *A high level of neighborhood and citizen involvement.*

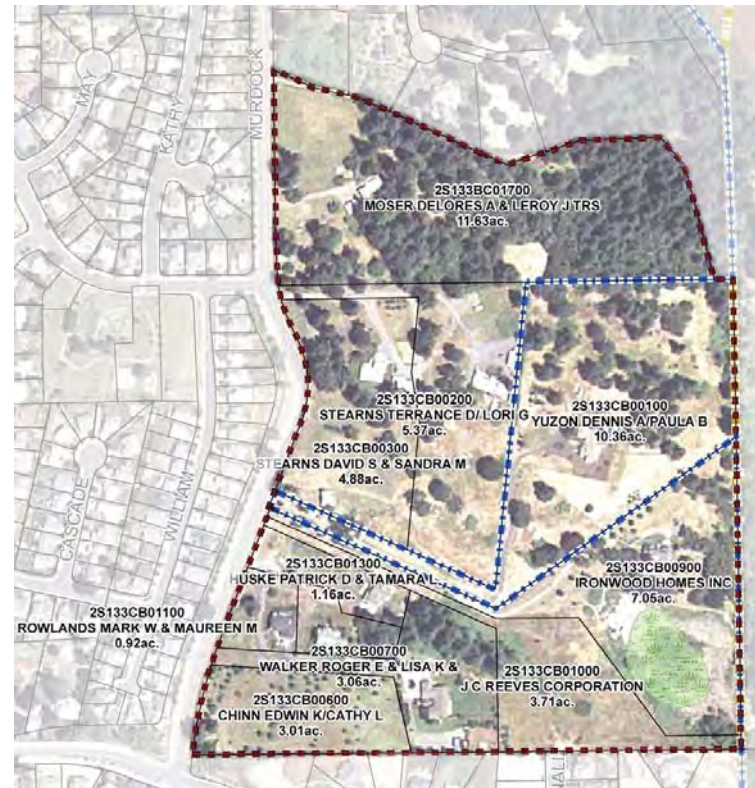


Figure 2 - Study Area and Property Ownership, September 2005

Process

The master plan was prepared with the input of property owners, developer representatives, neighbors, and City representatives. A series of three open houses were held between October, 2005 and January, 2006. Please see appendix 2, 3, and 4 for the materials and meeting summaries from the open houses. The City developed a project webpage, which was used along with electronic meeting notices and postcards, to provide ongoing information about the project. The process, in summary, included the following steps.

September 21, 2005 – Pre-application conference with property owners and developers.

September 21 – October 13, 2005 – Three site visits by the project team, with mapping of existing conditions.

October 6 and 12, 2005 – Interviews with property owners.

October 26, 2005 – Open House No 1. In this workshop, thirty-two participants viewed background materials regarding existing conditions, opportunities and constraints, transportation issues, frequently asked questions, and smart growth principles. An exit questionnaire was used to obtain feedback. The meeting was held at the Sherwood Police Facility.

November 30, 2005 – Open House No 2. In this workshop, following the open house portion, three working alternative plans were presented. Thirty-nine participants attended the meeting. The meeting was held at the Sherwood YMCA.

January 18, 2006 – Open House No. 3. This workshop was originally planned to present a “preferred” alternative. Based on feedback from the November open house, the meeting was redesigned to continue the development and evaluation of the alternatives. The meeting was held at the new Sherwood Civic Center in Old Town.

The following information was reviewed by the community at the third open house:

- The three previous alternatives from November (Alternatives A, B, and C);
- A new hybrid alternative (Alternative B/C) that responded to issues raised in November;
- Perspective images of the alternatives using the master plans overlaid on Google Earth imagery;
- An illustration of a proposed public park on the property; and
- Information about smart development practices, green streets, and low impact development practices.

In addition to the above, a “Design Your Own Alternative” station was included, where citizens worked with one of Otak’s designers to discuss and create additional ideas. The results from that station are included in appendix 4-d of this report. AKS Engineering, who represents several property owners, brought their own alternative master plans to the workshop. They set up a station and discussed their ideas with participants. Forty-one people attended the third Open House. Seventeen people filled out exit questionnaires and/or submitted letters and e-mail comments.

II. Opportunities and Constraints

The site has multiple environmental constraints which can also be viewed as potential opportunities. These opportunities and constraints are illustrated in figure 3, as well as described in detail in the opportunities and constraints memorandum included in appendix 2-e.

A 2.25-acre wetland is located in the southeast corner of the site. According to neighbors, this wetland has standing water except in the driest summer months. The wetland is an opportunity for the future neighborhood to have passive open space, wildlife habitat, and a natural stormwater area. Neighbors expressed concern about impacts to the wetland area including pesticide runoff, groundwater recharge, and the importance of the wetland as wildlife habitat.

The northern portion of the site has a 12-acre mixed woodland. It includes a variety of secondary growth mature trees, including Madrone, Douglas Fir, and others. Metro's natural resource (Goal 5) inventory describes this area as Class A (highest-value) wildlife habitat. According to a long-term resident, the area provides habitat for many species of mammals and birds. Wildlife moving through the Tonquin lowlands also travel through this portion of the site.

Small tree groves and isolated large trees extend from the northwest to the southeast portion of the site. These trees are a defining feature of the landscape in the interior portion of the site.

The wooded areas and trees are an opportunity to provide visual and open space amenities for the neighborhood. They also provide a challenge for site design. This site is marked by channels, depressions, and bedrock knolls that are part of the broader Tonquin Scablands Geological Area sculpted by ancient glacial flooding. There are two high points, one in the center of the property (elevation 315 feet) and one on the south (elevation 360 feet), with sloping terrain between them. These hilltops have great views, including a view of Mount Hood to the east. The unique terrain of this site provides an opportunity for very appealing home sites, but also provides a challenge to a connected circulation network and cohesive neighborhood design.

Preserving the natural environment of the site (including wildlife habitat, wetlands, steep slopes, endangered species, Tonquin Scablands, and mature vegetation) was mentioned in the majority of the comments received from the first open house. At least one of the above issues was raised by every respondent.

Adjacent land uses are summarized as follows:

North: Fair Oaks Subdivision, large lots (1-acre or larger) single family detached homes;

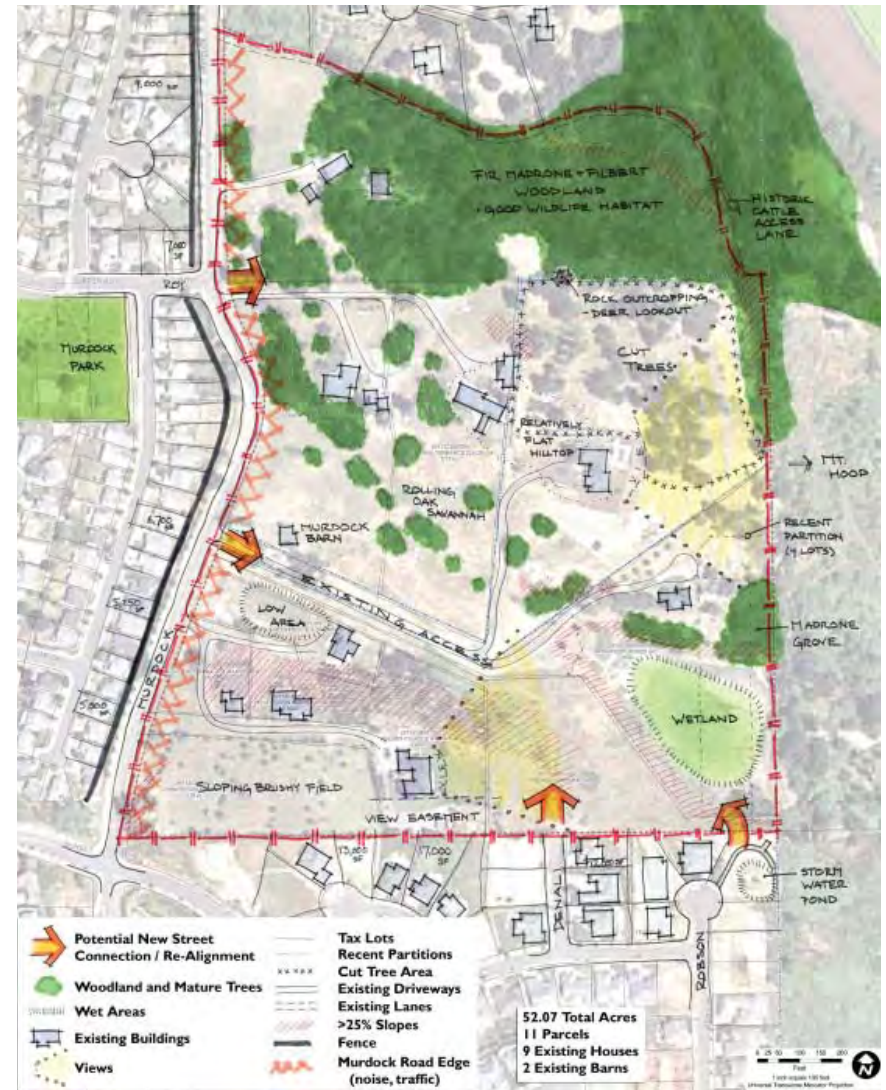
South: Sherwood View Estates, medium lots (approximately 12,000 square feet) single family detached homes;

West: Across Murdock Road, small lots (approximately 6,000 square feet) single family detached homes; and

East: Open space and Resource Land.

Of the comments received from the first open house, the second major concern was the desire of some of the residents within and most adjacent to the project area to maintain the existing Very Low Density Residential (VLDR) zoning of the site. However, some respondents were willing to consider additional density if the existing rural character of the neighborhood was maintained, and proposed lots that were smaller than one acre were placed in the center of the project, buffered from the existing lots.

Figure 3 - Opportunities and Constraints Map



Transportation conditions and issues are described in the Baseline Conditions Transportation Memorandum, prepared by DKS Associates (see appendix 2-d). Transportation conditions, opportunities and constraints include the following:

- Southwest Murdock Road is classified as an arterial and has a posted speed limit of 35 miles per hour. The average daily traffic (ADT) on the road is approximately 6,000 vehicles. A sidewalk only exists on the east side of the street for approximately half the distance between Division Street and Oregon Street. Bike lanes are not provided.
- Southeast Roy Street is classified as a neighborhood street and has a posted speed limit of 25 miles per hour. The two-lane street has sidewalks along both sides and a trail which leads to Murdock Park on the south side of the street. Bike lanes are not provided.
- West Sunset Boulevard is classified as an arterial and has a posted speed limit of 35 miles per hour. The two-lane roadway has sidewalks along both sides and serves approximately 6,000 vehicles per day. Bike lanes are not provided.

- The following table lists performance level of each of the three study intersections. The three intersections in the study area are all operating at level-of-service (LOS) C or better, which meets the City of Sherwood LOS standard of LOS D.

Existing PM Peak Hour Intersection Performance

Intersection	Traffic Control	Level of Service	Average Delay	Volume to Capacity
SW Murdock Road/Oregon Street	Roundabout	A	7.3	0.68
SW Murdock Road/SE Willamette Street	2-Way Stop	A/C	--	--
SW Murdock Road/W Sunset Boulevard	All-Way Stop	B	10.4	0.44

- The Sherwood Transportation System Plan requires local street connections to Denali Lane and Roy Street when the area develops.

III. Alternatives

The Southeast Sherwood Master Plan was prepared through a process of preparing and refining alternatives. Otak prepared four alternatives over the course of Open Houses 2 and 3, as follows:

Open House 2 – Alternatives A, B, and C were presented and discussed with attendees. Comments on the plans were submitted during and following the Open House. Comments received from this open house are summarized in appendix 3-b. These alternatives are described on the following pages.

Open House 3 – Following Open House 2, the City directed Otak to prepare a hybrid plan using: (1) the best features from Alternatives A, B, and C; (2) input received at Open House 2; and, (3) an evaluation of how the plan could be refined to follow ownership boundaries as much as possible. Alternative B/C emerged from this direction. Alternative B/C is described in this report in Section IV, Recommended Plan.

In addition to the four alternatives prepared by Otak, five other plans were created during the process. They include:

Citizen Alternatives – During Open House 3, a “Create Your Own Alternative” station was provided. This station allowed attendees to analyze the site, discuss options, and draw their own alternative. This was a lively and creative session that resulted in the four plans included in appendix 4-d.

AKS Alternative – AKS Engineering, representing several of the property owners who desire to potentially develop their property, prepared an alternative. This plan was brought to Open House 3, where AKS set up their own station and discussed the plan with attendees. The AKS alternative is included in appendix 4-e.

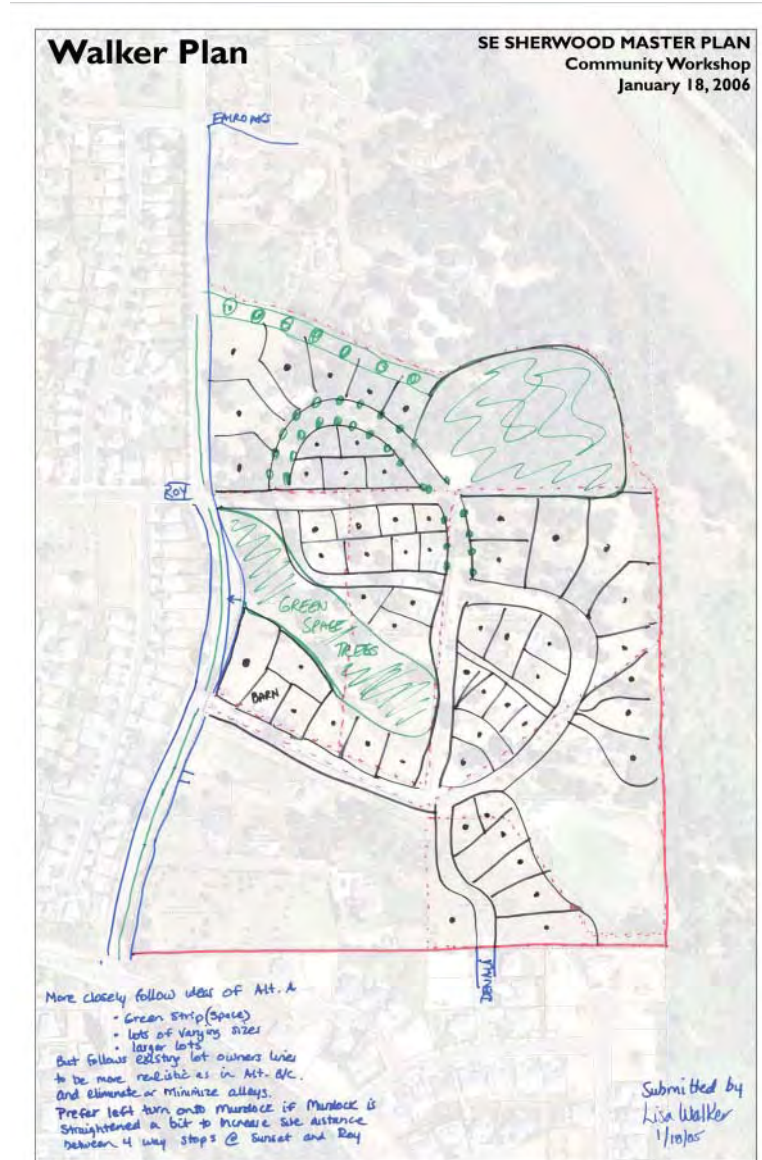


Figure 4 - “Create Your Own Alternative” - Example

Alternative A

Alternative A was presented at both the second and third open houses. The image shown to the right is the revised drawing, as shown at the third open house. Highlights of Alternative A include:

- 54 new lots (+ 11 existing = 65 Total)
- 14 acres of open space
- 6.5 acres of local streets and alleys
- Two main areas of open space: a five acre area located at the northern woodland and an eight acre corridor that connects and preserves treed areas to the wetland.
- Retention of the Historic Murdock Barn as an open space tract.
- A looping street pattern that follows the topography.
- Connections to existing streets are made at Denali Lane, Roy Street, and Ironwood Lane (south-bound left turn prohibited).
- A pathway network connects all of the open spaces. A mid-block pedestrian crossing is provided on Murdock Road.
- Lots ranging from 5,000 square feet to 1-acre.
- A gross density of 1.5 units/acre and a net density (net of existing lots) of 3.4 units/acre.
- The layout of new lots does not conform to existing ownership boundaries – cooperation between property owners would be needed to process land use approvals.
- This alternative could be developed under current zoning with a planned unit development (PUD) overlay.



Figure 5 - Alternative A Plan View

Alternative B

Highlights of Alternative B include:

- 83 new lots (+ 11 existing = 94 Total)
- 13 acres of open space
- 7.1 acres of local streets and alleys
- Three main areas of open space: a five acre area located at the northern woodland, a one acre neighborhood park, and a six acre corridor that connects treed areas to the wetland.
- Retention of the Historic Murdock Barn as an open space tract.
- A looping street pattern that follows the topography and provides an edge to the park.
- Connections to existing streets are made at Denali Lane, Roy Street, and Ironwood Lane. A fourth connection to Murdock Road is made at the north property line.
- A pathway network connects all of the open spaces. A mid-block pedestrian crossing is provided on Murdock Road.
- Lots ranging from 5,000 square feet to 1-acre, with many lots in the 7,000 – 10,000 square foot range.
- A gross density of 2.3 units/acre and a net density (net of existing lots) of 5 units/acre.
- The layout of new lots does not conform to existing ownership boundaries – cooperation between property owners would be needed to process land use approvals.
- This alternative would require a text amendment to the VLDR zone district.

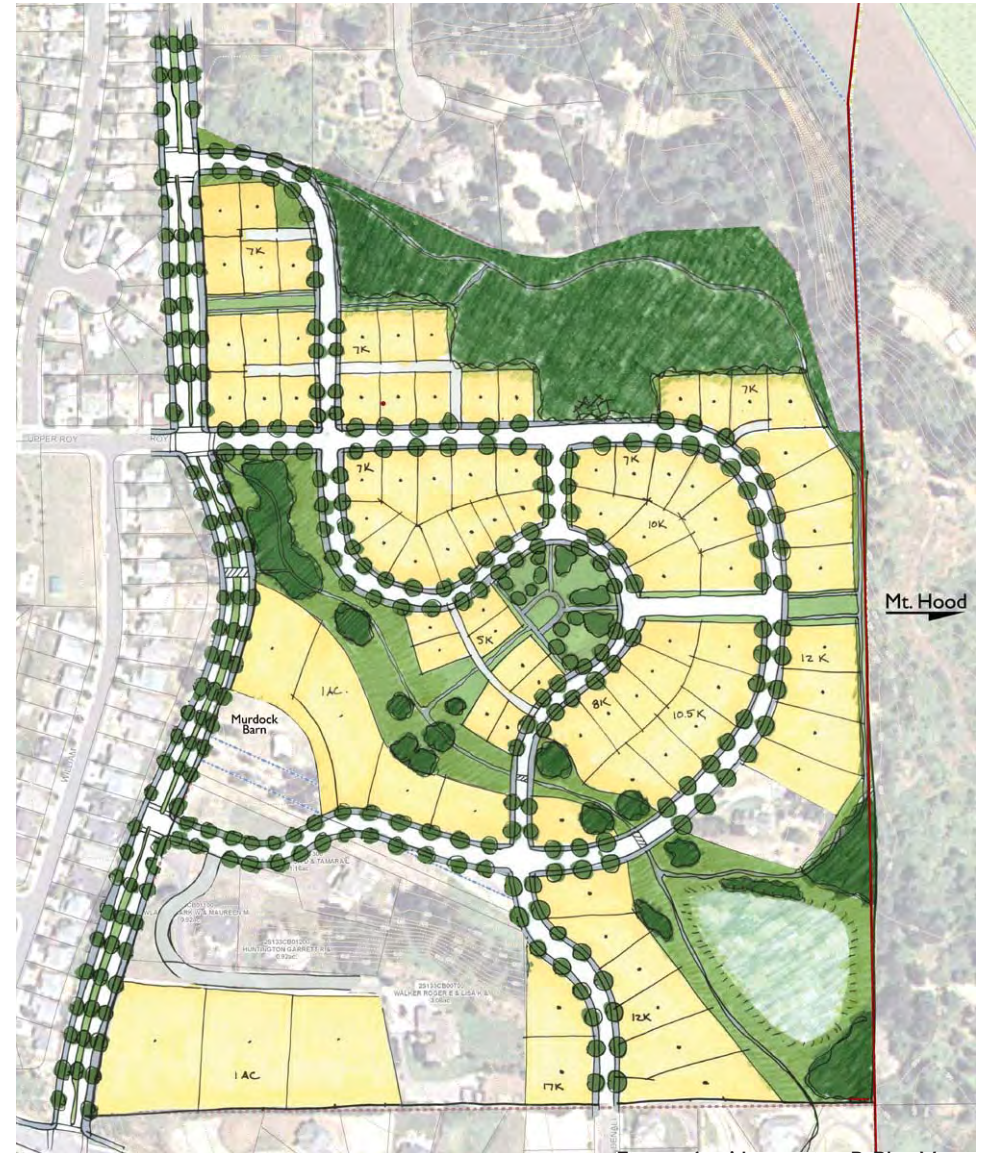


Figure 6 - Alternative B Plan View

Alternative C

Highlights of Alternative C include:

- 80 new lots (+ 11 existing = 91 Total)
- 9 acres of open space
- 9.4 acres of local streets and alleys
- Open spaces as follows: a three acre area located at the northern woodland, two open space corridors, and a view point in the center of the site.
- Retention of the Historic Murdock Barn as an open space tract.
- A looping street pattern that follows the topography. All new streets are double-loaded with lots.
- Connections to existing streets are made at Denali Lane, Roy Street, and Ironwood Lane. An alley connection to Murdock Road is made at the north property line.
- A pathway network connects all of the open spaces. A mid-block pedestrian crossing is provided on Murdock Road.
- Lots ranging from 5,600 square feet to 0.5-acre, with many lots in the 10,000 – 15,000 square foot range.
- A gross density of 2.2 units/acre and a net density (net of existing lots) of 4.4 units/acre.
- The layout of new lots does not conform to existing ownership boundaries – cooperation between property owners would be needed to process land use approvals.
- This alternative would require a text amendment to the VLDR zoning district.



Figure 7 - Alternative C Plan View

Alternatives Comparison

Alternative	A	B	C	B/C
Total # of proposed lots ¹	54	83	80	82
Acres of right-of-ways & alleys	6.5	7.1	9.4	7.1
Acres of open space	14	13	9	11
Gross Density ²	1.5	2.3	2.2	2.2
Net Density ³	3.35	5.03	4.39	4.43

1. Proposed lots - does not include 11 “existing” 1-acre lots.
2. Gross Density is equal to number of new lots divided by total acres of developable land. Total acres of developed land does not include “existing” lots. Roads, alleys, and open space have not been subtracted from total developable land. Total developable land equals 36.6 acres.
3. Net Density is equal to number of new lots divided by net acres of developable land (roads, alleys, and open space have been subtracted from total developable land area).

IV. Recommended Plan

Overall Character

The recommended plan (Alternative B/C) is a 55-acre neighborhood characterized by a mix of large- and medium-lot homes, a variety of open spaces, and a network of streets and paths. It is designed as a walkable neighborhood. The design strikes a balance between compatibility with adjacent uses and densities that are characteristic of Sherwood's low density neighborhoods. The layout generally follows the existing ownership boundaries in order to facilitate future land use approvals.

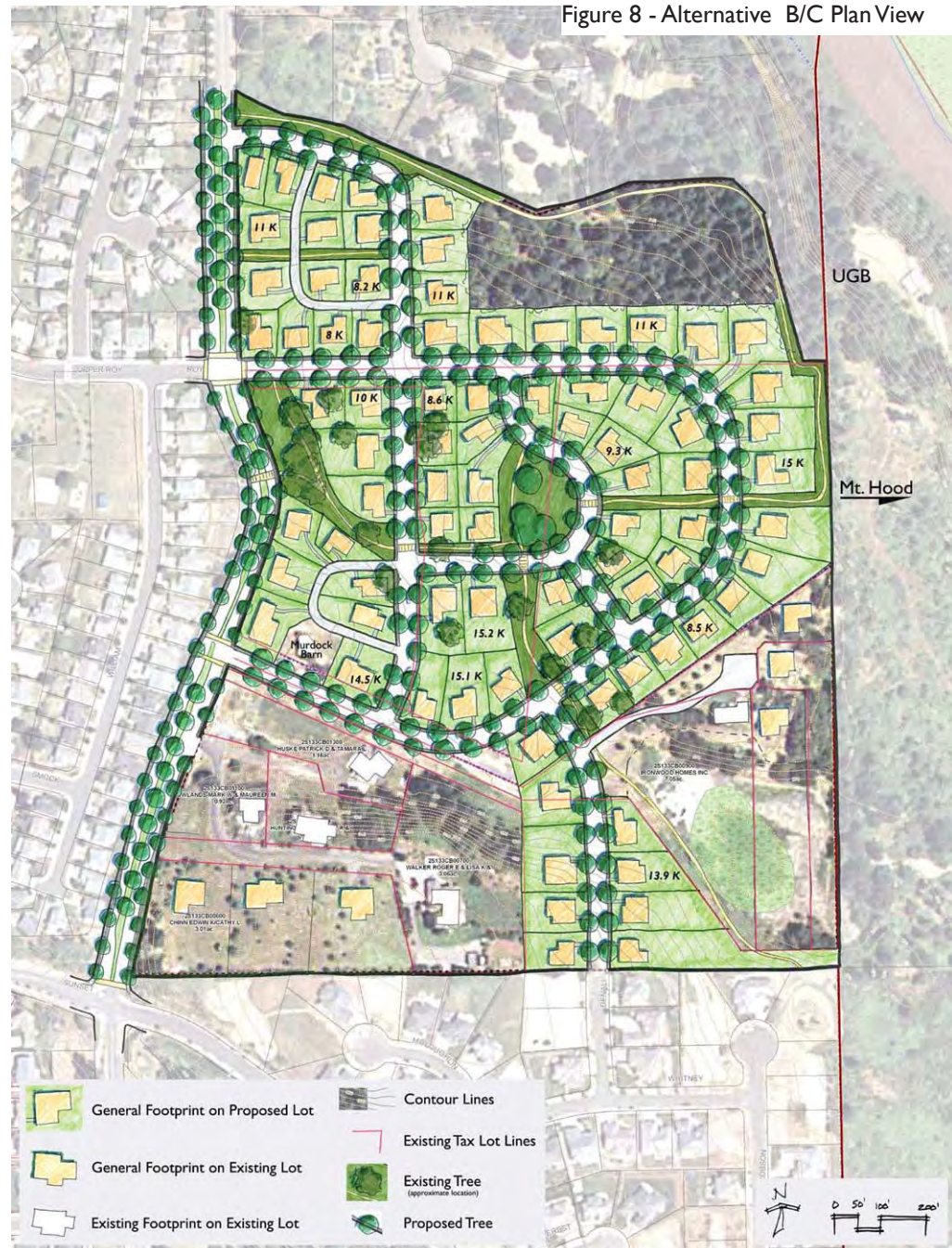
Residential Density

The 82 new lots on this plan have an approximate gross density of 2.2 units per acre, not including existing lots. The approximate net density is 4.4 units per acre, when streets and open space are not included. Development of this plan would require a text change to the Sherwood Zoning and Development Code Very Low Density Residential (VLDR) zoning district to allow approval as a Planned Unit Development.

Coordination with Existing Ownerships

The design of the neighborhood conforms very closely to the pattern of existing ownerships. Wherever possible, existing parcel lines have been used as the boundary for streets or lots. This will enable separate land use approvals that, together, will knit into a cohesive neighborhood plan. Some refinements to the plan will be required during implementation.

Figure 8 - Alternative B/C Plan View



Housing Variety

The plan includes 82 “new” lots, i.e. the colored lots illustrated on Figure 8. These comprise the undeveloped portions of the site. The plan assumes that four existing homes would be redeveloped. Two of these redeveloped homes (tax lots 2S 1 33 CB 200 and 300, see figure 2) are consistent with input received from property owners. With small refinements, all four of these homes could be easily incorporated into the recommended plan.

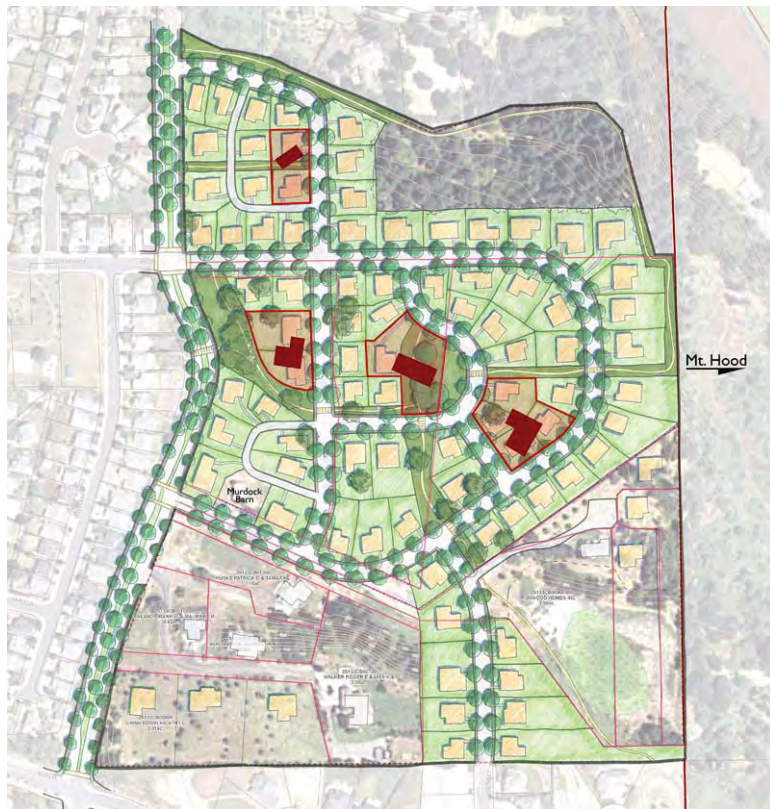


Figure 9 - Recommended Plan with existing homes and lot lines highlighted.

The plan also has 11 lots on existing or future one acre parcels. These include the southwest corner and the four lots comprising Ironwood Estates, a subdivision approved in May 2004. The property owners in the southwest corner of the site do not want further subdivision of their properties.

The overall transition of lot sizes is a “transect” of increasing density from 1-acre lots in the southwest corner, to approximately 15,000 square-foot new lots in the south and middle areas, to 8,000 – 10,000 square feet in the north. This method of design provides a buffer to the existing homes and intensifies towards the center of the plan area, away from the existing neighborhood.

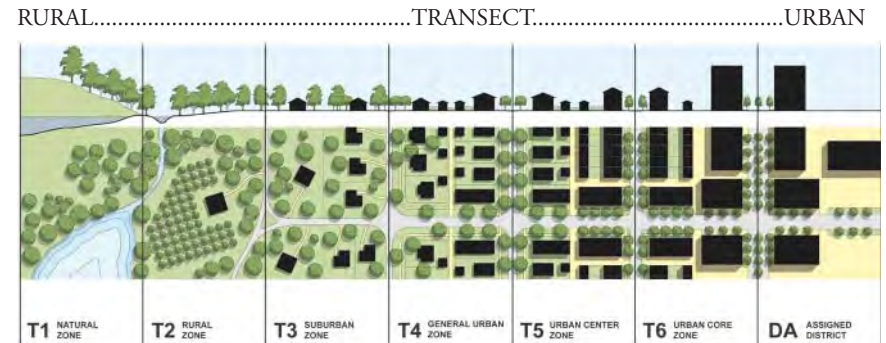


Figure 10 - Transect Diagram.

This diagram illustrates a complete application of transect design, from central city to rural edge. Courtesy of Duany Plater - Zyberk & Company.

Open Space

The plan includes 11 acres of open space that is woven throughout the neighborhood. The main open space is 4.5 acres clustered in the northern wooded area. This space is connected to Murdock Road by a green 25-50 foot-wide linear buffer of open space and walking path along the north edge of the site. A one acre neighborhood park is located in the center of the neighborhood at the high point of the site. This prominent location provides views (including an eastward view to Mt. Hood) and serves to organize the pattern of streets and lots around it. The park is visually and physically connected to two open space tracts extending to the south and west.

A grove of trees is preserved at the newly formed intersection of Roy Street and Murdock Road. This location may also accommodate stormwater facilities. The Murdock Barn is preserved and allows a subdivision of the parent parcel.

The wetland area at the south end of Ironwood Estates is key open space. It is a delineated wetland that is part of the lots recorded on the Ironwood Estates plat. One of the off-road pedestrian paths extends along its west edge.

Wetland in southeast corner of the site



Circulation

The streets form a connected system of blocks that follow the topography of the site. Connections are made at Roy Street and Denali Lane, as required by the Sherwood Transportation System Plan. A new connection to Murdock Road is proposed at the north end of the site. The existing access to Murdock Road, Ironwood Lane, is illustrated with a prohibited south-bound left turn due to sight distance. More site specific mapping is recommended to determine the degree of the sight distance problem. It is likely that modifications to Murdock Road could improve the sight distance to allow for left turns from the site onto Murdock Road. This is further described in the DKS Alternatives Transportation Analysis (appendix 3-c). There are 7.1 acres of land dedicated to local streets and alleys.

The street circulation is supplemented by a network of off-road pedestrian paths. The paths form a walking loop around the north half of the site that connect all of the northern open spaces. A path extends south from the neighborhood park to the wetlands and connects to the cul-de-sac at the north end of Robson Road.

Murdock Road 2005 - looking south



Green Streets

As part of a larger strategy for low impact infrastructure and development practices, green streets should be considered for Murdock Road and the local circulation within the Southeast Sherwood Master Plan area.

Issues to be considered include accommodation of adequate parking on residential streets, the feasibility of soils and drainage characteristics, maintenance of green streets, and how green street storm water conveyance will work with other water quality facilities. Three green street cross sections (two local streets to use within the plan area and one for Murdock Road) have been prepared and are illustrated below. For additional information, the Metro Green Streets Handbook is available at <http://www.metro-region.org/article.cfm?ArticleID=262>.

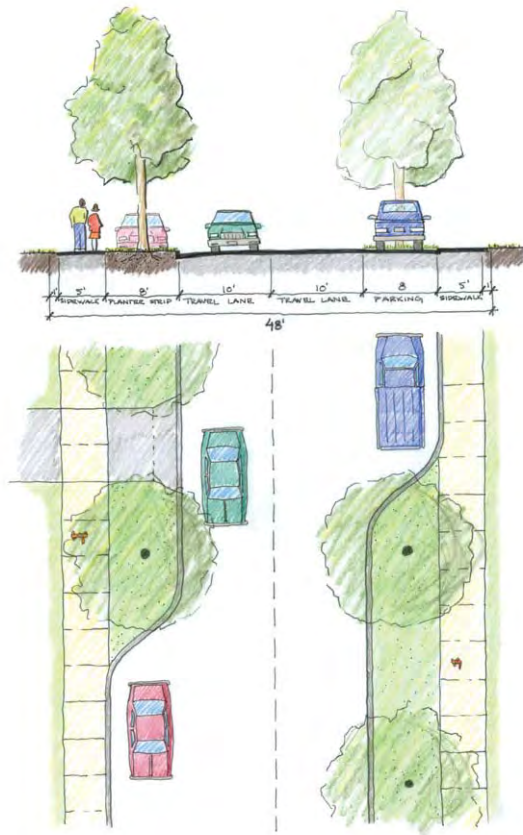


Figure 11 - Local Green Street with Parking

- 28 feet wide with parking on one side
- 32 feet wide with parking on both sides

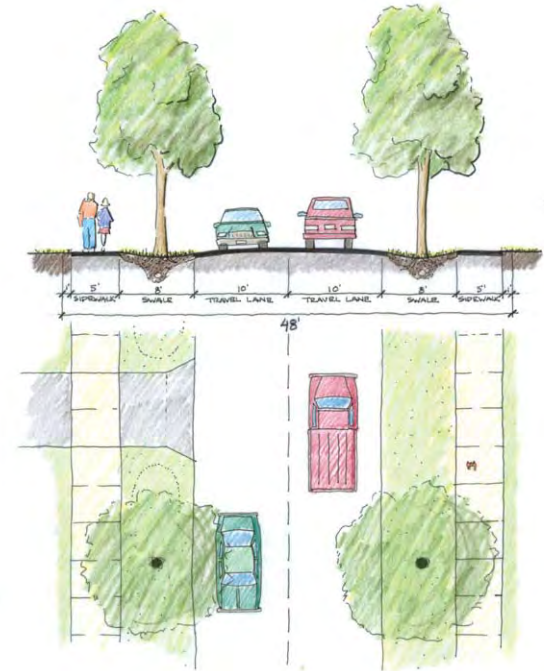


Figure 12 - Local Green Street without Parking

Figure 14 - Murdock Road Green Street Design, Plan View

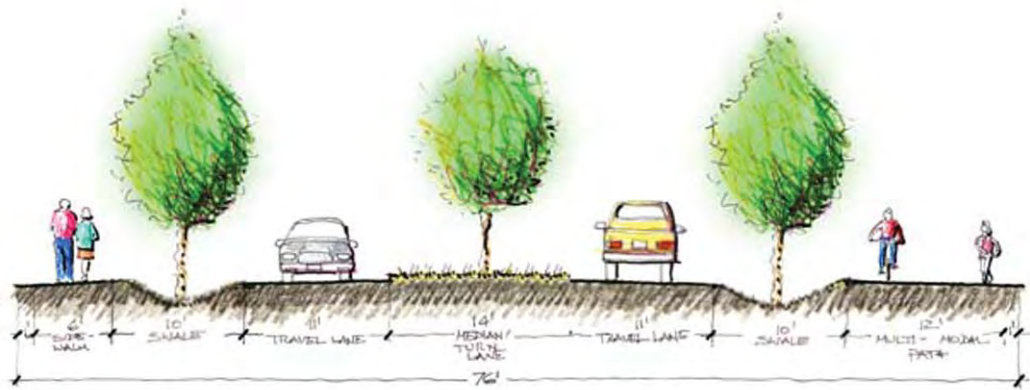
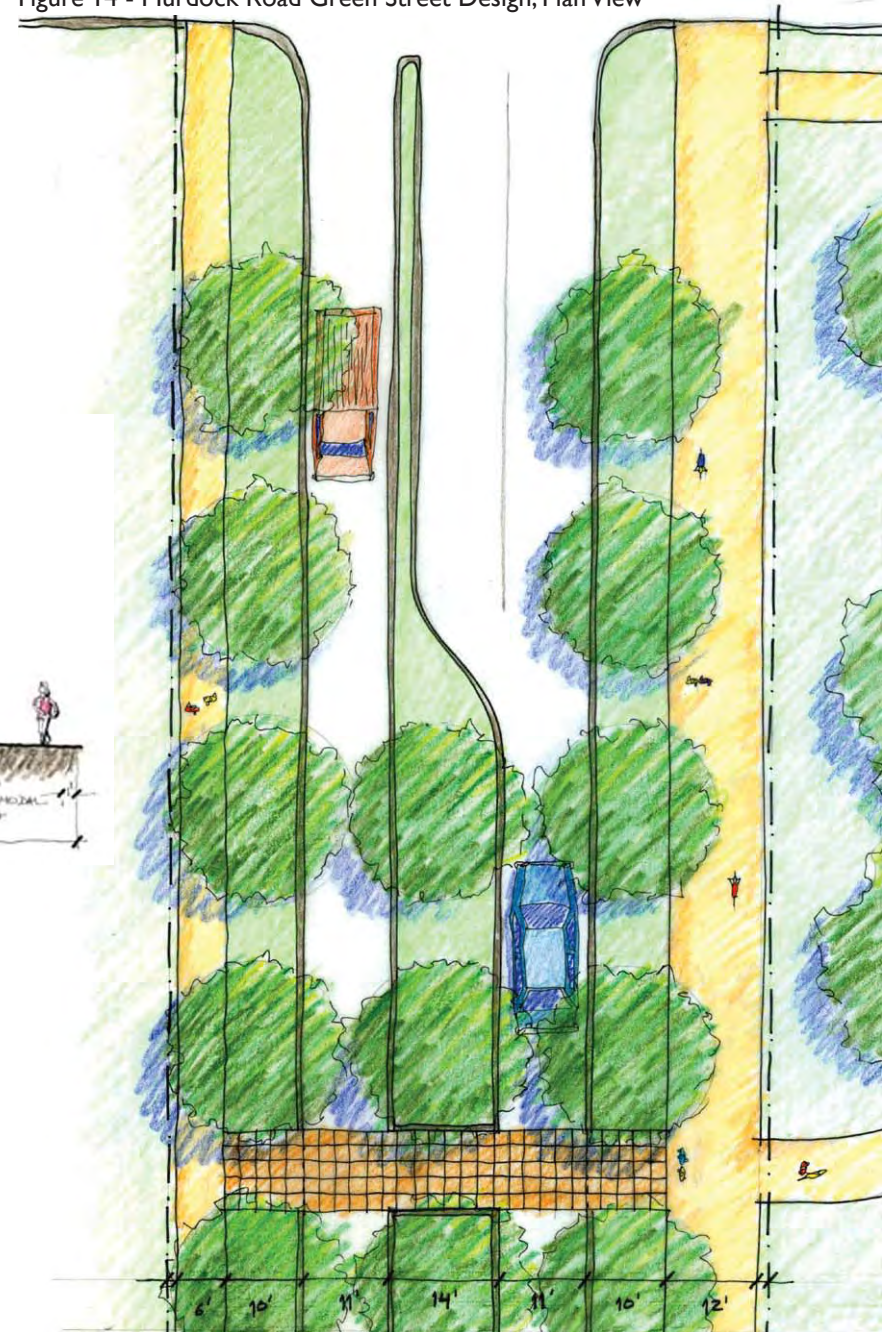


Figure 13 - Murdock Road Green Street Design, Cross- Section



Curb Options

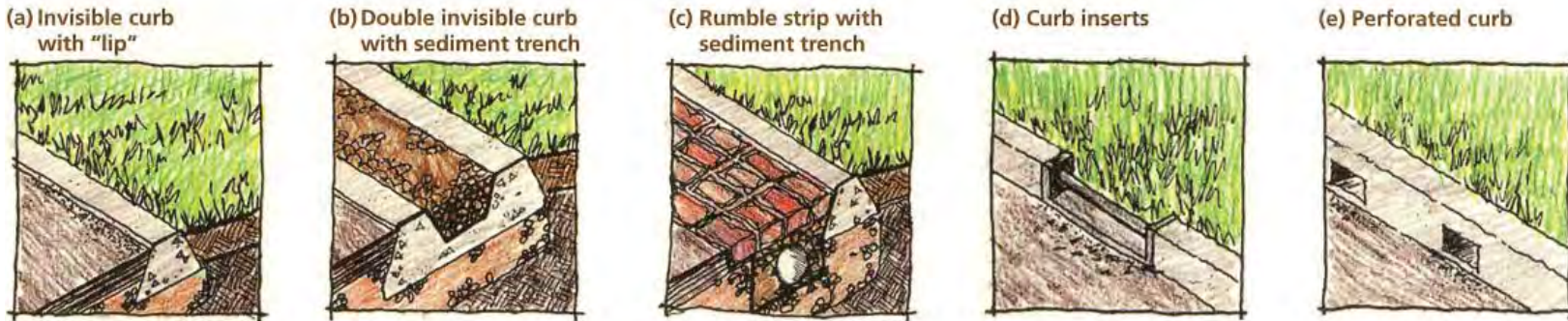
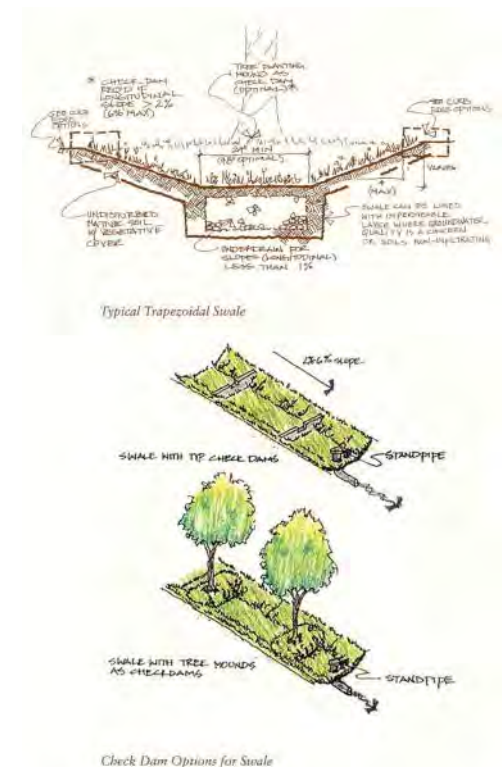


Figure Courtesy of *Green Streets - Innovative Solutions for Stormwater and Stream Crossings*, METRO. 2002



Green Street in Seattle Washington - Courtesy of Seattle's pilot Street Edge Alternatives Project (SEA Streets)



Check Dam Options for Swale

Figure Courtesy of *Green Streets - Innovative Solutions for Stormwater and Stream Crossings*, METRO 2002.

Rationale for Recommended Plan

The recommended master plan is Alternative B/C as illustrated in Figure 15. As described in previous sections of this report, this alternative grew out of the consideration of all of the other alternatives, plus commentary from participants in the process. The following describes the reasons why Alternative B/C is recommended, using the project goals (in italics) as organizing criteria.

A. A pedestrian friendly transportation system that will link the site with nearby residential developments, parks, schools, commercial sites and other destinations.

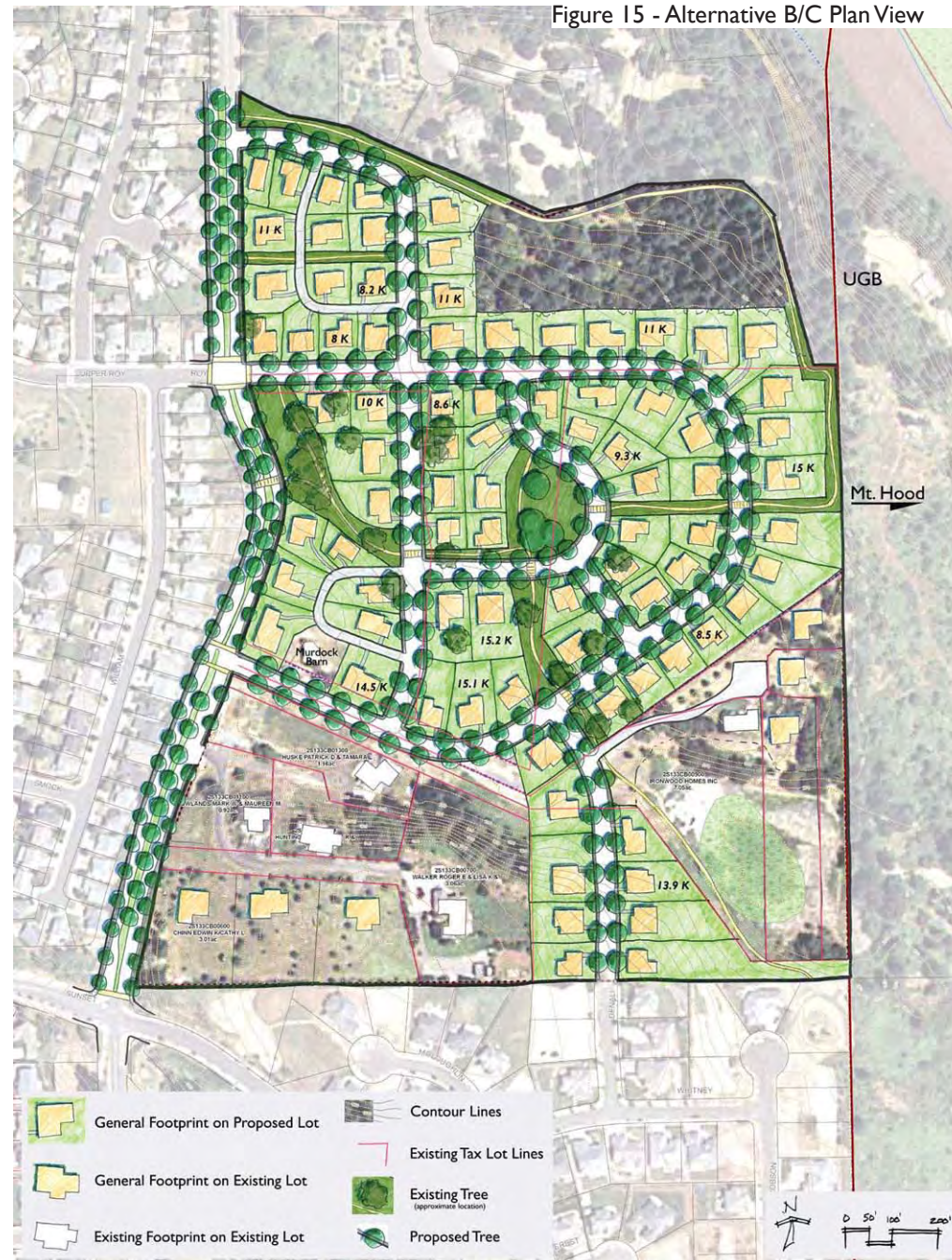
- All of the alternatives provide pedestrian friendly transportation systems to a strong degree.
- Alternative B/C has the best balance of “public realm” circulation because of the connected and logical pattern of streets and alleys.
- Alternative B/C also has an off-road path network that responds to site opportunities.

B. An increase in residential densities.

- Developer and City representatives emphasized the need for providing sufficient density to feasibly pay for infrastructure. Alternative B/C provides an 82-lot design that also has significant open space amenities. This is less than the developer preferred plan (AKS plan - appendix 4-e) of 121 lots with far less open space.

- Citizen input emphasized a preference for larger lots. Many citizens expressed a preference for the VLDR 1-acre zoning pattern. In the third workshop, some citizens who previously supported 1-acre zoning stated they were open to a variation of Alternative A. Alternative A is not recommended because it: (1) does not follow existing ownership lines, which makes coordinated land use approvals difficult; (2) has a disproportionate amount of open space on a few properties; and (3) may not have enough density to pay for infrastructure.
- Alternative B/C incorporates a “transect” of lot sizes from 1-acre lots in the southwest corner, to approximately 15,000 square-foot new lots in the south and middle areas, and to 8,000 – 10,000 square feet in the north. Alternative B/C also incorporates varied open space amenities throughout the neighborhood – this is an essential design feature to enhance neighborhood livability.
- Alternative B/C includes similar lots sizes across streets and in sub-areas of the plan. It also does not include 5,000 – 7,000 square foot lot sizes. These elements are responsive to comments received in the workshops.
- Alternative B/C provides 24 lots on the 12-acre Moser property at the north end of the site, while retaining a 4.5 acre open space in that location. This design maintains base density available under a planned unit development approval procedure, while preserving an important open space and wildlife habitat area.
- Alternative B/C follows existing lot lines as closely as the overall layout would allow.

Figure 15 - Alternative B/C Plan View



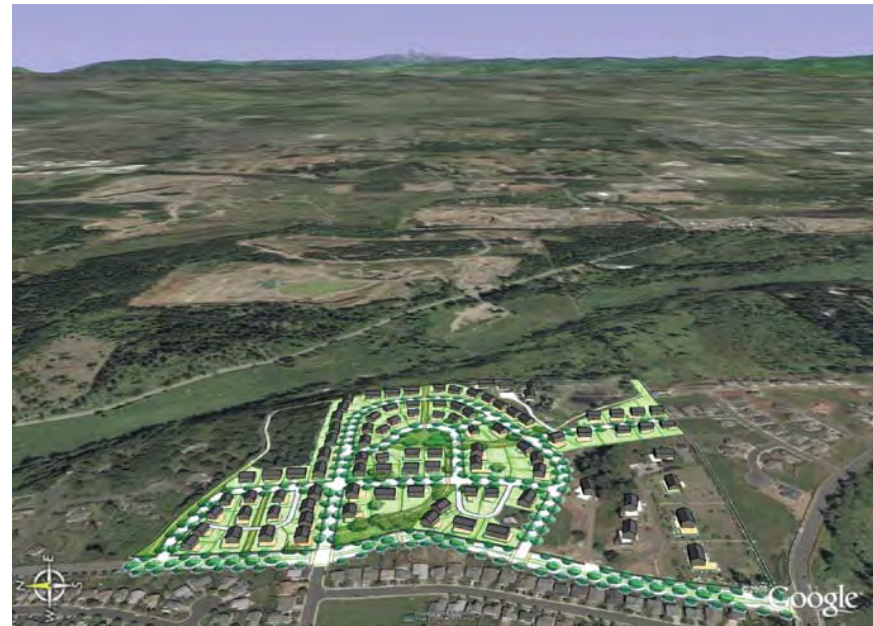
C. A land use plan that provides for a mix of housing types and is compatible with adjacent uses.

- Alternative B/C achieves a mix of lots sizes, without very small lots (5,000 square foot lots) and without too much variation in sub-areas of the plan. All lots are single-family detached, which is responsive to comments received at the first workshop. Accessory dwelling units would still be allowed.
- At the south end of the site, the 15,000 square foot lot pattern is compatible with the 12,000 square foot lot pattern to the south. The height and specific location of buildings along the Denali Lane extension will be important. The further east, and the lower in height, these homes are constructed, the less they will block eastward views from the adjacent home to the west.
- At the north end of the site, a 25-50 foot buffer with trail has been included to increase compatibility with the 1-acre homes and mature vegetation of Fair Oaks Subdivision. The large open space in this area is a key feature of Alternative B/C and ensures compatibility between the existing subdivision and new development.
- Along Murdock Road, the lot arrangements will provide a friendly neighborhood character that is much more open and green than the existing character of the west side of the street, which is dominated by rear yard fences.

D. Conceptual plans for public facilities (roads, paths, water, sewer and storm drainage) needed to support the land use plan.

- As noted above, Alternative B/C provides an 82-lot density (in balance with open space) to enhance the feasibility of paying for infrastructure.
- It provides a connected and clear pattern of public streets.
- Engineering of stormwater facilities was not part of the scope for this neighborhood design process. One or two lots within Alternative B/C may be needed for stormwater facilities. Green streets and low impact development practices are recommended in order to reduce water-related impacts and the land area required for detention basins.

Figure 16 - Alternative B/C Perspective View



- As noted in the transportation analysis, the City’s requirements for sight distance are not achieved at the intersection of the proposed southern access and Murdock Road. However, the relocation of this intersection (as shown in Alternative B) was strongly opposed by all participants. More site specific mapping is recommended to determine the degree of the sight distance problem. It is likely that modifications to the alignment of Murdock Road will be needed, as described in the DKS report (appendix 2-d).
- Alternative B/C includes a 1-acre hilltop park. The park is recommended because of its unique location and value as a shared amenity for the neighborhood. It is relatively close to Murdock Park to the west, but would provide passive park use and an alternative to having to cross Murdock Road to visit a local park. This park needs to be coordinated with the City’s Park Master Plan. An alternative (not recommended) would be to reduce the space to about 0.25 acre and design it as a small viewpoint.

E. Implementing strategies including map and text amendments for the City to adopt.

- Implementing land use procedures and standards will be prepared by the City.
- Alternative B/C follows existing ownership boundaries as closely as the overall layout would allow. This increases the potential for the individual properties to be phased in over time and have the neighborhood “knit together” according to the plan.

F. A high level of neighborhood and citizen involvement.

- This project included significant involvement from project area owners and neighbors. Well over 120 individuals attended all three workshops. Further description of neighborhood and citizen involvement is described in Sections I and III of this report as well as in appendixes 2, 3, and 4.
- At the outset of the project, it was hoped that the large public involvement effort would result in a consensus plan with widespread support. However, generally speaking, neighbors and citizens did not support Alternative B/C. And although there was some neighborhood support for Alternative A, this alternative did not achieve the project goals. Conversely, the AKS Plan is not supported by the City or neighbors. The recommended plan responds to as many of the comments as possible and strikes a carefully considered balance between Alternative A and the AKS Plan.

Figure 17 - Alternative B/C Illustrated View of Park





Appendix



Resolution 2005-059

**A RESOLUTION AUTHORIZING PARTICIPATION IN A STUDY OF THE
“SE SHERWOOD STUDY AREA” AND THE VERY LOW DENSITY RESIDENTIAL ZONE**

WHEREAS, the City of Sherwood has a Very Low Density Residential (VLDR) Zone in the Sherwood Plan and Zone Map that requires a minimum 1 acre per lot; and

WHEREAS, the City has approved recent subdivisions and partitions in the proposed study area without adequate public improvements because the City cannot require urban levels of service in proportion to the impacts of the projects; and

WHEREAS, the City expects future private development in the immediate future and that a master plan for the neighborhood would better serve current and future property owners, neighbors, and the City; and

WHEREAS, City staff has applied for technical assistance through the Oregon Transportation and Growth Management (TGM) Quick Response program to fund the study and master plan for the “SE Sherwood Study Area” and at no additional cost to the City; and

WHEREAS, the City is committing in-kind services, such as staff time, to match the overall \$50,000 estimated budget; and

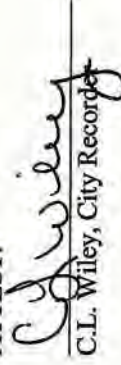
WHEREAS, this technical assistance application requires a demonstration of support from local elected officials, the Planning Commission has identified the task in the 2005 Work Program; and the City Council recognizes the benefits of a coordinated master plan for efficient land use, multi-modal transportation, and shared open space, and acknowledge the need to analyze and plan for the proposed study area; and

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

Section 1. The SE Sherwood Study Area (Exhibit A) and technical assistance application is hereby endorsed and the Planning Supervisor shall administer the study according to the attached Statement of Work (Exhibit B).

Duly passed by the City Council this 6th day of September 2005.

ATTEST:


C.L. Wiley, City Recorder


Keith S. Mays, Mayor

Southeast Sherwood Neighborhood Plan Open House - October 26, 2005

Thank you for attending the open house. Please let us know any comments you have or information we should know regarding:

Existing Conditions: _____

Transportation: _____

Frequently Asked Questions: _____

Neighborhood Design (including specific ideas about the design of this neighborhood):

Other: _____

Please submit comments by **November 2, 2005**

To: Kevin Cronin, AICP, Planning Supervisor
City of Sherwood
Southeast Sherwood Open House #1
22566 SW Washington Street
Sherwood, OR 97140



Southeast Sherwood Neighborhood Master Plan
Open House # 1 - Exit Survey Responses

Appendix 2-b

Existing Conditions:

- Conditions in study area are currently good.
- More units/acre has no option for space to do anything except exist. People walk in our neighborhood because it is kind of open. When we were elsewhere we walked in the less densely built areas. We need more open space, HOWEVER we must be willing to acquire it – buy, gift, will or some ownership mechanism.
- JC Reeves Dev. Road proposal to go through Denali Lane North has a huge issue due to steep slopes (around 25%). Alternate proposal to go through Robson is unrealistic due to wetland (check 100 year flood plain – it’s much broader than map at meeting shows).

Transportation:

- I would prefer most transportation planning to be focused on improving traffic flow on Tualatin – Sherwood road. That is the greatest problem related to growth in my estimation/perspective.
- We’ll need some public transportation with more park and ride space.
- To put road in through Denali Lane will require major retaining walls in order to grade slope for road. In the end, it would resemble a tunnel minus the roof. Is that going to be cost-effective?

Frequently Asked Questions:

- You have such a BIG lot – are there any more around here? is one question. Another frustrated remark is – there are no one-story houses to be found anywhere!
- When Woodhaven was developed, the area was designed with green spaces, walking trails and recreational area/parks. How come JC Reeves didn’t have to put anything into his development that would be for the benefit of the entire community?

Neighborhood Design:

- This study area needs large lots and low density due to its unique terrain. Whatever is decided in the end, be sure to protect the forested areas in this study area.
- A mix of apt/condo, large 2 story homes, one story, some larger lots. Sunset Park is great but a tree filled park that offers summer shade and picnic possibilities for apt/condo dwellers and walking/running paths is part of a “neighborhood.” Some planning went into the development of Lake Oswego – there are lots of trees and space between houses. I don’t feel that I need to “keep my elbows in” as I’m beginning to here.
- I believe JC Reeves should consider selling back that portion (3.7 acres) north of existing development. City should consider walking trails/park (nature) to “connect” areas rather than a road. Building more houses directly about (west) of wetland, as JC Reeves intends, will destroy wetland due to fertilizers/pesticides run-off from lawns. This is an extremely viable wetland. The “pond” is home to many different varieties of birds during the winter and spring months. Deer and coyotes as well as other wildlife, frequent this area.

Other:

- This open house was a good idea to open communication flow.
- Concern with any high density building and apartments town houses, etc.
- Also, the wetlands and property between Tonquin and the west edge of Metro Boundary.
- Major Concern – impact on wetlands if land becomes subdivision with high density – must protect the wildlife and wetlands.
- We don’t want to loose the value of our property because of neighbors or trees.
- Almost everything being built for the “younger” set – two or more story places, etc.
- The area in question should not be more than one house per acres. People in Fair Oaks’ and Ironwood’s developments custom-built homes there with the knowledge that it was zoned as such. It wouldn’t be ethical to re-zone since the majority of those people don’t want it rezoned (2 developers owning 85% of the land knowing it was zoned as such). In fact P. Huske built homes for people using that knowledge in his favor to entice people to buy into his development.

Curt Peterson

- Concerned about unique geologic features – Tonquin Scablands.
- Concerned about wildlife habitat and migration.
- Would prefer VLDR Density retained.
- Not enough technical knowledge involved in the creation of the master plan (i.e. needs more geologic studies, etc).

Carolyn Peterson

- The overall plan theme should be Low Impact to the current citizens of Sherwood and low density zoning should be preserved.
- Due to the unusual natural landscape and woodlands, any plan should only allow natural landscaping and native vegetation. Traditional lawns and non-native plants should be minimized.
- Cut and filling of topography must be minimized.
- Fencing that inhibits movement of wildlife should not be allowed.
- These types of safeguards will lessen pollution to the adjacent Tonquin wetlands and groundwater.
- There is no need for an internal connected road network that inhibits the movement of wildlife and discourages pedestrians.
- Bike and pedestrian trails can interconnect the areas. Theses same trails can be designed to allow emergency access.
- The plan to turn Murdock Road into another three land Day Road is a high price for the citizens of Sherwood to pay for continued unrestrained development.
- Be a leader for low impact development in the Metro area.

Kurt Kristensen

- Set aside master plan until UGB extended to wetland high mark below the bluff parallel with Rock Creek (with Metro collaboration).
- Have more collaborative process including: Metro, Federal Wildlife Refuge, Neighbors and property owners of bluff property, Washington County commissioners.
- Area is too sensitive to develop at higher density than currently zoned.
- City favors developers over residents.
- Murdock Road does not need improvements.

Roger and Lisa Walker

- Concerned about increased pedestrian and vehicular traffic
- Concerned about loss of wildlife, view, and natural environment.
- Would like City to maintain diverse lot sizes by retaining large lot zoning in this area (minimum 1 unit/acre).
- Non-resident land owners are pushing the need for a rezone.
- Do not make improvements to Murdock Road that would encourage its use as a bypass road to Tualatin-Sherwood Road.
- Buffer existing homes with large new homes, parks, or wetlands.
- Require height and setbacks to protect existing homes and views.
- Avoid building on steep property.

Southeast Sherwood Neighborhood Master Plan
Open House #1 Written Comments Received - Continued

Appendix 2-b

Rufauna Craigmiles (Roni)

- The Metro Long-Range Growth Plan of 2040 considered diversity of housing and protection of natural areas key issues.
- To my knowledge, the comparatively small area of very low-density zoning that exists east of Murdock represents the only one-acre lots available for homes in the Sherwood city boundary. If this is true, we may have our last opportunity to protect them. The area under consideration for rezoning is partially developed with homes on acre or larger lots.
- Maintaining the integrity of the existing homes is important. Any future development should be done to protect these property owners as well as to address concerns over the wildlife, wetlands and vegetation in the area. Zoning to allow less than acre lots would destroy the last chance to offer Sherwood this level of diversity and would harm the natural environment.
- Murdock Road needs some attention without question. Resurfacing and maybe a left hand turn lane for safety would be nice. I would not, however, like to see it turned into a thoroughfare connecting Tualatin Sherwood Highway and Sunset. This could easily become a by-pass from Oregon to 99W and create a traffic Rufauna Craigmiles (Roni)
- Feedback Form Format
- The Metro Long-Range Growth Plan of 2040 considered diversity of housing and protection of natural areas key issues.
- To my knowledge, the comparatively small area of very low-density zoning that exists east of Murdock represents the only one-acre lots available for homes in the Sherwood city boundary. If this is true, we may have our last opportunity to protect them. The area under consideration for rezoning is partially developed with homes on acre or larger lots.
- Maintaining the integrity of the existing homes is important. Any future development should be done to protect these property owners as well as to address concerns over the wildlife, wetlands and vegetation in the area. Zoning to allow less than acre lots would destroy the last chance to offer Sherwood this level of diversity and would harm the natural environment.
- Murdock Road needs some attention without question. Resurfacing and maybe a left hand turn lane for safety would be nice. I would not, however, like to see it turned into a thoroughfare connecting Tualatin Sherwood Highway and Sunset. This could easily become a by-pass from Oregon to 99W and create a traffic nightmare for local residents. If future development in the area were in line with present zoning restrictions, the present street would be adequate with general maintenance.
- Buffer existing properties with parks and wetlands. Change siting of Denali to the east to protect existing wetlands.
- Require setbacks and height restrictions in consideration of existing houses and view property.
- Avoid building on steep property. Slides and erosion potential could be harmful to the area in general.
- Use this property for green spaces.

Gary Huntington

- Minimum 1 unit/acre zoning, especially on existing 3 acres between Ironwood Homes and Sherwood View Estates (Chinn Property).
- If higher density allowed, it should be placed in center of property.
- Homes should have a minimum size to be consistent with existing homes in surrounding subdivisions.

Martin J. Gavin

- Supports minimum one acre zoning.
- Murdock Road traffic has increased greatly over last 10 years and new residential development will add to the traffic resulting in right of way improvements that may encroach upon their property.
- Values heavily wooded area on north end of site. Concerned about the impact development will have on wildlife.
- Why is there a focus on Southeast Sherwood Neighborhood rather than on other areas of town that need planning?
- Why is Sherwood not focusing on a greater mix of uses overall (jobs/residential/commercial)?
- The City should place a higher priority on sustainable building and renewable energy technologies and be an example for other communities.
- The City should preserve this land.

Nancy and Mark Batz

- The environmental impact of any development must be considered in this extremely sensitive area.
- Concerned that low density residential is not being considered as part of the master planning process.

Jean Lafayette – Planning Commissioner

Summary of comments heard at open house:

- John McKinney wants to keep large lots. No less than 1/4 of an acre.
- Gail Toien requested more adult oriented activities available in the parks.
- Dan Jamimeson, School District Super., expressed concerns on sidewalk connectivity especially on Sunset near the school.
- What's the current right of way? How much will the city take and from which side of the road?
- Why is this a city priority? There are many other things that need to be addressed.
- Future notices. Please confirm that if they signed in future notices will be mailed directly to them.
- Maintain and protect existing owners. Bought based on VLDR adjacent.
- This should be kept VLDR to provide diversity. The only one acre lots in the city.
- Don't change zone to build.
- Need to consider wildlife in the area. This is near (next to?) areas that the Tualatin Wildlife Refuge is interested in protecting.
- We discussed protecting existing home owners by smart planning with the highest density in the center of the area and the adjacent properties maintaining larger lots.
- There was also concern about the city's goal for developing this at a higher density than its currently zoned. "What's the city getting out of this?"

Frequently Asked Questions (FAQ)

Question 1: *Why is the City doing a master plan?*

Answer: The secret is out. Sherwood is a great place to live and work and a lot of new families continue to move here to enjoy a high quality of life. As a result, development is going to happen. The City wants to coordinate this new development so it fits in with the existing community and is designed well. As it pertains to SE Sherwood, the City wishes to avoid piecemeal development and inadequate infrastructure that could result from development under the existing zoning or from multiple requests for zone changes. Property owners and developers who would like to develop control over 85 percent of the land in the study area. Recent developments have resulted in a disjointed land use pattern without public improvements, connected streets, recreation trails, or shared open space. The master plan will address the issues of public facilities, traffic and transportation, recreation and open space, tree preservation, and location and lot patterns for new housing.

Question 2: *Has the City decided to change the existing zoning?*

Answer: No. The master plan is a study. The Planning Commission and City Council will review the results and decide whether to initiate further action.

Question 3: *Who is paying for the master plan?*

Answer: The Oregon Transportation & Growth Management program has provided the necessary funds to pay for the consultant services. The City does not pay any direct costs for the master plan. The contract is between the State and the consultant, while the City receives the professional service and provides staff support.

Question 4: *Why is the City considering a new zoning designation or amending the existing Very Low Density designation?*

Answer: According to the Metro Housing Rule (OAR 660-007-0035), Sherwood is required to provide a minimum 6 units per acre for new housing. For example, the Washington County zoning designation is R-6, or six to an acre, for the Yuzon property, which is far and above the existing 1 acre minimum and is consistent with the state standard. Typically, when areas are annexed to the City a property is “upzoned” to an urban density and not “downzoned” to a rural density located in a city limits. The City is simply following the pre-existing zoning that was in place before annexation. The City is honoring the property owners request to review the zoning standards because they see higher densities all around them. From a market perspective, in order to privately finance public improvements, and reduce the burden on taxpayers, the development community needs a project “to pencil out” so different land use scenarios need to be considered prior to any master plan being adopted.

Question 5: *Why add more housing when the local schools are at capacity?*

Answer: Regardless of school district capacity issues, the City cannot stop development. However, the City can direct where the growth goes and what it looks like. Since December 2004, the City has been working with the school district on a master plan that includes a new elementary and middle school for Area 59 west of Sherwood to address capacity issues. The City can only control *how* the area develops; the market and individual property owner decisions determine *when* the area develops.

Question 6: *Does the Planning Commission and City Council support this master plan process?*

Answer: City staff consulted the Planning Commission on many occasions prior to initiating the master plan and has supported staff's decision to develop a master plan. The Planning Commission has identified this task in their 2005 Work Program. In addition, the City Council adopted Resolution 2005-059 that endorsed and authorized the master plan.

Question 7: *How large is the study area and how many property owners are involved?*

Answer: The study area contains about 53 acres. Property sizes range from 1 to 12 acres. There are 11 properties, 8 different property owners, and 9 residential units.

Question 8: *Why is the Snyder property not included in the Study Area?*

Answer: The Snyder property, located west of the study area, is outside the UGB. In all likelihood, this property will not come into the UGB. Therefore, it will not be developed at urban densities.

Question 9: *What are the City's tree regulations and how do they apply?*

Answer: Section 8.304.07 of the Sherwood Zoning & Community Development Code (SZCDC) requires a developer to inventory and mitigate all native and non-nursery related trees on a property subject to a land use application. In addition to the inventory, a certified arborist must submit a tree mitigation plan that does one or a combination of the following:
(1) preserve as many as possible that are not impacted by new roads or structures;
(2) replace on per caliper inch any removal of trees on site;
(3) replace off site on city parks, open space, or right-of-way; and/or
(4) pay a fee in lieu per caliper inch.

These options provide the necessary flexibility to meet the tree standard. New city rules will be explored in 2006 to implement a region wide Tualatin Basin program to protect and restore fish and wildlife habitat. These new rules will implement new standards adopted by Metro in September 2005.

Question 10: *How do I get involved?*

Answer: There are four ways to get involved:

1. Check the Web for updates:
http://www.ci.sherwood.or.us/government/departments/planning/se_sherwood.html
2. Email: planning@ci.sherwood.or.us;
3. Phone: Kevin A. Cronin, Planning Supervisor, 503-625-4242; and
4. Read monthly updates in the *Sherwood Archer* insert in the *Gazette*.

If you have any other questions that have not been addressed above, or would like to receive future notices of meetings and updates, e-mail the Planning Department at planning@ci.sherwood.or.us or call 503-625-4242.



Memorandum

DATE: October 26, 2005
TO: SE Sherwood Master Plan Project Team
FROM: Carl D. Springer, PE; Chris Maciejewski, PE; Garth Appanaitis
SUBJECT: SE Sherwood Master Plan Baseline Transportation Conditions Review

The purpose of this memorandum is to summarize the existing transportation conditions surrounding the southeast Sherwood Master Plan study area. The City is considering strategies to coordinate future development of the study area, bordered on the north by Fair Oaks, on the south by Sherwood View Estates, on the west by SW Murdock Road and on the east by the UGB. This memorandum includes information regarding the roadway network and intersection operations for the areas along SW Murdock Road between W Sunset Boulevard and NE/SW Oregon Street. Specific information in the following sections includes general street and trail layout, street functional class, existing speed limits, traffic volumes, and intersection operations.

Roadway Network

The following section provides information regarding the streets located in the vicinity of the Southeast Sherwood study area based on field review and the City of Sherwood Transportation System Plan¹. The primary street characteristics are summarized in Table 1.

Table 1: Roadway System Characteristics

Street Name	Classification	Daily Traffic Volume	Posted Speed (mph)
SW Murdock Road	Arterial	6,000	35
NE Oregon Street	Arterial	9,000	35
SW Oregon Street	Collector	5,000	25
SW Willamette Street	Neighborhood Street	500	25
SW Fair Oaks Drive	Local	N/A	25
SW Roy Street	Neighborhood Street	N/A	25
West Sunset Boulevard	Arterial	6,000	25
SW McKinley Drive	Local	N/A	25

N/A = not available

¹ City of Sherwood Transportation System Plan, Prepared by DKS Associates, March 2005.



Southwest Murdock Road is classified as an arterial and has a posted speed limit of 35 miles per hour. The two-lane roadway runs from the roundabout at NE/SW Oregon Street southward past W Sunset Boulevard, bordering the west side of the study area. The average daily traffic (ADT) on the road is approximately 6,000 vehicles. Sidewalks are provided for the majority of the west side of the street between Oregon Street and Sunset Boulevard, except for a short distance north of Willamette Street. A sidewalk only exists on the east side of the street for approximately half the distance between Division Street and Oregon Street. Bike lanes are not provided.

Murdock Road is controlled by a roundabout at Oregon Street and a four-way stop at Sunset Boulevard. There are currently no traditional traffic calming devices (e.g. speed humps or curb extensions) on the roadway, although there are street trees on portions of the west side. Murdock Road is designated as a primary emergency response route by Tualatin Valley Fire and Rescue² and therefore, options for installing traffic calming measures in the future are limited to options that would not impact emergency response times.

Northeast Oregon Street is classified as an arterial and has a posted speed limit of 35 miles per hour. The road intersects SW Oregon Street and Murdock Road at a roundabout. Sidewalks run along the entire north side of the street, as well as a portion of the southern side between Murdock Road and Tonquin Road. The two-lane road widens to three lanes east of Tonquin Road and serves approximately 9,000 vehicles per day. Bike lanes are provided between Tonquin Road and Tualatin-Sherwood Road.

Southwest Oregon Street is classified as a collector and has a posted speed limit of 25 miles per hour. The two-lane road serves approximately 5,000 vehicles per day and has sidewalks along the south side. Bike lanes are not provided.

Southeast Willamette Street is classified as a neighborhood street and has a posted speed limit of 25 miles per hour. The two-lane road intersects Murdock Road from the west, opposite of Fairoaks Drive. In the vicinity of the study area, sidewalks are provided along the south side of Willamette Street only. The street serves approximately 500 vehicles per day. Bike lanes are not provided.

Southeast Fairoaks Drive is classified as a local road and has a posted speed limit of 25 miles per hour. The two-lane road provides access to the Fair Oaks Planned Unit Development (PUD). Bike lanes are not provided.

Southeast Roy Street is classified as a neighborhood street and has a posted speed limit of 25 miles per hour. The two-lane street has sidewalks along both sides and a trail which leads to Murdock Park on the south side of the street. Bike lanes are not provided.

West Sunset Boulevard is classified as an arterial and has a posted speed limit of 35 miles per hour. The two-lane roadway has sidewalks along both sides and serves approximately 6,000 vehicles per day. Bike lanes are not provided.

² *City of Sherwood Transportation System Plan*, Prepared by DKS Associates, March 2005.



Southwest McKinley Drive is classified as a local road and has a posted speed limit of 25 miles per hour. The street has sidewalks along both sides and provides access to Sherwood View Estates. Bike lanes are not provided.

Existing Intersection Operations

The operational performance of the study intersections was determined using 2000 Highway Capacity Manual (HCM) methodology for signalized and unsignalized intersections. Table 2 lists the performance level of each study intersection. The three intersections in the study area are all operating at level-of-service (LOS) C or better, which meets the City of Sherwood LOS standard of LOS D³.

This finding suggests that the existing traffic controls at these study intersections could service moderate growth along the corridor. Future forecasts for any new planned development within the study area would be re-evaluated to ensure that there will be adequate facilities to serve it.

Table 2: Existing PM Peak Hour Intersection Performance

Intersection	Traffic Control	Level of Service	Average Delay	Volume to Capacity
SW Murdock Road / Oregon Street	Roundabout	A	7.3	0.68
SW Murdock Road / SE Willamette Street	2-Way Stop	A/C	—	—
SW Murdock Road / W Sunset Boulevard	All-Way Stop	B	10.4	0.44

2-Way Stop Intersection LOS:

A/A = Major Street turn LOS/ Minor Street turn LOS

Roundabout Intersection LOS:

LOS = FHWA Methodology Level of Service

Delay = FHWA Methodology Level of Service

V/C = HCM Methodology worst approach Volume to Capacity Ratio

³ City of Sherwood Transportation System Plan, Prepared by DKS Associates, March 2005.

Memorandum

Appendix 2-e



17355 SW Boones Ferry Rd.
Lake Oswego, OR 97035
Phone (503) 635-3618
Fax (503) 635-5395

To: Kevin Cronin, AICP, Planning Supervisor, City of Sherwood
Michelle Stephens and Joe Dills, OTAK

From: Matt Crall, Transportation & Growth Management Program
November 15, 2005

Copies:

Date:

Subject: Southeast Sherwood Master Plan
Opportunities and Constraints Memo with Stakeholder Input from Workshop # 1 (Task 2.2d)
13384

Project No.:

The purpose of this memorandum is to outline the opportunities and constraints for the SE Sherwood Neighborhood Plan. The site is an approximately 52-acre (GIS database) area located on the east side of Murdock Road, north of Sunset Boulevard and south of the Fair Oaks Subdivision (see Vicinity Map in Appendix).

Issues addressed (and illustrated below and on the Opportunities and Constraints Map in the appendix) include existing site conditions (slope, wetlands, woodlands, public facilities/infrastructure, transportation, and parks and open space), the opportunities and constraints specific to residential master plan options for this site, and input from project stakeholders. The City of Sherwood produced a Technical Memo that addresses many of the policy and site issues in greater detail available at www.ci.sherwood.or.us/government/departments/planning/se_sherwood.html.

Parcelization

Within the 52-acre study area there are 11 total properties ranging in size from 1 to 12 acres. There are eight different property owners and nine existing homes. Piecemeal development and inadequate infrastructure could result from development under the existing zoning or from multiple requests for zone changes. The master plan presents an opportunity to coordinate development and ensure well designed, coordinated developments that have adequate infrastructure, transportation networks, and open space.

Slope Analysis and Views

The site slopes downward from both the north and the south, with a lowland area located in the center and southeast corner of the project area. Approximately 27 percent of this site (15-acres) has slopes greater than 15 percent, with over half of those being slopes greater than 20 percent (8-acres). Slopes greater than 20 percent create design difficulties for residential development and the

*SE Sherwood Master Plan - Opportunities and Constraints Memo
With Stakeholder Input from Workshop #1*

Page 2
November 15, 2005

construction of infrastructure and streets. This site is also marked by channels, depressions, and bedrock knolls that are part of the Tonquin Scablands Geological Area that was sculpted by ancient glacial flooding.

The terrain is defined by two high points and sloping terrain between them. The highest point is at the southern end of the site (tax lot 700, elevation 360 feet mean sea level). The other high point is east of the center of the site (tax lot 100, elevation 315 feet mean sea level). The two highpoints are annotated on the Opportunities and Constraints Map with view arrows. These hilltops enjoy great views, including ones of Mount Hood to the east. Other portions of the site have good views of the Tualatin Valley.

The unique terrain of this site provides an opportunity for providing privacy and variation in home orientation. It also provides a challenge to a connected circulation network and cohesive neighborhood design.

Wetlands

According to a delineation report submitted to the Department of State Lands and the City for the Ironwood Acres Subdivision, there are 2.25 acres of delineated wetlands located at the southeast corner of the site. The wetlands extend to the east of the site boundary. The wetland marsh holds water except in the driest summer months. It is bordered by defined banks on the south and north sides.

The wetland can act as passive open space for the future residents of the area, while also providing wildlife habitat and storm water mitigation. As a jurisdictional wetland, it is not part of the developable land on the site.

Woodlands and Trees

A mixed woodland is located at the northern portion of the site. It includes a variety of mature trees, including Madrone, Douglas fir, and others. It occupies approximately 12 acres of land or 21 percent of the total site area. Metro's natural resource (Goal 5) inventory describes this area as Class A (highest-value) wildlife habitat. According to the long term resident of the property, the area provides habitat for many species of mammals and birds. Wildlife moving through the Tonquin lowlands travel through this portion of the site.

The Opportunities and Constraints Map illustrates the pattern of small tree groves and isolated large trees running from northwest to the southeast portion of the site. The oak savannah is a defining element of the existing landscape in the interior portion of the site and is consistent with native upland habitat in the Willamette Valley. The trees on Tax Lot 100 have been recently cut. Section 8.304.07 of the City's zoning code addresses trees on private property. In general, the City only permits the removal of trees for the purposes of constructing City and private utilities, streets,

*SE Sherwood Master Plan - Opportunities and Constraints Memo
With Stakeholder Input from Workshop #1*

Page 3
November 15, 2005

and other infrastructure, and the minimally required site grading necessary to construct the development as approved. If other trees must be removed the City requires that the removed trees be mitigated. Mitigation can be in the form of replacement trees on-site, replacement trees planted off-site, or cash payments equivalent to the fair market value of the otherwise required replacement trees.

Overall, the wooded areas and trees provide both opportunities and challenges to the master plan. They are an opportunity to provide visual and open space amenities for the neighborhood. They also provide a challenge for site design and provision of density that may be needed for covering infrastructure costs. The master plan should explore the potential for clustering development in the north so that a portion of the woodland can be retained.

Public Facilities/Infrastructure

Public infrastructure/facilities including sanitary sewer, water, and fire protection are all available to the site. Storm water and water quality facilities can potentially be consolidated to one or two locations within the site instead of each development having its own facility, thereby reducing maintenance costs to the City and providing more developable land.

Transportation

The Transportation System Plan (TSP) for the City of Sherwood was adopted in March of 2005 and is available on the City's webpage (www.ci.sherwood.or.us/government/departments/engineering/tsp/tsp.html). The plan addresses existing conditions on Murdock Road and the surrounding streets as well as planned improvements for the next 20 years, including pedestrian and bicycle facilities that may require the dedication of right-of-way in the project area. DKS Associates, the transportation firm that prepared the TSP, has also prepared a transportation technical memo specific to new residential development on this site.

The nine homes located in the project area are all accessed by private drives from Murdock Road. Future roads for the project area will need to provide connectivity internally in addition to the surrounding projects and streets. The geologic features, wetland, and woodland are all obstacles to an internal connected road network.

Pedestrian activity in the area is relatively low, but will increase when development occurs on the site. Careful design for pedestrian crossings of Murdock will be needed for safety. A network of sidewalks and pedestrian paths will be an amenity for the neighborhood and help integrate it into the surrounding area that has parks and school facilities. There are no multi-use paths in the site area, but will be explored as part of the master plan process.

*SE Sherwood Master Plan - Opportunities and Constraints Memo
With Stakeholder Input from Workshop #1*

Page 4
November 15, 2005

Parks and Open Space

The entire site is within one-quarter mile, or a five minute walk, from Murdock Park, a four-acre active city park. The site is also within one-half mile of Sunset Park, which at 16 acres, is the second largest park in Sherwood.

The Tualatin River National Wildlife Refuge is located within one-half mile northeast of the project site. Residential development in this area will be accessible to the regional trail system that is part of Metro's future trail network which includes the wildlife refuge.

Adjacent Land Use

Fair Oaks Subdivision north of the site consists of large lot (1-acre or larger) detached single-family homes. West of the site, across Murdock Road, are small lot detached single-family homes developed on varying lot sizes that average approximately 6,000 square feet (7 units per acre). Sherwood View Estates, located south of the site, consists of detached single-family homes with an average lot size of approximately 12,000 square feet.

Compatibility with adjacent densities and existing homes on the site will need to be considered in the master plan. Opportunities include: buffer areas between the large lots on the north and smaller lots on the site; a landscaped edge treatment to Murdock Road; and careful home siting on the south.

Summary of Stakeholder Issues

Approximately 40 stakeholders attended the Southeast Sherwood Neighborhood Master Plan Open House #1. Fifteen written comments were returned on either the provided feedback form or in a letter format.

Two issues were mentioned in the majority of the comments. The first was the importance of preserving the natural environment of the site including wildlife habitat, wetlands, steep slopes, endangered species, Tonquin Scablands, and mature vegetation. At least one of these issues were raised by every respondent.

The second primary issue was the desire of the residents within the project area and adjacent to the project area to maintain the existing Very Low Density Residential (VLDR) zoning. Although some respondents were willing to consider additional density, their preference was to maintain a maximum of one unit per acre zoning. In addition, lots that were smaller than one acre needed to be placed in the center of the project, and buffered from the existing larger lots.

*SE Sherwood Master Plan - Opportunities and Constraints Memo
With Stakeholder Input from Workshop #1*

Page 5
November 15, 2005

Some respondents felt the master plan process should be postponed. Instead, a larger study involving Washington County Commissioners, Metro, other agencies, and more residents and additional land outside of the existing UGB would be conducted. This response was due partly to the perception that the master plan process was being driven by two developers and that the City favored the developers' desires over the desires of the existing residents.

Respondents also desire to maintain the existing views and the adoption of design standards for new development that requires large setbacks, buffer areas between existing and new development, and height restrictions. Other neighborhood design issues include the request to preserve the Murdock Barn, have a connected trail network which allows for wildlife migration and access by emergency vehicles, and a request that any development keep an "open" feel (i.e. "elbow room"). Although the majority of comments desired large lot, detached single family homes, one respondent desired a mix of home styles that cater to residents in all stages of life.

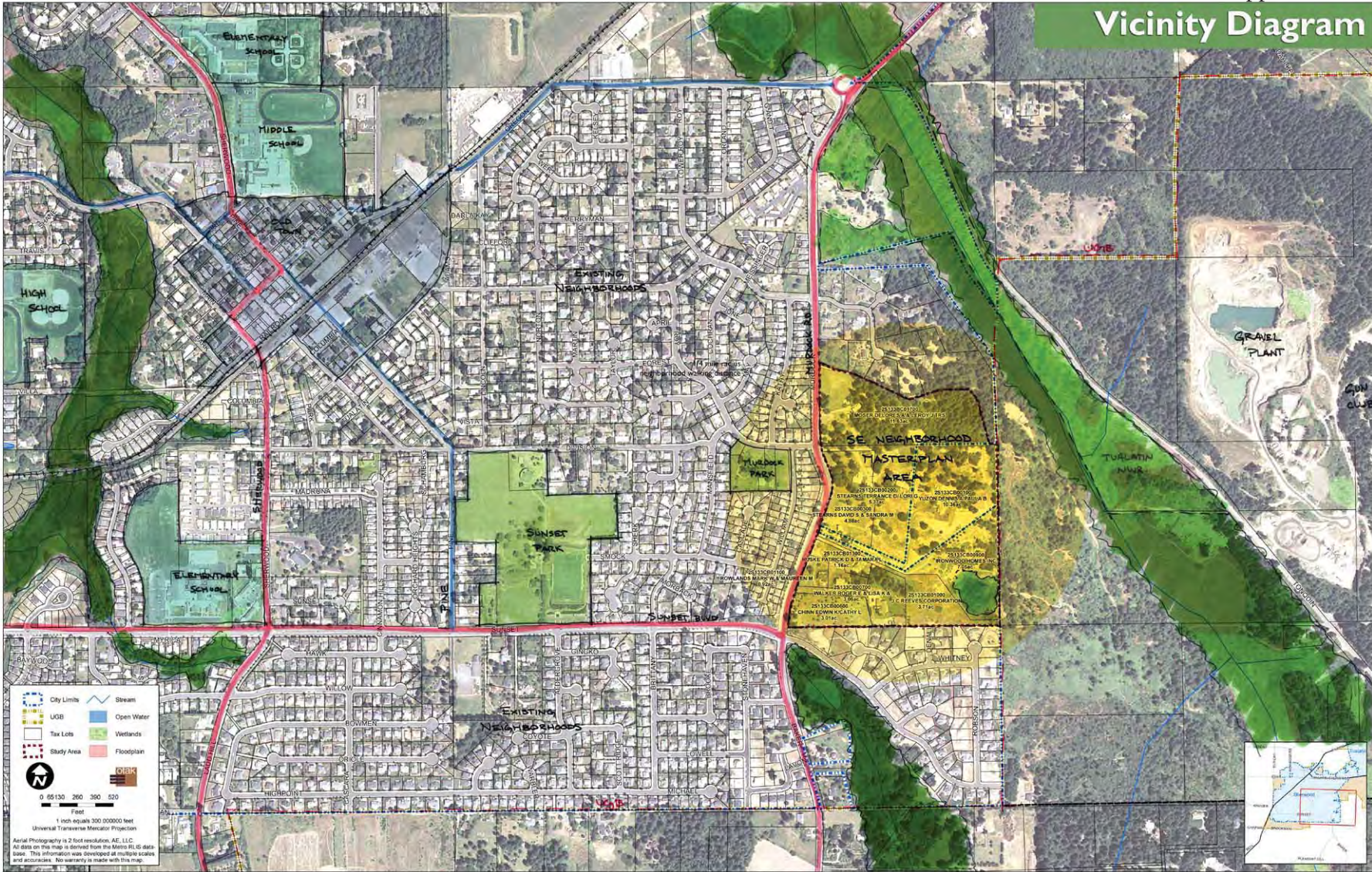
Existing traffic, pedestrian and bicycling facilities along Murdock Road were not listed as a concern by any of the respondents. However, the majority of respondents did not want Murdock Road to become a bypass route onto the Tualatin-Sherwood Road. The respondents did not believe any right of way changes (besides maintenance) were necessary on Murdock Road as it not perceived to currently have a traffic problem. There is also a perception that a "high" density development within the project area would cause traffic congestion on Murdock Road, and therefore require the right of way changes proposed in the TSP. Some respondents, who were opposed to the changes in right of way, were therefore opposed to an increased density on the project site.

One commenter stated that an internal connected road network was not necessary and that a connected pedestrian network that connected safely to schools and parks was a priority that would also allow wildlife migration.

Appendix 2-e

Appendix

Vicinity Diagram



City of Sherwood
Oregon Department of
Land Conservation and Development
TGM Quick Response Program

Southeast Sherwood Neighborhood Master Plan
Sherwood, Oregon



Appendix 2-e



**Southeast Sherwood
 Neighborhood Master Plan**
 Sherwood, Oregon

City of Sherwood
 Oregon Department of
 Land Conservation and Development
 TQM Quick Response Program

Southeast Sherwood Neighborhood Plan Alternatives Workshop – November 30, 2005

Thank you for attending the workshop.

Please let us know any comments or preferences regarding:

Alternative A (open space, lot size, transportation network, etc.): _____

Alternative B (open space, lot size, transportation network, etc.): _____

Alternative C (open space, lot size, transportation network, etc.): _____

Overall Critique/Other: _____

Please submit comments by **December 12, 2005**

To: Kevin Cronin, AICP, Planning Supervisor
City of Sherwood
Southeast Sherwood Workshop #2
22566 SW Washington Street
Sherwood, OR 97140
Or: cronink@ci.sherwood.or.us



Use back or additional sheets if necessary

Southeast Sherwood Neighborhood Master Plan
Open House #2 – Survey Response

Appendix 3-b

Alternative A (open space, lot size, transportation network, etc.):

- Too much lot size variation – too much house size variation would result.
- Don't like the tiny lot circles if you change that, like open space near UGB.
- Don't like alleys.
- Make these lots fewer and bigger.
- Nothing < 10,000' lots.
- I like this plan the best.
- Open Space excessive.
- Not acceptable.
- This alternative does not take into account the input from the majority of the workshop participants to leave this area as it, or at the minimum subdividing it into one acre lots with 50% for open/natural space.
- Minimum lot size 10K to 12K sf.
- Denali should be cul-de-sac to preserve Sherwood View Estates as was originally planned when residents bought property.

Alternative B (open space, lot size, transportation network, etc.):

- Too many small lots.
- Don't like alleys.
- Don't like the mix of lot sizes.
- Nothing less than 10,000' lots.
- Reject.
- Having no left turn allowed onto Murdock from the SE Sherwood Neighborhood (near the Murdock barn) will cause increased traffic through the Sherwood View Estates neighborhood. That is a big concern.
- Open space excessive.
- Road at entrance runs thru wetlands.
- Best plan for view lots.
- Not acceptable.
- Subdividing this area into 91 lots would totally destroy the natural beauty. This is unique and should not be developed in this manner. Changing the zoning would go against the public input and the best interest of the overall Sherwood community.
- Too many small lots – would be difficult to get buyers for larger lots when such close quarters are “next door” – reminds you of (could not read, but looks like Alotto) – not a good thing (where you have a nice house and someone puts up a different “type”)
- Minimum lot size s/b 10K to 12K
- Keep Denali a cul-de-sac.

Alternative C (open space, lot size, transportation network, etc.):

- Too many small lots.
- Don't like alleys.
- Nothing less than 10,000' lots.
- Reject.
- Having no left turn allowed onto Murdock from the SE Sherwood Neighborhood (near the Murdock barn) will cause increased traffic through the Sherwood View Estates neighborhood. That is a big concern.
- 5000 sq. foot lots are unreasonable for this area. The planners are kidding themselves if they think someone with of 15.5k lot would want a home on 5000 sq. ft. directly across the street.
- Not acceptable.
- This alternative in even less of a desirable plan than alternative "B". It has negative issues relating to the existing plant and animal habitat, as well being an overwhelming change to the area as it exists today. There is no public support for this alternative.
- Same as for Alternative B. Too many small lots – would be difficult to get buyers for larger lots when such close quarters are "next door" – reminds you of (could not read, but looks like Alotto) – not a good thing (where you have a nice house and someone puts up a different "type"). Minimum lot size s/b 10K to 12K. Keep Denali a cul-de-sac.
- Get rid of alleys – this is not the Bronx!

Overall Critique/Other:

- Please try an option D with less # houses than B and C, and more lot size uniformity than A.
- Why is the zoning changing in the first place? We all moved in believing the current zoning. It feels like we got a bait and switch, rug pulled out from under us thing. Why have zoning if it means nothing and people can't count on it?
- It's extremely disturbing how in each alternative there are plans for eight homes directly above the delineated wetland pond. How will those homes with fertilizers, pesticides, etc. used on the lawns prevent harming the pond and the various wildlife that uses it?
- How do you make it equitable for each owner? Who will pay for open space? Overall, this process is turning out to be a disappointment. There is a core of people who are not open-minded about the alternatives presented. They are just using this as a forum to say that they want no change and would be very happy if there were not further development. Of course, they would – they are not the property owners. Everyone wants to be the last person in the City!
- I am still looking forward to an Alternative "D" from the City of Sherwood which leaves the area as it is without additional residential development. I am personally against the above three Alternatives based on the potential negative impact to already crowded school, increased traffic on Murdock Road and the natural environment of this unique area.
- I recommend that the decision to develop this area or leave as is be left up to a vote by all residents of the City of Sherwood. A ballot measure could be setup to allow this area to be preserved for future natural park land, or to be developed as a residential subdivision. If approved by the measure for future natural park land, a bond measure could be established for funding land acquisition and park development.
- Need an alternative showing original zoning.
- Also, alternative need with 10K to 12K lots.
- Keep green space and buffer zone for fragile wildlife and wetland areas.

Southeast Sherwood Neighborhood Master Plan
Open House #2 Written Comments Received

Appendix 3-b

Kurt Kristensen

- Does not believe there is support for any of the alternatives.
- Cost of development on environmental and school system too high. Would be better to not allow development on land until school system catches up
- City did not honor workshop #1 comments.
- Upgrades to Murdock Road should not be considered with this development as the need for the road improvements are related to the entire City, not just this development.
- Traffic on Murdock Road is a concern.
- Roundabouts should be considered. Intersections proposed will cause road to become unsafe and cause traffic congestion in Fair Oaks Subdivision.
- This project needs to be reviewed with Metro and Washington County to look at entire bluff area and wetlands. Make wildlife refuge a regional attraction.
- Build a Street of Dreams.
- Protect areas with lower density.
- Propose additional workshop before final recommendation.
- Believes plans are developer driven.

Steve Klein

- Preferred Alternative A to the other plans, but none were to his satisfaction. Improvements to Alternative A include reducing the number of lots, creating a minimum lot sizes of 7,500 square feet, but keep average lot size around 20,000 square feet. Increase lot sizes even if it means reducing open space.
- Does not see need for any formal parks within development. Area already served by Murdock and Sunset Parks.
- Access onto Murdock Road a large concern (doesn't say why). Combine private accesses into one of the new access roads.

Lisa Walker

- There is a need for at least one additional meeting. At least one plan needs to reflect minimum 1 acre

Bob Davidson

- Although he would prefer no development – development of lots within the 12,000 to 15,000 square foot range or larger are acceptable. Similar to development in Sherwood View Estates.
- Not in favor of smaller lot sizes mixed with larger lot sizes.

Evy Kristensen

- Worried that a zone change will be like “opening a can of worms.” Prefers to keep 1 acre zoning.
- Concerned about impact on schools and environment.
- Wants to preserve last forest in Sherwood.

Dean Glover

- Wants to see a 1 acre plan/option.
- Moser forest along north property line needs to be saved and protected. No development permitted. How is this area being protected?
- Alternative A is the preferred out of the 3 presented. Alternative C is the least preferred – lots are too small.
- Believes alleys give the impression that too many homes are being squeezed into project area without adequate access.
- Access to Murdock appears to be dangerous.
- Concerned about 20 foot easement on north property line. If developed would like 10 foot dedicated back to Fairoaks Subdivision.
- Believes process is moving too fast.
- Would like more City planning personnel at open houses to hear feedback and to have meetings recorded.

Gary De Boer

- Allow construction at the end of Denali with cul-de-sac.
- Only provide emergency access through existing subdivision rather than allowing access by new development through existing subdivision.
- Not in favor of any of the presented alternatives. Would prefer low density plan.
- Does not like alleys.
- Concerned about Murdock Road accesses and “no left turn” proposal. Would force traffic through existing subdivisions.
- Worried about school congestion.
- Create a “street of dreams.”

Carolyn and Curt Peterson

- Likes the open space, and alleys on Alternative A.
- Alternative B is less desirable than A, and C is the least desirable due to the amount of proposed open space.
- Dislikes the proposed flag lots, due to access through existing lots.
- Concerned about access through existing (western) wetland.
- Southeast wetland needs larger buffer.
- Concerned that allowing smaller lot sizes is only a way to allow future development of hundreds of houses on this site.
- Extending Denali Street results in unfair traffic burden on residents of Fairview Estates.
- Prefers minimum 1 acre zoning, similar to Fairoaks subdivision.
- Worried about school congestion.
- City should partner with Metro (or find other funding source) to protect sensitive lands/forests.
- Safeguards should be in place to ensure development is wildlife/environment friendly.
- Not in favor of a three lane Murdock Road.
- Wants City to be a leader for low impact development.

Southeast Sherwood Neighborhood Master Plan
Open House #2 Written Comments Received - Continued

Appendix 3-b

Mark and Megan Rowlands

- Keep current 1 acre zoning.
- Would like another meeting with 4th option presented.
- Consider doing a “Street of Dreams.”
- Take more time to develop smart growth plan.

AKS – Montgomery Hurley

- Master plans do not recognize existing homes and/or property lines.
- Streets and lot layouts on three alternatives are irregular.
- Proposed layouts/lot sizes/streets do not appear to meet City code or require PUD overlay to accomplish.
- Plans do not seem to add much density over what is currently allowed.
- Not in favor of alleys.
- Wants more details on ownership of alleys and open space.
- Would like specifics on plans (setbacks, stormwater, and length of driveways).
- Plan requires excessive lengths of driveways and awkward home configurations.
- Would like to see an additional public open house.

Paula Yuzon

- Encourages the City on its path of thinking for the entire community and region (prevent sprawl, develop compact urban form).
- Don't be swayed by NIMBY's, but listen to their comments.

Lori Stearns

- Owns property within plan area. Does not want sale/development of her land attached to a Master Plan – property controlled by neighbors.
- Concerned with all three alternatives:
 - Not dense enough lot sizes.
 - None of the three plans were acceptable.
 - Believes true parcel lines and recorded plats need to be represented on alternatives.
 - Layout does not consider existing property lines
 - Too much open/green space shown on her property
 - Concerned with safety of nature trails – Doesn't the City already have enough trails
 - Why is there a formal park?
 - More consideration should have been given to other clusters of mature trees on developed lots within the plan area.
- Doesn't like Murdock with a median. Too expensive, why not just use turn lanes.
- Feels her property is taking unfair share of burden of open space.



Memorandum

DATE: November 30, 2005
TO: SE Sherwood Master Plan Project Team
FROM: Chris Maciejewski, PE; Carl D. Springer, PE
SUBJECT: SE Sherwood Master Plan – Alternatives Transportation Analysis

P05274-000-000

The purpose of this memorandum is to review the transportation performance and other key characteristics of the alternatives created for the SE Sherwood Master Plan (Alternatives A, B, and C). The first two sections of this memorandum discuss compliance of the proposed alternatives with City access spacing and safety standards. The last section evaluates local traffic operation issues in the long term (2020).

Access Spacing

Murdock Road is designated as an arterial roadway in the City’s Transportation System Plan (TSP)¹, which has an access spacing minimum of 600 feet and maximum of 1,000 feet. The properties forming the study area combine for approximately 2,000 feet of frontage to Murdock Road. The City’s TSP designates a connection to the study area at Roy Street. Because Roy Street is located approximately 1,500 feet north of Sunset Boulevard, there should also be one access point to the study area between Sunset Boulevard and Roy Street. North of Roy Street, the study area has approximately 500 feet of frontage, which under the City access spacing criteria would not allow an access point north of Roy Street.

In addition to access to Murdock Road, the TSP designates a local street connection from the study area to the south (Denali Lane). This connection should be included in each of the alternatives.

While the adopted City standards for access spacing are aimed at providing a well-connected, functional roadway system, it is important to consider the balance between maintaining standards and providing effective access to the lands served by the roadway. The City has the authority to grant exceptions to the access spacing criteria when it is warranted. For example, there are no access options to Murdock Road between Roy Street and Willamette Street (which are 1,100 feet apart) where development has already occurred. Therefore, a public roadway access to Murdock Road at the north end of the study area (500 feet north of Roy Street) may be desirable as it could balance motor vehicle traffic accessing the study area (less turning traffic at each site access intersection, less traffic on the local streets leading into the study area) and it would meet the City’s criteria of maximum 1,000 foot spacing between public roadways.

¹ *City of Sherwood Transportation System Plan*, Prepared by DKS Associates, March 2005.

1400 SW Fifth Avenue
Suite 500
Portland, OR 97201
(503) 243-3500
(503) 243-1934 fax
www.dksassociates.com

In addition, access spacing criteria is subject to the physical constraints of the surrounding land (topography, adjoining property access). When the access spacing criteria cannot be met (without significantly impacting the function of a property) due to physical constraints, the City also has the authority to grant an access spacing criteria exception. For example, the southeast corner of the study area has several existing homes served by a driveway accessing Murdock Road that winds up a steep slope. This driveway is bounded by the slope to the south and a storm water pond to the north. As it would be difficult to convert this driveway into a public roadway and connect it to the rest of the study area, it may be appropriate to have a second access to Murdock Road between Roy Street and Sunset Boulevard.

Based on these access spacing criteria, the three alternatives created for the study area were reviewed for compliance with City standards. Table 1 summarizes the findings.

Table 1: Access Criteria Review Summary

Scenario	Proposed Access Points to Murdock	Meets City Standard?	Connection to Denali?	Comments
Alternative A	3	No	Yes	<ul style="list-style-type: none"> ▪ Includes 2 access points between Roy and Sunset, which does not meet minimum 600' spacing requirement. However, both of these access points may be needed due to physical constraints between the two access points
Alternative B	3	Marginal	Yes	<ul style="list-style-type: none"> ▪ Meets criteria between Sunset and Roy ▪ Northern access is approximately 500 feet north of Roy, which is slightly below the 600 foot minimum. This access may be desirable as it would be the only intersection on Murdock in the 1,100 feet between Roy and Willamette.
Alternative C	4	No	Yes	<ul style="list-style-type: none"> ▪ Includes 2 access points between Roy and Sunset, which does not meet minimum spacing requirements. However, both of these access points may be needed due to physical constraints between the two access points ▪ Northern access is approximately 500 feet north of Roy, which is slightly below the 600 foot minimum. This access may be desirable as it would be the only intersection on Murdock in the 1,100 feet between Roy and Willamette.

Table 2: Forecasted 2020 (TSP) PM Peak Hour Intersection Performance

Intersection	Traffic Control	Level of Service	Average Delay	Volume to Capacity
Murdock Road / Oregon Street	Roundabout	A	5.4	0.34
Murdock Road / Willamette Street	2-Way Stop	A/B	—	—
Murdock Road / Sunset Boulevard	All-Way Stop	B	10.2	0.39

2-Way Stop Intersection LOS:

A/A = Major Street turn LOS/ Minor Street turn LOS

Roundabout Intersection LOS:

LOS = FHWA Methodology Level of Service

Delay = FHWA Methodology Level of Service

V/C = HCM Methodology worst approach Volume to Capacity Ratio

All-Way Stop Intersection LOS:

LOS = Level of Service

Delay = Average delay per vehicle (seconds)

V/C = Volume to Capacity Ratio

To determine if rezoning the study area to allow more units impacts the operations at the study intersection, the trip generation of the site was estimated for each of the alternatives. Trip generation was estimated based on rates provided by the Institute of Transportation Engineers³ (ITE) for residential land uses. Table 3 lists the estimated daily and peak hour trips for each of the alternatives, including a calculation of the net increase in trips from existing zoning.

Alternatives B and C, which have similar unit totals, would generate approximately 250 more daily vehicle trips and approximately 20 to 30 more peak hour vehicle trips than Alternative A.

Table 3: Motor Vehicle Trip Generation Comparison

Scenario	Residential Units	Daily Trips	AM Peak Trips	PM Peak Trips
Alternative A*	65	622	49	65
Alternative B	91	871	68	92
	<i>Net Increase (B – A)</i>	<i>+249</i>	<i>+19</i>	<i>+27</i>
Alternative C	90	861	68	91
	<i>Net Increase (C – A)</i>	<i>+239</i>	<i>+19</i>	<i>+26</i>

**Alternative A is based on the level of development allowed with existing zoning*

³ Trip Generation Manual, 7th Edition, Institute of Transportation Engineers, 2003.

DKS Associates

TRANSPORTATION SOLUTIONS

Based on the small net increase of trip generation listed in Table 3, the denser alternatives for the proposed site would not significantly impact operations on the surrounding roadway system. The net increase in traffic would represent less than 5 percent growth in daily or peak hour volumes. The operation at the study area intersections is estimated to continue to meet or exceed performance standards (LOS D). The functional classification of Murdock Road (arterial) and Denali Lane (local) is not estimated to warrant change with the net increase in trips. Therefore, the planned roadway system in the study area can adequately serve the vehicle generated by any of the development alternatives.

Conclusions

The proposed alternatives for the SE Sherwood Master Plan layout a well-connected, functional roadway system that is in-line with planning objectives in the City's TSP. In each option, there are roadway issues to be considered that balance strictly meeting roadway standards with realistically providing an effective roadway system. The City has the authority to grant exceptions to criteria when warranted to address these issues. Based on the analysis presented in the previous sections, the following findings should be considered to select a preferred alternative:

- Access Spacing
 - Alternatives A and C would require an exception to access spacing criteria between Roy and Sunset. This option may be pursued if it is determined that the physical constraints (storm-water pond and hillside) create barriers to site access.
 - Alternative B would require an exception to access spacing criteria north of Roy Street. However, this would be the most likely location for an access onto Murdock between Roy Street and Willamette Street.
- Safety
 - Alternatives A and C could require the prohibition of side-street left turns at the main access point between Roy Street and Sunset Boulevard due to restricted sight distance. This could be addressed with a channeled median. If implemented, this turn restriction could increase the amount of traffic generated from the study area that would use Denali Lane to access Sunset Boulevard and Baker Road to the south of the site. As another option, the curves on Murdock Road may be able to be corrected as part of the roadway improvements to provide adequate sight distance.
 - In each alternative, the exact location of the enhanced pedestrian crossing on Murdock Road south of Roy Street needs to address sight distance issues with both the horizontal and vertical curves on Murdock Road.
- Operations
 - The street system serving the study area is planned to have adequate capacity to handle any of the alternatives. The net increase in vehicle trips would not significantly impact roadway performance or function on Murdock Road or Denali Lane.

Southeast Sherwood Neighborhood Plan Alternatives Open House # 3 – January 18, 2006

In addition to comments on specific plan alternatives (see other side), it is helpful to the City to know your opinion regarding key issues.

1. Please prioritize the following neighborhood master planning issues as least important (1) to most important (5) to you:

Master Plan Issues	No Opinion	Least Important . . .	Most Important
a. Similar Lot Sizes To Existing Neighborhood	0	1	2 3 4 5
b. Similar Home Sizes To Existing Neighborhood	0	1	2 3 4 5
c. Public Open Space (manicured park)	0	1	2 3 4 5
d. Public Open Space (nature park)	0	1	2 3 4 5
e. Mature Trees/Forests	0	1	2 3 4 5
f. Wetlands	0	1	2 3 4 5
g. Pedestrian Access/Walkable Neighborhood	0	1	2 3 4 5
h. Pedestrian Safety	0	1	2 3 4 5
i. "Green" Infrastructure	0	1	2 3 4 5
j. Connected Street Network	0	1	2 3 4 5
k. Trail/Open Space Access	0	1	2 3 4 5
l. Overall Density	0	1	2 3 4 5
m. On-Street Parking	0	1	2 3 4 5
n. Density sufficient to fund required infrastructure	0	1	2 3 4 5
o. Coordinated Development of Parcels Under Separate Ownership(s)	0	1	2 3 4 5
p. Other (please specify)	0	1	2 3 4 5

2. **Where do you live?**

- A. North of the project area
- B. South of the project area
- C. West of the project area
- D. In the project area

Thank you for attending the open house!



Appendix 4-a

Southeast Sherwood Neighborhood Plan
Alternatives Open House # 3 – January 18, 2006

Please let us know any comments or preferences regarding:

Alternative A (open space, lot size, transportation network, etc.) _____

Alternative B/C Hybrid (open space, lot size, transportation network, etc.) _____

Comments _____

Please submit comments by **January 30, 2006**
To: Kevin Cronin, AICP, Planning Supervisor
City of Sherwood
Southeast Sherwood Open House # 3
22560 SW Pine Street
Sherwood, OR 97140
Or: kcronink@ci.sherwood.or.us



Use additional sheets if necessary

**Southeast Sherwood Neighborhood Plan
Alternatives Open House #3 - January 18, 2006**

Appendix 4-b

1. Please prioritize the following neighborhood master planning issues at least important (1) to most important (5) to you:

Master Plan Issues	Survey #	Mean	Max	Min	1	2	3	4	5	6	7	8	9	10	11	12	13
a. Similar Lot Sizes to Existing Neighborhood	3.6	5	2	5	3	2	3	3	5	5	4			2	4	4	
b. Similar Home Sizes to Existing Neighborhood	3.7	5	2	5	2	2	3	3	5	5	4			2	4	4	
c. Public Open Space (manicured park)	2.8	5	1	1	5	4	3	4	2	3	3			4	3	1	
d. Public Open Space (nature park)	4.2	5	2	5	5	5	5	5	5	5	5			2	4	2	
e. Mature Trees/Forests	4.3	5	1	5	5	5	5	5	5	5	5			1	4	4	
f. Wetlands	4.0	5	0	5	4	5	5	4	5	4	5			0	5	4	
g. Pedestrian Access/Walkable Neighborhood	3.9	5	2	4	5	4	5	5	5	5	4			2	3	3	
h. Pedestrian Safety	4.3	5	3	5	4	3	5	4	5	5	4			5	3		
i. "Green" Infrastructure	3.8	5	1	4	4	5	5	5	5	4	4			1	2	4	
j. Connected Street Network	1.7	4	0	3	0	4	3	1	1	1	1			2		1	
k. Trail/Open Space Access	4.0	5	1	3	5	5	5	5	5	4	5			1	4	4	
l. Overall Density	3.7	5	1	4	5	2	1		5	4	1	3		5	5	5	
m. On-Street Parking	1.5	4	0	1	0	1	1	1	1	1	2			2	2	2	
n. Density sufficient to fund required infrastructure	2.4	5	0	1	0	4	0	3	1	4	2			5	4	1	
o. Coordinated Development of Parcels Under Separate Ownership(s)	3.4	5	0	5	4	4	4	2	4	5	1			0	5	2	
p. Other - Minimize disruption to existing neighborhoods											na						
p. Other - Average owners lots														na			
p. Other - Traffic from new development direct access to Murdock including ability to make left turn on Murdock.																na	
p. Other - Low Density																na	
p. Other - Flexibility within Master Plan regarding lot layout and streets.																na	

2. Where do you live?

A. North of the project area									1						1	
B. South of the project area				1	1			1			1	1				1
C. West of the project area									1							
D. In the project area																
E. N/A							1									

The entries in the above columns (numbered 1 - 13) represent the 13 feedback forms returned with the "survey" portion completed from Open House #3. The numbers within the columns are the priority ranking from each respondent to each of the issues on the left (one through five - with five as the most important). The Mean column is the average rank of each master plan issue, followed with the highest (Max) and lowest (Min) ranking for each issue.

Southeast Sherwood Neighborhood Plan
Alternatives Open House #3 – January 18, 2006

Appendix 4-b

Alternative A (open space, lot size, transportation network, etc.)

- I would, of course, prefer even less houses – but appreciate the trails – connection to open park and nature spaces. The lot sizes are more generous than most – that’s a plus.
- Eliminate lot west of Murdock Barn so you have open space on Murdock Road and preserve the look of Murdock Barn.
- I like the trails, preserving the tree area.
- Best Alternative – most space new intersection should be “full service” left and right turns. To not do so would route much more traffic thru existing neighborhood of Sherwood View Estates.
- Yes – preserve as much as possible of the Moser Natural Area – Sherwood’s last original forest.
- Like Moser natural area a lot. Like the Murdock “existing look and feel” preservation. Much prefer this plan to all others. Except: Please make the “no left turn” intersection on Murdock a full right and left turn intersection! The backflow into Sherwood view will cause much disruption as people go that way to get to Sunset. We thought we had a dead-end neighborhood, and now I get how many people driving by my house everyday?
- Best plan presented. Leaves nice amount of green space and would best complement existing homes and neighborhoods.
- This is the least worst of the two alternatives. Less homes per acre than B/C. Rapid growth is not necessarily good. Dense housing is bad.
- Does not meet overall goals of the Master Plan for best use of the land within city boundaries.
- It does not reflect the majority owner’s wishes for higher density.
- It does not reflect accurate conditions for the region, both for platted lots; i.e. Ironwood Acres and a trail system along its eastern boundary.
- The plan shows a green corridor through the center of the plan, the long term plan success may have a problem sense the health of the current trees are poor, some are dead or dying. The plan also depicts several large trees in this area that don’t exist.
- This plan does not allow emergency services access in or out in all directions onto Murdock Road. That could be hazardous in emergency situations.
- I disagree with trails running down the center of the development that benefit very few citizens and pets.
- There are too few lots to support the cost of the infrastructure.
- Offers a better compromise and a higher degree of protection and use of the environment for City park connects and trails.
- There should be a collaboration with METRO, Washington County, and Fish and Wildlife to accomplish Alternative A and protect and provide access to viewing the wetlands, and possibly, with METRO Open Spaces look at a system of elevated trails around the perimeter of the wetlands – with access from the green belt corridor between Sherwood Fair Oaks and SE Sherwood.
- It is imperative that Planners and focus groups that are working on Sherwood’s 20 year parks plan review Alternative A and incorporate the trails and access. In particular they should visit Wilsonville’s River Park and take note of the wild trails they have incorporated; this type of system would fit the area that is to be preserved as Sherwood’s Last Forest on the Moser Property.
- The City, attorneys for developers and neighbors should work with state, Washington county and Metro to assure that once Alternative A is adopted that there is a legal guarantee that the open space concepts and areas shown will, in fact, be preserved. Either with METRO Open Space Bonds or City Parks Funds.

Alternative B/C Hybrid (open space, lot size, transportation network, etc.)

- Looks best.
- Too many houses, too many streets, too little open spaces.
- Like this because apparently will be easier to do with less owner cooperation.
- Like to have all exits from development both left and right turn.
- Alternative “B” is denser but leave more of natural area than “B/C”
- Most space new intersection should be “full service” left and right turns. To not do so would route much more traffic thru existing neighborhood of Sherwood View Estates.
- Like Moser natural area a lot. Let’s keep it as Sherwood’s last forest.
- Please make the “no left turn” intersection on Murdock a full right and left turn intersection! The backflow into Sherwood view will cause much disruption as people go that way to get to Sunset. We thought we had a dead-end neighborhood, and now I get how many people driving by my house everyday? This was my same comment in Alternative A, I can’t stress this enough. Please straighten Murdock so that the sightline is enough to allow left turns. Please do not burden us in Sherwood View with the backflow of cars coming through our neighborhood in order to get the Sunset and Murdock intersection. Our neighborhood never planned on this traffic through it. I’m counting on you, Pat!!
- Lots too small, too many people, cars, etc. Does not measure up to existing adjacent homes and neighborhoods.
- Throw this option out.
- Lot sizes are acceptable, if a lower density neighborhood was wanted.
- Closer to an acceptable plan, if a lower density plan was wanted.
- It has green space that does not dominate one property.
- It recognizes property lines.
- It recognizes existing conditions for platted lots and tree survey.
- I disagree with the exact placement of a few private streets. They do not flow well with the topography and marketability of the region.
- I like the trail system but still think flexibility for the trail system locations is needed.
- I agree that there could be a small public space, but I don’t think it should be an open space park on top of the hill (view will be blocked). There is already a park for free play a half block down the street. Perhaps a quiet space with a few benches in a serene setting like the edge of the wetland or the timber setting would better suit the neighborhood and community?

AKS Alternative

- Has met all goals of the Master Plan agreement #24248 #1 for the SE Sherwood contract.
- Reflects realistic densities for land within urban growth boundary.
- Designed with current development codes, easily implemented.
- Designed with accurate infrastructure including water quality facilities and topography.
- Liberal use of trail system and green space throughout plan.

Southeast Sherwood Neighborhood Plan
Alternatives Open House #3 – January 18, 2006 - Continued

Appendix 4-b

Comments

- PLEASE straighten Murdock so cars can make left-hand turns and drive safely.
- Develop the cooperation and find the time to collaboratively create ways to protect high-value habitat and runoff to wetlands.
- Plan, plan, and plan for future traffic congestion. Don't want to be in gridlock.
- I would prefer nothing to ever be built there. Of the options I like Alternative A.
- Conservation easement.
- Like to see more evenly spaced lots and park. I think if all property owners are planned with a ratio of lots and park you would have more consensus. We need parks they can be designed in a way that considers each owners land.
- Like the AKS Versions and B/C Hybrid.
- I like Lisa Walker's plan, an also the plan drawn based on top of it. "Plan D".
- Thanks for listening to inputs at the last open house. It looks like you took inputs into consideration. Please keep it up! Thanks.
- We like plan 4 AKS, it is better for everyone, all are treated the same. We all get what we want.
- I don't believe that the Moser's property should have to give up half of the open space for this plan. I think the open space should be a percentage of each owner's property – I also feel that smaller lots would be more likely to have more amenities per developer's as it would make developing less costly.
- Unless a left turn is provided at both streets connecting to Murdock, Denali, Whitney and McKinley will see an unacceptable increase in traffic. These streets should remain low traffic, quiet residential streets as they were when the homeowners bought their properties.
- Since you are developing a master plan, developers should be required to follow it, or the plan is useless.
- Sherwood has a problem with over crowded schools now. Bringing in a large numbers of people will only make the situation worse. Instead of focusing on growth, the City of Sherwood should focus on improving existing conditions. Tualatin-Sherwood road needs to be four lanes. Murdock and Sunset Blvd. need to be repaved now with a surface that can handle the heavy trucks that use them. Note: Heavy trucks do use Sunset.
- More classrooms and more teachers are required. Sherwood should grow only when it is capable of handling growth.
- Thank you for your time and consideration. I hope that moving forward there will be a little flexibility with development layout.
- As a homeowner, a majority landowner and developer/builder in this region it was difficult to sit on the sidelines and not be an integral part of the design phase. As one final request, I ask that the future process will allow flexibility for future development layouts base on the guidelines that have been outlined in this process.
- Concerned about the traffic designs along Murdock and forecast accidents and road rage as traffic increases. Our traffic circles have proven themselves and I suggest that long-term growth will be better provided for by compact traffic circles at: 1. Murdock and Denali, Murdock and Upper Roy and 3. At Fairoaks and Murdock. There's a unique opportunity to get ahead, rather than serve near term needs. My measurements show that there is adequate space to provide tight traffic circles at all intersections, and these circles will provide flow as well as slow down speeders; long-term, regardless of volume this will provide a neighborhood with safer perimeters.
- There needs to be a lighted and guarded crossing for people at several places.



- There is a 50% chance that the I-5/99 interconnect will run 1-2 miles south of Sunset, and that Murdock will become a primary feeder; I suggest that, to protect the adjoining neighborhoods, we need those traffic circles. If that is not acceptable 4 way lights at all intersections are needed.
- I agree with Pat Fleming that there are regional advantages to connecting the area North of Fairoaks into the parks, trails and wet land access system being considered for SE Sherwood. With Metro's Open Spaces Bond the City would be able to create a WaterScape in the three parcel area in front of Fairoaks and, with Fish and Wetlands people create an access platform for regional visitors that would want to walk the visualized elevated trails - similar to Stellar Olson Park.
- The traffic master plan can be accommodated with a safety lane access that is gated at Denali rather than a full fledged traffic artery. If the planning commission could accept that I predict a huge amount of opposition would melt.
- As citizens and tax payers of Sherwood, we are greatly concerned about the proposed development of SE Sherwood. We reside in Sherwood View Estates and when we bought our lot and built our home it was our understanding that Denali Lane would be ending in a cul-de-sac and that was a selling point. This is our retirement home since we do not plan on leaving Sherwood until we have no control ("feet first").
- Supporters of the educational bond issues even though we do not have children or even grand children in the system – but we feel that is the future – the education of the children. All this leads to our concerns about what the proposed development will create:
- Increased student load on an already over capacity school system. The addition of 65 to 91 houses in the proposed development area would even further overload the system.
- Environmental impact on the fragile wet lands directly adjoining the proposed development area. Even with storm drains the run-off will still impact the area down hill – in other words – the wet lands.
- Environmental impact on the fragile wild life refuge which also directly adjoins the proposed development area. Development will affect the migratory patterns of the wildlife even more than we already have, forcing them into an ever decreasing habitat. It will also affect their food supply and water supply not to mention the impact of the encroachment of so many people on their ever shrinking habitat.
- Increased traffic and decreased safety for residents – there is already a problem at the Sunset-Murdock intersection from people not stopping for the stop sign. The three alternatives offered did not address the issue of either another round-about or traffic light for people trying to exit the proposed development and turning left.
- The "punching through" of Denali would channel traffic through Denali and through Sherwood View – which was never supposed to handle such a load. This is a safety issue which has not been properly addressed. We have heard that the City needs to have another access route to Sherwood View, however, it appears that instead of solving that City concern, it will instead create more dangerous concerns for the residents – traffic and crime (more access/exit for perpetrators).
- It was extremely disappointing to find that only three alternatives were being offered for this development – even with the concerns already voiced by participants in the three open meetings. It was even more disappointing to find that the area being developed across 99W at Elwert was considered over a year and there were FIVE alternatives proposed, along with an established citizen's advisory committee. Why were the citizens of the SE Sherwood area not given the same opportunity, but were given only three alternatives, less than six months time, no citizen advisory committee, and only three meetings? It appears input from tax payers for this particular development area doesn't carry very much weight – which makes us wonder just why!! Was our participation in the meetings just an exercise in futility and the decision had already been made as to what would be done? It is hoped the tax payers' and voters' opinions would count in the process – please consider this.

Frequently Asked Questions (FAQ) SE Sherwood Master Plan Workshop No. 3 – January 18, 2006

Question 1: *Why is the City not doing a fourth alternative?*

Answer: The project budget and timeline included the development of three plans for SE Sherwood. A fourth alternative is not budgeted, nor does it accomplish the objectives of the project. Those objectives include creative site design, a connected and multi-modal transportation system, dedicated recreation opportunities and open space, maximum tree preservation, and “green” public infrastructure. For example, a fourth alternative that has all one acre lots does not achieve any of these objectives, which is why the City initiated the master plan process.

Question 2: *Can someone from the public present their own plan to the Planning Commission?*

Answer: Yes. Anyone from the public can present a plan to the Planning Commission. AKS Engineering, who represents three property owners in SE Sherwood, will present their own plans at the January 18 workshop. In addition, the City will provide the public an opportunity to design the SE Sherwood neighborhood. Any plans produced can be presented to the Planning Commission for their consideration. City staff can work with individuals who wish to make a presentation and help navigate the public review process.

Question 3: *Is a preferred alternative being selected at the January 18 workshop?*

Answer: No. The original scope of work for this project, which was developed last summer and approved by the City Council (September 2005), included the selection of a preferred alternative. Since then, the City has received many comments concerning the selection of one plan. There is a perception in the community that the City is doing this plan for the developers and that selection will be based on the most density. Nothing could be further from the truth. As a result of a lack of consensus, City staff will forward both plans to the Planning Commission that were produced by the consultant during the last five months. Any plans that were produced by third parties can also be submitted.

Question 4: *What are the next steps?*

Answer: The consultant will collect all the public comments, revise the two alternatives based on comments, and summarize the master plan process in a report. In this report the consultant will provide a recommendation and a list of implementation measures for each alternative prepared by the consultants. City staff will review the report and forward it to the Planning Commission in February or March 2006 depending on the consultant’s schedule and staff availability.

Question 5: *Will I receive notice of future meetings regarding the SE Sherwood Master Plan?*

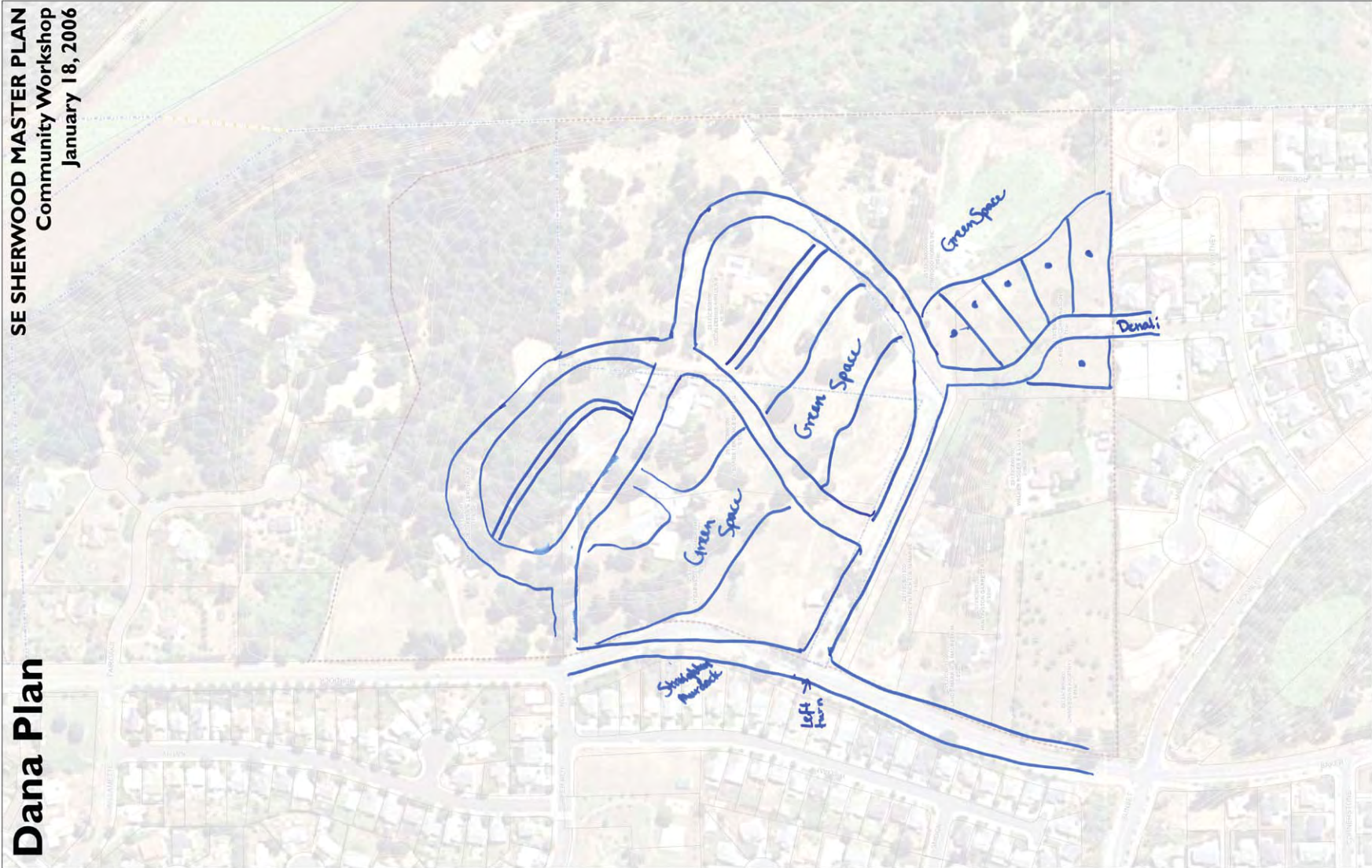
Answer: Yes. The City has been providing this service since the project began in April 2005 with the very first neighborhood meeting. If you have received e-notice in the past you will receive e-notice in the future when the Planning Commission or City Council reviews the report. Please make sure the Planning Department has current contact information.

Question 6: *What happens after the Planning Commission reviews the consultant’s report?*

Answer: The Planning Commission has a range of choices, including but not limited to: (1) Select a preferred alternative and direct City staff to implement the plan, (2) Allow property owners to submit subdivision plans, a zone change, and/or a planned unit development application based on one of the alternatives produced during the master plan process, (3) Select a preferred alternative and forward to the City Council for review and adoption by resolution, or (4) Table the process and take no action. Other implementation measures could be developed per the direction of the Planning Commission.

SE SHERWOOD MASTER PLAN
Community Workshop
January 18, 2006

Dana Plan





Walker Plan
SE SHERWOOD MASTER PLAN
Community Workshop
January 18, 2006







Raindrops to Refuge Position – SE Sherwood Master Plan December 2005

GOALS: 1. MANAGE STORMWATER 2. PROTECT HABITAT

- 1. **Stormwater Management** –
 - To limit stormwater runoff after development to an amount that does not exceed that of the site if in an undeveloped state. (zero-discharge).
 - The stormwater that does run off the site will be clean.
- 2. **Habitat** –
 - Protect high-value upland habitat to meet stormwater goals and to save habitat adjacent to the Tualatin River National Wildlife Refuge and Rock Creek wetlands.
 - Ensure the delineated wetland on the site is protected.
 - Designate that the wetland will eventually be restored to a healthy natural state.

STRATEGY: Plan and build the entire SE Sherwood Neighborhood as a Green Streets/Low-impact development.

Due to this area's proximity to the Wildlife Refuge and Rock Creek wetlands and due to its unique Tonquin geologic attributes, R2R asks that this area be consider a prime candidate for a Low-Impact neighborhood. R2R believes this is an economically advantageous strategy as well.

Discussion on the Green Streets/Low Impact strategy.

R2R believes that the current focus of the debate is on the wrong topic – density. Density may or may not have anything to do with ecological impact. Either low or high density developments can be friendly to the natural environment or can deliver great harm. Low density developments, such as 1 acre sites, have been some of the worst contributors to ecological degradation. Large homes, expensive landscaping, large areas of impervious surface, and hobby farm uses all can contribute to harmful runoff and create other negative impacts. Frequently owners of large, expensive homes employ commercial services to maintain huge, green, weed-free lawns year round. Over-watering and over-fertilizing are common. Heavy pesticide use is routine.

Conversely, high density development, when done well, can actually have less impact on ecological health. Of course the reverse of both scenarios occurs as well. The point is that discussion and planning must focus on design, development, and then homeowner behaviors, not just density, if the natural areas around the neighborhood are to be protected.

R2R is pleased to see the proposal for a green street for Murdock Road. We ask however that these concepts be expanded into the entire neighborhood. Various techniques are proven to control and clean runoff naturally and inexpensively. Neighborhood layout options are available to meet density goals while protecting habitat sites. There exists a growing realization that the use of native plants on both public and private sites results in low-cost maintenance and good looking landscapes. Metro, Clean Water Services and others offer guides to the development of low-impact/green streets neighborhoods.

R2R also asks the community to recognize the economic advantages of planning a green neighborhood. Information is available that documents the positive long-term economics of investing in green development strategies up front. A growing body of information supports the contention that land and home values are positively affected when natural areas in and around the neighborhood are protected, enhanced, and accessible.

The SE Sherwood Plan offers too good an opportunity to pass up. Here, in the preliminary planning stage, the community has the opportunity to insert these low-impact options into the discussion. Raindrops to Refuge offers to do research and compile information relevant to a low-impact scenario in support of this advanced planning process.

Neighboring residents, current and future landowners, and developers all stand to benefit economically and esthetically when this neighborhood is completed in a manner that protects its natural areas.



MEMORANDUM

City of Sherwood
2200 SW Madrigal St
Sherwood, OR 97140
Tel: 503-825-5533
Fax: 503-825-5538
www.sherwood.or.us

Mayor
Keith Mayo

Council Members
George Duncan
David Olson
Teresa Thompson
Linda Broadbent
Dino Berg
David Lutz

City Manager
Doreen Geyer

DATE: September 27, 2005
TO: Kevin Cronin, Planning Supervisor
FROM: Julia Hajduk, Senior Planner
SUBJECT: Southeast Sherwood Study Area Technical Memo

Introduction

The purpose of this memo is to provide technical background information to consider as the City and property owners study future growth implications in the southeast Sherwood area.

Location

The area specifically being discussed in this memo includes the areas both inside and outside of the City of Sherwood zoned Very Low Density Residential (VLDR). Generally, the subject area is located on the east side of Murdock Road. All the parcels except tax lot 100 identified on assessor's map 2S1 33CB are located inside the City limits. The properties were brought into the City in 1991 and 1987¹. An annexation application is currently in process to bring the last tax lot (TL 100) into the City limits.

Land Use

Density

The zoning, VLDR, currently provides a maximum of one dwelling unit per acre. Upon review of early versions of the Comprehensive Plan and the Washington County Sherwood Community Plan, this low density designation did not always limit development to this extent.

Comprehensive Plan

1983² – This version provided a minimum of 1-3 dwelling units per acre with minimum lot sizes ranging from 10,000-43,000 square feet per lot. The Plan and Zone Map includes portions of the SE Sherwood area zoned VLDR, but also VLDR in other locations throughout the City and Plan area.

¹ Current tax lot 1700 on assessor's map 2S1 33BC and tax lots 200 and 300 on assessor's map 2S1 33CB were annexed in 1987 (Boundary Commission file #2365). Current tax lots 600, 700, 900, 1000, 1100, 1200 and 1300 on assessor's map 2S1 33CB were annexed in 1991 (Boundary Commission file #2819). *Note: tax lot numbers were revised after the parcels were annexed.*

² Reflects changes to the Comprehensive Plan since it was adopted by the Council in August 1980 (Ordinance 726) through March 1983 (Ordinance 737).

1991 update³ – This version is the first to require the 1 dwelling unit per acre minimum. The 1991 version Plan and Zone Map identified the SE Sherwood area as the only VLDR in the Plan area.

Both versions have the same location related considerations for VLDR:

- Where natural features such as topography, soil conditions, or natural hazards make development to higher densities undesirable;
- Along the fringe of expanding urban development where the transition from rural to urban densities is occurring; and
- Where a full range of urban services may not be available but where a minimum of urban sewer and water service is available or can be provided in conjunction with urban development.

Sherwood Community Plan⁴

The Sherwood Community Plan was developed and adopted by Washington County in 1983 as part of the County Comprehensive Plan process. The Sherwood Community Plan designated the SE Sherwood area with an R-6 (6 units per acre) density. For example, the Yuzon property that is proposed for annexation in October, has a County designation of R-6, but if annexed to the City, the property will be “down zoned” to a lower density. Under normal circumstances, a County designation is lower than City designation. It should be noted, however, that at the time, the County did not assign any urban areas with a density lower than 5 units per acre and there was no “minimum” density requirement. In addition, the Community Plan identifies the SE Sherwood area as an area of special concern specifically requiring any development on these parcels to go through a planned development (PUD) process.

Natural Resources

The Sherwood Community Plan designated SE Sherwood as an area of special concern due to the Tonquin Scablands geological area. This area was thought to be an important geological and biological feature due to its unique scientific and educational value. The area is marked by channels, depressions and bedrock knolls and was determined to present some constraints to development. The Sherwood Community Plan indicated that a detailed study, in coordination with Metro, the State, Clackamas County and the Cities of Sherwood and Tualatin was needed to determine the significance of this area. While no study was found during this research, more recent information on the area determined that “The Tonquin Geologic Area” stretches from the Willamette River through the city of Wilsonville, and connects to the Tualatin River National Wildlife Refuge near Sherwood and Tualatin. It includes unique geologic depressions called “kolk ponds” and basalt “knobs” sculpted by ancient glacial flooding. Historic Coffee Lake basin, a long north-south running lowland, is the dominant natural feature in the area. The Metro open space and trails plans targeted acquisition of portions of the Tonquin Geologic Area. To date the “Metro Greenspaces” bond money funded the acquisition of 436 acres of land in the Tonquin Geologic area, the majority of which lies north of Wilsonville. Metro will consider a similar bond in November 2006 to replace expended funds from the original bond from 1995.

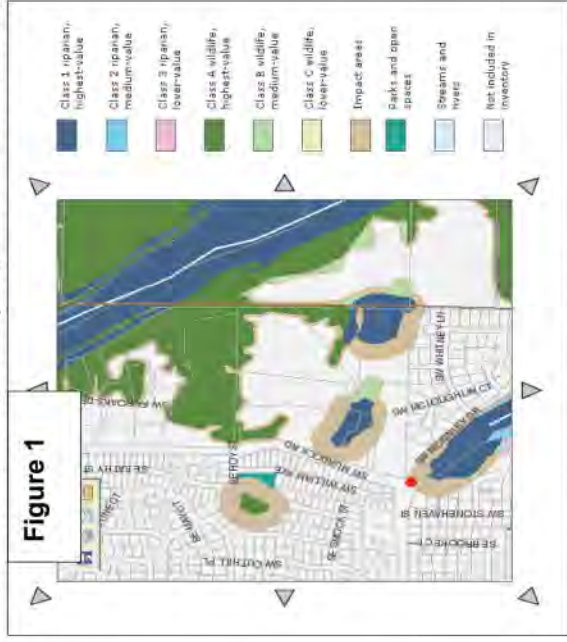
³ Adopted March 13, 1991 (Ordinance 91-922). Planning case number PA 91-12.

⁴ Adopted by the Washington County Board of Commissioners June 28, 1983 (County Ordinances 263, 264, and 265), acknowledged by the Department of Land Conservation and Development October 7, 1983. The Community Plan was revised December 27, 1983 by Ordinances 278, 279 and 280 to update information and to reflect the adoption of other plan elements.

Given Metro targets for open space acquisition providing a multi-use trail system from the Willamette River to the Tualatin River National Wildlife Refuge in Sherwood, it can be argued that the VLDR land in Sherwood is not a critical element to the overall protection of the Tonquin Geologic area. However, Comprehensive Plan policies encourage and require future growth to complement the natural environment and, if possible, add additional viewing and access opportunities.

In addition, there are significant riparian and wildlife habitat areas within the SE Sherwood Study Area that will need to be considered when planning any changes to the zoning. **Figure 1** identifies the Metro inventoried resources in this area.

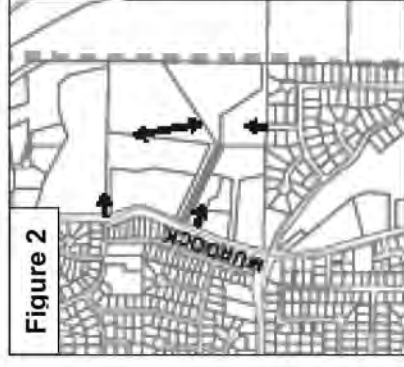
The Tualatin Basin Natural Resources Protection Program (Program) has been under development for the last four years with the cooperation and input from local cities and special districts Washington County's Tualatin River Basin. This program will not add any additional regulations beyond the existing Clean Water Services Title 3 buffer requirements. However, the Tualatin Basin Program does call for providing flexibility in development standards and encouragement of low impact development design techniques for areas that have class I and II riparian and class A and B wildlife resources. The City of Sherwood will participate in the development of new standards during the next year and will provide a proposal to the City Council in late 2006.



Transportation

The Transportation System Plan (TSP), adopted in March 2005⁵, is a master plan for all modes of transportation. The TSP identifies the need for local street connectivity in the SE Sherwood area connecting SW Denali Street to the north to provide access to the undeveloped parcels. **Figure 2** shows the local street connectivity identified in Figure 8-3 of the TSP for this portion of Sherwood. Planned connections include a new street that lines up with SW Roy Street, a new street to replace an existing flag lot drive, and another street to provide access and circulation internally.

The Southeast Sherwood study area is not directly adjacent to the newly added Urban Growth Area 48 (2004), therefore, a higher classification street and/or a street to the east of the existing City limits was not identified in the TSP. SW Murdock Road, running along the west of the study area, is classified as an arterial street. According to the TSP, SW Murdock Road lacks sidewalks and bicycle facilities adjacent to the study area. Other than SW Murdock Road, there is no planned bicycle or pedestrian facilities adjacent to the study area.



⁵ Adopted by the City Council March 15, 2005 (Ordinance 2005-006)

To the north, a planned trail is identified in the TSP through the National Wildlife Refuge connecting to the Tonquin Trail.

Historic Resources

The City adopted the Sherwood Cultural Resource Inventory as an appendix to the Comprehensive Plan update in March 1991.⁶ The inventory identified 2 resources in the SE Sherwood study area: the E. Murdock Residence and the Murdock Barn.

The E. Murdock Residence⁷ is listed as a resource of primary significance due to its connection with the Murdock family. It was inventoried in 1989 and found to be in fair condition, however, it appears that the residence was demolished. The residence was constructed circa 1905 by Emer Murdock who purchased the land in 1901. The Murdock family members were farmers in the area and resided in the Murdock residence until it was sold in 1943 to the Fosters.

The Murdock barn⁸ is listed as a resource of secondary significance and remains in the property currently identified on assessor's map 2S1 33CB, tax lot 300. In 1989 it was determined to be in poor condition, but remained in the significance inventory due to its connection with the Murdock family. The Murdock residence is directly west of the barn. The barn was constructed circa 1910.

Public Facilities

SW Murdock Road is served by an 8 inch PVC sanitary sewer line and water line that varies in size between 10 and 12 inches. There is currently no storm line in SW Murdock Road between SW Upper Roy Street and SW Sunset Blvd. The area south of the SE Sherwood study area appears to drain storm water to a pond system built with the Sherwood View Estates PUD which then flows south to an unnamed tributary of Rock Creek South. Murdock Park is the closest city park. This four acre facility is located near the intersection of Roy and Murdock Road. Sunset Park, at 16 acres, is the second largest park and located about 1,500 feet to the west along Sunset Boulevard. Archer Glen Elementary is the closest public school and has recreation fields.

⁶Adopted March 13, 1991 (Ordinance 91-922); Planning file PA 91-12.

⁷ Sherwood Cultural Resource Inventory Field No. 58, December 1989

⁸ Sherwood Cultural Resource Inventory Field No. 59, December 1989





PC Resolution 2006-001

A RESOLUTION ACCEPTING THE "SE SHERWOOD MASTER PLAN REPORT" AND APPROVING A PROCESS TO IMPLEMENT THE PLAN

WHEREAS, the City of Sherwood has a Very Low Density Residential (VLDR) Zone in the Sherwood Plan and Zone Map that requires a minimum 1 acre per lot; and

WHEREAS, the City has approved recent subdivisions and partitions in the proposed study area without full public facility improvements because the City cannot require urban levels of service in proportion to the impacts of the projects; and

WHEREAS, the City expects future private development in the immediate future and a master plan for the neighborhood would provide a guide for better services for current and future property owners, neighbors, and the City; and

WHEREAS, the City Council adopted Resolution 2005-059 that authorized the SE Sherwood Master Plan process and participation in the Oregon Transportation and Growth Management Quick Response program to fund the study and master plan; and

WHEREAS, the City has held numerous public involvement opportunities including three meetings with the property owners and three public workshops; and

WHEREAS, the Planning Commission has held a work session on February 28, 2006 to consider the findings and recommendations of the report and held open public meetings with a comment period on March 28 and April 4, 2006; and

WHEREAS, the Planning Commission has discussed the recommendations from staff and the consultant and deliberated on May 9, 2006 to endorse the benefits of a coordinated master plan for efficient land use, multi-modal transportation, recreation trails, and shared open space; and

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

Section 1. The SE Sherwood Master Plan Report (Exhibit A) dated February 20, 2006 is hereby accepted and the concept plans contained in the report meet the project objectives.

Section 2. The Planning Commission will consider a specific development proposal from an applicant that is consistent with the principals and goals listed in Exhibit A, and those which provided the framework for the creation of the master plan alternatives. In particular, any proposal should attempt to meet the following performance targets:

Total number of proposed lots: 72
(Total does not include 11 existing 1-acre lots)


Acres of open space: 12.5

Gross Density: 2.2
(Gross density is equal to number of new lots divided by total acres of developable land. Total acres of developed land does not include "existing" lots. Roads, alley, and open space have not been subtracted from total developable land. Total developable land equals 36.6 acres)

The Planning Commission also endorses a hilltop view point park included in open space, and the use of swale green space.

Section 3. This Resolution shall become effective upon its approval and adoption.

Duly passed by the Planning Commission this 9th day of May 2006.


Adrian Emery, Chair, Planning Commission

ATTEST:


Kevin A. Cronin, AICP, Planning Supervisor

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

December 26, 2012

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

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

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

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

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

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

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

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

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

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

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

Applicant states that:

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

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

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

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

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

The concerns that the Planning commission should carefully consider are:

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

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

I recommend:

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

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

Respectfully,

Kurt Kristensen

cc. SE Sherwood residents

References:

(1) DEQ

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

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

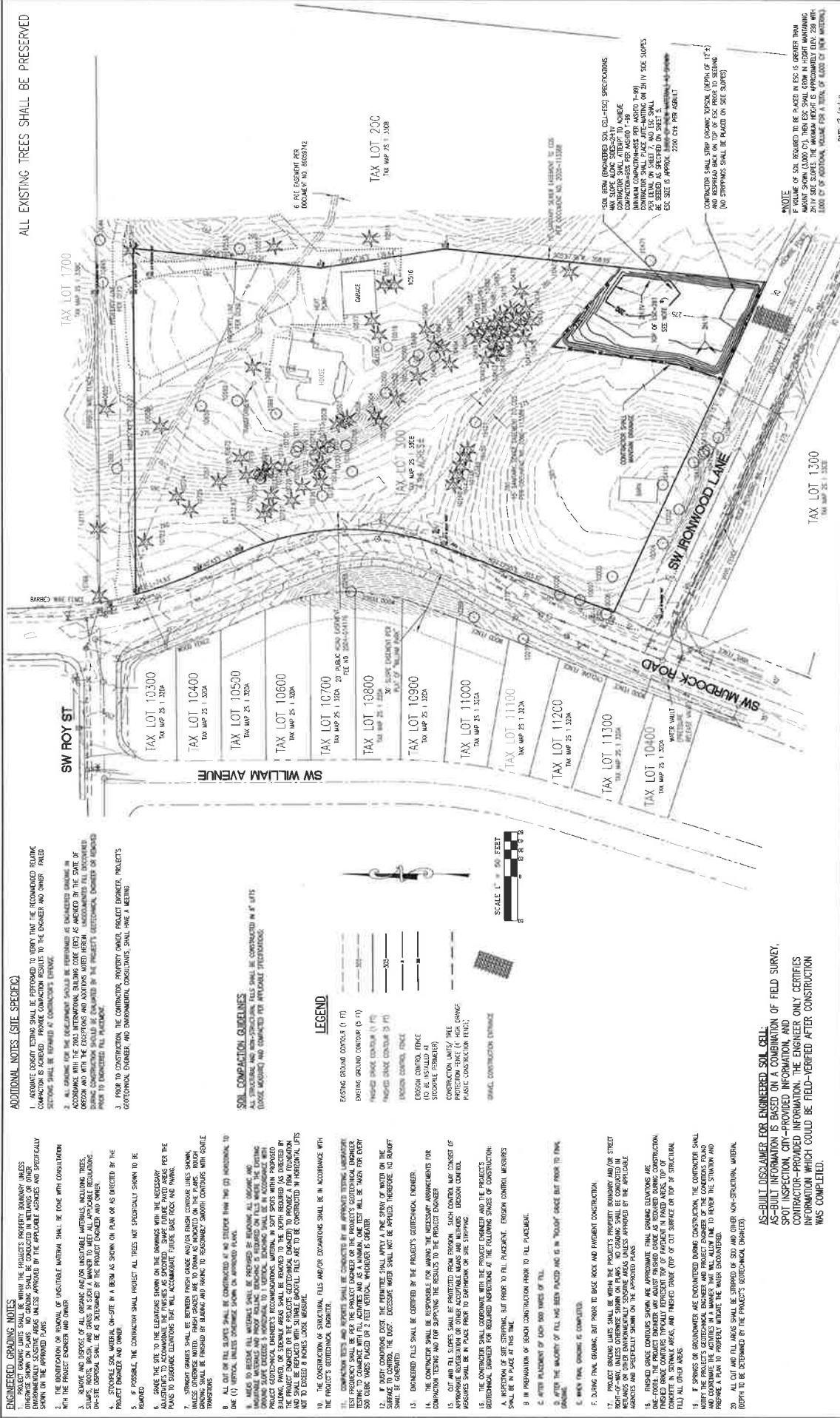
(2) Litigation

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

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

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

ALL EXISTING TREES SHALL BE PRESERVED



ADDITIONAL NOTES (SITE SPECIFIC)

1. ADVANCE SOIL TESTS SHALL BE PERFORMED TO VERIFY THAT THE RECOMMENDED SOIL COMPACTION IS ACHIEVED. PROVE COMPACTOR RESULTS TO THE ENGINEER AND OTHER PAID SECTION SHALL BE RETURNED AT CONTRACTOR'S EXPENSE.
2. ALL WORK FOR THE IMPROVEMENTS SHALL BE PERFORMED AS ENGINEERED GRADING IN ACCORDANCE WITH THE 2002 INTERNATIONAL BUILDING CODE (IBC) AS AMENDED BY THE STATE OF OREGON AND WITH THE EXCEPTIONS AND ADDITIONS LISTED HEREIN. INADEQUATELY FULL DOCUMENTED PROVE COMPACTOR RESULTS SHALL BE OBTAINED BY THE PROJECT'S GEOTECHNICAL ENGINEER OR ENGINEER AS ENGINEERED BY THE ENGINEER.
3. PRIOR TO CONSTRUCTION THE CONTRACTOR, PROPERTY OWNER, PROJECT ENGINEER, PROJECT'S GEOTECHNICAL ENGINEER, AND ENVIRONMENTAL CONSULTANTS SHALL MEET IN A MEETING.

SOIL COMPACTION GUIDELINES

ALL STRUCTURAL AND NON-STRUCTURAL FILLS SHALL BE COMPACTED IN 6" LIFTS (THOSE MEASURED) AND COMPACTED FOR MINIMUM SPECIFICATIONS:

LEGEND

- EXISTING EXISTING CONTROL (E FT)
- EXISTING GROUND CONTROL (G FT)
- PROPOSED DRIVE CONTROL (P FT)
- PROPOSED DRIVE CONTROL (P FT)
- EROSION CONTROL FENCE
- EROSION CONTROL FENCE TO BE INSTALLED AT SLOPEABLE TERMINAL
- CONSTRUCTION LANE/TREE PROTECTION FENCE (P-HIGH GRASS PLASTIC CONSTRUCTION FENCE)
- SMALL CONSTRUCTION ENTRANCE

ENGINEERED GRADING NOTES

1. ALL CONSTRUCTION SHALL BE WITHIN THE PROJECT'S PROPERTY BOUNDARY UNLESS OTHERWISE SHOWN ON PLANS. NO GRADING SHALL BE CONDUCTED IN VIOLATION OF OTHER APPLICABLE REGULATIONS UNLESS APPROVED BY THE APPLICABLE AGENCIES AND SPECIFICALLY WITHIN THE CITY'S JURISDICTION.
2. ALL EXISTING TREES SHALL BE PRESERVED.
3. SOILS AND GRADES OF EXISTING AREAS AND ADJACENT MATERIALS INCLUDING TRENCHES, STAIRS, ROADS, AND GRASS SHALL BE MAINTAINED TO BEST PRACTICE STANDARDS. ON-SITE DRAINAGE SHALL BE AS RECOMMENDED BY THE PROJECT ENGINEER AND OWNER.
4. STURDIBLE SOIL MATERIAL ON-SITE IN A BERM AS SHOWN ON PLAN OR AS DIRECTED BY THE PROJECT ENGINEER AND OWNER.
5. IF POSSIBLE, THE CONTRACTOR SHALL PROTECT ALL TREES NOT SPECIFICALLY SHOWN TO BE REMOVED.
6. GRAB THE SITE TO THE ELEVATIONS SHOWN ON THE DRAWINGS WITH THE NECESSARY ALLOWANCES TO ACCOMMODATE THE FINISHES AS SPECIFIED. SHARP TYPICAL AREAS FOR THE FORMS TO BE GRABBED. ELEVATIONS THAT ARE UNREASONABLE SHOULD BE REVISITED AND FINISHED GRADING SHALL BE FINISHED BY GRABBING AND FINISHING TO REASONABLE SMOOTH CONTOURS WITH GRADLE TRANSFORMS.
7. PROTECT EXISTING UTILITIES FROM DAMAGE AND/OR FINISH CONTIGUOUS LINES SHOWN UNLESS OTHERWISE NOTED. ALL UTILITIES SHALL BE PROTECTED BY A MINIMUM OF 18" OF GRANULAR FILL ABOVE AND 18" OF GRANULAR FILL BELOW.
8. ALL CUT OR FILL SLOPES SHALL BE CONSTRUCTED AT AN INCLINE WITH THE (3) HORIZONTAL TO ONE (1) VERTICAL UNLESS OTHERWISE SHOWN OR APPROVED.
9. ALL CUTS TO BE MADE SHALL BE MADE WITHIN THE PROJECT'S PROPERTY BOUNDARY UNLESS OTHERWISE SHOWN ON PLANS. ALL CUTS SHALL BE MADE WITHIN THE PROJECT'S PROPERTY BOUNDARY UNLESS OTHERWISE SHOWN ON PLANS. ALL CUTS SHALL BE MADE WITHIN THE PROJECT'S PROPERTY BOUNDARY UNLESS OTHERWISE SHOWN ON PLANS.
10. THE CONSTRUCTION OF STRUCTURAL FILLS AND/OR EXCAVATIONS SHALL BE IN ACCORDANCE WITH THE PROJECT'S GEOTECHNICAL ENGINEER.
11. CONSTRUCTION TESTS AND REPORTS SHALL BE CONDUCTED BY AN APPROVED TESTING LABORATORY. TEST REPORTS SHALL BE FOR THE PROJECT ENGINEER OR THE PROJECT'S GEOTECHNICAL ENGINEER. TEST REPORTS SHALL BE FOR THE PROJECT ENGINEER OR THE PROJECT'S GEOTECHNICAL ENGINEER. TEST REPORTS SHALL BE FOR THE PROJECT ENGINEER OR THE PROJECT'S GEOTECHNICAL ENGINEER.
12. IF ANY CORRECTIONS ARE REQUIRED, THE CONTRACTOR SHALL APPLY A FINE SPRAY OF WATER ON THE SURFACE TO CONTROL THE DUST. EXCESSIVE WATER SHALL NOT BE APPLIED. THEREFORE, NO BLAST SHALL BE CONDUCTED.
13. ENGINEERED FILLS SHALL BE CERTIFIED BY THE PROJECT'S GEOTECHNICAL ENGINEER.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING THE NECESSARY ARRANGEMENTS FOR COMPACTOR TESTING AND FOR SUPPLYING THE RESULTS TO THE PROJECT ENGINEER.
15. CUT AND FILL SLOPES SHALL BE PROTECTED FROM EROSION. SUCH PROTECTION MAY CONSIST OF APPROPRIATE VEGETATION OR OTHER ACCEPTABLE MEANS AND METHODS. EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO COMMENCEMENT OF SITE STIPING.
16. THE CONTRACTOR SHALL COORDINATE WITH THE PROJECT ENGINEER AND THE PROJECT'S GEOTECHNICAL ENGINEER FOR REQUIRED INSPECTIONS AT THE FOLLOWING STAGES OF CONSTRUCTION:
 - A. INSPECTION OF SITE STIPING, BUT PRIOR TO FILL PLACEMENT. EROSION CONTROL MEASURES SHALL BE IN PLACE AT THIS TIME.
 - B. IN PREPARATION OF EACH CONSTRUCTION FROM TO FILL PLACEMENT.
 - C. AFTER PLACEMENT OF EACH 100 VOLUMES OF FILL.
 - D. AFTER THE MAJORITY OF FILL HAS BEEN PLACED AND IS IN "HOLD" PLACE BUT PRIOR TO FINAL GRADING.
 - E. WHEN FINAL GRADING IS COMPLETED.
17. DURING FINAL GRADING, BUT PRIOR TO BACK ROCK AND FURNISH CONSTRUCTION.
 - A. PROJECT GRADING LINES SHALL BE WITHIN THE PROJECT'S PROPERTY BOUNDARY AND/OR STREET RIGHT-OF-WAY UNLESS OTHERWISE SHOWN ON PLANS.
 - B. ALL EXISTING UTILITIES SHALL BE PROTECTED BY A MINIMUM OF 18" OF GRANULAR FILL ABOVE AND 18" OF GRANULAR FILL BELOW.
 - C. ALL EXISTING UTILITIES SHALL BE PROTECTED BY A MINIMUM OF 18" OF GRANULAR FILL ABOVE AND 18" OF GRANULAR FILL BELOW.
 - D. ALL EXISTING UTILITIES SHALL BE PROTECTED BY A MINIMUM OF 18" OF GRANULAR FILL ABOVE AND 18" OF GRANULAR FILL BELOW.
18. FINISHED GRADE CONTOURS SHOWN ARE APPROXIMATE FINAL GRADING ELEVATIONS ARE ONE-FOOT. THE PROJECT ENGINEER MAY ADJUST FINISHED GRADE AS REQUIRED DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING FINISHED GRADE ELEVATIONS AND FOR VERIFYING FINISHED GRADE ELEVATIONS AND FOR VERIFYING FINISHED GRADE ELEVATIONS.
19. IF SPRINGS OR GROUNDWATER ARE ENCOUNTERED DURING CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE PROJECT'S GEOTECHNICAL ENGINEER AND PROJECT ENGINEER OF THE CONDITIONS FOUND AND SHALL BE RESPONSIBLE FOR DEVELOPING AND IMPLEMENTING A PLAN TO REPAIR THE SITUATION AND PREVENT FURTHER DAMAGE TO THE PROJECT'S PROPERTY.
20. ALL CUT AND FILL AREAS SHALL BE STIPPED TO A FINISHED GRADE OF 2% OR GREATER UNLESS OTHERWISE NOTED. (GRAPH TO BE DETERMINED BY THE PROJECT'S GEOTECHNICAL ENGINEER)

AS-BUILT DISCLAIMER FOR ENGINEERED SOIL CELL:
AS-BUILT INFORMATION IS BASED ON A COMBINATION OF FIELD SURVEY, SPOT INSPECTION, CITY-PROVIDED INFORMATION, AND CONTRACTOR-PROVIDED INFORMATION. THE ENGINEER ONLY CERTIFIES INFORMATION WHICH COULD BE FIELD-VERIFIED AFTER CONSTRUCTION WAS COMPLETED.

ENGINEERING - PLANNING - SURVEYING - FORESTRY
LOCKED IN OR, N & W
13310 SW CALBREATH DRIVE, SUITE 100
SHERWOOD, OR 97140
PHONE (503) 926-5799 FAX (503) 926-6889

AKS
ARCHITECTS & ENGINEERS

PREPARED FOR:
CITY OF SHERWOOD
TAX LOT 1000

IRONWOOD ACRES
ENGINEERED SOIL CELL
CITY OF SHERWOOD
TAX LOT 1000

JOB NUMBER
910
SHEET
6 OF 7

DATE: 3/14/13
DRAWN: JAC, G. SMITH

Michelle Miller

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

December 26, 2012

Dear people:

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

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

The concerns that the Planning commission should carefully consider are:

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

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

I recommend:

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

Respectfully,

Kurt Kristensen

cc. SE Sherwood residents

References:

(1) DEQ

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

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

(2) Litigation

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

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

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

Kurt Kristensen - M. Ed.
22520 SW Fair Oaks Ct.
Sherwood, OR 97140-9720

503-625-2340

<http://www.commondreams.org/>

Patrick Huske
23352 SW Murdock Rd
Sherwood, Or 97140

January 8, 2013

Ms. Michelle Miller, Associate Planner
Mr. Allen and Members of the Planning Commission
Planning Department, City of Sherwood

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

Dear Ms. Miller, Mr. Allen and Members of the Planning Commission

I own several properties within the VLDR. They are located at 23352 SW Murdock Rd (personal home), 23000 SW Murdock Rd (4.88 undeveloped acres), and my Company Ironwood Homes, Inc. owns two remaining lots within Ironwood Acres.

I support the Text Amendment for the following reasons:

#1 It will assist in bringing undeveloped land into productive use.

#2 It will also benefit the public, with the future development of streets, sidewalks, trails, and parks.

Please consider the positive aspects of the text amendment.
If the lots seem too small for the region, please continue your discussion regarding lot size prior to your vote.

Thank You


Patrick Huske

Exhibit F

TO: Sherwood Planning Commission

January 8, 2013

FROM: Lisa & Roger Walker
23500 SW Murdock Rd
Sherwood, OR 97140

RE: PA 12-04 VLDR Text Amendment

Dear Commissioners:

As members of the Planning Commission you are asked to review many projects. Often they involve minor issues and/or few people are affected by a particular decision. However, before you tonight is one of the larger issues you are likely to be responsible for. A few decisions have needed a lot more time, effort and research to really analyze their impacts and this is one of them. Because this is a legislative action you are not required or encouraged to move things through the process quickly.

A lot of time was spent on 'Code Clean Up' over the past 2 + years and since this involves a major change to the code and affects the future of the look of Sherwood, it needs to have even more due diligence invested in its review.

This is kind of a continuation of the SE Sherwood Master Plan discussion that began 7 years ago in 2005. I say discussion because that was really all it ended up amounting to. It has been confirmed by staff and others involved, the PC Resolution # 2006-001 really resolved nothing and has no real legislative power. I know Chair Allen was there for those discussions as was I, and some of the other members of the audience tonight. That project was a huge endeavor for those involved and yet no consensus was reached. It is for that reason we are asking that great attention is given to all the citizen testimony you receive and additional time is allowed for further citizen involvement beyond tonight. There are many thoughts and issues to bring up that cannot adequately be explored in the 5 minutes we have for testimony tonight.

I am going to try and review as many specific points as I can tonight but want to request further opportunities to provide additional information to you.

Exhibit G

At the very least we want to consider adding additional language to any final text amendment and not just have to accept it as proposed. Perhaps it could include provision for the concerns of the property owners and the citizens. Again this will take more time.

See Staff report – page 24

16.80.030.1 – Text Amendment Review

The applicant claims the need for the proposed text amendment is found in within the PC Resolution 2001-01.

Reasons why the proposal does not meet this criteria:

1. The applicant is relying on a resolution that was not adopted because:
 - a. No consensus was reached
 - b. Staff had to 'move onto other projects and grant funds were diminished causing the project to be kind of dropped where it was.
2. The PC has never before, nor since, used the Resolution process.
 - a. Therefore a Resolution by nature has no 'teeth' to enforce
3. This resolution was done 7 years ago and changes have occurred making it prudent to look further into its intent and determine its current validity and not accept its intent on face value.
4. The fact that the Resolution supported a plan that could not be legally done supports the position that the process was stopped prematurely and prior to all due diligence being completed.
5. The proposed amendment does not satisfy all issues identified in the SESMP.
 - a. Hilltop viewpoint
 - b. Density buffering

Consistency with Statewide Planning Goals:

Goal 1: "Citizen Involvement" (page 25)

While the process to develop the proposed changes was compliant with this goal the use of the data collected in the SESMP process from 7 years ago is not valid as it does not consider the current property owners and residents nor the changes to the current landscape.

PA 12-04 Facts to Highlight:

- This is a legislative not quasi-judicial action so it does not have any timelines built into it nor does it require any action at all.
- Criteria 16.80.030.1 – may not have been met.

SESMP Facts to keep in mind:

- **In your packets on pages 83, 88-92 & 99-103, are citizen comments received during the SESMP discussions. I am sure your briefly reviewed them and got the gist of them but further time should be spent to review and obtain new comments collected in a similar manner.**
- **120+ residents weighed in during 5 + months of discussion**
- No consensus was reached
- Plan B/C was 'accepted' only because it was the least bad plan that was brought forth before the grant funds ran out and staff had to move onto other projects
- Staff had to 'move onto other projects and grant funds were diminished causing the project to be kind of dropped where it was.
- The PC has never before, nor since, used the Resolution process.
- **Citizens were essentially worn down over time and pushed to feel they had to accept it as inevitable.**

- **Citizens were not well counseled on their options – these are complex issues and I for one did not understand the difference between gross and buildable density. I thought the B/C plan was 2.2 homes per acre not 4.3.**
- Resolution endorsed a hilltop view point park to include in the open space
- Tree removal on the Moser property measurable changes all concept plan versions

Jean Simson, 22466 SW Nottingham Ct., Sherwood, OR

PA 12-04 – VLDR PUD Text Amendment

On page 27, Section 16.12.010 A.2 – *minor land partitions shall be exempt from minimum density requirement.* What is the purpose of this? What impact would this have? Would partitions be subject to minimum lot sizes?

As someone who participated in the 2006 SE Sherwood Master Plan process, I am a proponent of updating the code; however, I am concerned that just increasing the density will have a negative impact on the area. So, I am here to ask the commission to pursue implementing the master plan or incorporating the intent of it within the PUD section. The applicant relies on the Master Plan in proposing the changes for the text amendment; it seems reasonable to add language in the text that requires consistency with its principals and goals.

As mentioned in your packet, the SE Sherwood Master Plan was the result of a study by the consulting firm Otak, multiple public meetings, work sessions, and public hearings. Many factors were considered and integrated into this comprehensive plan. The final preferred alternative B/C provided for an 82-lot design with significant open space amenities including a neighborhood park and pedestrian paths. Consideration was made for preserving the natural environment of the site. The plan also incorporated a buffer to existing neighborhoods. Larger lots were planned for the southwest area and smaller lots located to the north.

As you know, the proposed text amendment will keep VLDR as one (1) unit per acre but allow a PUD four (4) dwelling units per net buildable acre. This is twice the density without any of the safeguards provided in the master plan.

Staff report page 22 (Page 2 of 6)				Applicant submittal page 32 (Page 3 of 8)			
	VLDR	old PUD	new PUD		VLDR	old PUD	new PUD
55 acres	55	110	220	39 acres	39	78	156
Add'l units	165			Add'l units	117		

The final 05/09/2006 Planning Commission Resolution 2006-001 (Pages 116-117) was for **72 new lots** with a Gross Density of 2.2 units per acre, not including 11 existing 1-acre lots, with an approximate net density of 4.4 units per acre after removing existing lots, streets, and **12.5 acres of open space**.

Again, I encourage the Planning Commission to move the actual master plan document forward to the council or, at a minimum, reference the purpose and intent of the plan into the PUD text language as suggested in the staff report at the top of Page 24 (Page 4 of 6).

Exhibit H

Michelle Miller

From: Julia Hajduk
Sent: Monday, January 14, 2013 4:50 PM
To: Michelle Miller
Subject: FW: Denali - Zoning changes from VLDR

From: Mary Reid [<mailto:maryl.reid@comcast.net>]
Sent: Monday, January 14, 2013 1:21 PM
To: PlanningCommission
Subject: Denali - Zoning changes from VLDR

Attn: Michelle Miller

The proposed change from very low density to four units per net acre is very disturbing. Not only is the proposal going to increase traffic along Murdoch but the proposed "punching through" of Denali will send traffic through an established neighborhood with streets not originally planned to handle outside traffic. When we (and I am sure others on Denali) purchased our lot and built 13+ years ago the plan was to have Denali end in a cul de sac. This has helped keep not only traffic down but crime, etc. too. Other citizens use Sherwood View to not only walk, bike and run, but also to bring their children and dogs for exercise knowing they are safe. The proposal to change the zoning to high density will also strain the City's ability to provide the services required – water, sewer, garbage, streets, fire and police protection – not to mention additional stress on schools and parks with the increased population.

We strongly request the zoning change to four units per net acre be disallowed.

Mary and Richard Reid
23580 SW Denali Ln
Sherwood, OR 97140

5093-625-9104

23584 SW Robson Terrace

Sherwood, OR 97140

January 16, 2013

503-610-1389

Planning Commission

Sherwood City Hall

22560 SW Pine Street

Sherwood, OR 97140

Dear Commissioner:

We are homeowners residing in the immediate vicinity of the area on Denali for which potential changes to the existing VLDR zoning are under consideration. The purpose of this letter is to express our serious concerns and strong opposition to any zoning changes that would result in smaller VLDR lot sizes.

One of the main reasons we decided to purchase a home in Sherwood View Estates was the fact that existing zoning ordinances ensured that any new home being constructed would be of essentially the same size and value. Protecting property values is an extremely important consideration for us; particularly since the current market value of our home is substantially less than what we paid for it. Permitting smaller lot sizes will potentially change the "character" of our development and adversely affect property values in the entire area.

The Planning Commission was very farsighted in adopting the SE Sherwood Master Plan. It is extremely difficult to understand changing a portion of existing VLDR zoning at the request of a Lake Oswego bank to the detriment of current property owners; with no apparent benefit to the City of Sherwood.

Both Mrs. Barclay and I appreciate the opportunity to convey our personal views regarding this matter to the Planning Commission and we respectfully urge the Commission to deny the requested zoning change.

Sincerely,


Mr. & Mrs. Joseph Barclay

Exhibit J

January 14, 2013

Planning Commission

RECEIVED

Sherwood City Hall

JAN 14 13

22560 S.W. Pine Street

BY MLM
PLANNING DEPT.

Sherwood, OR 97140

This letter concerns the proposed Denali PUD change from VLDR to a higher density. This is the last low density area for development in Sherwood. We think this unique parcel of land should remain as planned.

We understand the applicant would like to increase density to possibly enable them to make a greater financial gain, however, homes have been and currently are being built in this area at the existing density.

My wife and I moved to Sherwood within the past year after living in a high density area on Bull Mountain. Our home was 1,000 Sq. feet larger than our present home and because of the small lot size there was no place for children to play in our yard. High density promotes more cars on the streets contributing to congestion.

We were willing to make the move to Sherwood and to pay \$3,000 in additional property taxes in order to enjoy more space. This was not an easy decision for two retired people.

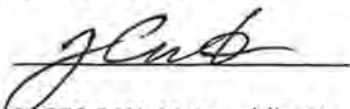
The future of our neighborhood should be determined by the wishes of the residents and not by the profit motive. At the meeting on Jan 2 the applicant, disparagingly used the term NIMBY when referring to the residents living in this area. Well, our backyard in Sherwood View Estates has been VLDR from the beginning and that is why people bought there. We love Sherwood and Sherwood View Estates for the sense of community and are glad we made the move.

When making your decision about increasing the density, please take into consideration the wishes of the existing residents and the uniqueness of the area. Cutting through Denali in combination with higher density would put a burden on traffic through Sherwood View Estates.

Many neighborhoods already exist in Sherwood with high density. This is a chance to offer future residents another choice in housing.

Please keep these thoughts in mind as you discuss this matter.

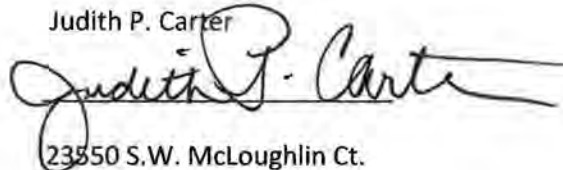
John W. Carter



23550 S.W. McLoughlin Ct., Sherwood, OR

Sherwood, OR 97140

Judith P. Carter



23550 S.W. McLoughlin Ct.

Sherwood, OR 97140

Exhibit K

Please Note: Proposed Additions are underlined in blue

Proposed Deletions are crossed out in ~~red~~

Chapter 16.12 Residential Land Uses

16.12.010. - Purpose and Density Requirements

A. Very Low Density Residential (VLDR)

1. Standard Density

The VLDR zoning district provides for low density, larger lot single-family housing and other related uses in natural resource and environmentally sensitive areas warranting preservation, but otherwise deemed suitable for limited development, with a density of 0.7 to 1 dwelling unit per acre.

2. VLDR Planned Unit Development Density Standards

If developed through the Planned Unit Development (PUD) process, as per Chapter 16.40, and if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, the permitted density of 1.4 to two (2) dwelling units per net buildable acre may be allowed under the following conditions-:

~~Minor land partitions shall be exempt from the minimum density requirement.~~

~~a. Special Density Allowances~~

~~Housing densities up to two (2) units per net buildable acre, and minimum lot sizes of 10,000 square feet, may be allowed in the VLDR zone. when:~~

~~b. The following areas are dedicated to the public or preserved as common open space: floodplains, as per Section 16.134.020 (Special Resource Zones); natural resources areas, per the Natural Resources and Recreation Plan Map, attached as Appendix C, or as specified in Chapter 5 of the Community Development Plan, and wetlands defined and regulated as per current Federal regulation and Division VIII of this Code; and~~

~~c. The Review Authority determines that the higher density development would better preserve natural resources as compared to one (1) unit per acre design.~~

3. Southeast Sherwood Master Planned Unit Development

The applicant may apply the following standards if developed as a planned unit development under Chapter 16.40 (Planned Unit Development) based in part on the concepts goals and objectives of the SE Sherwood Master Planning effort as a third alternative within this zone.

a. Residential Density

Housing density up to four (4) units per net buildable acre area maximum is allowed.

b. The applicant will generally follow the development pattern of the recommended Alternative B/C found in the SE Sherwood Master Plan (2006) that includes the following considerations:

(1) Varied lot sizes are allowed with a minimum lot area of 8,500 sq. ft. if it can be shown that adequate buffering exists adjacent to developed properties with screening, landscaping, roadways or open space.

(2) The Open Space areas as required by Chapter 16.40 (Planned Unit Development), where feasible should include parks and pathways that are located within the general vicinity of the recommended Alternative B/C found in the SE Sherwood Master Plan.

(3) There is a pedestrian friendly transportation system that links the site with nearby residential developments, schools, parks, commercial areas and other destinations.

(4) The Review Authority will consider the unique environmental opportunities and constraints identified through the SE Sherwood Master planning process.

(5) The Review Authority will consider the view corridors identified in the SE Sherwood Master Plan when approving the final development plans.

(6) The Review Authority will consider housing design type based on compatibility with surrounding and existing development at the time of final development review.

c. Density Transfers per Chapter 16.40.050 C. 2. are not permitted if utilizing the SE Sherwood Master Plan density allowance.

TO: Planning Commission

Date: February 26, 2013

RE: PA 12-04 – VLDR PUD Text Amendment

Alternate Proposed language for Text amendment

Please Note: Proposed Additions by **STAFF** are underlined in blue

Proposed Deletions are crossed out in **red**

Proposed Additions and *comments* by **LISA & ROGER WALKER** are underlined in green

Chapter 16.12 Residential Land Uses

16.12.010. - Purpose and Density Requirements

A. Very Low Density Residential (VLDR)

1. Standard Density

The VLDR zoning district provides for low density, larger lot single-family housing and other related uses in natural resource and environmentally sensitive areas warranting preservation, but otherwise deemed suitable for limited development, with a density of 0.7 to 1 dwelling unit per acre.

2. VLDR Planned Unit Development Density Standards

If developed through the Planned Unit Development (PUD) process, as per Chapter 16.40, and if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, the permitted density of 1.4 to two (2) dwelling units per net buildable acre may be allowed under the following conditions:

~~Minor land partitions shall be exempt from the minimum density requirement.~~

~~a. Special Density Allowances~~

~~Housing densities up to two (2) units per net buildable acre, and minimum lot sizes of 10,000 square feet, may be allowed in the VLDR zone. ~~when:~~~~

~~b. The following areas are dedicated to the public or preserved as common open space: floodplains, as per Section 16.134.020 (Special Resource Zones); natural resources areas, per the Natural Resources and Recreation Plan Map, attached as Appendix C, or as specified in Chapter 5 of the Community Development Plan, and wetlands defined and regulated as per current Federal regulation and Division VIII of this Code; and~~

- d. The Review Authority determines that the higher density development would better preserve natural resources as compared to one (1) unit per acre design.

3. Southeast Sherwood Master Planned Unit Development

The applicant may apply the following standards if developed as a planned unit development under Chapter 16.40 (Planned Unit Development) based in part on the concepts goals and objectives of the SE Sherwood Master Planning effort as a third alternative within this zone.

- a. Residential Density

Sherwood View Estates: Density is 3.61 units per acre.

Housing density up to four (4) units per net buildable acre area maximum is allowed.

- b. The applicant will generally follow the development pattern of the recommended Alternative B/C found in the SE Sherwood Master Plan (2006) that includes the following considerations:

10,000 sq ft keeps the lots closer to those in Sherwood View Estates & Fair Oaks.

*SVE: Min lot size: 10,018 - Max lot size: 19,166
Average lot size: 12,066*

The reason the SESMP suggested approx 8,000sq ft lots was to give the Moser property higher density to compensate them for the open space on most of their wooded land. With the wooded land no longer in existence, and the open space reduced from 21% (as was in SESMP) to 15% (which is the PUD requirement), this would no longer apply.

Can we more specifically define adequate?

- (1) Varied lot sizes are allowed with a minimum lot area of 10,000 sq. ft if it can be shown that **adequate buffering exists adjacent to properties that are developed as of the date of the adoption on this text amendment. Buffering to be considered in screening, landscaping, location of roadways or open space and in the locating of larger lot sizes next to these existing developed properties.**

The SESMP identified the largest lots be located on the exterior of the plan on those properties adjacent to existing developed properties. (SEE PAGE 5 7 OF SESMP)

- (2) The Open Space areas as required by Chapter 16.40 (Planned Unit Development), where feasible should include parks and pathways that are located within the **general vicinity?** of the recommended Alternative B/C found in the SE Sherwood Master Plan.

The loss of the treed Moser property will likely mean the relocation of the largest open space from the SESMP so perhaps some note should be made as to preferences upon development if this standard is used.

(3) There is a pedestrian friendly transportation system that links the site with nearby residential developments, schools, parks, commercial areas and other destinations.

(4) The Review Authority will consider the unique environmental opportunities and constraints identified through the SE Sherwood Master planning process.

(5) The Review Authority will consider the view corridors identified in the SE Sherwood Master Plan (Appendix 2-3, pg 86 – Opportunities and Constraints map) when approving the final development plans.

(6) The Review Authority will consider housing design type based on compatibility with surrounding and existing development at the time of final development review.

- c. Density Transfers per Chapter 16.40.050 C. 2. are not permitted if utilizing the SE Sherwood Master Plan density allowance.

OTHER IDEAS/COMMENTS TO CONSIDER

1. Would we want to consider the requirement of an HOA upon a % of development to ensure adequate maintenance of open spaces?
2. Minimum acreage to apply for this SESM PUD should remain at 5 acres. There is no need to decrease this acreage requirement as all properties within the 39 acres are more than 5 acres or would be eligible for the same exception due to environmentally constrained land that Denali was.
3. Any infill applications to consider?
4. Any variance requests for lot size to consider?

SEE ALSO FOR
HISTORICAL DATA:

SHERWOOD.C.F.S.G. BlodSpot.com

Former Ken Foster Farms Cleanup in Sherwood



State of Oregon
Department of
Environmental
Quality

Environmental Cleanup
Division
Northwest Region Office,
2020 SW Fourth Ave.,
Portland, OR 97201
Phone: (503) 229-5587
(800) 452-4011
Fax: (503) 229-6945
Contact: Mark Pugh

This fact sheet provides a summary of site history and environmental concerns, and DEQ's plans for future work at the former Ken Foster Farms site in Sherwood, Oregon.

Background

The former Ken Foster Farms is a 40-acre tract of former pasture land, at 23000 to 23500 SE Murdock Rd. in Sherwood, Washington County, Oregon. Between 1962 and 1971, chromium-containing tannery wastes from the former Frontier Leather Tannery were dumped on the ground at the site. These wastes included animal wastes from the tannery's hide preparation operations, including hide scrapings, tissue, fat, and hair, and liquid sludge from the tannery's wastewater settling tanks. Lime was applied to the waste to control odors. Evidence of waste disposal, such as bone fragments and stained soil, is still visible in some areas.

The primary contaminant in the waste is chromium, most of which is in the low-toxicity trivalent form – generally not a threat to human health. The highly toxic hexavalent form has been detected at the site, generally where high levels of trivalent chromium are found. Hexavalent chromium is not used in tanneries. The oxidation of trivalent chromium over time is thought to be the mechanism for hexavalent chromium occurrence at the site.

Beginning in the early 1980s, the original Ken Foster Farms property was subdivided into 10 tax lots with single-family homes. One of these tax lots (900) was further subdivided into eight lots in 1995, with four zoned for residential use (2200, 2300, 2400, and 2500). DEQ made No Further Action determinations for these residential lots, following environmental cleanup under DEQ oversight completed in 2009. The other four tax lots to the south (2600, 2700, 2800, and 2900) comprise a wetland area of approximately two acres where the highest

levels of chromium have been detected at the site.

Investigation and cleanup to date

DEQ completed a preliminary assessment at the former Ken Foster Farms property in 2005, funded through a grant from the U. S. Environmental Protection Agency. Based on the assessment results, EPA contacted property owners at the site and notified them of EPA's decision to proceed with a sampling investigation. EPA obtained x-ray fluorescence field measurements of total chromium in soil, and also submitted soil, sediment, and groundwater samples to a laboratory for analysis. EPA completed this work in October 2006, and reported its findings in early 2007.

The EPA study showed widespread chromium contamination, with the highest levels found in the wetland and properties to the north. In several areas, total chromium levels exceeded 50,000 parts per million, or 5 percent chromium. For hexavalent chromium, the majority of analytical results were deemed invalid due to quality assurance issues. Results considered reliable suggest the presence of hexavalent chromium in surface soil at levels above risk-based concentrations for direct contact in a residential setting.

In 2009, Ironwood Homes Inc. completed cleanup of tax lots 2200, 2300, 2400, and 2500. The contaminated soil was placed into two engineered cells, capped with clean soil and seeded to establish a grass cover. One cell is on tax lot 2900, which is part of the wetland area, and the other is on the southern part of tax lot 300.

A subsequent wetland sampling investigation at the site showed total chromium levels of up to 98,600 parts per million, or almost 10 percent, with many concentrations exceeding ecological "hotspot" criteria. Hexavalent chromium concentrations in shallow soil/sediment were

substantially above current risk-based concentration for residential use. However, surface water and shallow groundwater did not show significant chromium impacts.

Limited sampling has been completed by several other property owners, but no other remedial actions have been completed at the former Ken Foster Farms property.

Previous risk assessment

In July 2007, DEQ completed a screening level human health risk assessment using EPA's site data. At that time, DEQ concluded that metals in soil, including chromium, posed no unacceptable human health risk. However, in November 2011, DEQ updated its risk-based concentrations for hexavalent chromium based on new EPA toxicity data. The residential risk-based concentration for hexavalent chromium in soil decreased by two orders of magnitude (i.e., from 32 to 0.29 parts per million). DEQ conducted additional risk screening but found previous testing data to be inconclusive due to quality control issues. As a result, DEQ now considers hexavalent chromium a contaminant of potential concern for human health at the site which needs further evaluation.

Funding for additional work

In an attempt to move the remediation process forward, DEQ drafted a proposed legal settlement between DEQ and several parties for the Frontier Leather and the former Ken Foster Farms sites, issuing a public notice and opportunity to comment in July 2011. Legal challenges have delayed finalization of the settlement and the outcome and schedule for resolution of the legal process are uncertain. Until the settlement funds are available, DEQ will appropriate funds from its Orphan Program Account for completion of a remedial investigation. The investigation report will include a comprehensive risk assessment. In the event unacceptable risk is identified, a feasibility study report will be prepared to identify and evaluate potential remedial options.

Next steps

DEQ, through its contractor, will initiate the planning and coordination for this work in

spring 2013, and intends to complete fieldwork by fall 2013. DEQ will finalize the remedial investigation and feasibility study by the end of 2013. DEQ will coordinate with property owners and other interested parties during planning and field sampling, and will hold a public meeting to discuss the investigation findings. DEQ will seek access agreements from each of the former Ken Foster Farms property owners prior to site work.

For more information

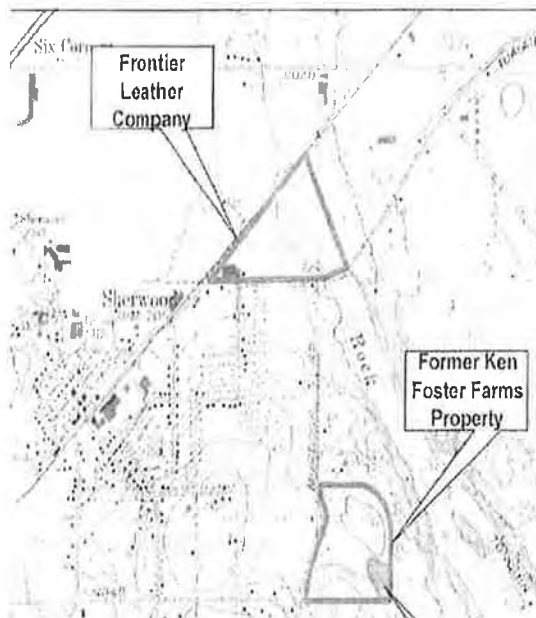
To review additional information for this site, please access DEQ's Environmental Cleanup Site Information database at www.deq.state.or.us/lq/ECSI/ecsiquery.asp.

Enter "2516" in the "Site ID" box and click "Submit" at the bottom of the page. Next, click the link labeled "2516" in the Site ID/Info column.

For additional information, contact Mark Pugh of DEQ's Cleanup and Tanks Section, Portland, at 503-229-5587, or by email at pugh.mark@deq.state.or.us

Alternative formats

Alternative formats of this document can be made available. Contact DEQ's Office of Communications and Outreach for more information at 503-229-5696, or call toll-free in Oregon at 1-800-452-4011, ext. 5696. People with hearing impairments may dial 711.



**Recommended Development Code Language
April 2, 2013**

Please Note: Proposed Additions are underlined in blue

Proposed Deletions are crossed out in ~~red~~

Chapter 16.12 Residential Land Uses

16.12.010. - Purpose and Density Requirements

A. Very Low Density Residential (VLDR)

1. Standard Density

The VLDR zoning district provides for low density, larger lot single-family housing and other related uses in natural resource and environmentally sensitive areas that warrant~~ing~~ preservation, but are otherwise deemed suitable for limited development. Standard density in the VLDR zone is, ~~with a density of~~ 0.7 to 1 dwelling unit per acre.

2. VLDR Planned Unit Development Density Standards

~~Property in the VLDR zone that is~~ developed through the Planned Unit Development (PUD) process, ~~as under~~~~per~~ Chapter 16.40, ~~and~~ if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, ~~the permitted~~ may develop to a density of 1.4 to 2.0~~two (2)~~ dwelling units per net buildable acre ~~may be allowed under the following conditions:~~

~~Minor land partitions shall be exempt from the minimum density requirement.~~

a. ~~The Housing densities up to two (2) units per net buildable acre, and~~ minimum lot sizes ~~of~~ is not less than 10,000 square feet; ~~may be allowed in the VLDR zone.~~

b. The following areas are dedicated to the public or preserved as common open space: floodplains, ~~as per~~ under Section 16.134.020 (Special Resource Zones); natural resources areas as shown on, ~~per~~ the ~~—~~ Natural Resources and Recreation Plan Map, attached as Appendix C, or ~~as specified in Chapter~~ ~~—5~~ of the Community Development Plan; ~~and~~ wetlands defined and ~~regulated~~ ~~as per~~ under current ~~—~~ Federal regulation and Division VIII of this Code; and

c. The ~~Review Authority determines that the~~ higher density development ~~would~~ will better preserve natural resources as compared to one (1) unit per acre ~~design~~.

3. Southeast Sherwood Master Planned Unit Development

a. Property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan may develop to a maximum density of 4.0 dwelling units per net buildable acre.

Recommended Development Code Language

April 2, 2013

- b. Development under Section 16.12.010.A.3 must generally follow the development pattern shown as Alternative B/C in the SE Sherwood Master Plan (2006) and address the following factors:
 - (1) Varied lot sizes are allowed with a minimum lot area of 10,000 square feet if it can be shown that adequate buffering exists adjacent to developed properties with screening, landscaping, roadways or open space.
 - (2) The open space areas as required by Chapter 16.40 (Planned Unit Development), where feasible, should include parks and pathways that are located within the general vicinity of Alternative B/C in the SE Sherwood Master Plan.
 - (3) There is a pedestrian friendly transportation system that links the site with nearby residential developments, schools, parks, commercial areas and other destinations.
 - (4) The unique environmental opportunities and constraints identified in the SE Sherwood Master Plan.
 - (5) The view corridors identified in the SE Sherwood Master Plan.
 - (6) Housing design types that are compatible with both surrounding and existing development.
- c. A density transfer under Chapter 16.40.050 C. 2. is not permitted for development under this Section 16.12.010.A.3.
- d. The Planning Commission will consider the specific housing design types identified and the preservation of the identified view corridors at the time of final development review to ensure compatibility with the existing and surrounding development.



Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

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

Mayor
Bill Middleton

Council President
Linda Henderson

Councilors
Dave Grant
Robyn Folsom
Bill Butterfield
Matt Langer
Krisanna Clark

City Manager
Joseph Gall, ICMA-CM

Assistant City Manager
Tom Pessemier, P.E.

To: Planning Commission

From: Michelle Miller, AICP Associate Planner

RE: Very Low Density Planned Unit Development Text Amendment (PA 12-04)

Date: February 19, 2013

At the hearing on January 8 2013, the Planning Commission heard a proposal for a text amendment amending the Very Low Density Residential (VLDR) zone. The amended language would allow higher densities for properties that are developed as planned unit developments. The Planning Commission heard from staff, the applicant, and the public. The applicant, a property owner within the VLDR area proposed to reduce the minimum lot size from 10,000 to 8,000 square feet and increase density from two units to a maximum four units per net buildable acre when developed under planned unit development standards.

The Planning Commission held a hearing on January 8, 2013 and heard from the applicant, staff and citizens. The Commission then closed the record and began deliberating. During deliberations, the Planning Commission wished to continue the hearing to February 12, 2013 in order to modify the proposed language and incorporate more elements of the SE Sherwood Master Plan into the proposed VLDR Text Amendment. Staff has attached the proposed new Code language to this memo along with an additional citizen comment received to date.

The applicant was unable to participate at the scheduled hearing on February 12, 2013 and requested a continuance. At the Planning Commission hearing on February 12, 2013, the Planning Commission granted the continuance and left the record open until the hearing on February 26, 2013.

To highlight the changes, a third alternative density calculation is added, the "Southeast Sherwood Master Planned Unit Development" which allows for a maximum housing density of four units per acre. Applications will be reviewed in the same manner as typical Planned Unit Developments, so applications will include a review by the Planning Commission and City Council. Once approved by the City Council, Final Development Plans are approved by the Planning Commission.



2009 Top Ten Selection



2007 18th Best Place to Live



Along with achieving the density envisioned in that planning effort, the applicant must follow the density pattern identified in the SE Sherwood Master Plan and include the following elements:

- Varying lot size no smaller than 8,500 sq. ft. so long as there is buffering with existing development
- PUD requirements of open space (15%) that follow the Master Plan
- Pedestrian friendly connections
- Consideration of the environmental opportunities and constraints
- Consideration of the view corridors during final development approval
- Consideration of the housing design type based on compatibility with existing development during final development approval

Attachments:

Exhibit K, John and Judith Carter comments

Exhibit L, Proposed VLDR Text Amendment-SE Sherwood Master Planned Unit Development



MEMORANDUM

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

Mayor
Keith Mays

Council President
Dave Grant

Councilors
Linda Henderson
Robyn Folsom
Bill Butterfield
Matt Langer
Krisanna Clark

City Manager Pro Tem
Tom Pessemer



2009 Top Ten Selection



2007 18th Best Place to Live



DATE: April 2, 2013
TO: Planning Commission
FROM: Michelle Miller, AICP, Senior Planner
SUBJECT: VLDR Lot Size Minimum Comparison

At the February 26, 2013 hearing on the VLDR text amendment, the Planning Commission requested further information concerning the ability of a subdivision development with a zoning designation of 10,000 square foot minimum lot size to achieve the density of four units per acre. I reviewed the Denali PUD (PUD 11-01) application from 2011 to see if the applicant's proposal was achievable with these calculations in mind.

Generally, Sherwood planning staff calculates density based on the definition section of the Sherwood Zoning and Development Code. The SZDC § 16.10 defines **density** as "(t)he intensity of residential land uses per acre, stated as the number of dwelling units per net buildable acre. Net acre means an area measuring 43,560 square feet **after** excluding present and future rights-of-way, environmentally **constrained areas, public parks and other public uses.**" The definition of **environmentally constrained areas** is also found in § 16.10: "Any portion of land located within the floodway, 100 year floodplain, wetlands and/or vegetated corridor as defined by Clean Water Services."

This proposal includes several areas of public right of way, constrained areas as well as public use areas, which may be typical to this area along with the amount of right of way that would be needed for these sites. The Denali PUD Table below identifies the five tracts located on

Name of Tract	Size of Tract	Purpose of Tract
Tract A	17,932 sq. ft.	Public use, not buildable and row for SW Ironwood
Tract B	2360 sq. ft.	Water quality bio-swale-environmentally constrained-CWS
Tract C	5148 sq. ft.	Steep slope and vegetated buffer-environmentally constrained-CWS
Tract D	15,864 sq. ft.	Open Space-public space
Tract E	8365 sq. ft.	Sanitary sewer easement-public use and not buildable

site and the rationale for subtracting those tracts from the calculation.

The total site area is 3.71 acres or 161,607.6 square feet. In the case of Denali, there are approximately 1.99 net buildable acres remaining because of environmentally constrained lands, right of way, as well as the open space area. Calculating net density under the SE Sherwood Master Plan unit Development density of four units per acre provides for nearly eight units (1.99 net acres x 4 units). Staff reached this calculation by subtracting all of the tracts and the right of way from the gross area as the definition requires. This would achieve eight lots.

It is difficult to anticipate the percentage of land that would be excluded because of right of way or environmental constraints for the density calculation without shadow platting the entire area. In the case of Denali PUD over 46 % of the site was not considered buildable.

Another example would be if there is a 5-acre site that wanted to develop under the SE Sherwood Master Planned Unit Development. The general rule of thumb subtracts 25 % of the five-acre site or 1.25 acres for right of way or other easements, leaving 3.75 acres developable acreage. With a PUD, 15% of the net developable site is required for open space, which in this case subtracts an additional .56 acres from the total, leaving the remainder left for single-family lots. In this scenario, you may reach thirteen lots with a 10,000-lot size minimum. However, the maximum density in this case, would be 15 units (3.75 x 4). As this example shows, the maximum density cannot be met with a 10,000 lot minimum.

Dennis and Paula Yuzon
23120 SW Murdock Road
Sherwood, OR 97140
(503) 625-7909

RECEIVED
MAY 16 13
BY MLM
PLANNING DEPT.

City of Sherwood
MAY 16 2013
Recorder's Office

March 14, 2013

To: Sherwood City Council
Attn: Michelle Miller, AICP Senior Planner

Re: File No. PA 12-04, VLDR Text Amendment

Dear Sir:

We are owners of tax lot 100 on Murdock Road, a 10 acre parcel located on the Ken Foster site.

We fully support the changes to the Sherwood Zoning and Development Code as described in the above VLDR Text Amendment. The future development of our property would be impossible with the current zoning requirements. Since we have difficult environmental issues on the property, it would benefit the city, the neighborhood and us if we were able to develop the property sometime in the future.

Thank you for your consideration,



Dennis and Paula Yuzon

May 21, 2013
Date

City Council
Gov. Body

Public Hearing
Agenda Item
ORD. 2013-003

C
Exhibit #
Dennis + Paula Yuzon

RECEIVED

City of Sherwood

MAY 20 2013

Recorder's Office
3 pgs

May 19, 2013

To: Sherwood Planning Department
City Hall 22560 SW Pine Street
Sherwood, OR 97140

MAY 20 2013
BY [Signature]
PLANNING DEPT

Subject: PA12-04 Very Low Density Residential Text Amendment

Hello Michelle. Thank you for including me on the distribution of the proposed changes to the zoning and development code. After reading the recommended development code language I am not sure if it clarifies and simplifies the code or makes it more convoluted and difficult to administer.

I understand that there are a limited amount of properties left in the City that are zoned VLDR, and it seems that a lot of effort is being made by the Planning Department, members of the community, other citizens, and eventually by the City Council over this matter, and sometimes it is just better to leave well enough alone and focus on the more important matters of the day and time.

Before I can determine my position on this I will need for the City to clarify and/or provide the following information:

General:

Please confirm, is the current code for Chapter 16.12 Residential Land Uses exactly as written in Exhibit O, other than the proposed additions and proposed deletions? It is not clear to me if what has been provided for public review is the current code, or some version of the code with modified language.

1. Standard Density:

Please clarify "other related uses", does standard density relate to anything other than single-family housing?

Please clarify "0.7 to 1 dwelling unit per acre", does 0.7 indicate that there can be less than one dwelling unit per acre? Please provide a definition for "dwelling unit".

2. VLDR Planned Unit Development Density Standards:

Please provide a copy of the referenced Chapter 16.40 so that I can review the PUD process and how it impacts the proposed Text Amendment.

Please clarify "may develop to a density of 1.4 to 2.0 dwelling units per acre", what is the purpose of this proposed language? Why 1.4 to 2.0 instead of two (2)?

2.a. It seems the intent of the current code is to address housing densities in quantity per acre. And the proposed code is attempting to address minimum lot sizes. If the proposed code was adopted, this would increase the allowable housing density by a factor of 2 (potentially 4 per acre instead of 2). Is this correct?

2.b. This section references code sections for special resource zones, natural resource areas, and an attached Appendix C, the Community Development Plan, and Federal Regulation and Division VIII. Please provide a copy of these referenced sections so that they can be reviewed as part of the proposed Text Amendment.

May 21, 2013
Date

City Council
Gov. Body

Public Hearing
Agenda Item
ORD. 2013-003

D
Exhibit #
Martin Gavin

2.c. Please provide an example of when higher density development will better preserve natural resources as compared to (1) unit per acre.

3. Southwest Sherwood Master Planned Unit Development:

a. It is my understanding that the SE Sherwood Master Plan was never adopted as part of the Zoning and Development Code of the City. Is this correct? If yes, how can it be used as to establish conformance to concepts, goals and objectives. This could be very problematic and contestable if it is not official code. Please clarify, and provide the legal position of the City on this.

b. Please describe Alternative B/C in the SE Sherwood Master Plan. Is Alternative B/C included in the official Zoning and Development Code of the City? Is it specific to VLDR?

b. (1) Please define "adequate buffering", is this specifically for visual barriers? Does it specify the height or density of the buffer? Does it include space constraints with specific physical dimensions? Does it include specifications for green belts? Does the requirement for "adequate buffering" vary based on the actual lot size? What happens if the lot size is 20,000 sf, 30,000 sf, or something other than 10,000 sf. A decision approving or denying what constitutes "adequate buffering" could be very subjective and potentially lead to dispute.

b. (2) Please define "where feasible" and "general vicinity", are there any specific specifications for when a park or pathway is required to be included in a PUD? A decision approving or denying what constitutes "where feasible" and "general vicinity", and when it would or would not be required could be very subjective and potentially lead to dispute.

b. (3) Is there any dimensional specifications for the "friendly transportation system"? I assume this is meant to be a sidewalk, walking path or trail, but is the language clear that this does not mean that a "friendly transportation system" needs to be constructed from the boundary of the PUD to any school, park or commercial area or other destination? A decision approving or denying what constitutes a "friendly transportation system", and when it would or would not be required could be very subjective and potentially lead to dispute.

b. (4) It is difficult to comprehend what "unique opportunities and constraints" that apparently are included in the SE Sherwood Master Plan consist of. Why doesn't the Text Amendment just list the "unique opportunities and constraints" that one must generally follow?

b. (5) Please define "view corridor", is this a defined term in the SE Sherwood Master Plan?

b. (6) When referencing "compatible", does this mean size, exterior finishes, architectural elements, setbacks, orientation, sidewalks, fire & life safety systems? Are there any specific specifications such as cedar shake roofing, underground electrical utilities or locations for fire hydrants?

c. Please clarify density transfer. Does this mean that once a PUD is approved and permitted that the density cannot be changed, either increased or decreased?

d. Will the Planning Commission only consider the specific housing design types and the preservation of the view corridors, or approve or deny?

In summary, it seems the Text Amendment as proposed leaves a lot to be interpreted by both the party applying for a development or residence, and the City plan reviewer. From my perspective I am still trying to understand why the City would want to spend planning, legal and administrative efforts and associated costs for reviewing and approving this Text Amendment when the City is apparently currently dealing with budget constraints.

I realize that the City needs to serve its residents when they come forward with a request for services, but is reviewing and approving this Text Amendment for the betterment of a majority of the Sherwood community or only for a few with a special interest?

Is it feasible that the applicant be charged for the planning, legal and administrative costs that are being and going to be expended as part of this review and decision making process?

I look forward to your response and thank you for serving the City of Sherwood community.

Sincerely,

A handwritten signature in black ink that reads "Martin J. Gavin". The signature is written in a cursive style with a large, stylized initial "M".

Martin Gavin
14490 SW Fairoaks Drive
Sherwood, OR 97140

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

May 22, 2013

Mr. Middleton and Members of the City Council
Ms. Michelle Miller, Associate Planner
Planning Department, City of Sherwood

PA 12-04 Very Low Density Residential Text Amendment

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

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

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

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

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

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

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

May 21, 2013
Date

City Council
Gov. Body

Public Hearing
Agenda Item
ORD 2013-003

E
Exhibit # Kurt Kristensen

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

Applicant states that:

(1) Allowing opportunities for increased density in the area of the SE Sherwood Master Plan will help make it economically feasible for development to pay for infrastructure. The proposed text amendment will not promote any changes to the adopted Transportation Systems Master Plan for the City of Sherwood.

(2). The proposal is to incorporate elements of the SE Sherwood Master Plan into the development code so that the plan can be implemented. (Proposal, p. 7 of 8).

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

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

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

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

The concerns that the City council should carefully consider are:

1. Is it necessary since City Council and the public already have demonstrated adequate flexibility under current rules to provide for optimal building within the geological and environmental constraints.

2. Is there a chance that the SE Sherwood Master Plan design for additional city park and hiking paths will disappear within the small PUD approvals; the Denali PUD recently approved for applicant has already subsumed public access with vague assurance that open space will be maintained by homeowners.

3. Are there adequate City of Sherwood Planning constraints to enforce lay-outs of SE Sherwood Master plan B/C proposal for parks, hiking and environmental protection? The area is still in litigation with State of Oregon DEQ and property owners, and there are increasing environmental concerns about City's ability to require installation of and maintenance of an adequate area-wide SE Sherwood storm sewer system to protect adjacent wetlands and existing property owners in Fair Oaks Subdivision (The entire area is mostly solid rock below 12"). Wetland owners and downstream property owners may require City of Sherwood to conduct an environmental impact assessment if further modifications are proposed.

4. The Development of the current Planning Commission Master Plan B/C for SE Sherwood took over three years to develop with multiple public meetings; the City of Sherwood City Council has, perhaps, violated the intent of the hearing process by not even placing it on a subsequent City Council Agenda between 2006-2013. It's possible that anything short of a City Council 2013 adoption of the current SE Sherwood Master Plan already adopted by the City's Planning Commission in 2006 may provide an opening for contesting a modification.

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

I recommend:

1. City Council reject this application for doubling the density of all VLDR acreage, or table the application until all environmental lawsuits and testing have been completed. There is no compelling urgency for the council to rush this application..
2. The Mayor and the council set a hearing date for adopting planning commission resolution 2006-oo1
3. The Mayor appoint a 2013 SE Sherwood committee to consider sound and equitable community development guidelines for all acreage east of the Murdock Rd., from Sunset to Oregon St.

Respectfully,

Kurt Kristensen

cc. SE Sherwood residents

References:

(1) DEQ

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

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

(2) Litigation

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

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

Bruce Gillis communication 9-21-2012 stating: "The settlement is before the Oregon Court of Appeals as the plaintiff appealed the district court's approval and entry of the settlement. We hope this process is resolved by spring 2013..." Additionally, Bruce Gillis stated on 5-18-13 that: Good morning Kurt.

My apologies for not responding sooner. This is a very busy period for me with legislative bills involving the Cleanup and Emergency Response Programs.

Concerning the settlement and the related litigation filed by Pacific III challenging the settlement because they did not get a chunk of the available insurance money, we are awaiting the hearing of the appeal in State Appeals Court. DEQ prevailed on the initial trial in district court, which Pacific III appealed in early 2012. A hearing date of August 29, 2013 was scheduled by the court last week so hopefully resolution of the litigation is near.

Pacific III has taken their dispute to the legislature and has pursued efforts to amend the Cleanup statute governing settlements with the State. While we have spent considerable time trying to improve the statute without compromising the utility the statute provides to get responsible parties to perform or pay for cleanup, our efforts to resolve the litigation with Pacific III remain unresolved.

With respect to DEQ actions in lieu of having settlement funds to proceed with cleanup, we have allocated other funds to complete further testing at the Foster Farms site using DEQ contractors. A key element of that work is to address uncertainties resulting from the changed cleanup criteria for hexavalent chromium. That work will begin later this summer. Mark Pugh will manage that work. Kevin Parrett is his supervising manager.



PC Resolution 2006-001

A RESOLUTION ACCEPTING THE "SE SHERWOOD MASTER PLAN REPORT" AND APPROVING A PROCESS TO IMPLEMENT THE PLAN

WHEREAS, the City of Sherwood has a Very Low Density Residential (VLDR) Zone in the Sherwood Plan and Zone Map that requires a minimum 1 acre per lot; and

WHEREAS, the City has approved recent subdivisions and partitions in the proposed study area without full public facility improvements because the City cannot require urban levels of service in proportion to the impacts of the projects; and

WHEREAS, the City expects future private development in the immediate future and a master plan for the neighborhood would provide a guide for better services for current and future property owners, neighbors, and the City; and

WHEREAS, the City Council adopted Resolution 2005-059 that authorized the SE Sherwood Master Plan process and participation in the Oregon Transportation and Growth Management Quick Response program to fund the study and master plan; and

WHEREAS, the City has held numerous public involvement opportunities including three meetings with the property owners and three public workshops; and

WHEREAS, the Planning Commission has held a work session on February 28, 2006 to consider the findings and recommendations of the report and held open public meetings with a comment period on March 28 and April 4, 2006; and

WHEREAS, the Planning Commission has discussed the recommendations from staff and the consultant and deliberated on May 9, 2006 to endorse the benefits of a coordinated master plan for efficient land use, multi-modal transportation, recreation trails, and shared open space; and

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

Section 1. The SE Sherwood Master Plan Report (Exhibit A) dated February 20, 2006 is hereby accepted and the concept plans contained in the report meet the project objectives.

MAY 16 2013

Recorder's Office

ALL EXISTING TREES SHALL BE PRESERVED

ENGINEERED GRADING NOTES

- PROJECT GRADING LIMITS SHALL BE WITHIN THE PROJECT'S PROPERTY BOUNDARY UNLESS OTHERWISE SHOWN ON PLANS. NO GRADING SHALL BE CONDUCTED IN WETLANDS OR OTHER ENVIRONMENTALLY SENSITIVE AREAS UNLESS APPROVED BY THE APPLICABLE AGENCIES AND SPECIFICALLY SHOWN ON THE APPROVED PLANS.
- THE IDENTIFICATION OR REMOVAL OF UNSATURATED MATERIAL SHALL BE DONE WITH CONSULTATION WITH THE PROJECT ENGINEER AND OWNER.
- REMOVE AND DISPOSE OF ALL ORGANIC AND/OR UNSATURATED MATERIALS, INCLUDING TREES, STUMPS, ROOTS, BRUSH, AND GRASS IN SUCH A MANNER TO MEET ALL APPLICABLE REGULATIONS ON-SITE DISPOSAL SHALL BE AS DETERMINED BY THE PROJECT ENGINEER AND OWNER.
- STOCKPILE SOIL MATERIAL ON-SITE IN A BERM AS SHOWN ON PLAN OR AS DIRECTED BY THE PROJECT ENGINEER AND OWNER.
- IF POSSIBLE, THE CONTRACTOR SHALL PROTECT ALL TREES NOT SPECIFICALLY SHOWN TO BE REMOVED.
- GRADE THE SITE TO THE ELEVATIONS SHOWN ON THE DRAWINGS WITH THE NECESSARY ADJUSTMENTS TO ACCOMMODATE THE FINISHES AS SPECIFIED. SHAPE, FUTURE, PAVED AREAS PER THE PLANS TO SURROUND ELEVATIONS THAT WILL ACCOMMODATE FUTURE BASE ROCKS AND FINISHES.
- STRAIGHT GRADERS SHALL BE BETWEEN FINISH GRADE AND/OR FINISH CONTOUR LINES SHOWN UNLESS OTHERWISE NOTED. FINISH GRADERS ARE TO OPERATE AS INDICATED ON THE PLANS. FINISH GRADING SHALL BE FINISHED BY BLOWING AND RAKING TO REASONABLY SMOOTH CONTOURS WITH GENTLE TRANSITIONS.
- ALL CUT OR FILL SLOPES SHALL BE CONSTRUCTED AT NO STEEPER THAN TWO (2) HORIZONTAL TO ONE (1) VERTICAL UNLESS OTHERWISE SHOWN ON APPROVED PLANS.
- AREAS TO RECEIVE FILL MATERIALS SHALL BE PREPARED BY REMOVING ALL ORGANIC AND UNSATURATED MATERIALS AND PROOF ROLLING. BENCHING IS REQUIRED ON FILLS WHERE THE EXISTING GROUND SLOPE EXCEEDS 5 HORIZONTAL TO 1 VERTICAL. BENCHING SHALL BE IN ACCORDANCE WITH PROJECT GEOTECHNICAL ENGINEER'S RECOMMENDATIONS. MATERIAL IN SOFT SPOTS WITH PROPOSED BUILDING, PAVED, OR SIDEWALK AREAS SHALL BE REMOVED TO THE DEPTH REQUIRED (AS DIRECTED BY THE PROJECT ENGINEER OR THE PROJECTS GEOTECHNICAL ENGINEER) TO PROVIDE A FIRM FOUNDATION AND SHALL BE REPLACED WITH SUITABLE BACKFILL. FILLS ARE TO BE CONSTRUCTED IN HORIZONTAL LIFTS NOT TO EXCEED 8 INCHES LOOSE MEASURE.
- THE CONSTRUCTION OF STRUCTURAL FILLS AND/OR EXCAVATIONS SHALL BE IN ACCORDANCE WITH THE PROJECTS GEOTECHNICAL ENGINEER.
- COMPACTION TESTS AND REPORTS SHALL BE CONDUCTED BY AN APPROVED TESTING LABORATORY. TEST FREQUENCY SHALL BE PER THE PROJECT ENGINEER OR THE PROJECTS GEOTECHNICAL ENGINEER. TESTING TO COMMENCE WITH FILL ACTIVITIES AND AS A MINIMUM, ONE TEST WILL BE TAKEN FOR EVERY 500 CUBIC YARDS PLACED OR 2 FEET VERTICAL, WHICHEVER IS GREATER.
- IF DUSTY CONDITIONS EXIST THE PERMITTEE SHALL APPLY A FINE SPRAY OF WATER ON THE SURFACE TO CONTROL THE DUST. EXCESSIVE WATER SHALL NOT BE APPLIED; THEREFORE NO RUNOFF SHALL BE GENERATED.
- ENGINEERED FILLS SHALL BE CERTIFIED BY THE PROJECTS GEOTECHNICAL ENGINEER.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING THE NECESSARY ARRANGEMENTS FOR COMPACTION TESTING AND FOR SUPPLYING THE RESULTS TO THE PROJECT ENGINEER.
- CUT AND FILL SLOPES SHALL BE PROTECTED FROM EROSION. SUCH CONTROL MAY CONSIST OF APPROPRIATE VEGETATION OR OTHER ACCEPTABLE MEANS AND METHODS. EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO STRIPPING OR SITE STRIPPING.
- THE CONTRACTOR SHALL COORDINATE WITH THE PROJECT ENGINEER AND THE PROJECTS GEOTECHNICAL ENGINEER FOR REQUIRED INSPECTIONS AT THE FOLLOWING STAGES OF CONSTRUCTION:
 - INSPECTION OF SITE STRIPPING, BUT PRIOR TO FILL PLACEMENT. EROSION CONTROL MEASURES SHALL BE IN PLACE AT THIS TIME.
 - IN PREPARATION OF BENCH CONSTRUCTION PRIOR TO FILL PLACEMENT.
 - AFTER PLACEMENT OF EACH 500 YARDS OF FILL.
 - AFTER THE MAJORITY OF FILL HAS BEEN PLACED AND IS IN "PROOF" GRADE BUT PRIOR TO FINAL GRADING.
 - WHEN FINAL GRADING IS COMPLETED.
 - DURING FINAL GRADING, BUT PRIOR TO BASE ROCK AND FUTURE CONSTRUCTION.
- PROJECT GRADING LIMITS SHALL BE WITHIN THE PROJECT'S PROPERTY BOUNDARY AND/OR STREET RIGHT-OF-WAY UNLESS OTHERWISE SHOWN ON PLANS. NO GRADING SHALL BE CONDUCTED IN WETLANDS OR OTHER ENVIRONMENTALLY SENSITIVE AREAS UNLESS APPROVED BY THE APPLICABLE AGENCIES AND SPECIFICALLY SHOWN ON THE APPROVED PLANS.
- FINISHED GRADE CONTOURS SHOWN ARE APPROXIMATE. FINAL GRADING ELEVATIONS ARE ONE-FOOTER. THE PROJECT ENGINEER MAY ADJUST FINISHED GRADE AS REQUIRED DURING CONSTRUCTION. FINISHED GRADE CONTOURS TYPICALLY REPRESENT TOP OF PAVEMENT IN PAVED AREAS, TOP OF CONCRETE IN SIDEWALK AREAS AND FINISHED GRADE (TOP OF CUT SURFACE OR TOP OF STRUCTURAL FILL) ALL OTHER AREAS.
- IF SPRINGS OR GROUNDWATER ARE ENCOUNTERED DURING CONSTRUCTION THE CONTRACTOR SHALL NOTIFY THE PROJECTS GEOTECHNICAL ENGINEER AND PROJECT ENGINEER OF THE CONDITIONS FOUND AND COORDINATE THE ACTIVITIES IN A MANNER THAT WILL ALLOW TIME TO REVIEW THE SITUATION AND PREPARE A PLAN TO PROPERLY MITIGATE THE WATER ENCOUNTERED.
- ALL CUT AND FILL AREAS SHALL BE STRIPPED OF SOIL AND OTHER NON-STRUCTURAL MATERIAL (DEPTH TO BE DETERMINED BY THE PROJECTS GEOTECHNICAL ENGINEER).

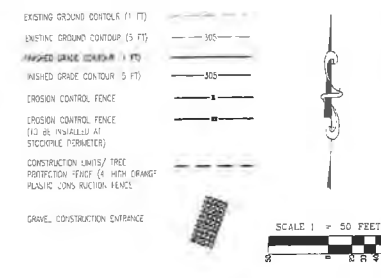
ADDITIONAL NOTES (SITE SPECIFIC)

- ADAPTED DENSITY TESTING SHALL BE PERFORMED TO VERIFY THAT THE RECOMMENDED RELATIVE COMPACTION IS ACHIEVED. PROVIDE COMPACTION RESULTS TO THE ENGINEER AND OWNER. FAILED SECTIONS SHALL BE REPAIRED AT CONTRACTOR'S EXPENSE.
- ALL GRADING FOR THE DEVELOPMENT SHALL BE PERFORMED AS ENGINEERED GRADING IN ACCORDANCE WITH THE 2003 INTERNATIONAL BUILDING CODE (IBC) AS AMENDED BY THE STATE OF OREGON AND WITH THE EXCEPTIONS AND ADDITIONS NOTED HEREIN. UNCOMPLETED FILL DISCOVERED DURING CONSTRUCTION SHOULD BE EVALUATED BY THE PROJECTS GEOTECHNICAL ENGINEER OR DIRECTED PRIOR TO ENGINEERED FILL PLACEMENT.
- PRIOR TO CONSTRUCTION THE CONTRACTOR, PROPERTY OWNER, PROJECT ENGINEER, PROJECTS GEOTECHNICAL ENGINEER AND ENVIRONMENTAL CONSULTANTS SHALL HAVE A MEETING.

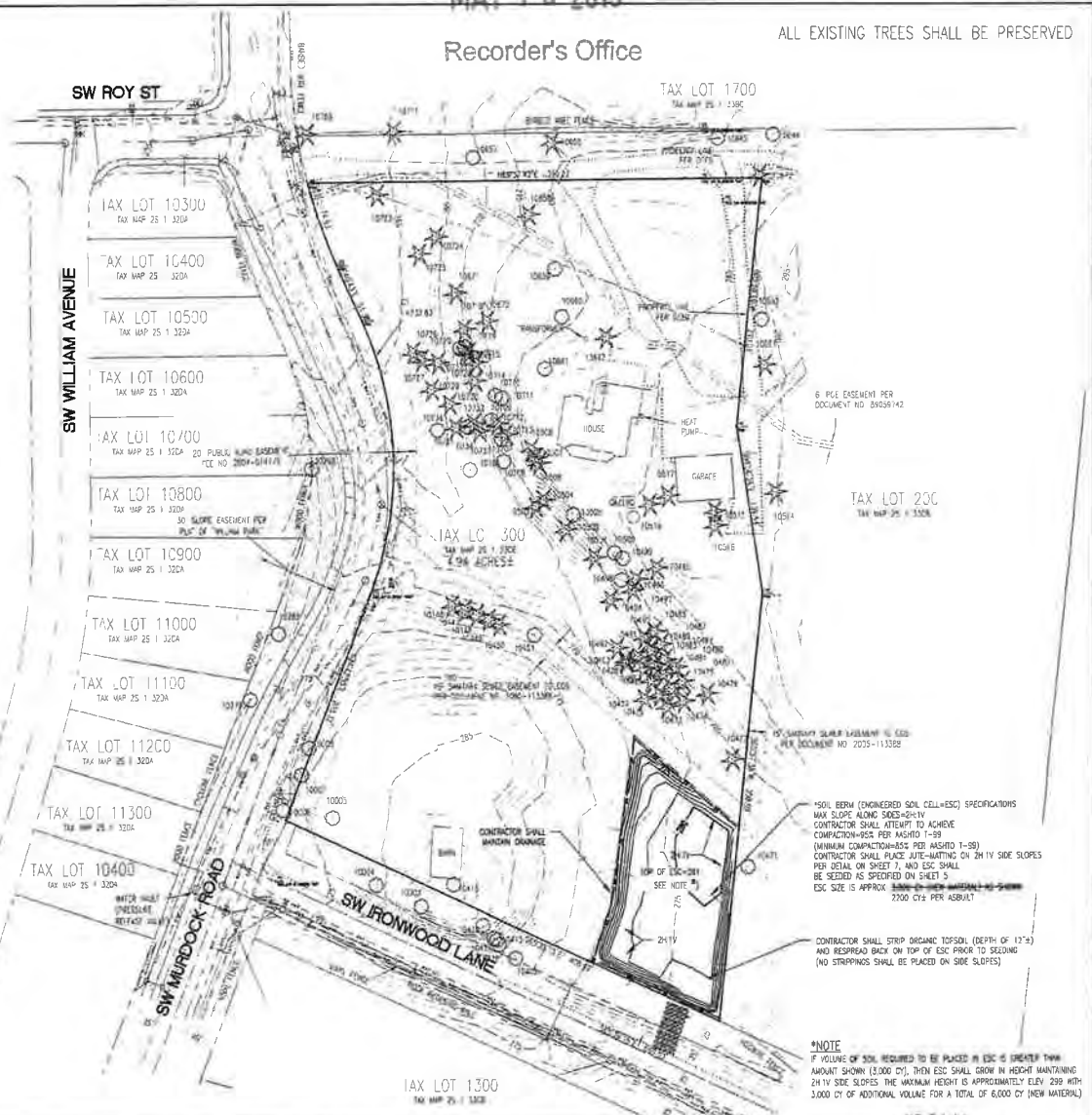
SOIL COMPACTION GUIDELINES

ALL STRUCTURAL AND NON-STRUCTURAL FILLS SHALL BE CONSTRUCTED IN 8" LIFTS (LOOSE MEASURE) AND COMPACTED PER APPLICABLE SPECIFICATIONS.

LEGEND



AS-BUILT DISCLAIMER FOR ENGINEERED SOIL CELL:
 AS-BUILT INFORMATION IS BASED ON A COMBINATION OF FIELD SURVEY, SPOT INSPECTION, CITY-PROVIDED INFORMATION, AND CONTRACTOR-PROVIDED INFORMATION. THE ENGINEER ONLY CERTIFIES INFORMATION WHICH COULD BE FIELD-VERIFIED AFTER CONSTRUCTION WAS COMPLETED.



REVISIONS

**AS-BUILT
 EROSION CONTROL,
 GRADING, AND DRAINAGE
 PLAN**



ENGINEERING • PLANNING • SURVEYING • FORESTRY
 LICENSED IN OR, WA & AK
 13510 SW CALBREATH DRIVE, SUITE 100
 SHERWOOD, OR 97140
 PHONE (503) 925-8799 FAX (503) 925-8969

DESIGNED BY: MCH
 CHECKED BY: TMC
 DRAWN BY: MCH
 SCALE: AS NOTED
 PREPARED FOR:
 IRONWOOD HOMES
 PO BOX 981
 SHERWOOD, OR 97140
 PH: 503-625-4281
 FAX: 503-625-3752

**IRONWOOD ACRES
 ENGINEERED SOIL CELL**
 CITY OF SHERWOOD
 OREGON
 WASHINGTON COUNTY TAX MAP 25 1 320C



JOB NUMBER
910
 SHEET
6 OF 7

Oregon Department of Environmental Quality

Oregon DEQ: Land Quality - Environmental Cleanup - Ken Foster Farm

Environmental Cleanup Site Information Number (ECSI): [2516](#)

County: Washington

City: Sherwood

Region: Northwest

Contact Information

Project Manager: Mark Pugh

Phone: 503-229-5587

E-mail: [Mark Pugh](#)

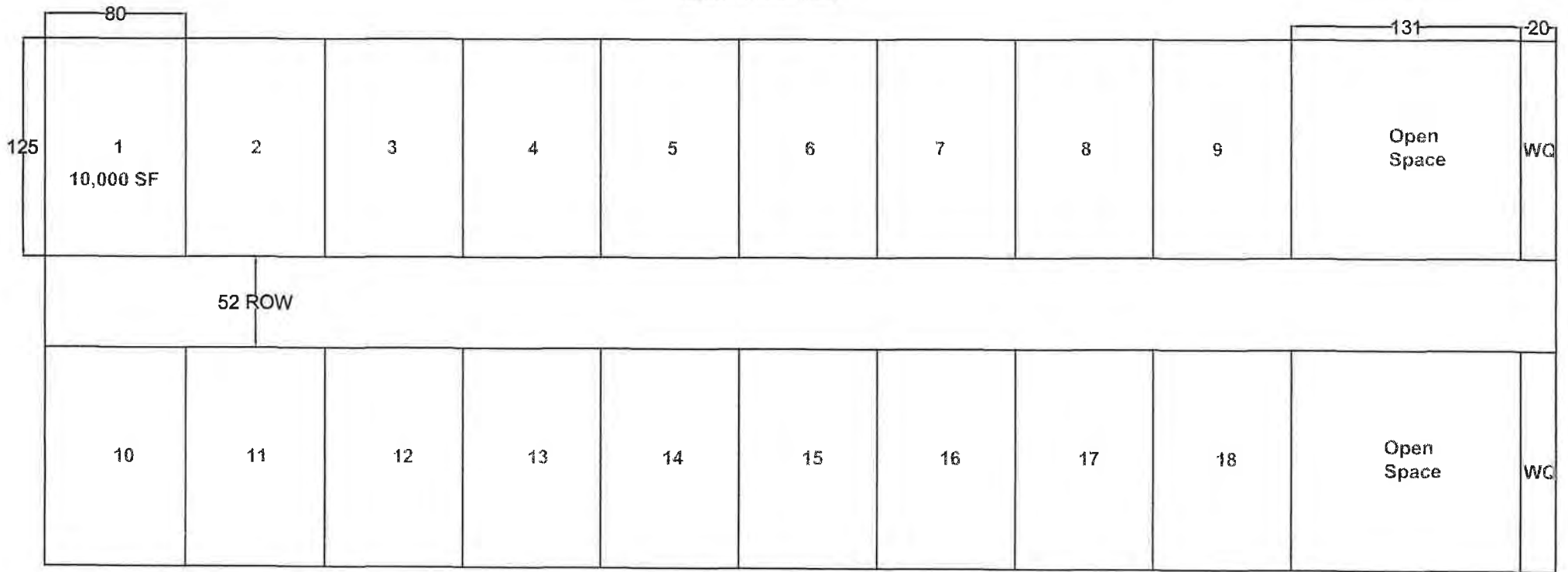
Site Summary

The former Ken Foster Farm is a 40-acre site in southeast Sherwood where waste from the nearby Frontier Leather Company tannery was applied to the ground surface in the 1960s and early 1970s. The site was farm and pasture land for many years, but has more recently been developed for residential housing. In 2006 EPA conducted a site inspection sampling investigation that found elevated concentrations of chromium, lead, and manganese on the site. In July 2007, DEQ completed a Screening Level Human Health Risk Assessment using EPA's site data. At that time, DEQ concluded that metals in soil, including chromium, posed no unacceptable human health risk. However, in November 2011, DEQ updated its risk-based concentrations for hexavalent chromium based on new EPA toxicity data. A better understanding of the extent of hexavalent chromium is needed to complete an updated risk assessment. Oregon DEQ is planning additional investigation in summer 2013. DEQ will use the Investigation results to complete a revised risk assessment and identify appropriate actions to protect human health and the environment.

Current Documents and Supporting Information

- [Former Ken Foster Farm Fact Sheet](#) PDF
- [Aerial Map Photo #1](#) JPG
- [Aerial Map Photo #2](#) JPG

TOTAL SITE..... 263,042 FT²
 LOTS 180,000 FT² (4.13 AC)
 ROW..... 45,292 FT² (1 AC)
 OPEN SPACE..... 32,750 FT² (.75 AC)
 WQF 5,000 FT² (.12 AC)
 GROSS SITE..... 6 ACRES
 GROSS DENSITY..... 3 UNIT/AC
 NET DENSITY..... 3.6 UNIT/AC



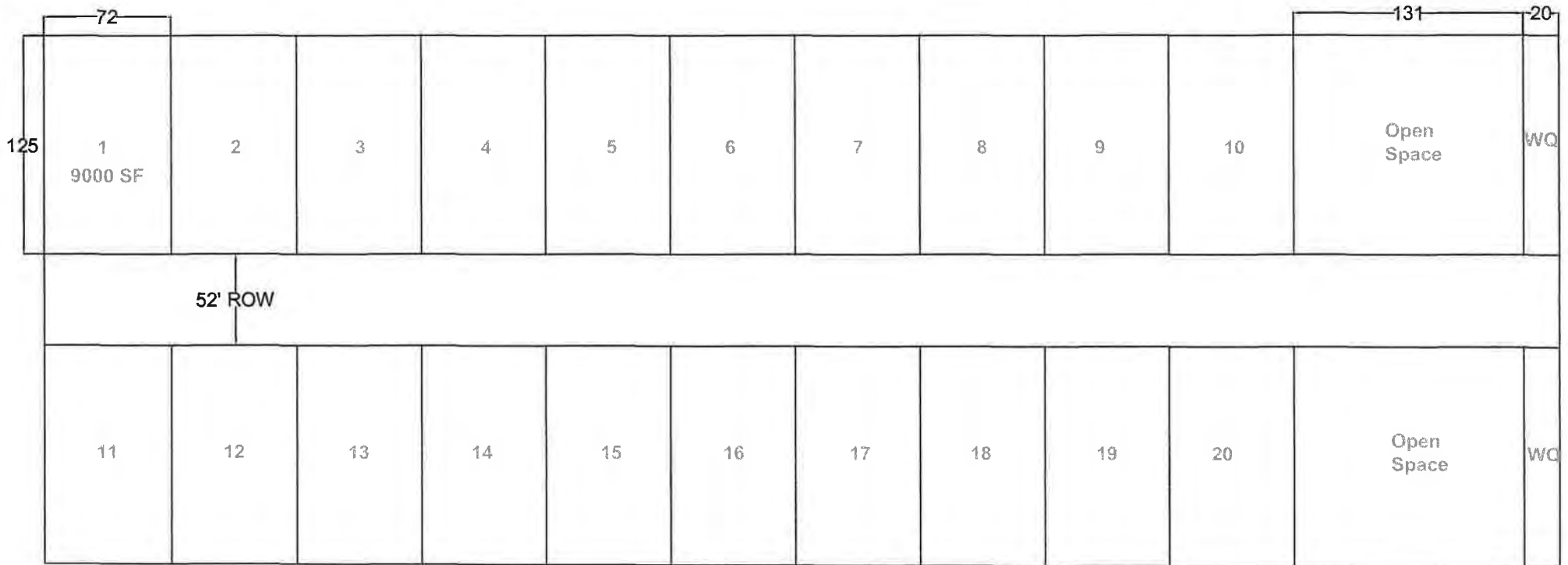
May 21, 2013
 Date

City Council
 Gov. Body

Public Hearing
 Agenda Item
 ORO.2013-003

F
 Exhibit #
 K. Van Loo Submitted

TOTAL SITE..... 263,042 FT²
 LOTS180,000 FT² (4.13 AC)
 ROW.....45,292 FT² (1 AC)
 OPEN SPACE.....32,750 FT² (.75 AC)
 WQF5,000 FT² (.12 AC)
 GROSS SITE.....6 ACRES
 GROSS DENSITY.....3.33 UNIT/AC
 NET DENSITY.....4 UNIT/AC



May 20 2013

The city is proposing 10;000 square foot lots and four lots per acre .

What we are asking for is 8;500.00 square foot lots .With out the 8;500 sq lot size we can not Put four homes per acre .Per my conversations with some of you agreed that you assumed the property would be developed some day and you do not mind the building of nice homes.

I am asking you to sign this VLDR for the S.W. Master Plan.

Our property is at 22900 S.W. Murdock Road Sherwood, OR 97140

There are other property owners involved but I don't have there address.

When some of you bought you homes you were fine with your chose and us as neighbors did not tell the builder or property owner oh no we tell you what you can or can not do with your own property. Had we as neighbors did that you would not be living where you are to day.

So please think of others as if it were you trying to make a life long change for your children and grand children WE bought this property many years ago with the idea being able to have an income for our family. Thank all of you for you help.

Thank you to the City Council and the Planning commission

Sincerely

Delores Moser And Family.

: DEE:

May 21, 2013
Date

City Council
Gov. Body







Public Hearing
Agenda Item
ORD. 2013-003

G
Exhibit #
Delores Moser



We, the undersigned persons, support the proposed Text Amendment PA 12-04 (VLDR District Text Amendment) that provides the opportunity for property owners of VLDR-zoned land to develop @ a maximum density of 4 units/acre using a PUD process.

Printed Name	Signature	Address	Phone or e-mail
DELORES MOSER	<i>Delores Moser</i>	6424 SW Washington Lake Grove, OR 97034	503-635-7673
DALE HASS	<i>Dale Hass</i>	15080 SW 141 st AVE TIGARD - OR - 97224	503-590-5855
Kimra Colorado	<i>KSCD</i>	14331 SW Fair Oaks Dr Sherwood OR 97140	503 625 5658
DAVID BRIM	<i>David N. Brim</i>	14300 SW FAIROAKS DR. SHERWOOD, OR 97140	541-738-8946
Susan Brim	<i>Susan Brim</i>	14300 SW Fair Oaks Dr. Sherwood, OR 97140	541-738-8946
Cynthia FOLSKE	<i>Cynthia Folske</i>	14391 SW Fair Oaks Dr Sherwood OR 97140	503-625-9716
SHEILA DANNEN <i>Sheila Dann</i>	<i>Sheila Dannen</i>	22515 SW FAIROAKS CT Sherwood 97140	503 318 6463

We, the undersigned persons, support the proposed Text Amendment PA 12-04 (VLDR District Text Amendment) that provides the opportunity for property owners of VLDR-zoned land to develop @ a maximum density of 4 units/acre using a PUD process.

Printed Name	Signature	Address	Phone or e-mail
Roger L Dannen		22515 S.W. Fairoaks Sherwood, OR 97170	503 318-1950
MICHAEL BAUGHMAN		22550 SW FAIROAKS SHERWOOD OR 97140	503 232-9141
Dotty Fletcher		14410 S W. Fairoaks Shwd, Ore	503 625-4133
Jeff Fletcher		14410 SW Fairoaks Sherwood, Ore	503-625-3301
Loxi Fletcher		"	"
Keith GABLER		17790 SW Belton Rd Sherwood, OR 97140	503-628-3808

We, the undersigned persons, support the proposed Text Amendment PA 12-04 (VLDR District Text Amendment) that provides the opportunity for property owners of VLDR-zoned land to develop @ a maximum density of 4 units/acre using a PUD process.

Printed Name	Signature	Address	Phone or e-mail
Chris Corrado		14331 SW Fairwats Dr	503-963-6201
Doug Lind		13912 SW McKinley Dr Sherwood, OR 97140	503-475-1251

To: Sherwood City Council

From: Roger & Lisa Walker, Rufauna Craigmiles
23500 SW Murdock Rd
(Property directly adjacent to Denali Subdivision - 3 acres in VLDR)

RE: PA 12-04 VLDR Text Amendment

Date: 5/21/13

Although the current proposed text amendment language has been referred to as the 'Walker plan', we want to be sure to be clear on a few issues:

- 1) It is our desire that **no** text amendment be made.
- 2) This is the last area in Sherwood with this VLDR classification. We should retain this special area that was initially zoned this way so as to address its ecological uniqueness.
- 3) No decision has to be made tonight and no change must be made at all.
- 4) The applicant for this Text Amendment change is one property owner who is requesting this change in order to more densely develop their Denali Subdivision and stands to gain most from this change.
- 5) **If** changes are made, strict and clear guidelines must be documented to ensure the spirit of the SE Sherwood Master plan are considered in all development going forward.
- 6) Two areas of the recommendation brought forth from the Planning Commission were not captured in the latest version of the text amendment. (see green below)

Chapter 16.12 Residential Land Uses

3. [Southeast Sherwood Master Planned Unit Development](#)
 - b. [Development under Section 16.12.010.A.3...](#)

- (1) [Varied lot sizes are allowed with a minimum lot area of 10,000 sq. ft if it can be shown that adequate buffering exists adjacent to developed properties with screening, landscaping, location of roadways or open space and in the locating of larger lot sizes next to these existing developed properties.](#)

The SESMP identified the largest lots be located on the exterior of the plan on those properties adjacent to existing developed properties. (SEE PAGE 57 OF SESMP)

May 21, 2013
Date

City Council
Gov. Body


Public Hearing
Agenda Item

H
Exhibit #

ORD 2013-003

LISA WALKER 235

(2) The Open Space areas as required by Chapter 16.40 (Planned Unit Development), where feasible, should include parks and pathways that are located within the **general vicinity** of Alternative B/C in the SE Sherwood Master Plan.



The loss of the treed Moser property since the SESMP will mean the probable relocation of the largest open space identified in the SESM. Therefore some clarifications must be made as to preferences for open space location upon development. To simply say similar to the B/C Alternative would not allow for the adjustment needed from this immense change to the landscape.