



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, August 5, 2014

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

6:00 pm Executive Session
(Pursuant to ORS 192.660(2)(d), Labor Negotiations)

6:30 pm City Council Work Session

7:00 pm City Council Regular Meeting

URA Board of Directors Meeting
(following the City Council Meeting)



Home of the Tualatin River National Wildlife Refuge

6:00 PM CITY COUNCIL EXECUTIVE SESSION

1. LABOR NEGOTIATIONS ORS 192.660(2)(D)

6:30 PM CITY COUNCIL WORK SESSION

1. WATER GOVERNANCE GROUP UPDATE

REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. CONSENT

- A. Approval of July 15, 2014 City Council Meeting Minutes
- B. Resolution 2014-054 Authorizing the City Manager to sign a successor Intergovernmental Agreement (IGA) with the Washington County Consolidated Communications Agency for the purposes of providing public safety dispatch services (Jeff Groth, Police Chief)
- C. Resolution 2014-055 Authorizing partial waiver of Water System Development Charges to allow connection of property to City water for property with a contaminated drinking water well (Julia Hajduk, Community Development Director)

5. CITIZEN COMMENTS

6. PRESENTATIONS

- A. Sherwood High School Student Academic & Athletic Achievement Recognition
- B. Introduce new Library Manager- Adrienne Doman Calkins (Kristen Switzer, Community Services Director)
- C. Sherwood Growth Analysis and Update (Julia Hajduk, Community Development Director and Tom Pessemier, Assistant City Manager)

7. NEW BUSINESS

- A. Resolution 2014-056 Authorizing the City Manager to execute a construction contract for the SW Lincoln Street Pavement Rehabilitation Project (Craig Sheldon, Public Works Director)

AGENDA

**SHERWOOD CITY COUNCIL
August 5, 2014**

**6:00 pm Executive Session
(ORS 192.660(2)(D))**

6:30 pm City Council Work Session

7:00 pm City Council Regular Meeting

**URA Board of Directors Meeting
(following the Council Mtg.)**

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

- B. Ordinance 2014-014 Amending Sherwood Municipal Code Chapter 8.08 Alarm Systems**
(Julie Blums, Finance Director)

8. PUBLIC HEARINGS

- A. Ordinance 2014-013 Approving a Planned Unit Development (PUD) to be known as Cedar Brook Planned Unit Development including application of a Planned Unit Development Overlay on the Comprehensive Plan and Zone Map and approving the sixty-five lot subdivision** (Michelle Miller, Senior Planner) – **Public Hearing continued from July 15, 2014**
- B. Resolution 2014-057 Approving Ballot Titles and Explanatory Statements and submitting proposed Charter amendments to City voters** (Tom Pessemier, Assistant City Manager)

9. CITIZEN COMMENTS

10. CITY MANAGER REPORT

11. COUNCIL ANNOUNCEMENTS

12. ADJOURN TO URA BOARD MEETING

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 MEETING MINUTES
22560 SW Pine St., Sherwood, Or
July 15, 2014

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 5:15 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Bill Butterfield, Robyn Folsom, and Krisanna Clark. Councilor Matt Langer was absent.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Finance Director Julie Blums and City Recorder Sylvia Murphy. City Attorney Chad Jacobs.
4. **TOPICS:**
 - A. Labor Negotiations pursuant to ORS 192.660(2)(h).

5. **ADJOURN:**

Mayor Middleton adjourned the Executive Session at 5:32 pm.

WORK SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 5:35 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Bill Butterfield, Robyn Folsom, and Krisanna Clark. Councilor Matt Langer via conference call.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Finance Director Julie Blums, Police Chief Jeff Groth, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy. City Attorney Chad Jacobs.
4. **TOPICS:**
 - A. **Police Advisory Board**

Police Chief Groth recapped the history of the City Council and staff discussions of a Police Advisory Board, (see record, Exhibit A). He informed the Council of other jurisdictions with similar Boards. He reminded the Council of their most recent discussion in January 2014 and their agreement of the concept. Chief Groth explained the need for a Board to build stronger community participation and receive input. He explained the general purpose of the Board is to explore solutions to community issues, improve the

delivery of police services by assisting in the development of long-range plans and a public policy of policing, establishing expectations regarding the types and levels of service and improving relationship between police and the community. Chief Groth explained the makeup of the Board as a nine member Board composed of residents, business owners or representatives, faith community, youth community and the Sherwood School District. He stated the Board would operate in a similar fashion to other City Boards.

He stated staff was seeking the support of the Council to move forward with legislation establishing the Board by October 2014. Discussion followed.

Mayor Middleton adjourned the work session at 5:45 pm and stated the City Council would reconvene the work session at 6:15 pm to meet in a joint session with the Charter Review Committee.

B. Charter Review Committee joint work session

City Manager Gall provided a brief overview of the committee's work of proposing seven ballot titles to discuss with the Council. He said the committee and the Council went through a similar process this last spring. He stated we are looking for direction from the Council on which ballot titles they would like to move forward on as staff needs to move quickly to get them on the November ballot.

Charter Review Committee Chair Pat Allen thanked staff for their support and the committee members for their work. He stated he would review the draft ballot titles (see record, Exhibit B). He also referred to the charter with redlined track changes, (see record, Exhibit C) and said they would not review this document unless necessary. He stated he would discuss other committee recommendations that were not charter amendments, and discuss topics the committee considered and decided not to recommend amendments too.

He referred to the draft ballot title of **Title and Effective Date** and said this addresses the issue of removing the date of 2005 from the charter and said the substantive change to this is to require a periodic review of the charter. He said the idea was a review at least every six years or more frequently, by a committee established by the Council.

He referred to the draft ballot title under **Section 6-Distribution** and said this addresses the issue of appointments to boards and commissions. He said the Council has been dealing with this issue for the last several months and the committee tried to provide clarity to the manner of how the system should work. He said it's a blend of current experience as well as what has been adopted in Council Rules. He said it's an appoint and approve system where the Mayor makes the appointments to boards and commissions subject to the Council's approval. He explained if the Council does not approve the Mayor's appointment, the person is not appointed. He said it's a shared responsibility amongst the Council and is referred to in the Council Rules.

Chair Allen referred to the draft ballot title addressing control of the agenda, **Section 7-Council, Establishing Agenda**. He said the Council has discussed this issue for the last several months. He said we didn't disturb the existing system where the Mayor and Council President sets the agenda, but the committee discussed the notion of if a majority of the Council wanted to consider something for a future agenda, the majority should be able to cause that business to be scheduled on an agenda. He explained the committee clarified the language of a "future agenda" to allow for proper public noticing. He said the

notion of this amendment is if the Mayor and Council President wish to avoid a subject on an agenda, they cannot override the wishes of a majority of the Council.

Chair Allen referred to the draft ballot title addressing **Section 16-Ordinance Adoption**. He said this amendment adds more specificity to the ordinance adoption process. He said the committee patterned this amendment to the processes of the City of Beaverton. He said it is a two-reading model where an ordinance needs to be read twice at two separate meetings. He said there is an emergency adoption procedure that is provided. He said the committee spent time discussing adoption of an ordinance without a second reading. He said the committee decided that unanimity of the entire Council was needed to adopt at one meeting. He explained if a Council member was absent, the Council could not adopt on an emergency basis, it would require all seven members of the Council.

Chair Allen referred to the draft ballot title addressing **Section 33-City Manager** and the language of coercion of staff by a member of the Council. He said this issue has come up in the past. He said we didn't disturb the structure that you are not allowed to coerce members of staff, but we do propose deleting the language regarding "removal from office". He said the committee decided that this provision empowers four people to overturn the results of an election and said this did not seem to be an appropriate balance of power considering there is a recall process and the term of the Mayor is every two years and Councilor's every four years. He said the provision about coercion remains as it's important to protect staff.

Chair Allen referred to the draft ballot title addressing **Section 35-City Attorney** and said this clarifies that the City attorney does not need to be specifically an employee of the City and the City attorney is a function. He said this clarifies that the attorney can either be a direct employee of the City or by a firm contracted by the City.

Chair Allen referred to the draft ballot title addressing **Section 37-Compensation** and said this is an issue that has come up with the Council in the past and the committee recommends two things with the proposed amendment; calling out that compensation for Council members is prohibited. He said what this means is that for there to be compensation for Council members it would need to be by a vote of the people to amend the charter. He said the committee also addressed the language of expense reimbursement and proposed minor cleanup of the language. He stated the language of "reimbursed for actual expenses" already exists in the charter and they are proposing language of "actual and reasonable expenses." He said this language is defined in the accounting and reimbursement and legal arena.

He asked for committee comments or discussion.

Councilor Grant asked regarding ordinance adoption and declaring an emergency and the requirement of needing all seven members present to adopt. Discussion followed regarding passage at one meeting after declaring an emergency and that passage requires a vote of all seven Council members. Discussion followed regarding the committee's consideration of language to address a vote of all seated Council members, in the event the Council does not have seven seated members. Discussion followed regarding the commonality of a two reading process and the discussion of the committee to consider this process was to allow the public an opportunity to address or provide comments on ordinances.

Mr. Shannon addressed the language regarding Mayoral appointments to boards and commissions and said he was against the change and did not feel the change was needed. He said the language is referenced in the Council Rules and he was reluctant to take the authority away from the Council.

Chair Allen stated the committee also recommends the Council establish a utility advisory committee to address all utilities, water, sewer and could include broadband and SDC's. He said the committee recommends not putting this in the charter. He said another topic the committee discussed but would not recommend as an amendment is considering run-off's in election. He said there was a citizen recommendation to consider run-offs. He explained what a run-off system would look like.

Chair Allen said one of the principles of the committee was for the language in the charter to be constitutional in nature and not statutory in nature. He said there are two sections in the charter, one that is statutory and deals with solid waste incineration. He said the provision has been in the charter for 20+ years and said the committee checked with DEQ regarding the language being obsolete and DEQ confirmed it was not obsolete. He said the committee discussed and decided to not amend the language. He said the committee discussed the Willamette River Water provision and removal of the language and decided to not consider an amendment to this section.

Mr. Stecher addressed Section 33 and the language referencing coercion and the removal of the violation. He said it does not prevent Council Rules from taking over and said the committee did not want to put a punishment in the charter that they were not all in agreement with. He said there is certainly the thing of having the Council having the ability to remove someone the voters elected, but we don't prohibit you from doing that in the charter, we just don't talk to it at all. He said there is no reason you couldn't go to the Council Rules and set up your own punishment for anything including coercion.

Councilor Folsom addressed appointments to boards and commissions and said it looks a bit too big to her. She said in understanding the process of appointments, it is not laid out in the charter. She explained the process she has been familiar with for the past six years. She stated the process of advertising for a vacancy, and a current member being allowed to be reappointed after one term and if having served two terms they reapply and go into a pool of applicants. They then interview with the Board Chair, staff liaison and Council liaison and upon a consensus of the three they then make a recommendation to the Mayor. She said this does not seem to capture that process.

Chair Allen confirmed the process was not captured and said this is the notion of having constitutional language versus procedural language and said we think the simplest capture of this is the Mayor appoints and the Council approves the appointment. He said there may be a lot of procedure that gets you to the point of Mayoral appointment that you may or may not follow. He said the process just described is a process we mostly currently use, but it is not the only process he has been involved in. He said the procedural steps are left to the Council to setup through your rules or practices. City Manager Gall stated this is common in other communities around Oregon. Discussion followed.

Council President Henderson addressed Section 37-Compensation and said there are municipalities that have a small stipend for Council and we are having a vote to require a vote of the public. She said if we have a vote in the future who determines what the vote will be about, amounts, increases and decreases. Discussion followed that the Council would specify and the voters would vote. Discussion continued.

Chair Allen said by adding the language in this format what we are taking off the table is having the charter ever again be silent on the issue. He said currently the charter is silent on the issue and the Council could by ordinance adopt compensation. He said what we are doing is putting in a prohibition and to give yourselves compensation you would have to remove the prohibition. Discussion followed

regarding what is allowed by the State, voting in compensation but not being able as a seated elected official to benefit from that, it would benefit an incoming elected official.

Discussion followed and Councilor Grant said if we do this it will be hard for any Council in the future to change it. He said he likes it the way it is.

Chair Allen explained how the committee decided upon the decision to amend with prohibition language.

Councilor Folsom asked if there is a concern for having seven ballot titles and Chair Allen said the previous ballot had five and there did not seem to be a challenge. Comments were received that voter turnout was not great with 23% and the proposed ballots being on a general election ballot.

City Manager Gall stated with the Council having seven ballot titles to consider they could have a discussion to select five and they may need to decide as a Council which ballots they would consider now and which ones to consider at a future date. He said a number of the ballots are clean up.

Discussion followed regarding considering ballots at a future date and adding to other proposed amendments. Chair Allen clarified that the committee believes they are done with their work.

Council President Henderson asked if any of the proposed ballots should be reviewed by a future Council.

Councilor Folsom replied she needed time to process the information and asked the City Recorder to explain the timeline to meet deadlines for a November ballot.

The City Recorder stated the Council is scheduled to consider adopting a resolution at the August 5th Council meeting adopting ballot titles and explanatory statements to make the November ballot. She said at the August 5th meeting the resolution needs to be adopted to allow time for the required public noticing and meeting the County's submission deadline.

City Manager Gall stated the Council could select from the seven ballot titles and decide as a group to consider five. Comments were received that the Council could discuss this the night of adoption.

Chair Allen suggested not overthinking the number of ballots in terms of what the voters will or will not look at. He said if there are things on the list of the seven ballots the Council members don't like they should not recommend them. Comments were received that with the general election and Council positions on the ballot voter turnout will be better.

Chair Allen commented regarding the proposed ballots being fairly straightforward.

City Manager Gall stated not seeing anyone that feels strongly about not moving forward with any of the proposed ballots, staff will bring all seven to the August 5th Council meeting for consideration and will format the materials to allow the Council to be selective if they choose. Mr. Gall commended the City Recorder and the committee members for their work.

5. ADJOURN:

Mayor Middleton left the meeting at 6:40 pm and Council President Henderson adjourned the joint work session at 6:48 pm stating the regular session would begin at 7:00 pm.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 7:00 pm.
2. **PLEDGE OF ALLEGIANCE:**
3. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Bill Butterfield, Robyn Folsom, and Krisanna Clark. Councilor Matt Langer via conference call.
4. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Police Chief Jeff Groth, Finance Director Julie Blums, Community Development Director Julia Hajduk, Community Services Director Kristen Switzer, City Engineer Bob Galati, Planning Manager Brad Kilby, Senior Planner Michelle Miller, Engineering Associate Craig Christensen, Administrative Assistant Colleen Resch, and City Recorder Sylvia Murphy. City Attorney Chad Jacobs.

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

5. **CONSENT AGENDA:**
 - A. **Approval of June 17, 2014 City Council Meeting Minutes**
 - B. **Resolution 2014-047 Approving the City Recorder’s Canvassing of the returns of the May 20, 2014 Washington County Election and directing the City Recorder to enter the results into the record**
 - C. **Resolution 2014-051 Appointing Naomi Belov to the Budget Committee**
 - D. **Resolution 2014-052 Appointing Susan Claus to the Budget Committee**
 - E. **Resolution 2014-053 Appointing Andy Jensen to the Budget Committee**

MOTION: FROM COUNCILOR FOLSOM TO REMOVE RESOLUTIONS C, D, AND E AND TABLE TO A DATE NOT CERTAIN SO THAT WE CAN REQUEST STAFF TO BRING BACK THE DATE OF APPLICATIONS FOR THESE BUDGET COMMITTEE POTENTIAL MEMBERS, THE NUMBER OF APPLICATIONS THAT WE RECEIVED AT THAT TIME, WHO DID THE INTERVIEW COMMITTEE CONSIST OF, WHAT WAS THE PROCESS AFTER THE INTERVIEWS WERE DONE, WHEN WERE THE APPLICANTS CONTACTED AND NOTIFIED THAT THERE WAS NOT AN OPENING BUT THEY HAD BEEN CHOSEN AND WHETHER OR NOT THEY WERE ABLE TO FULFILL THIS OBLIGATION AND IF THERE IS INDEED AN ADMINISTRATIVE POLICY ABOUT HOW OUR BOARD AND COMMISSIONS ARE SEATED, SECONDED BY COUNCILOR GRANT.

Mayor Middleton said he would like to vote on each one separately.

Councilor Folsom stated that she moved all three of the resolutions, C, D and E and said that is the motion on the floor.

City Attorney Chad Jacobs noted that the motion was to table to a date not certain items C, D and E. He stated a motion to table is not debatable and is just voted on and if it is the will of the body they can divide

it into three separate ones and that would require the consent of the motion maker and the person who made the second.

Mayor Middleton said there is a motion on the floor and asked for a vote.

MOTION PASSED 5:2, (COUNCILORS HENDERSON, GRANT, FOLSOM, BUTTERFIELD AND LANGER VIA CONFERENCE CALL VOTED IN FAVOR, MAYOR MIDDLETON AND COUNCILOR CLARK VOTED AGAINST).

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO ADOPT THE AMENDED AGENDA ITEMS THAT ARE COVERED UNDER CONSENT UNDER A AND B, SECONDED BY COUNCILOR GRANT. MOTION PASSED 7:0, ALL PRESENT VOTED IN FAVOR, COUNCILOR LANGER VIA CONFERENCE CALL.

Mayor Middleton addressed the next agenda item.

6. CITIZEN COMMENTS

Nancy Taylor, Sherwood resident approached the Council and said she watched the last Council meeting on YouTube and suggested bringing the psychologist back because she was ashamed of the City of Sherwood once again. She said we are not making it in the local newspaper as a great place to live anymore because it seems like we are under federal investigation for a number of different things and if you Google the school system you will find all kinds of things that go on here in Sherwood. She asked the Council to become model tonight.

Lana Cole, Sherwood resident came forward and thanked the City, the Police and TVF&R for their work with Cruisin' 2014. She thanked the City for allowing the Chamber to have the annual dinner in Old Town and said it was a great event.

Jim Claus, Sherwood resident approached the Council said he went to the Bar Association and asked about Beery, Elsner and Hammond's relationship with the City in that we send down the only contact I know you signed and he showed them some minutes where Mr. Crean says over and over that he is the City Attorney. He said that is an interesting dilemma because if he is the City Attorney look in the Ethics Committee he is a public official and that is a more interesting problem because part of the problem with the budget is that you are not honest. He commented regarding government using a lot of smoke and mirrors but aren't honest. He said you hide the things you don't want us to see. He commented regarding Chris Crean being a public official, but he is not sure about Mr. Crean and said he used to be a partner and he is of counsel now, but if they have a 401k and they do work for the City and the money goes into the 401k and he sits here and directs it to that law firm his understanding from Ethics is there is a potential if not an actual conflict of interest. He said that is where the problems always start with these structural conflicts of interest where you bill somebody that needs something but then they build it into the decision. He commented regarding having a public official help with an RFP for a new attorney when it is written basically to favor their law firm and that is a potential conflict of interest. He commented on making ethical complaints starting with the RFP for a new attorney because the least we could do was open that bidding to a fair representation without having the specifications slanted so far they dictate who you hire. He referred to situations and if it is with a public official that gets into substantial violation and said he is assuming they will applaud his effort because the last thing we want to do is not have 14th amendment

compliance and this doesn't aim anything at the staff but he is tired of directing when you hire out timed consultants.

Colleen Swihart, Sherwood resident came forward and said she has been a resident for 18 years and asked if this was the proper time to talk about the Sherwood Dog Park. She stated that she drives to other cities to exercise her dogs and for a town that has been named livable it is a shame we don't have a dog park. She encouraged the Council to give it consideration and find funding for it.

Mayor Middleton addressed the next agenda item.

7. PRESENTATIONS

A. Tri-Met update on Local Transit Enhancement Plan

Community Development Director Julia Hajduk gave a brief background and stated that we have been working with neighboring jurisdictions on the Southwest Corridor Plan and said one element is enhanced local transit service which Mr. Mills will discuss.

Tri-Met Senior Planner Tom Mills approached the Council and reminded the Council that he spoke with them in October 2013 about the project. He stated they have made a lot of progress and he provided a presentation (see record, Exhibit D) of what they have learned and their recommendations. He stated the Service Enhancement Plans are a meaningful public engagement for creating a shared vision for making transit better and it is a long range plan for improved transit service in the southwest region, meaning Sherwood, Tualatin, Tigard, Durham, King City, Southwest Portland, West Linn and Lake Oswego. He said the region is growing and we are coming out of the recession and there are more jobs and people are trying to get to those jobs. He said the region has grown faster than Tri-Met has been able to keep up with and there has been interest in new transit service through the region and this project is about finding a way to do that. He said they have done public outreach, researched existing plans, and collected travel pattern data and census data and stated they took that information and based on that they developed a draft plan which they want to gather feedback on. He said they want to hear from the public and he will be at the Robin Hood Festival to talk to residents. He noted they hope by early 2015 they will have a general consensus about the future transit system.

He referred to the data they collected to show where people live and work and said now they can start to make connections. He commented on the community meetings they held and said they also held focus meetings for groups that would normally not attend big public meetings. He stated they had over 200 people participate in the meetings and they have also been holding stake holder meetings. He said in Sherwood there was interest in service to the YMCA, the industrial area between Sherwood and Tualatin, downtown Tualatin and Bridgeport Village. He stated they conducted a survey with over 1800 respondents and said they received great responses. He referred to a map and commented that originally the service was designed to get riders in and out of Portland every day and over time new job centers emerged but the transit system has remained the same and doesn't serve these new areas very well. He said the Service Enhancement Plan tries to address these trip patterns. He referred to assumptions made and said this is a long term vision and unfortunately there are ideas that are too expensive for them to implement today but hopefully as the economy grows they may be able to incrementally make improvements towards the full vision. He said this does not include high capacity transit that is being discussed as part of the Southwest Corridor Plan however this can be adapted to whatever is decided. He stated they tried to be bold but realistic. He referred to the legend in the maps and clarified that

“commuter bus service” is service that is typically from 6 am to 9 am and from 3 pm to 6 pm, “standard bus service” is service that is generally all day long and sometime on the weekends and runs every half hour, “frequent bus service” is service that runs all day long every day every 15 minutes in both directions, and “community connector service” is a new type of service where Tri-Met partners with jurisdiction or other entities to find third party funding to provide the service at a lower cost than they can provide.

He referred to the map of the current bus lines and said Sherwood has the 93 and the 94 and the 93 goes between downtown Sherwood and Tigard transit center and the 94 goes between downtown Sherwood and downtown Portland. He said both run all day and the 93 runs on the weekend and the 94 does not. He said it only serves the eastern part of the City and doesn't service Tualatin Sherwood Road. He recommended service along Tualatin Sherwood Road and possibly extending to Sunset Road and the YMCA. He said that would give the connection to the job center, downtown Tualatin and Bridgeport Village. He referred to a detailed map showing a route starting at the YMCA, going along Sunset through downtown and through the Sherwood Town Center along Tualatin Sherwood Road to downtown Tualatin and Bridgeport and continuing up 72nd Avenue and ending at the Tigard Transit Center. He stated they currently don't service Sunset but would like to discuss this with the community and particularly the neighborhood associations.

He commented on the community connector service and said it is modeled on a new service that they helped start in Forest Grove. He said they have an area in Forest Grove that can't support a tradition fixed route transit service with a 40 foot bus and if they can provide another provider and other funding they can do it at a lower cost. He said there are a number of areas around the region like this. He said the Tualatin industrial area is being recommended for this service and noted they do have the Tualatin shuttle but they want to make it look more like a real transit service but operate it with another provider. He said they are working with Ride Connection that provides transportation to senior and people with disabilities and are expanding into the general market.

Council President Henderson clarified that it is conceptual and asked if there is an estimated time when we will have service from Sherwood to Tualatin and asked if they are still trying to decide on the type of service or frequency. Mr. Miller said the vision is for a standard service.

Councilor Henderson asked if it would go to the YMCA every time. Mr. Miller said that would be a conversation and said there is an issue in Sherwood with buses and where they turn around and where they lay over. He said that can be confusing for the customers and having a place at the end of the line such as the YMCA where every bus could lay over. He noted that is a neighborhood that doesn't have service. He said Tualatin Sherwood Road is a high priority and there is a lot of interest from TriMet in providing that service and he noted it would be expensive but could be done in phases.

Councilor Henderson asked how the connector service in Tualatin is funded. Mr. Miller said the Tualatin shuttle is funded with federal Job Access Reverse Commute (JARC) funds from the FTA and in the last transportation bill they funded only two more years. He said that funding will be moved into other flexible funding programs some of which TriMet does have access to and that may a place to get funds to keep that program running. He said they would like to expand it because it is popular and there are areas in Tualatin that want service but can't support a fixed route.

Councilor Henderson asked if the rider pays a fare. Mr. Miller said they do not. He said the Tualatin Chamber operates the shuttle. He noted most of those riders are coming from a TriMet bus and have

already paid a fare and if TriMet were operating the shuttle it would be a transfer so it would be free anyways.

Councilor Clark asked if the Tualatin shuttle is the equivalent to the community connector service. Mr. Miller replied yes.

Councilor Clark asked if they are proposing using a community connector service type of service on Sunset Blvd. or a regular bus. Mr. Miller said he is proposing a regular bus and noted that TriMet has bought over 200 new vehicles and they are buying more and the older fleet is being moved out of circulation.

Councilor Clark commented on cost effectiveness and asked why they were recommending a larger bus as opposed to a community connector. Mr. Miller said community connector services generally have smaller buses that can get into neighborhoods but they have capacity constraints the problem with adding another small bus is the primary cost of the bus is the operator.

Julia Hajduk added that this is a draft and they are going to be getting input from the public including Sunset Blvd. and feedback will be critical and said there will be a link on the website.

Mr. Miller said the outreach will run into September.

Councilor Henderson said it seems like the community connector service model works if you can get someone to pay for it or a grant or partnership. She clarified that there is funding for only two more years. Mr. Miller said the funding was moved into programs that are more flexible. He said they are looking for long term funding for this program.

Councilor Henderson asked if Sherwood would be a candidate for asking for federal money for such a service. Mr. Miller said if we are at a point where we are looking for advocates he would come to the City of Sherwood and ask for help.

Julia mentioned that Forest Grove has more of a fixed route community connector service that they implemented as a result of the service enhancement plan on the west side. She said it is very successful and suggested asking them to present the information to Council.

Councilor Folsom noted that a lot of the federal funding is based on population served and Sherwood is still in the small town category and asked if that is why Tualatin is able to leverage those federal dollars. Mr. Miller said the existing JARC funding has more to do with jobs and job density than residents. He said 90% of the employees in Tualatin who work in Tualatin live somewhere else and about the same amount live in Tualatin and work elsewhere so every day there is a big exchange. He said that is what helped them get the funding for the shuttle. He said the shuttle has been there for 17 years.

Mayor Middleton thanked Mr. Miller for keeping them informed and listening to our citizens.

Mayor Middleton addressed the next agenda item.

8. NEW BUSINESS

A. Resolution 2014-048 Adopting an amended City of Sherwood Home Rule Charter as approved by City Electors at the May 20, 2014 Election (Joseph Gall, City Manager)

Mr. Gall said this will officially adopt the new Charter language that was approved by the voters in the May 2014 election.

With no questions or comments Mayor Middleton asked for a motion.

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO ADOPT RESOLUTION 2014-048, SECONDED BY COUNCILOR FOLSOM, MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR, COUNCILOR LANGER VIA CONFERENCE CALL.

Mayor Middleton addressed the next agenda item.

B. Resolution 2014-049 Authorizing the City Manager to enter into an Intergovernmental Agreement (IGA) with Metro to concept plan the Urban Reserve Areas west of the existing City of Sherwood Urban Growth Boundary (UGB)

Planning Manager Brad Kilby provided a presentation (see record, Exhibit E) and stated the City received a \$221,000 Construction Excise Tax grant from Metro in August 2013 to fund a concept plan intended to look at how the City would serve the area with transportation, utilities, land uses, natural resources and capital facilities and said they talked about phasing and funding and he clarified that this is not an area that will be brought into the City today or for a long time. He said the urban reserve areas were adopted by Metro this year and referred to the map and said they are the small dark areas around the City and this is dealing specifically with the area west of Elwert and south of Scholls Ferry and north of Edy and it is about 1,291 acres. He said they will be looking at what the orderly and efficient provision of services would look like over time, how the City would fund those services and a good phasing plan. He said as Metro considers where they are going to extend the urban growth boundary and allocate their populations they are going to say over the next planning horizon you will have to accommodate a certain number of people. He said we are going to have to be ready to address that when they bring this area in and this is the preliminary step of preparing for that. He reminded the Council that this is recent that Metro has allowed cities do the concept planning early. He asked for questions.

With no questions or comments Mayor Middleton asked for a motion.

MOTION: FROM COUNCILOR FOLSOM TO ADOPT RESOLUTION 2014-049, SECONDED BY COUNCIL PRESIDENT HENDERSON, MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR, COUNCILOR LANGER VIA CONFERENCE CALL.

Mayor Middleton addressed the next agenda item.

C. Resolution 2014-050 Authorizing the City Manager to execute a construction contract for the Columbia Street Regional Stormwater Facility Project

Craig Christensen, Engineering Associate came forward and said this is a required project as part of the Cannery improvements that were recently performed and it is an agreement with CWS (Clean Water Services). He provided the Council with an amended resolution (see record, Exhibit F) and said the information in red pertains to the bid opening. He said they are proposing to execute the contract with

Banzer Construction Company with a base contract amount of \$595,909 with construction contingency of 10% and professional services amount of 2.5% of the base contract amount.

Council President Henderson said in the original resolution the base bid was \$536,000 but the award came in at \$595,000 and she asked if that was the lowest qualified bid. Craig said they were the lowest responsive bidder.

Councilor Henderson noted that the contingency and the personal services amounts have also been adjusted and lowered. Craig said they adjusted the numbers to fit within the budget.

With no other questions or comments Mayor Middleton asked for a motion.

MOTION: FROM COUNCILOR BUTTERFIELD TO ADOPT RESOLUTION 2014-050, SECONDED BY COUNCILOR CLARK, MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR, COUNCILOR LANGER VIA CONFERENCE CALL.

Mayor Middleton asked to receive additional citizen comments before the Council recessed.

Naomi Belov came forward and said she walked through the Lincoln Street area and asked residents for their input on safety improvements and presented that information to the Council and she asked the City Engineer how to modify the driver's habits regarding speed. She said they did a speed study and found out that people do go above 40 mph at certain times during the day. She asked about putting in a speed hump and she understands that they can't put in a speed bump. She asked if a formal request could be submitted for a speed hump or two on Lincoln Street. She asked if the cedar of Lebanon tree was being cut down and asked if there is anything in place for historical trees. She asked what the qualifications are to run for City Council and asked if you need to live in the City limits and asked if someone has multiple residences does the primary residence need to be in the City limits.

City Manager Gall said that he would direct those questions to the appropriate staff. He said there is information on the city website about the tree that is being removed later this month. He said they would discuss the speed humps with the Public Works Director, City Engineer and Police Department.

Naomi Belov asked again about residency and said if you don't live full time within the City limits can you still be on Council. She asked Councilor Langer whether he lives full time within the City limits. She said if that is true why is he still on the City Council.

Mayor Middleton said he would refer that to staff.

Naomi Belov asked about the process for if he is not supposed to be on City Council because he is not residing with his family within the City limits what is the process for filling his position on Council.

Councilor Clark asked Mr. Gall about the Lebanon tree and asked if it would come before Council. Mr. Gall said it is a staff decision and he will have Julia discuss this during City Manager Reports.

Mayor Middleton recessed at 7:47 pm and reconvened the meeting at 7:55 pm.

Mayor Middleton said Councilor Butterfield had to leave at 8:00 pm and asked him to provide his Council Comments before he leaves.

Councilor Butterfield commented on the dog park and said a site has been identified and they are in the process of deciding what will be in the dog park and once that is decided they can determine what kind of funding they will need. He said they are moving on the issue and they are going as quickly as they can with the limited amount of funding. He referred to questions about private fund raising and directed them to the City Manager.

Mr. Gall responded to audience questions and said once we have a final design and a cost we can respond to the interest of private fund raising. He said they will need input on the design and they want to build a dog park that will benefit the community 12 month out of the year. He said they will probably have an open house in August or September and once they determine the cost they will have to do some budget amendments. He said he has heard that citizens want to contribute and they will try to make that happen.

Councilor Clark asked for a timeline. Mr. Gall said it depends on the amenities that go into the park, there may be some land use processes. He commented that if the design is completed by September 1 and we have a cost estimate there is a chance that it would have to go through a land use process with the Planning Commission.

Julia Hajduk said they have looked at different scenarios and said it may have to go through a site plan modification process.

Assistant City Manager Tom Pessemier said we would probably need to do a Parks Master Plan update as well as a conditional use permit application.

Mr. Gall said there is a process that they have to go through and said construction probably won't start until spring of next year. He said that will vary and they want to hear from the dog owners in town that visit other dog parks to determine the ground cover and they need to consider maintenance for the City. He said they will try to do a better job of communicating with the advocates and said there is a Sherwood Dog Park Facebook page. He said we are committed to building the City's first dog park and there is support to do it as soon as possible.

Councilor Butterfield added that the Parks and Recreation Board meet the first Monday of every month and encouraged people to come and provide their comments or concerns.

Councilor Henderson asked if the concept design has been presented to the Parks Board.

Councilor Butterfield stated they are still in the process of the concept design.

Councilor Butterfield left the meeting at 8 pm.

Mayor Middleton addressed the next item on the agenda and the City Recorder read the public hearing statement for Ordinance 2014-013.

9. PUBLIC HEARINGS

A. Ordinance 2014-013 Approving a Planned Unit Development (PUD) to be known as Cedar Brook Planned Unit Development including application of a Planned Unit Development Overlay on the Comprehensive Plan and Zone Map and approving the sixty-five lot subdivision

Senior Planner Michelle Miller provided a presentation (see record, Exhibit G) and said the issue before the Council is to approve the Cedar Brook Planned Unit Development (PUD) which is a 65 unit high density residential development with a mix of single family detached homes and attached townhomes. She said PUDs allow a project to have some flexibility in the Code requirements for challenging parcels for the tradeoff of innovative design and a benefit to the community. She said part of the process is a type 5 process with the Planning Commission who held a couple of public hearings in June to review the proposal and then forwarded a recommendation to the Council. She stated the Council is the decision maker and any appeals would be heard before LUBA. She said if the Council approves the PUD it will go back to the Planning Commission for final development plan review. She said this project is under the 120 day clock which means that a final decision needs to be made within 120 days after receiving the application during completeness review and that date is August 20. She noted that if Council is not able to make a decision or needs more information there are opportunities in August to have further hearings. She referred to the vicinity map and said the development outlined in red is located near Hwy. 99W, the Cedar Creek apartments and SW Meineke Parkway. She said the applicant is proposing to extend Cedar Brook Way to the roundabout. She said it was previously zoned general commercial and the Council rezoned it to high density residential with density of 16.8 to 24 dwelling units per acre. She said this site had about 2.74 acres of developable land which means about 65 dwelling units is the minimum threshold for a high density zone. She stated in 2005 this was part of a minor land partition dividing all of these parcels with the improvements to the Meineke roundabout.

She commented on the proposed housing types and said the applicant is proposing three different general housing types and said there are approximately 38 two story townhomes with a one car garage in front, 15 two-story detached with rear loaded garages, and 12 two-story townhomes with two car alley-loaded garages. She stated the dwelling unit size and lot range is provided in the exhibit. She commented on the parking problems in that area and said they made the applicant aware of the issue and the Planning Commission reviewed that issue closely. She said the Planning Commission realized that the applicant could not solve the parking problem for the entire area and needed to just be responsible for what they were developing. She stated with the extension of Cedar Brook Way and the public street A there will be about 79 new parking spaces on site and there will also be parking spaces for each housing unit accounting for 4 parking spaces per dwelling in total. She said that more than adequately meets the parking requirements for our housing type standard. She commented on the breakdown of spaces and said the two-story townhome with one car garage will have 38 garage and 38 driveway spaces.

She commented that PUDs are required to have at least 15% open space in total and that can be maintained privately or publically by the development or HOA. She said this PUD has several different tracts of open space but there are two large areas in the development and one is in the center and one is on the side, referred to as tract K. She said tract K will contain a trail that will extend from the intersection and roundabout on Cedar Brook Way and extend and connect with the Vineyard's existing trail and that will go all the way to the school area. She said tract K is about 9,000 square feet.

She commented on the code standards as to whether the area should be dedicated to the City or retained by the HOA and said the Parks Board recommended to the Planning Commission who agreed that the property should be retained by the development and there is a trail easement that will connect to the trail. She said the amenities and costs should be borne by the developer and the fees paid in lieu.

She highlighted a few of the Planning Commission's recommendations to Council. She said they recommended that they include restrictions in the CCRs that garages need to be used for vehicles. She stated there are new code amendments and a parking district may be a possibility. She noted they also recommended the trail connection to the Vineyards could be constructed along with the majority of the dwelling and because of the permitting issues through the wetland area that may take a year and so as to not hold up the development as a whole the developer will be allowed to proceed both with the construction of housing units and building the trail until leaving one townhome unit or 3 single family homes at their discretion before the trail needs to be completed. She said all the areas of open space would be maintained by the HOA and monitored through the CCRs and each lot that has a deviation from the standard code setback requirements were identified in the follow up Planning Commission meeting. She referred to street modification and said there will be a private street for the rear loaded townhome units.

With no questions from the Council the applicant came forward.

Steve Miller from DR Horton approached the Council and provided a presentation (see record, Exhibit H) and discussed the overview map of the area. He said this overview was discussed at the time of the zone change and noted that if they did not accept the proposal the alternative would be another apartment complex with parking lots and that type of development. He said it was clear from the Planning Commission that is not what the City wanted and they wanted something unique. He said they tried to blend different types of housing styles and bring in diversity. He commented on the renderings of the two-story single family home detached model, the front loaded townhomes, and the rear loaded townhomes that will be located in the central part of the project with garages in the alley.

Jeff Simpson with Simple Landscape Architects and Urban Planners discussed the open space design approach and their proposed solution. He referred to an illustration that showed the relation to the Cedar Creek master plan where the Cedar Creek trail connects over to Hwy 99W and crosses Hwy 99W and goes through the southern portion of the property abutting the master plan route. He showed the difference between private lots and community open space and reiterated their approach with the open space and recognizes the PUD requirements to be an innovative design and benefit to the community. He said they distributed the open space throughout the community and provide a diversity of amenities, provided some connectivity and invited the community as a whole to experience the entire site. He said they used a pocket park open space layout approach and he referred to the center circle which is the large open space with a play structure and the other spaces wind throughout the community to the Cedar Creek trail and across the street over to the proposed 9,000 square foot open space that is along Cedar Brook Way. He said it will encourage the community to come use these small spaces and it will give better solar access to the properties and they have taken the single family homes on the west side of the project and splayed them to allow for better sunlight penetration through that building and envelop into the inner part of the community. He commented on the spacing and arrangement of the open spaces which have significant value in terms of their usability. He discussed a number of renderings of the project and said they are proposing an exercise station scenario throughout the project. He said there will be a community garden space at the corner and an opportunity to draw people in from the public right of way into the community between the buildings with public infrastructure and sidewalks that draw people into the series of open spaces and pocket parks.

Steve Miller added that on the west side where they have tract K, which is the 9,000 square foot area they are using for open space and said they brought this to the Parks Board to see if the City would be interested in accepting this land as a public park for the community as a whole because the trail that will

go through the park and connect over to the existing trail on the west side of the ravine is on the Transportation System Master Plan so they are putting that in to comply with the plan but see a lot of public use coming through this and being a burden on the HOA. He said they would like to give it to the City but get benefited by getting reimbursed through the Park SDCs for building the park. He stated the Parks Board basically said they don't want pocket parks but he said they just heard there is a pressing need for dog parks and they are proposing a dog park in this area. He said they would be interested in working with the City on trying to develop and at this time it would be a private dog park only for the residents of this community. He noted that would be a burden for the residents to make sure that others aren't using it but it will be an asset for the area. He said the Planning Commission fell in line with the Parks Board but they are still interested in partnering with the City to create something special in this area that benefits the community as a whole.

Councilor Grant asked Steve Miller to clarify the dog park issue. Steve Miller said they would build it and they will get reimbursed for the SDCs that are generated from the project and said it will be over \$500,000. He said a fraction of those dollars would be needed to create a park for the whole community instead of just the PUD.

Councilor Grant clarified that if the City participates it will be an open park and if they don't it will be an exclusive park. Mr. Miller said if the City does not agree to maintain the park and take the land on as a public park then it will remain part of the PUD and it would be private.

Councilor Folsom clarified that the dog park they are proposing is about 9,000 square feet. Steve Miller said the entire tract K is 9,000 square feet and the dog park would be a portion of that, about 2/3.

Councilor Folsom said the parcel at Snyder Park that they are considering is larger, maybe 4 acres. She said the challenges the Parks Board and the Planning Commission had with this proposal was parking accessibility and they didn't feel like the pocket park will serve enough of the community to justify the action.

Julia said that is often the problem with pocket parks that they don't serve that large of a community need and they were reluctant to give up the SDCs that would be able to better benefit the community.

Councilor Folsom said she liked the work that has been done on the plan and appreciates the attempts to serve and partner but agrees with the Parks Board and Planning Commission.

Mayor Middleton noted that it would be a good selling point for your product to have your own private dog park.

Council President Henderson commented on the challenges of parking in the area and said her mother lives in Cedar Brook. She asked if there will be a need to issue parking permits and she is concerned that parking from the existing development will flow over to the street. Steve Miller said on the existing arm of Cedar Brook that is constructed now there is parking on only one side but when the extension goes through to the roundabout there will be parking on both sides.

Councilor Henderson asked if there will be permitted parking in the center of the unit. Steve Miller said on the street that runs north and south there will be parking on one side which is the A street.

Councilor Henderson noted in January they proposed 265 parking spaces. Steve Miller said they are proposing 263 and they lost a few due to fire hydrant spacing but will further revise with the final master plan approval with the Planning Commission.

Councilor Henderson clarified that they will not issue parking permits. Steve Miller said they are prepared to do that and they proposed it but it is not a condition of approval but are willing to work with the Police Department if it becomes a burden.

Councilor Henderson asked if they are putting fencing in on the east side of the property between the two developments. Steve Miller said they will have 6 foot cedar fencing.

Councilor Henderson asked if there was a walk through. Steve Miller said there is a connection on the east side into the apartment complex so they will be able to come through and get to the trail without having to go all the way out to Cedar Brook.

Councilor Henderson referred to the connection to the trail that already exists and asked if they will need Fish and Wildlife or CWS to approve that and what the cost will be. Steve Miller stated getting it permitted will take time and money but he is not sure how much.

Councilor Henderson asked what surface they will use on the trail. Steve Miller said they are proposing a soft trail because it switches down a steep grade and getting a hard surface in that area is a challenge. He said there is a culvert that the trail would go over the top of and said in terms of ADA they could go down the existing sidewalk to Hwy. 99W and come back up the other side and be on hard surfaces the whole time so there is still an alternative route for ADA.

Councilor Henderson asked if the private alley would be maintained by the HOA. Steve Miller said yes. She clarified that a fire truck could get down there without trouble or having to back up. Steve Miller said yes and referred to the southwest corner where they have a bulb so they can make that turning radius and come out the other end.

Councilor Clark said that around the complex you have sidewalks and parking and in the alley there are no sidewalks or parking. Steve Miller said that is correct it is a very odd shaped property with constraints so to get the alley to work out it had to be just for access to these homes so every home that is on the alley has a two car garage.

Councilor Henderson asked how long the driveways are. Steve Miller said 20 feet. She asked if public street A is a right-in and right-out off of Meinecke. Steve Miller said yes.

With no further questions Mayor Middleton asked to receive public testimony.

Jim Claus, 22211 SW Pacific Hwy, approached the Council and said he is neutral but supportive of the project. He asked to have the record opened for two weeks because he believes the Department of Interior should modify heavily any support for the Tualatin National Wildlife Refuge. He commented on when the refuge was approved and said now there is a loss of wetlands and headword erosion. He thanked Mr. Gall for arranging a meeting to start looking at that but he said the Department of Forestry had that completely restored. He commented on the support for a dog park and said he is surprised and said Fish and Wildlife doesn't get along with dog feces. He asked to keep the record open because he is writing a couple of letters to committees in Washington DC and he is watching this because you have

headword erosion, destruction of the environment, destruction of endangered species and no one is doing any more than trying to develop. He referred to structural decisions and a need to support the staff and said we need to progressively add as much as we can and we need the density. He said there is an alternative but we can't do that when we have a Councilor that is a major developer. He encouraged Council to consider the policy statement they are making and he said he supports DR Horton because they will restore the wetland and they have agreed to spend money down there. He said he is not seeing any efforts to restore wetland and preserve the drainage for the refuge but what he is seeing is us marching on and acting as if we should destroy the wetlands and the riparian that goes into the refuge so we can have density. He commented on the DR Horton's support for the environment and said that is not happening. He said Mr. Gall would support it because that is his ethics but he can't do it without Council. He stated they have put in a rain system for \$100,000 and it is treating non treatable water and he did that because it will recharge the water table and the wells and that is where you get your cheap water and make your money. He said to go over and see what is draining Walmart and said it is at the bottom of a hill and it is draining the entire area and that is why the Refuge manager quit.

Daniel King came forward and commented that he is for the project and said he lives on Handley and the parking is a problem. He asked them to have a permitted parking area and said he will look into having a permitted area for his neighborhood. He recommended permitted parking for the development.

Mayor Middleton said there is a request to keep the public hearing open for two weeks and they will do that. He referred Mr. King to the Police Chief regarding parking permit areas.

Michelle Miller responded to earlier comments and said the cost to develop tract K was \$108,000 and she said the maintenance costs would be approximately \$4,000 a year and that was part of the consideration the Parks Board had with taking on tract K. She clarified that this is separate from the Cedar Creek Trail at least for the portions going north and they don't have the actual alignment for the portion of Hwy 99W to Roy Rogers and said they are still in the planning process. She said the southward yes, along Meinecke Parkway that will be part of the Cedar Creek trail improvements so it will definitely connect southward into Old Town. She said when the trail is developed they will have to go through a planning process and the permitting approval process which will go through CWS and DSL will also take a look at the trail and make sure that it is compliant with their requirements as well as the City's requirements.

City Engineer Bob Galati said when they look at the trail system and the crossing of the stream corridor they will be looking at what conditions CWS, DSL, US Army Corp of Engineers and possibly NMFS want to deal with. He said there are a lot of restrictions to go through crossing stream corridors and the existence of that culvert might not be a condition that they would accept it remaining in place if they are trying to upgrade environmental habitat, stream flow and fish passage conditions and it might be a condition that they have to remove it and replace it with some sort of bridge structure. He commented that is why they have the requirement that they have the crossing in the trail done at the same time before they get occupancy for the site isn't realistic and it is a complex issue and that is why they said to get most of the stuff done and they will hold out occupancy for at least 3 single family or one multiple family unit because that is proportional to the cost and impact of what that trail system might require as far as trade off. He stated it is a complex system and nobody can say what that configuration will look like until the applicant goes through the permitting process and presents it to the appropriate agencies for comment.

Councilor Henderson commented on the developers offer to put in a dog park and asked what permitting or sign off from other agencies would they need to put in a dog park that close to a greenway. Mr. Galati

said if it is not within the vegetative corridor area then he is not sure if there is anything in land use that would be prohibitive for that use other than it would need approval. He said if you are talking how to protect the vegetative corridor and how to prevent dog feces from getting washed down into the stream corridor then the Army Corp of Engineer and NMFS would probably have a comment about that and a design criteria that would have to be incorporated.

Councilor Henderson asked who follows up to make sure that doesn't happen. Mr. Galati said if it is a regulatory requirement the local jurisdiction agency would be the local agency to make sure that is being adhered to and provided the example of similar agreements where the City has the authority and the responsibility to make sure it is maintained correctly.

Councilor Henderson asked where the stormwater will drain for this and noted we are taking essentially a field and covering it with hard surface. Mr. Galati said the stormwater treatment has a couple of options and it is a technical issue right now and they could do a treatment center on site. He said these are technical item that get covered in the design process to make sure we follow requirements with CWS and that they meet permit requirements for discharge. He said there are a couple of different options available to them.

Councilor Henderson asked if given the size of the development would they normally have their own facility. Mr. Galati said it is a possibility and they could have a small system to deal with it, a combination of systems, so long as the onsite stuff through their private development, which is the private road has to be treated before it gets discharged to a public system then the rest of it, the public street has to be treated before it gets discharged to a stream. He said how they deal with that could be with a pond on site and we don't accept cartridge systems for the public street but they could do that for a private site but it would be expensive. He said most likely in this case it would be some kind of pond system, either the existing one or an additional small one to treat this.

Councilor Henderson referred to the open space requirements and asked if they are met outside of tract K. Michelle Miller said the applicant has 21% of the area for open space and the requirement is 15%. She said tract K is included in the 21%.

Councilor Henderson asked if part of tract K had to be used for a water treatment facility would they still meet the requirement. Michelle Miller said they have some room to maneuver.

Councilor Henderson said she thought there would be a water treatment facility in tract K and is surprised it is a park instead. She said there is a lot of surface to drain. Mr. Galati said as long as they don't violate the limit of 15% than any other space above that could be used for a stormwater treatment if that would be a benefit to their site. He said how they meet the treatment requirement is up to the developer so long as they meet the standards by CWS.

Julia Hajduk reminded the public that this is a PUD and is coming before the Council for a conceptual approval and ultimately they will come back with a more detailed plan. She said there will be another public process to review the final plan. Mr. Galati said there are several options available to them for meeting the treatment standards and he discussed a few and said these technical details will come out in the final review of the project and they will have to provide all the stormwater calculations to make sure they meet those requirements and the City will go through those diligently before they accept the plan and CWS will also have to sign off before they give a permit for connection.

Councilor Folsom asked for clarification on the acronyms. Mr. Galati said DSL is Department of State Lands and NMFS is National Marine Fisheries Services. He said NMFS and Army Corp of Engineers work with fish, wildlife and corridors and they try to improve existing stream corridors to get a better habitat.

Councilor Langer commented on the suggested restrictions on how garages were used and asked if that is possible. Michelle Miller said it will be part of the CCRs and they have agreed to provide language that will be reviewed by the Planning Commission. She said in terms of enforceability the onus is on the HOA.

Councilor Henderson asked if the parking requirements include the garage. Michelle Miller said for single family detached homes they don't include the garages. She said the townhome standards include the garage as parking and they meet the minimum standard.

Julia commented regarding procedures and said the Council has taken applicant testimony, taken public testimony and she is not sure if the public hearing has been closed. She requested that the Council be clear as to whether they are continuing the public hearing and allowing additional testimony at the next meeting as well as applicant rebuttal and staff comments or if they are just leaving the written record open in which case the applicant should still be given the opportunity to give additional rebuttal in writing and not verbally.

Mayor Middleton said it would be open for two weeks.

Councilor Folsom asked for clarification about the request to keep the record open.

Mayor Middleton said the request was for the written record.

Mr. Gall suggested since they are within the 120 day deadline, to keep both written and verbal open for the next meeting on August 5.

Councilor Folsom asked if they could avoid printing all of this material again for the next packet. Julia said they will work on that. Mr. Gall said we need to make sure that the information is available to the public that is not here tonight.

Steve Miller approached the Council and also asked for clarification about the record and asked if they are continuing the hearing. Mayor Middleton said that is correct.

Steve Miller responded to the drainage questions and said the property slopes to the north and the east so the low point on the property is in the top corner and that is a potential location for a retention pond. He said there is another pond that exists but it has issues in terms of getting there and they would have to do street destruction and reconstruction so they are trying to avoid that. He said they are considering onsite but not where the 9,000 square foot tract K is because the topography would not allow it.

Councilor Henderson asked if the development would be built all at once. Steve Miller said yes, they will build them out and sell as available. He said they will put in all the public infrastructure then start building homes and may have a model home going while putting in the infrastructure.

Councilor Henderson asked what measures they would take concerning the apartments to the east and businesses to the south. Steve Miller said they will be taking all the normal measures in terms of silt fencing and depending on the time of year they may have a water truck to keep the dust down and it will be the standard construction project with all the measure that are required from all the agencies to address those concerns. He said there are a lot of safeguards that are required now to make sure those issues are addressed.

Councilor Henderson asked if there will be a site manager. Mr. Miller said there will be a construction manager who will not necessarily be onsite all the time but will be visiting weekly and he will also be available.

With no other questions or comments the following motion was received.

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO CONTINUE PUBLIC HEARING RECONVENING ON AUGUST 5, 2014, SECONDED BY COUNCILOR CLARK, MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR, COUNCIL LANGER VIA CONFERENCE CALL. (COUNCILOR BUTTERFIELD WAS ABSENT).

Mayor Middleton addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS

Councilor Langer announced that the YMCA Executive Director Renee Brouse has been selected for promotion to be a Regional Director due to outstanding management of our YMCA. He said the YMCA will have a booth at the Robin Hood Festival. He announced there is a dual relay on July 25 at the High School at 6 pm and on July 26 at Our Table Coop there is a blueberry pick for the YMCA. He said there is a family triathlon with a barbeque on Saturday August 16 at 10 am and the barbeque will go from 11 am to 1 pm and is cohosted by the YMCA. He announced the Chamber of Commerce has a named Lana Cole the new Executive Director. He said the Chamber Golf Tournament is Thursday September 18 at Meriwether. He stated there will be a mixer at Sweet Story on July 29. He said the Chamber has new members: Smockville Montessori, Wild Horse Mountain Ranch and Stella and Dot. He said the next Chamber breakfast will be hosted by the School District in the High School commons in August. He said he wanted to let the community know that last month Sherwood lost a close member of our community, Jen Vranizan, and her family asked him to thank the entire Sherwood community for three years of support during her fight against cancer. He said Jen was the founder and organizer of the annual Friar Trot Run where she will be alive forever and greatly missed. He said unfortunately most of us have been affected by cancer and one way we as a community can help fight this disease is by participating in the Sherwood Relay for Life on August 2 starting at 10am at the Sherwood High School.

Councilor Folsom said the Cultural Arts Commission is supporting a booth at the Music on the Green with the VAP and the SFA and there is a raffle and Community Center renderings. She referred to the survey regarding the movie series and said 70% voted to move the movies back to Stella Olson Park. She said the sponsor this year is the Gardner Team and the movies are: Frozen, Despicable Me 2, the Lego Movie and Goonies. She announced there will be an Italian festival on August 15 and the Cultural Arts Commission will be helping them through the process and the VPA is their supporter. She said the 60th Robin Hood Festival starts on Friday and the Knighting Ceremony starts at 6:30 pm. She said there will be visitors from our sister city in England in town for the Archery Competition which starts on Saturday at the Ridges campuses at 8:30 am and Sunday. She said the parade starts at 10 am and the VPA is doing

an encore performance of Beauty and the Beast in the Cannery Plaza. She announced the Boy Scout pancake breakfast at the Senior Center was at 8 am. She stated she was in Washington DC last month with Community Services Director Kristen Switzer and met with the EDA, EPA, NEA and the USDA and our congressional delegation and said she learned a lot and will be talking to the Council about the trip. She said they made such a good connection and networking time and said Kristen Switzer will be acting as a panelist for the USDA this weekend on one of their grant cycles. She stated our Representatives and Senators need to hear from our citizens and that was the universal thread in all of our communication.

Councilor Clark asked when and where the Italian festival will be.

Councilor Folsom replied it will be in the Cannery Plaza on August 15 from 4 pm to 7 pm and the movie will follow at Stella Olson Park.

Councilor Clark reported the Wild Cat Haven had their Dog Walk and she attended and thanked the volunteers that helped in her booth so she could attend Jen Vranizan's memorial. She thanked Jennifer Flannigan from Natures Pet for organizing the event. She thanked Woodhaven for having the July 4th parade. She said her children participated in the Missoula Children's Theater and thanked the SFA for having that program. She said she attended the Special Olympic Bocce Cup in Newberg and thanked the Special Olympics. She reminded everyone that the summer library program is on Tuesdays at 2 pm at the Cannery Plaza. She announced that the Main Street meeting will be Thursday at 4 pm at the Rebekah Lodge.

Council President Henderson announced the 60th Annual Robin Hood Festival is this weekend. She recognized those being Knighted: Filipe Castelan, Russell Griffin from the Planning Commission, and City Recorder Sylvia Murphy. She said the entire list is on the Robin Hood website and she said the Knighting starts at 6:00 pm in Veteran Park. She announced the Boy Scout breakfast at the Senior Center. She commented on the Missoula Children's Theater and said it is a partnership between the SFA and the Cultural Arts Commission and it works well because a previous Council approved a grant to set up a separate website from the City. She announced the summer live performance of Les Miserable runs July 24th through the 26th at 7 pm in Stella Olson Park and thanked the City for their help with the venue.

Mayor Middleton said he would be reading the proclamation for the Robin Hood Festival before the Knighting Ceremony. He introduced the club president from his motorcycle group and all the members that attended.

Mayor Middleton addressed the next agenda item.

11. CITY MANAGER AND DEPARTMENT REPORTS

City Manager Gall asked Julia to respond to previous questions about the tree.

Julia said there is information on the City website and said there is not a historic tree ordinance. She said we have tree regulations that regulate the removal of trees on private property associated with a development application and tree removal on private property not associated with a development application. She said there is an exemption that you can remove up to 5 trees or 10% of the trees on site without a reason. She said the tree at 16001 2nd SW Street is very large and prominent and the removal will be noticed so the City wanted everyone to be aware of it. She said the property owner has not made the decision lightly and has talked with staff for several years regarding the issues and property damage.

She stated they have done pruning and had arborist over the years and have now made the decision to remove the tree at a substantial cost to them. She commented there will be flaggers for the traffic and it is expected to by July 29-30.

City Manager Gall asked Assistant City Manager Tom Pessemier to address the question about the Community Center update and the question about the speed study.

Tom said they had a request to look at the speed on Lincoln Street and the Police did the study for 6 days in May and the average speed was 24.9 mph. He broke down the information and said 0 to 15 mph was 1.5%, 15 to 20 mph was 10.9%, 20-25 mph was 41.3%, 25 to 30 mph was 32.6%, 30 to 35 mph was 11.1%, 35 to 40 mph was 2.2% and 40 to 45 mph was .3% of the total traffic.

Tom commented on the Community Center and said they had a conversation with the contractor and they responded well and are making up the schedule. He said they will be working on the front shortly and are pleased with the progress and are on schedule for opening at the end of the calendar year.

Councilor Langer asked what the average speed was on Lincoln. Tom responded 24.9 mph.

Mayor Middleton addressed the next agenda item.

12. ADJOURN

MOTION: FROM MAYOR MIDDLETON TO ADJOURN, SECONDED BY COUNCIL PRESIDENT HENDERSON, MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR, COUNCIL LANGER VIA CONFERENCE CALL.

Mayor Middleton adjourned the meeting at 9:35 pm.

Submitted by:

Sylvia Murphy, MMC, City Recorder

Bill Middleton, Mayor

TO: Sherwood City Council

FROM: Jeff Groth, Police Chief

Through: Joseph Gall, ICMA-CM, City Manager and Paul Elsner, City Attorney

SUBJECT: Resolution 2014-054 authorizing the City Manager to sign a successor Intergovernmental Agreement (IGA) with the Washington County Consolidated Communications Agency for the purposes of providing public safety dispatch services

Issue:

Should the City Council authorize the City Manager to sign a successor Intergovernmental Agreement (IGA) with the Washington County Consolidated Communications Agency (WCCCA) for the purposes of providing public safety dispatch services?

Background:

WCCCA provides contracted dispatch services for the Sherwood Police Department through an existing IGA with the City of Sherwood that has been in place for several years, but was in need of a number of simple language updates and a renegotiated cost allocation model. Julie Blums, Finance Director participated in a multi-agency workgroup to review and recommend a new cost allocation model that better aligns costs for WCCCA services for each agency.

Financial Impacts:

Based upon the new formula for calculating the shared cost allocation across all WCCCA users, the City should recognize a decrease in our relative percentage of these shared costs. The estimated cost reduction for Sherwood will be about twenty percent in future years.

Recommendation:

Staff respectfully requests City Council adoption of Resolution 2014-054 authorizing the City Manager to sign a successor Intergovernmental Agreement (IGA) with the Washington County Consolidated Communications Agency for the purposes of providing public safety dispatch services.



RESOLUTION 2014-054

AUTHORIZING THE CITY MANAGER TO SIGN A SUCCESSOR INTERGOVERNMENTAL AGREEMENT (IGA) WITH THE WASHINGTON COUNTY CONSOLIDATED COMMUNICATIONS AGENCY FOR THE PURPOSES OF PROVIDING PUBLIC SAFETY DISPATCH SERVICES

WHEREAS, the duly elected governing body of the City of Sherwood, Oregon, having been presented with information about the need for a continuing partnership with the Washington County Consolidated Communication Agency (WCCCA); and

WHEREAS, there exists a current and long standing Intergovernmental Agreement (IGA) between the City of Sherwood and WCCCA for the provision of public safety dispatch services that has been updated and needs to be renewed; and

WHEREAS, the Sherwood City Council recognizes the value of continuing the partnership with WCCCA and authorizes the City Manager to sign a successor IGA with WCCCA for the provision of public safety dispatch services.

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

Section 1. The City Manager is authorized to sign the IGA with the Washington County Consolidated Communication Agency, attached as Exhibit A.

Section 3. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 5th day of August, 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

AMENDMENT No. 2
TO
INTERGOVERNMENTAL AGREEMENT
WASHINGTON COUNTY CONSOLIDATED COMMUNICATIONS AGENCY

THIS AMENDMENT to the Washington County Consolidated Communications Agency Intergovernmental Agreement (herein "Intergovernmental Agreement") is made and entered into, pursuant to ORS 190.010 and by and among the Cities of Banks, Beaverton, Cornelius, Durham, Forest Grove (including Forest Grove Rural Fire Protection District), Gaston, Hillsboro, King City, North Plains, Sherwood, Tigard, and Tualatin; the Fire Districts of Tualatin Valley Fire & Rescue, Washington County Fire District #2, Cornelius Rural Fire, Gaston Rural Fire, Banks Fire Protection District #13; Forest Grove Rural Fire and Washington County (herein "participating jurisdictions").

WITNESSETH

WHEREAS the participating jurisdictions have previously entered into the Intergovernmental Agreement creating the Washington County Consolidated Communications Agency (herein "Agency" or "WCCCA") for purposes of establishing and operating a public safety emergency communications system inclusive of a 9-1-1 jurisdiction as contemplated by ORS 403.105 to 403.250 that provides a cooperative and coordinated 9-1-1 primary public safety answering point for police, fire and emergency medical services for the benefit of all participating jurisdictions; and

WHEREAS, from time to time, by amendment, the Intergovernmental Agreement has been modified to provide, among other things, expanded membership in the Agency; and

WHEREAS the participating jurisdictions now desire to further amend the Intergovernmental Agreement to provide, among other things, for a new fee formula for participating jurisdictions and updating the language of the Intergovernmental Agreement to appropriately reflect the current ORS references and participating jurisdictions;

NOW THEREFORE, the Intergovernmental Agreement is hereby amended, with said amendments incorporated into the text of the Intergovernmental Agreement and the entirety of the Intergovernmental Agreement, as amended, set forth below.

TERMS AND CONDITIONS

1. WASHINGTON COUNTY CONSOLIDATED COMMUNICATIONS AGENCY

The participating jurisdictions hereby create a 9-1-1 jurisdiction responsible for the provision of 9-1-1 service and public safety communications and agree that the Agency

will be under ORS 190.003; and known as the WASHINGTON COUNTY CONSOLIDATED COMMUNICATIONS AGENCY.

2. POWERS AND AUTHORITY

The Agency is vested with all powers, rights and duties necessary for performing the functions of a 9-1-1 public safety answering point and initiating appropriate response pursuant to ORS 403.105 to 403.250, including, but not limited to contracting for such services, as approved through the normal chain of authority for the Agency.

3. GOVERNING BODY AND VOTING BOARD

a. The Agency shall be governed by a Board of Commissioners (herein "Board"), whose membership shall consist of voting and non-voting members. One representative from each participating jurisdiction shall constitute the Board. Each participating jurisdiction shall appoint, at its pleasure, one primary representative and one alternative representative, who may attend and participate, as provided herein, in all Board meetings in the absence of the participating jurisdiction's primary representative. Representatives and alternates shall be an elected official or employee of their respective participating jurisdictions.

b. Only the herein identified participating jurisdictions' Board members shall have the authority to move, second or vote on any Agency Board action. These participating jurisdiction representatives shall be known as the Agency Voting Board. The Agency Voting Board will consist of those representatives of participating jurisdictions, singly or in combination, that contribute one percent or more of the total user fees paid by all participating jurisdictions. Initially the Voting Board shall consist of representatives of the cities, of Beaverton, Hillsboro, Tigard, Tualatin, Forest Grove, Sherwood, and Cornelius; Washington County; and the Tualatin Valley Fire and Rescue. In addition the Voting Board shall include one representative selected by the City participating jurisdictions of King City, Durham, North Plains, Gaston, and Banks, and one representative selected by the participating Fire District participating jurisdictions of Cornelius Rural Fire Protection District, Banks Fire Protection District #13, Gaston Rural Fire Protection District, and Washington County Fire District #2.

c. The Voting Board shall be responsible for

- Approval and adoption of the Agency Strategic Plan
- Adoption of the Agency's annual budget and objectives
- Approval of the "User Formula" for calculating fees to participating jurisdictions

- Approval of all contracts in amounts as authorized by Agency administrative directive.
- d. All meetings of the Voting Board and CEO Board shall be held in accordance with Oregon Public Meeting Laws, ORS 192.610 to 192.690. A majority of the members of the Voting Board shall constitute a quorum for purpose of deliberation and decision of the Agency. All decisions of the Voting Board, unless otherwise provided herein, shall require a majority vote of those representatives in attendance and voting.
- e. The Voting Board, at the first meeting of every other calendar year, shall elect a Chair and Vice-Chair. The Chair shall be an elected official unless there is no elected official on the Voting Board willing to accept the position of Chair. If an elected official is unavailable or unwilling to serve, any member of the Voting Board may be elected Voting Board Chair. The term of the Chair and Vice-Chair shall be two years. The Chair, and in his/her absence the Vice-Chair, shall preside over all Voting Board meetings. The Communications Director, or designee, shall act as Clerk of the Board and be responsible for providing notices of meetings and keeping of minutes, as required by Oregon Public Meetings Laws.

4. CEO BOARD

- a. There is hereby established a Chief Executive Officer's Board (herein "CEO Board") consisting of five (5) Voting Board participating jurisdiction representatives. The CEO Board shall consist of the Chair of the Voting Board (who shall be the Chair of the CEO Board); the Chief Administrative Officers or their designees from the two largest participating jurisdictions (as determined by the participating jurisdiction's user fee contribution), and two Chief Administrative Officer members who shall be appointed at-large by the Voting Board from the remaining participating jurisdictions. In the event the CEO Chair also represents one of the two largest participating jurisdictions, then three at-large members of the CEO Board shall be appointed, by the Voting Board, from the remaining participating jurisdictions. The CEO Board shall elect a Vice-Chair at the first meeting of every other calendar year. The term of the Vice-Chair shall be two years. In no case shall any jurisdiction have more than 1 member on the CEO Board.
- b. The CEO Board shall, among other things:
- Nominate and recommend contract employment terms and conditions for the Agency Director subject to Board ratification
 - Based upon the direction of the WCCCA Board of Commissioners, provide oversight and direction to the WCCCA Director regarding all Agency operations

- Approve policies and strategies for Agency service levels and administrative directives
 - Approve salary levels for all Agency employees subject to Board ratification
 - Recommend the Agency's annual budget to the Voting Board
 - Review and make recommendations to the Voting Board regarding user fees as detailed in Appendix A
 - Provide for an annual audit of the Agency's finances
 - Approve all contracts in amounts as authorized by Agency administrative directive.
 - Review all contracts over \$50,000 and make recommendations to the Voting Board
 - Serve as final step of grievance procedure for unclassified employees
 - Provide direction and advice to Director regarding labor negotiations and make recommendations to Board of Commissioners.
 - Perform other duties and responsibilities that may be assigned by the Voting Board.
- c. A majority of the members of the CEO Board attending a duly held meeting shall constitute a quorum for the purpose of deliberation and decision. Each CEO Board member shall have one vote. Approval of at least three (3) CEO Board members is required for any action.

5. TECHNICAL ADVISORY COMMITTEE

There is hereby established a Technical Advisory Committee (herein "TAC"), consisting of one representative appointed from each member law and fire agency. Each agency may also appoint an alternate, who will have voting authority in the absence of their agency's primary representative. (Refer to section 3b for list of member jurisdictions that will provide user agency participation.) . . TAC representatives shall be employees of their respective agencies and possess the appropriate decision-making authority needed to participate in the TAC function.

- a. TAC shall 1) provide advice and counsel to the Board, CEO Board and Communications Director in matters of Agency operational priorities, policies and procedures; 2) review and recommend to the Communications Director for adoption by the Agency, Standard Operating Guidelines (herein "SOG"); 3) provide advice and counsel to the Communications Director in the development of the Agency's annual operating budget; and 4) review and make recommendations to the CEO Board and Voting Board regarding user fees as detailed in appendix A.

A majority of TAC members in attendance at a duly held meeting shall constitute a quorum for the purpose of deliberation and decision. Each agency representative

on TAC shall have one vote. Any TAC Representative who provides the contracted response for a single or multiple jurisdictions shall have one vote. Any TAC Representative who has oversight responsibility of multiple user agencies shall have a vote for each of those agencies.

- b. All decisions of TAC shall require a majority vote of those representatives in attendance.
- c. TAC, at its first meeting of each calendar year, shall elect a Chair and Vice-Chair for one-year terms. TAC shall meet at least quarterly, and at a time and place designated by its members. Special meetings of TAC may be called by the Chair or any two (2) members upon at least seven (7) days prior written notice to all TAC members.

6. COMMUNICATIONS DIRECTOR

- a. The Board shall select and appoint a Communications Director, based upon administrative and technical competence.
- b. The Communications Director shall be the chief administrative officer of the Agency and be responsible for 1) Agency administration, personnel, purchasing and budget functions, in conformance with the policies and rules adopted by the Board; 2) dispatching, phone answering, recordkeeping, security and other Agency functions in conformance with the policies adopted by the Board; 3) hiring, training, discipline and/or discharge of all subordinate Agency personnel, subject to applicable Agency rules and policies; 4) attending and providing executive staffing of Board, CEO Board and TAC meetings; and 5) preparing and presenting to the Agency Budget Committee a proposed budget for the next fiscal year.

7. FUNDING

- a. The services of the Agency shall be funded from contributions from participating jurisdictions, including the relinquishment or assignment of each participating jurisdiction's 9-1-1 excise taxes. Distributions of the 9-1-1 excise tax will be made in accordance with ORS 403.240.
- b. Participating jurisdiction contributions shall be calculated in a manner known as the "Member Fee Formula" as described in Appendix A. Member Fee contributions shall be paid in four (4) equal installments and due no later than July 10, October 10, January 10, and April 10 of each year.
- c. Those consolidated Voting Board members from small city and small fire district Agency members, shall have their annual member fee contribution increases capped at no more than three percent (3%) each fiscal year. The affected Agency members are specifically identified in article 3b (Governing body and Voting Board) of this agreement. The portion of member fees not

paid by consolidated Voting Board members as a result of section 3b is paid by non-consolidated Voting Board members on a proportionate-share basis of total user fees for Voting Board members whose votes are not consolidated.

8. INCREASING MEMBERSHIP

The Voting Board shall develop a method for allowing Agency membership for other units of local government. New participating jurisdictions shall be accepted as members of the Agency *only upon unanimous approval* of all Board members, via the normal chain of authority for the Agency. All participating jurisdictions shall be responsible for directly or indirectly providing an emergency service. Emergency services are police, fire or emergency medical services.

9. DURATION, WITHDRAWAL AND TERMINATION

This Agreement is perpetual and the Agency shall continue from year-to-year provided, however, 1) any participating jurisdiction may withdraw from the Agency upon providing written notice to the Chairman not later than June 30 of any year for withdrawal effective July 1 of the following calendar year; and 2) the Agency may be dissolved upon mutual agreement of all participating jurisdictions. A participating jurisdiction may withdraw from the Agency without written notice required herein, only if agreed to by all remaining participating jurisdictions

10. REMEDIES

If a participating jurisdiction withdraws from this Agency, but fails to provide necessary notice or to obtain mutual consent of all participating jurisdictions, the parties agree that the liquidated damages for such action shall be not less than the withdrawing party's share of the Agency's annual operation costs for the next fiscal year, as determined by the Agency's Member Fee Formula. In the event any party files litigation to enforce this Agreement, or any portion thereof, the prevailing party shall be entitled to reasonable attorney fees and costs, including any fees and costs incurred in an appeal, and as determined by the appropriate court.

11. AMENDMENTS

This Agreement may only be changed, modified, or amended upon three-fourths (3/4) vote of all participating jurisdictions.

12. EFFECTIVE DATE

This Agreement shall become effective when it has been authorized by resolution of a majority of the governing bodies of the participating jurisdictions identified herein. Notwithstanding paragraph 8, Increasing Membership, those participating jurisdictions that do not enter into this Agreement prior to its effective date, may become members of the Agency upon authorization by resolution of their governing bodies, provided such authorization is enacted prior to December 1, 1990. Any jurisdiction desiring to join the

Agency after December 1, 1990, may do so subject to paragraph 8, Increasing Membership.

13. PRIOR AGREEMENTS

This Agreement, upon its effective date, supersedes the previous WCCCA Intergovernmental Agreement, however, any and all prior agreements of WCCCA and/or between the participating jurisdictions regarding cooperative and coordinated efforts to provide a 9-1-1 primary public safety answering point for police, fire and emergency medical services shall remain in full force and effect until modified, terminated and/or replaced by the participating jurisdictions. The WCCCA established pursuant to this Agreement shall maintain any and all rights and responsibilities of the previous WCCCA in regard to other persons or parties.

14. SEVERABILITY

The terms of this Agreement are severable and a determination by an appropriate body having jurisdiction over the subject matter of this Agreement that results on the invalidity of any part, shall not affect the remainder of the Agreement.

15. INTERPRETATION

The terms and conditions of this Agreement shall be liberally construed in accordance with the general purposes of this Agreement.

16. EXECUTION AND COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which will be deemed an original, and such counterparts together will constitute only one instrument. Any one counterpart will be sufficient for the purpose of proving the existence and terms of this Agreement, and no party will be required to produce an original or all of the counterparts in making such proof.

SUBSCRIBED TO AND ENTERED INTO by the appropriate officer (s) who is duly authorized by resolution to execute this Agreement on behalf of the governing body of the below-named unit of local government.

SIGNATURE LINES HERE

Dated this _____ day of _____, 2014

City of Banks

Legal Counsel
APPROVED AS TO FORM

Dated this _____ day of _____, 2014

Banks Fire Protection District #13

Legal Counsel
APPROVED AS TO FORM

Dated this _____ day of _____, 2014

City of Forest Grove

Legal Counsel
APPROVED AS TO FORM

Dated this _____ day of _____, 2014

Forest Grove Rural Fire Protection District

Legal Counsel
APPROVED AS TO FORM

Dated this _____ day of _____, 2014

City of Beaverton

Legal Counsel
APPROVED AS TO FORM

Dated this _____ day of _____, 2014

City of Cornelius

Legal Counsel
APPROVED AS TO FORM

Dated this _____ day of _____, 2014

Cornelius Rural Fire District

Legal Counsel
APPROVED AS TO FORM

Dated this _____ day of _____, 2014

City of Durham

Legal Counsel
APPROVED AS TO FORM

Dated this _____ day of _____, 2014

City of Gaston

Legal Counsel
APPROVED AS TO FORM

Dated this _____ day of _____, 2014

Gaston Rural Fire District

Legal Counsel
APPROVED AS TO FORM

Dated this _____ day of _____, 2014

City of Hillsboro

Legal Counsel
APPROVED AS TO FORM

Dated this _____ day of _____, 2014

City of King City

Legal Counsel
APPROVED AS TO FORM

Dated this _____ day of _____, 2014

City of North Plains

Legal Counsel
APPROVED AS TO FORM

Dated this _____ day of _____, 2014

City of Sherwood

Legal Counsel
APPROVED AS TO FORM

Dated this _____ day of _____, 2014

City of Tigard

Legal Counsel
APPROVED AS TO FORM

Dated this _____ day of _____, 2014

City of Tualatin

Legal Counsel
APPROVED AS TO FORM

Dated this _____ day of _____, 2014

Tualatin Valley Fire & Rescue

Legal Counsel
APPROVED AS TO FORM

Dated this _____ day of _____, 2014

Washington County Fire District #2

Legal Counsel
APPROVED AS TO FORM

Dated this _____ day of _____, 2014

Washington County

Legal Counsel
APPROVED AS TO FORM

APPENDIX A

COST ALLOCATION PLAN

Agency costs shall be allocated to the members based on factors and metrics such as, but not limited to, the ratio of population, public calls for service, and air time, as approved by the Board.

REVIEW

The Agency shall monitor the ratio of costing factors to determine if those ratios provide equitable costs to all members. At each annual Board Retreat, the Director (or designee) shall report on the efficacy of the costing ratios.

CHANGES TO THE COST ALLOCATION PLAN

The Director, TAC, CEO Board or Board may request a review of the costing ratios. . If a review is requested, the Agency Director may convene a member fee sub-committee. The recommendations of the sub-committee shall be presented to the TAC, CEO Board and Board of Commissioners. The Board of Commissioners may modify the costing ratios at such time as the Board establishes member fees for the upcoming fiscal year.

TO: Sherwood City Council

FROM: Julia Hajduk, Community Development Director

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

SUBJECT: Resolution 2014-055, Authorizing partial waiver of Water System Development Charges to allow connection of property to City water for property with a contaminated drinking water well

Issue:

Shall the City Council authorize a partial waiver of the water connection system development charge (SDC) to facilitate DEQ providing a city water connection for a property currently on a well with human health contaminants above DEQ risk-based concentrations?

Background:

The Oregon Department of Environmental Quality (DEQ) has been conducting investigation at the Ken Foster Farm site off Murdock Road. This is the location where it is known that some of the wastes from the Tannery site were placed and also comprises a large portion of the SE Sherwood Master Plan area. The attached map shows the location of the DEQ investigation and, specifically, the location of the well in question.

As part of the DEQ investigation, they sampled well water from the three wells in the area, one of which is used by residents for drinking water. The samples tested show levels of hexavalent chromium above DEQ risk-based concentrations for human health. As a result, the DEQ determined that some form of remediation was necessary. After considering costs to install a water treatment system and long term reliability, DEQ determined the most cost effective and long term solution was to connect this property to City water. DEQ cost estimates were originally based on a ¾" meter which requires a water SDC (System Development Charge) of \$6725.68. However, upon review of the existing plumbing fixtures at the residence, our Public Works staff identified the need for a 1" water meter which has a \$16,816.77 water SDC; \$10,091 more than DEQ original estimates.

Given the limited funds available to DEQ to conduct investigation and help minimize public health and environmental risks, the \$10,091 difference is significant and they have requested that City Council consider a partial fee waiver to allow them to be charged at the ¾" meter rate rather than the 1" meter. A copy of the DEQ request is also attached.

It could be argued that there are a number of public benefits in providing this partial waiver for DEQ which will not set a precedent for others to request (or for staff to support) fee waivers in the future.

- The Ken Foster Farm site is closely tied to the Tannery site. The City has worked closely with DEQ in the past and will continue to do so as we proceed with the EPA site assessment grant on the Tannery site.
- DEQ is a state agency and does not profit from this connection or any services that they provide.
- There are limited funds available to conduct assessment and clean-up for both the Tannery site and the Ken Foster Farm site and the less DEQ has to spend on this particular issue, the more funds are available for other solutions on these two sites.
- There is a real human health risk that this connection will alleviate.
- There is an environmental health risk, primarily birds, on all properties. While the first priority of DEQ is minimizing human health risk, the secondary priority, if funds are available, is minimizing all risks.

Financial Impacts:

The projected budget revenue did not factor this project; therefore, funds collected are in excess of projections. The City will collect \$6,725 in water SDC which is \$10,091 less than would be provided if the full amount were paid.

Recommendation:

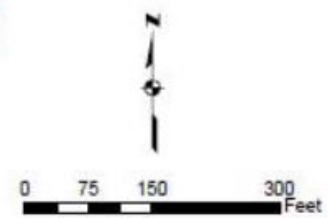
Staff respectfully requests City Council approve Resolution 2014-055 authorizing a partial Water SDC fee waiver for DEQ to connect a property with a contaminated drinking well to City water.



Well with contamination

- Legend**
- Groundwater well
 - Fence line
 - Engineered soil cell
 - Approximate fill area
 - Approximate wetland area
 - 2700 Tax lot number
 - Tax lot
 - Tax lot with NFA determination
 - Drive way

DRAFT





Oregon

John Kitzhaber, MD., Governor

Department of Environmental Quality

Northwest Region Portland Office

2020 SW 4th Avenue, Suite 400

Portland, OR 97201-4987

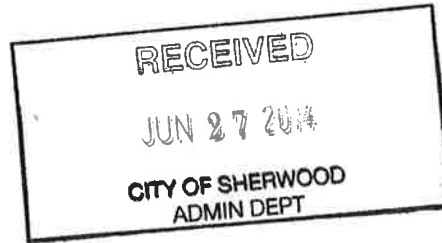
(503) 229-5263

FAX (503) 229-6945

TTY (503) 229-5471

June 24, 2014

Joseph Gall
City Manager
City of Sherwood
22560 SW Pine Street
Sherwood, Oregon 97140



RE: Water System Development Charges

Dear Joe:

The Oregon Department of Environmental (DEQ) is conducting an investigation and environmental cleanup at properties collectively known as the Ken Foster Farm Site, located in the 23000 block of SW Murdock Road in Sherwood. The investigation is being conducted to evaluate the extent of tannery waste placed at the site in the 1960s and early 1970s. The tannery waste contains high levels of chromium.

As part of the investigation DEQ sampled well water from the three wells that are present at the Ken Foster Farm properties. The well located at 23120 SW Murdock Road is used by the residents for drinking water. Several samples from that well were tested and show levels of hexavalent chromium above DEQ risk-based concentrations for human health.

Based on these results, and with approval of the property owner, DEQ has elected to connect the residence to City of Sherwood water rather than to install a water treatment system. This decision is based on the anticipated lower cost for connection to the City system and greater reliability of the City system. Cost is a major consideration in that DEQ has limited funds for the investigation and cleanup of both the Ken Foster Farm and Frontier Leather sites.

Given the existing plumbing at the residence the City of Sherwood indicated that a 1" water meter was required. The associated water System Development Charge is \$16,816.77. This is about twice the other estimated labor and material costs to make the connection.

Last week we discussed that a mechanism for reducing the SDC is for the City to base the SDC on a 3/4" meter (\$6725.68), rather than a 1" meter (\$16,816.77). DEQ is requesting that the City consider this approach for reducing the effective SDC so this money can be put towards further environmental work that is needed at the Ken Foster Farm site to reduce the risk to human health from contaminated soil. We would like to complete the water connection as soon as possible.

If you have any questions or want to discuss our work in greater detail, please contact me at 503 229-5587 or Pugh.Mark@deq.state.or.us.



Sincerely,



Mark Pugh, R.G.
Project Manager
Cleanup and Tanks Section

cc via e-mail: Julia Hadjuk, Sherwood Community Development Director
Nina DeConcini, DEQ Northwest Region Administrator
Kevin Parrett, Cleanup and Tanks Manager





RESOLUTION 2014-055

AUTHORIZING PARTIAL WAIVER OF WATER SYSTEM DEVELOPMENT CHARGES TO ALLOW CONNECTION OF PROPERTY TO CITY WATER FOR PROPERTY WITH A CONTAMINATED DRINKING WATER WELL

WHEREAS, the Oregon Department of Environmental Quality (DEQ) has been conducting investigation at the Ken Foster Farm site off Murdock Road, where it is known that some of the wastes from the Tannery site were placed; and

WHEREAS, as part of the DEQ investigation, they sampled well water and found one drinking water well to have levels of hexavalent chromium above DEQ risk-based concentrations for human health; and

WHEREAS, the DEQ determined that remediation was necessary and connection to City water was the best long term solution; and

WHEREAS, DEQ cost estimates to connect this property to City water were originally based on a ¾" meter which requires a water System Development Charge (SDC) of \$6,725.68. However, upon review of the existing plumbing fixtures at the residence it was determined that a 1" water meter was needed which has a \$16,816.77 water SDC; \$10,091 more than DEQ original estimates; and

WHEREAS, given the limited funds available to DEQ to conduct investigation and help minimize public health and environmental risks, the \$10,091 difference is significant and they have requested that Council consider a partial fee waiver to allow them to be charged at the ¾" meter rate rather than the 1" meter, and

WHEREAS, there are public benefits in providing this partial waiver as requested which are unique to this particular circumstance and provide justification for the partial fee waiver as requested, specifically:

- The Ken Foster Farm site is closely tied to the Tannery site and the City has worked closely with DEQ in the past and will continue to do so as we proceed with identifying options and opportunities for cleaning up both the Tannery site and the Ken Foster Farm site.
- DEQ is a state agency and does not profit from this connection or any services that they provide.
- There are limited funds available to conduct assessment and clean-up for both the Tannery site and the Ken Foster Farm site and the less DEQ has to spend on this particular issue, the more funds are available for other solutions on these two sites.
- There is a real human health risk that this connection will alleviate.

- There is an environmental health risk, primarily birds, on all properties. While the first priority of DEQ is minimizing human health risk, the secondary priority, if funds are available, is minimizing all risks.

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

Section 1. The City Manager is authorized to waive the difference in Water SDC between a ¾" meter and a 1" meter to allow DEQ to facilitate the connection of the property at 23120 SW Murdock Road to City water.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 5th day of August 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council
FROM: Craig Christensen PE, Engineering Associate II
Through: Craig Sheldon, Public Works Director and Joseph Gall, ICMA-CM, City Manager
SUBJECT: Resolution 2014-056 authorizing the City Manager to execute a construction contract for the Lincoln Street Pavement Rehabilitation Project

Issue:

Should the City Council authorize the City Manager to execute a construction contract with a contractor yet to be determined for the rehabilitation of SW Lincoln Street (SW Willamette Street to SW Division Street)?

Background:

SW Lincoln Street has a deteriorated pavement surface and structure, has sections that do not meet minimum street width standards and has been a maintenance priority for the City for several years. A sufficient amount of Street Maintenance Fees were collected from monthly utility bills over the past year to rehabilitate and widen the street and add a paved shoulder for pedestrian safety.

City staff determined that the most efficient design option is to remove the existing asphalt, treat the base rock and subgrade to a depth of 10 inches, and install 4 inches of new asphalt. This will extend the service life approximately 10 years or more.

The City solicited for competitive bids from contractors and opened bids on August 5, 2014 to determine the lowest responsive bid. The seven (7) day protest period will conclude after the City Council meeting at which time the City Manager can execute the construction contract if authorized by City Council.

City staff expects the work to begin around the middle of August, 2014 and be completed by the end of August, 2014. Street work will be completed in a manner to minimize disruption for access to neighboring properties. There will be short delays and limited access to driveways at times as needed for the contractor to complete the work in a timely manner. City staff has provided general notification to area residents. A more detailed notice will be sent out a week in advance of the work. Door hangers will be placed 48 hours prior to the commencement of work.

Staff requests that Sherwood City Council pass a resolution authorizing the City Manager to execute a construction contract with the lowest responsive and responsible bidder in an amount of \$_____ plus ___% for construction contingencies.

Financial Impacts:

The amount of the construction contract for the street improvements is \$_____ plus ___% for construction contingencies.

Funding for the project will come from City of Sherwood Street Maintenance Fund.

Recommendation:

Staff respectfully requests City Council adoption of Resolution 2014-056 authorizing the City Manager to execute a construction contract for the SW Lincoln Street Pavement Rehabilitation Project.



RESOLUTION 2014-056

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT FOR THE SW LINCOLN STREET PAVEMENT REHABILITATION PROJECT

WHEREAS, the City needs to resurface SW Lincoln Street (SW Willamette Street to SW Division Street); and

WHEREAS, the City has budgeted for the construction cost through City of Sherwood Street Maintenance Funds; and

WHEREAS, the City completed the design and produced bid documents to solicit contractors using a competitive bidding process meeting the requirements of local and state contracting statutes and rules (ORS 279C, OAR 137-049); and

WHEREAS, the City opened bids on August 5, 2014, reviewed all bid proposals and identified the lowest responsive bidder; and

WHEREAS, the City has issued the Notice of Intent to Award and the mandatory seven (7) day protest period has begun; and

WHEREAS, City staff recommends City Council to authorize the City Manager to execute a construction contract with the lowest responsive bidder in an amount of \$_____ plus ___% construction contingency.

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

Section 1: The City Manager is hereby authorized to execute a construction contract with the lowest responsive bidder in an amount of \$_____ plus ___% construction contingency upon completion of the mandatory seven (7) day protest period for the completion of the SW Lincoln Street Pavement Rehabilitation Project.

Section 2: This Resolution shall be in effect upon its approval and adoption.

Duly passed by the City Council this 5th day of August 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Julie Blums, Finance Director

Through: Shane Abma, City Attorney and Joseph Gall, ICMA-CM, City Manager

SUBJECT: Ordinance 2014-014 Amending the Sherwood Municipal Code Chapter 8.08 Alarm Systems

Issue:

Should the City amend the current Chapter 8.08 Alarm Systems with new updated language?

Background:

The current Chapter 8.08 in the Sherwood Municipal Code was last updated in 2006. Staff worked with the City Attorney to update language to remove the requirement to register an alarm system within the City and change the fee structure for false alarms. See attachment A to the staff report noting code language with track changes.

The alarm registration process was put into place to mitigate the number of false alarms that public safety officers were required to respond to, thus taking them away from more pressing calls.

Staff completed a cost benefit analysis related to the number of false alarms received each year and the revenue that was generated to offset staff costs. The conclusion was that the small number of false alarms generating a fee did not warrant the amount of work for staff to handle the registration process.

The updated language removes the need for alarm users within the City limits to register their alarm systems with the City. In addition, the new ordinance changes the fee structure for false alarms to be a code violation rather than a fee set by the fee schedule.

Staff will discontinue invoicing for annual alarm registration.

Financial Impacts:

There is a small reduction in revenue from the elimination of alarm permit registration. Also staff will be able to focus on higher priority work rather than alarm registrations and collections.

Recommendation:

City staff respectfully requests City Council adoption of Ordinance 2014-014 amending Sherwood Municipal Code 8.08 Alarm Systems.

8.08.010 Definitions.

As used in this chapter:

"Alarm business" means the business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure, or facility.

"Alarm system" means any assembly of mechanical or electrical equipment arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which city police are expected to respond, provided, however, that automobile alarm systems are not included in this definition. All alarm systems installed in the city, except for medical alert alarms, shall include an external visual display.

"Alarm user" means the person, firm, partnership, association, corporation, company, or organization of any kind in control of any building, structure, or facility in which an alarm system is maintained.

"Automatic dialing device" means a device which is connected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

"City" means the city of Sherwood.

"Dispatch center" means the city facility used to receive emergency and general information from the public.

"False alarm" means an alarm signal eliciting a response by city police when a situation actually requiring such a response does not in fact exist.

"Interconnect" means to connect an alarm system, including an automatic dialing device, to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

"Primary trunk line" means a telephone line serving the dispatch center that is designated to receive emergency calls.

(Ord. 06-019 § 1 (part): Ord. 89-894 § 1)

~~8.08.020 Alarm user registration required.~~

Ordinance 2014-014, Exhibit to Staff Report
August 5, 2104
Page 1 of 4

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~~Every alarm user in the city shall register their alarm systems with the city, including all previously installed systems. Registrations shall be renewed annually. Registration shall include the address of the premises in which the alarm is installed, a mailing address if different from the physical address, and a contact phone number. Council, shall by resolution, establish fees applicable to initial registration and annual renewals. Any alarm fee not paid within ninety (90) days of invoicing will cause the alarm permit to be inactivated.~~

~~(Ord. 06-019 § 1 (part); Ord. 89-894 § 2)~~

8.08.030 Emergency notification.

~~The alarm registration shall be in a form prescribed by the chief of police, and shall include the name, address and telephone number(s) of a person(s) authorized by the alarm user to act on their behalf in case of emergencies, alarms, and false alarms.~~

~~(Ord. 89-894 § 3)~~

8.08.040-020 User instructions.

Every alarm business selling, leasing, installing or furnishing alarm systems in the city shall provide the alarm user with instructions enabling the user to operate the alarm system properly, to disarm malfunctioning systems and to obtain service for a leased alarm system.

(Ord. 06-019 § 2; Ord. 89-894 § 4)

8.08.050-030 Automatic dialing device—Certain interconnections prohibited.

A.

It is unlawful for any person to program an automatic dialing device to select a primary trunk line or any 911 prefix requiring a police response; and it is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line within twelve (12) hours of receipt of written notice from the Sherwood police department that it is so programmed.

B.

Within sixty (60) days after the effective date of the ordinance codified in this chapter, all existing automatic dialing devices in the city programmed to select a primary trunk line shall be reprogrammed or disconnected.

C.

It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the city; and it is unlawful for an alarm user to fail to disconnect or reprogram such device within twelve (12) hours of receipt of written notice from the Sherwood police department that an automatic dialing device is so programmed.

(Ord. 89-894 § 15)

8.08.060-040 Response to alarms.

A.

Whenever an activated alarm system requires a police department response to the premises in which the system is installed, the city police at the scene of the alarm shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm was a false alarm.

B.

If the city police at the scene of the alarm determine the alarm to be false, a written report of the false alarm shall be made ~~and submitted to the chief of police.~~

~~G.~~

~~Within a reasonable time from the occurrence of a false alarm, the chief of police shall have the right to inspect any alarm system on a premises to which city police response has been made. Failure to correct any alarm system malfunction or deficiency shall be a violation of this chapter.~~

(Ord. 89-894 § 6)

8.08.070-050 False alarms.

A.

Except as provided in Section 8.08.090060, ~~if any registered~~ alarm system ~~that~~ produces ~~more than one a~~ false alarm ~~in any calendar year~~, the city shall ~~provide receive~~ written notice ~~by first class mail to posted at~~ the ~~mailing~~ address ~~shown on the registration~~ directing the alarm user to take all necessary corrective action and informing the alarm user of the false alarm. ~~fine violation schedule created by council.~~

~~B.~~

~~Alarm users installing a new system are entitled to a thirty (30) day grace period during which alarms generated by such new system shall not be deemed false alarms, regardless of whether they otherwise would be.~~

C.

Except as provided in Section 8.08.090060, ~~an~~ registered alarm system producing more than ~~one two~~ false alarms in a calendar year, shall be deemed in violation of this chapter and a ~~Class D citation will be fine~~ assessed against the alarm user. ~~Council shall, by resolution, establish a fee schedule for false alarms and unregistered alarm systems. Any false alarm fee not paid within ninety (90) days of invoicing will cause the alarm permit to be inactivated.~~

(Ord. 06-019 § 3 (part); Ord. 89-894 § 7)

~~**8.08.080 Nonregistered alarms.**~~

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~~Except as provided in Section 8.08.090, upon any nonregistered alarm system producing any alarm, false or otherwise, requiring police response, the alarm user shall be required to register their system consistent with the provisions of this chapter. Alarm systems registered under these circumstances shall thereafter be subject to the penalty provisions of this chapter, including the fines adopted by council.~~

~~(Ord. 06-019 § 3 (part); Ord. 89-894 § 8)~~

8.08.090-060 Continuous alarms.

Any alarm system producing an alarm that cannot be shut-off by responding city police and that continuously operates for a period greater than sixty (60) minutes, shall be treated as a fourth-Class C violation of false alarm, and subject to the penalties adopted consistent with Section 8.08.070(C).

(Ord. 06-019 § 3 (part); Ord. 89-894 § 9)

~~**8.08.100 Confidentiality.**~~

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~~All alarm system registration information submitted in compliance with this chapter shall, to the extent permissible under ORS 192.410 to ORS 192.505 be deemed to be submitted to the city in confidence.~~

~~(Ord. 06-019 § 3 (part); Ord. 89-894 § 10)~~

8.08.110-070 Allocation of revenues.

All penalties collected pursuant to this chapter shall be deposited to the city general fund.

(Ord. 06-019 § 3 (part); Ord. 89-894 § 11)



ORDINANCE 2014-014

AMENDING SHERWOOD MUNICIPAL CODE CHAPTER 8.08 ALARM SYSTEMS

WHEREAS, the City of Sherwood Municipal Code requires alarm owners to register their alarm system with the City; and

WHEREAS, the existing code provisions governing an alarm owner's responsibility for alarm systems dates back to 1989 and was revised in 2006; and

WHEREAS, the alarm permit code was instituted to mitigate the number of false alarms and the cost of public safety officers responding to false alarms; and

WHEREAS, staff completed a cost benefit analysis for the alarm registration process and determined that the process is no longer necessary due to the small number of false alarms responded to annually; and

WHEREAS, excessive false alarms can be mitigated through a code violation process; and

WHEREAS, the City would like to update and revise these provisions and replace the existing provisions with new provisions.

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

Section 1. Sherwood Municipal Code Chapter 8.08 is hereby amended. The revised code language is attached to this ordinance as Exhibit A.

Section 2. This ordinance will be effective 30 days after its adoption.

Duly passed by the City Council this 5th day of August 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

DRAFT

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

8.08.010 Definitions.

As used in this chapter:

"Alarm business" means the business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure, or facility.

"Alarm system" means any assembly of mechanical or electrical equipment arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which city police are expected to respond, provided, however, that automobile alarm systems are not included in this definition. All alarm systems installed in the city, except for medical alert alarms, shall include an external visual display.

"Alarm user" means the person, firm, partnership, association, corporation, company, or organization of any kind in control of any building, structure, or facility in which an alarm system is maintained.

"Automatic dialing device" means a device which is connected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

"City" means the city of Sherwood.

"Dispatch center" means the city facility used to receive emergency and general information from the public.

"False alarm" means an alarm signal eliciting a response by city police when a situation actually requiring such a response does not in fact exist.

"Interconnect" means to connect an alarm system, including an automatic dialing device, to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

"Primary trunk line" means a telephone line serving the dispatch center that is designated to receive emergency calls.

(Ord. 06-019 § 1 (part); Ord. 89-894 § 1)

8.08.020 User instructions.

Every alarm business selling, leasing, installing or furnishing alarm systems in the city shall provide the alarm user with instructions enabling the user to operate the alarm system properly, to disarm malfunctioning systems and to obtain service for a leased alarm system.

(Ord. 06-019 § 2: Ord. 89-894 § 4)

8.08.030 Automatic dialing device—Certain interconnections prohibited.

A.

It is unlawful for any person to program an automatic dialing device to select a primary trunk line or any 911 prefix requiring a police response; and it is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line within twelve (12) hours of receipt of written notice from the Sherwood police department that it is so programmed.

B.

Within sixty (60) days after the effective date of the ordinance codified in this chapter, all existing automatic dialing devices in the city programmed to select a primary trunk line shall be reprogrammed or disconnected.

C.

It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the city; and it is unlawful for an alarm user to fail to disconnect or reprogram such device within twelve (12) hours of receipt of written notice from the Sherwood police department that an automatic dialing device is so programmed.

(Ord. 89-894 § 15)

8.08.040 Response to alarms.

A.

Whenever an activated alarm system requires a police department response to the premises in which the system is installed, the city police at the scene of the alarm shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm was a false alarm.

B.

If the city police at the scene of the alarm determine the alarm to be false, a written report of the false alarm shall be made.

(Ord. 89-894 § 6)

8.08.050 False alarms.

A.

Except as provided in Section 8.08.060, any alarm system that produces a false alarm, shall receive written notice posted at the address directing the alarm user to take all necessary corrective action and informing the alarm user of the false alarm.

B.

Except as provided in Section 8.08.060, an alarm system producing more than two false alarms in a calendar year, shall be deemed in violation of this chapter and a Class D citation will be assessed against the alarm user.

(Ord. 06-019 § 3 (part): Ord. 89-894 § 7)

8.08.060 Continuous alarms.

Any alarm system producing an alarm that cannot be shut-off by responding city police and that continuously operates for a period greater than sixty (60) minutes, shall be treated as a Class C violation of false alarm.,

(Ord. 06-019 § 3 (part): Ord. 89-894 § 9)

8.08.070 Allocation of revenues.

All penalties collected pursuant to this chapter shall be deposited to the city general fund.

(Ord. 06-019 § 3 (part): Ord. 89-894 § 11)

TO: Sherwood City Council

FROM: Michelle Miller, AICP, Senior Planner

Through: Brad Kilby, AICP, Planning Manager and Julia Hajduk, Community Development Director

SUBJECT: Ordinance 2014-013 Approval of the Cedar Brook Planned Unit Development

Issue:

Should the City Council adopt Ordinance 2014-013 approving the Cedar Brook Planned Unit Development, a 65-lot subdivision, located in the high-density residential zone?

Background:

The City received an application for a planned unit development (PUD) of a 65-lot subdivision in the High Density Residential zone in order to develop an alternative housing type within this zone and meet the minimum high-density residential requirements of 16.8-24 dwelling units per acre. The applicant proposes 50 single-family attached and 15 detached homes on individual lots that would range in size from 1,600-3,245 square feet.

The City Council held a public hearing on July 15, 2014 and granted a request to hold the record open until the hearing on August 5, 2014 where additional public testimony would be considered. Council received additional written testimony from Joe Broadhurst via email (Exhibit S) and additional information from the applicant concerning the onsite storm water treatment. (Exhibit T) Staff's review of the materials is addressed in the attached Memoranda prepared by Michelle Miller, Senior Planner. (Exhibit R) and Bob Galati, City Engineer (Exhibit U).

The attached memo also addresses the issues raised by Council as well as the applicant's comments concerning the planned unit development and subdivision process, the onsite storm water treatment, open space use, and trail issues. Included in the memo are recommended conditions of approval based on the new information received and clarification of the initial Planning Commission Recommendation. (Exhibit 1)

At the hearing on July 15, Council received Exhibits A-Q concerning the Cedar Brook PUD. Staff has included the Draft Ordinance and Exhibit 1 in the materials for the August 5, 2014 hearing as well as the new information attached to this staff report.

Financial Impacts:

None

Recommendation:

Staff respectfully requests that the City Council hold a public hearing and adopt Ordinance 2014-013, approving a Planned Unit Development (PUD) to be known as Cedar Brook Planned Unit Development including application of a Planned Unit Development Overlay on the Comprehensive Plan and Zone Map and approving the sixty-five lot subdivision.

Attachments

- Exhibit R. Memo prepared by Michelle Miller, Senior Planner and recommended amendments to Exhibit 1
- Exhibit S. Citizen comments submitted via email from Joe Broadhurst dated July 23, 2014
- Exhibit T. Application materials submitted by DR Horton concerning the Storm Water Treatment Facility dated July 22, 2014.
- Exhibit U. Engineering Department Land Use Application Review Comments prepared by Bob Galati PE, City Engineer dated July 25, 2014.



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
Joe Gall, ICMA-CM

Assistant City Manager
Tom Pessemier, P.E.

DATE: August 5, 2014
TO: City Council
FROM: Michelle Miller, AICP, Senior Planner
PUD 14-01 SUB 14-01, Cedar Brook PUD
SUBJECT: Follow Up from Public Hearing on July 15, 2014

The following memorandum is intended to address issues raised by Council as well as to discuss the applicant's comments concerning the planned unit development and subdivision process, the onsite storm water treatment, open space, and trail issues. Included, are recommended modifications to conditions of approval based on the new information received and clarification of the initial Planning Commission Recommendation. (Exhibit 1)

PUD and Subdivision Process

The Cedar Brook PUD involves the subdivision of land and includes a preliminary subdivision plat that must meet Sherwood Zoning and Development Code Chapter 16.120. The Planning Commission Recommendation (Exhibit 1 of Ordinance 2014-013) includes a discussion addressing the criteria, makes findings and proposes conditions of approval for the preliminary plat beginning on page 14 of Exhibit 1. The preliminary subdivision plat is processed concurrently with the PUD.



2009 Top Ten Selection



2007 18th Best Place to Live

If Council approves the PUD conceptual plan and preliminary plat of the subdivision, the subdivision must next receive detailed final development plan approval from the Planning Commission. The detailed final development plan review and approval ensures compliance with any conditions of the conceptual approval as well as applicable community design standards, etc.

The final development plan approval process is a Type IV process and will comply with the notice and public hearing requirements. The applicant will submit a final plat that will be reviewed during the final development plan approval process. After receiving final development plan approval, the applicant will submit final public improvement plans where the infrastructure, including the right of way, roadway design, easements and utilities will be reviewed and approved by the Engineering Department, Clean Water Services (CWS) and any other relevant agencies. The Engineering and Public Works Department will also review the final plat to ensure that it meets all of the City's requirements. The



Exhibit R

final plat will not be recorded until the applicant receives approval of the public improvement plans and has either constructed the improvements or financially bonded for them.

Storm Water Treatment

During the previous hearing, the applicant asked the City Engineer about treating and detaining their stormwater treatment facility on Tract C located in the northeastern corner of the site on the preliminary plat near proposed Lot 1 as opposed to the regional pond located further north and east near Cedar Brook Way. The amended proposal locates the storm water treatment facility on Tract C (Exhibit T.) The City Engineer has reviewed the proposal to determine whether it can feasibly serve the site and has provided a summary that is included in the Council materials. (Exhibit U.) Based on this review, Conditions D. 2 and D.12 of Exhibit 1, (Planning Commission Recommendation to Council) adequately addresses compliance with the City's standards and the CWS Service Provider Letter. Because the site will now serve as the water quality facility, staff recommends that Tract C be dedicated either to the City or that it include an easement over its entirety for the benefit of the CWS and the City. This would be an added condition E. 9 of Exhibit 1.

RECOMMENDED CONDITION:

E. 9. Prior to approval of the final plat, Tract C will either be dedicated to the City of Sherwood or have a public storm water facility easement be placed over the tract in its entirety for the benefit of CWS and the City. The subdivision plat shall note the dedication of Tract C to the City or include language establishing a Public Storm Water Facility Easement over Tract C for the benefit of CWS and the City.

The applicant proposes that the open space area in Tract C be used exclusively to accommodate the water quality facility. The applicant intends that this tract will be dedicated to the City for the purpose of monitoring and maintaining the water quality facility. If used as the water quality facility, Tract C would no longer be included in the open space calculation. The applicant had intended that Tract C would be a landscaped area rather than useable open space like a park. Tract C is adjacent to the sidewalk on SW Cedar Brook Way, so it did not include any pedestrian pathways and the water quality facility will look similar to a landscaped area, except that the plantings will be serving the purpose of treating the storm water runoff.

The change results in a reduction of open space by 3,581 square feet or 2 percent of proposed overall open space on the site. The threshold for required open space is 15 % and if Tract C were used for water quality treatment, the applicant would have 19 % open space, therefore they would continue to be in compliance with the standard. The minimum residential density for the site is now 63 dwelling units and the applicant continues to meet this requirement by providing 65 dwelling units.

Feeder Trails

The applicant proposed onsite trails throughout the open space areas of the development along with the construction of a trail on City property that will connect with the City's existing trail network. The new trail from SW Meinecke through the development's Tract K, as identified in the City's Transportation System Plan (TSP) will serve to connect the new neighborhood with the schools and the Wyndam Ridge subdivision. The Cedar Creek Trail, when constructed, will include an at grade crossing at the intersection of SW Meinecke and Highway 99W so this feeder trail will provide a direct connection south to the Cedar Creek Trail. This trail will be built to the standards identified in the TSP and comply with the City's Engineering Design Manual for local trails and will also include a permitting and approval process through the different government environmental agencies. The recommended condition outlined in the Planning Commission Recommendation addresses this segment of the trail. (See Condition G.7. of Exhibit 1 below)

At the hearing on July 15, 2014, the applicant requested that the trail be a "soft" trail. The City's trail standard is for a hard surface trail. Staff recommends that clarification of Condition G.7. include identifying that the trail will be constructed with a hard surface as the standard mandates. Proposed additional language to the condition is underlined in blue.

RECOMMENDED AMENDED CONDITION

G.7. Phase 2 portion of the project consists of design and construction of the hard surface trail extension from SW Cedar Brook Way through Tract K, connecting to the existing trail at Wyndam Ridge. Final occupancy for either the last townhome building or last three single-family homes (applicant's choice) shall be granted once the trail extension has been constructed and accepted by the City Engineer. An approval letter from the Engineering Department accepting all the public improvements under Phase 2 shall be issued prior to granting final occupancy for the buildings delineated under Phase 2.

Open Space Areas

The applicant proposes open space areas including a private street and pathways throughout the subdivision. The applicant included a pedestrian easement over Tract K for the connection to the feeder trail on the plans. After further review of the open space areas, staff recommends that the various tracts include pedestrian and bicycle access easements over their entirety within the development so that the subdivision has good circulation and connectivity for all pedestrians and bicyclists, not only on Tract K.

ADDITIONAL RECOMMENDED CONDITION

E. 9. Prior to approval of the final plat, provide pedestrian and bicycle access easements over all of the tracts that includes a pathway or private street.

From: [Sylvia Murphy](#)
To: [City Council](#)
Cc: [Joseph Gall](#); [Julia Hajduk](#); [Bradley Kilby](#); [Michelle Miller](#)
Subject: FW: Cedar Brook PUD
Date: Wednesday, July 23, 2014 10:15:51 AM

Council Members,

See message below.

Sylvia Murphy, MMC, City Recorder
City of Sherwood
murphys@sherwoodoregon.gov
Ph: 503-625-4246
Fax: 503-625-4254

From: Jbroadhrst@aol.com [mailto:Jbroadhrst@aol.com]
Sent: Friday, July 18, 2014 8:14 PM
To: Krisanna Clark
Cc: Linda Henderson
Subject: Fwd: Cedar Brook PUD

From: Jbroadhrst@aol.com
To: middletonb@sherwoodoregon.gov
CC: langerm@sherwoodoregon.gov, grantd@sherwoodoregon.gov, butterfieldb@sherwoodoregon.gov, henderson@sherwoodoregon.gov, clark@sherwoodoregon.gov, folsomr@sherwoodoregon.gov
Sent: 7/18/2014 8:12:31 P.M. Pacific Daylight Time
Subj: Fwd: Cedar Brook PUD

Mayor and Councilors,

I guess I sent this to the City to late. It did not make it to the last meeting. Council needs to request that Staff advise as to why we cannot have smaller lots in MDRL & MDRH so as to build better mixed use communities of single family homes. Some local communities have 3500 sf lots in MDRL and down to 2500 sf lots in MDRH. We need to meet density mandates without all PUD's and or attached housing.

Thanks for listening

Joe Broadhurst

From: Jbroadhrst@aol.com
To: millerm@sherwoodoregon.gov
Sent: 7/15/2014 8:45:34 A.M. Pacific Daylight Time
Subj: Cedar Brook PUD

Mayor and Councilors,

The thought to allow smaller single family detached homes on smaller than 5000sf

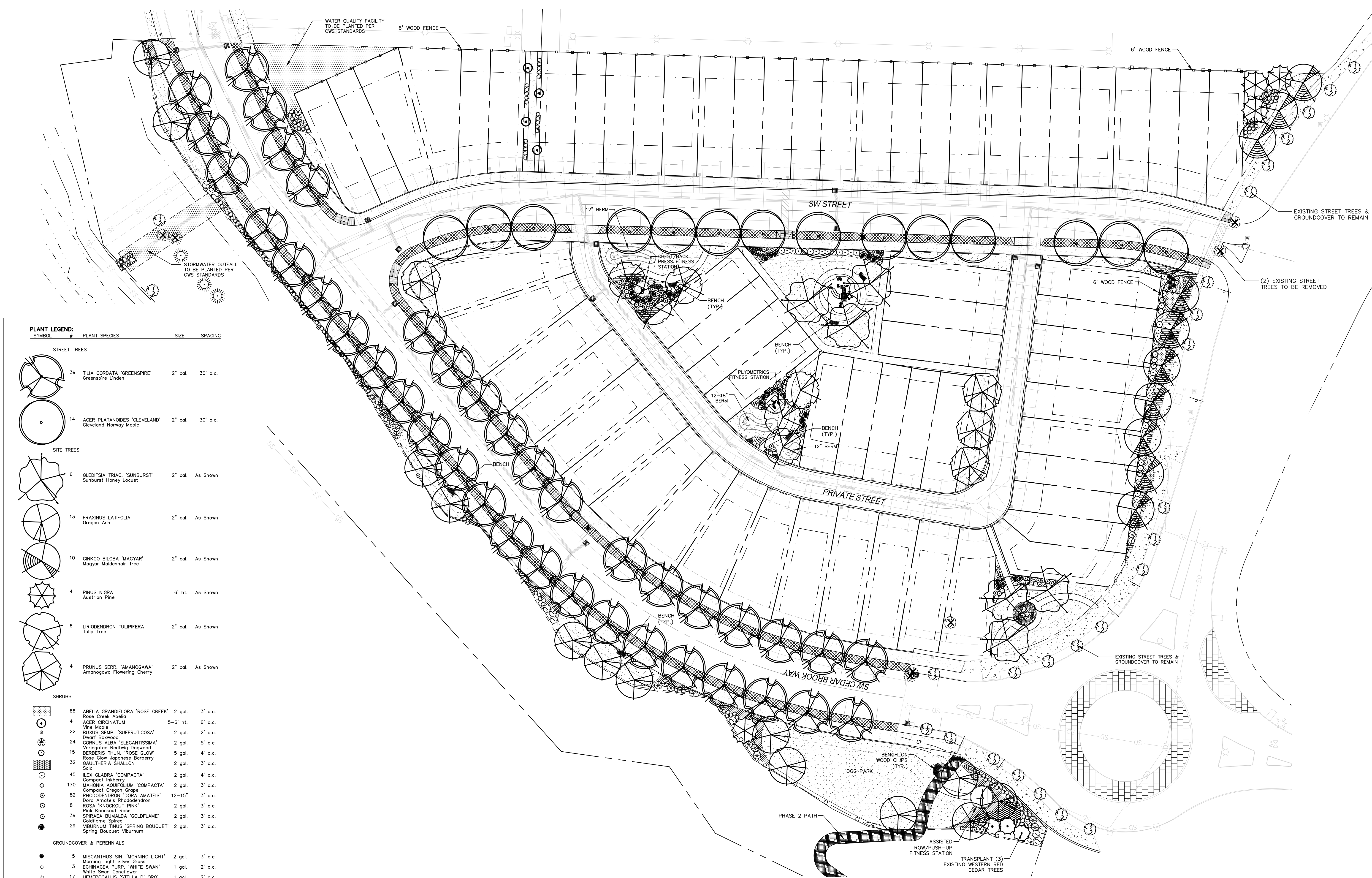
lots in our Code in Sherwood is being withheld from local landowners and developers. In MDRL & MDRH our Code says 5000sf lots or attached housing on large lots. We should be able to have 3000sf lots in MDRL & MDRH without PUD! All new Residential Land coming into the City will be MDRL minimum with no up to date Code. Council is saying you must do a PUD to get smaller lots or build attached housing on large lots as per Code. Also PUD is 15% buildable land for Open Space and controlled by Planners.

This Property was re-zoned so as to make a bad situation better. If this Property tonight had been re-zoned to MDRL or MDRH and was allowed smaller single family home lots, we would have had a great little area with less density and plenty of parking because of Cedar Brook Way parking. But NO! HDR - PUD. Parking fights, maybe with Police Parking Enforcement. Oh boy, what a thing to do to a great town.

What warrants a PUD here? What are Variances? What is the Goal? Why have Code???

Take time to decide what is up. Rubber Stamping gets to be a habit.

Joe Broadhurst



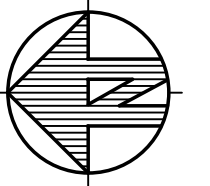
PLANT LEGEND:

SYMBOL	PLANT SPECIES	SIZE	SPACING
STREET TREES			
	39 TILIA CORDATA 'GREENSPIRE' Greenspire Linden	2" cal.	30' o.c.
	14 ACER PLATANOIDES 'CLEVELAND' Cleveland Norway Maple	2" cal.	30' o.c.
SITE TREES			
	6 GLEDITSIA TRIAC. 'SUNBURST' Sunburst Honey Locust	2" cal.	As Shown
	13 FRAXINUS LATIFOLIA Oregon Ash	2" cal.	As Shown
	10 QINQGO BILOBA 'MAGYAR' Magyar Maidenhair Tree	2" cal.	As Shown
	4 PINUS NIGRA Austrian Pine	6" ht.	As Shown
	6 LIRODENDRON TULIPIFERA Tulip Tree	2" cal.	As Shown
	4 PRUNUS SERR. 'AMANOGAWA' Amanogawa Flowering Cherry	2" cal.	As Shown
SHRUBS			
	66 ABELIA GRANDIFLORA 'ROSE CREEK' Rose Creek Abelia	2 gal.	3' o.c.
	4 ACER CIRCINNATUM Vine Maple	5-6' ht.	6' o.c.
	22 BUXUS SEMIP. 'SUFFRUTICOSA' Dwarf Boxwood	2 gal.	2' o.c.
	24 CORNUS ALBA 'ELEGANTISSIMA' Variegated Redtwig Dogwood	2 gal.	5' o.c.
	15 BERBERIS THUN. 'ROSE GLOW' Rose Glow Japanese Barberry	5 gal.	4' o.c.
	32 GAILLARDIA SHALLOW Salal	2 gal.	3' o.c.
	45 ILEX GLABRA 'COMPACTA' Compact Highberry	2 gal.	4' o.c.
	170 MAHONIA AQUIFOLIUM 'COMPACTA' Compact Oregon Grape	2 gal.	3' o.c.
	82 RHODODENDRON 'DORA AMATEIS' Dora Amateis Rhododendron	12-15"	3' o.c.
	8 ROSA 'KNOCKOUT PINK' Pink Knockout Rose	2 gal.	3' o.c.
	39 SPIRAEA BIMALDA 'GOLDFLAME' Goldflame Spirea	2 gal.	3' o.c.
	29 VIBURNUM TINUS 'SPRING BOUQUET' Spring Bouquet Viburnum	2 gal.	3' o.c.
GROUNDCOVER & PERENNIALS			
	5 MISCANTHUS SIN. 'MORNING LIGHT' Morning Light Silver Grass	2 gal.	3' o.c.
	3 ECHINACEA PURP. 'WHITE SWAN' White Swan Coneflower	1 gal.	2' o.c.
	17 HEMEROCALLIS 'STELLA D' ORO' Stella d' Oro Daylily	1 gal.	2' o.c.
	6 CROCOSMIA 'JENNY BLOOM' Jenny Bloom Montbretia	1 gal.	2' o.c.
	52 PENNISETUM ORIENTALE Oriental Fountain Grass	1 gal.	2' o.c.
	72 SPRING BULBS Tulips/Daffodils	Bulb	6" o.c.
	135 FRAGARIA CHILOENSIS Beach Strawberry	1 gal.	3' o.c.
	120 ARCTOSTAPHYLOS UVA-URSI 'MASS.' Spring Bouquet Viburnum	1 gal.	3' o.c.
	1,089 COTONEASTER DAMMERI 'EICHOLZ' Spring Bouquet Viburnum	1 gal.	3' o.c.
	FINE LAWN	Seed	

GENERAL NOTES:

1. Contractor is to verify all plant quantities.
2. Adjust plantings in the field as necessary.
3. Project is to be irrigated by an automatic, underground system, which will provide full coverage for all plant material. System is to be design/ build by Landscape Contractor. Guarantee system for a minimum one year. Show drip systems as alternate bid only.
4. All plants are to be fully foliated, well branched and true to form.

CONCEPTUAL LANDSCAPE PLAN
SCALE 1" = 30'-0"



NO.	DATE	REVISIONS

OTTEN LANDSCAPE ARCHITECTS Inc.
3933 SW Kelly Avenue • Suite B • Portland, Oregon 97239-4393
Phone (503) 972-0311 • Fax (503) 972-0314 • www.ottenla.com

CEDAR BROOK DEVELOPMENT
SHERWOOD, OREGON
LANDSCAPE PLAN

DATE: 7-18-2014
SCALE: NOTED
DRAWN: EH
CHECKED: JLO
SHEET NO: L1.0
1 OF 2

Storm Drainage Report

Cedar Brook PUD

Sherwood, Oregon



Renewal 12/31/15

Prepared For:

D.R. Horton
4380 SW Macadam Avenue
Suite 100
Portland, OR 97239

Prepared By:

Ryan Walker
Reviewed by Neil Fernando, P.E.
Emerio Design, LLC
8285 SW Nimbus Ave, Suite 180
Beaverton, OR 97008

Table of Contents:

Purpose

- 1.0 Purpose**
- 1.1 Introduction/Project Overview**
- 1.2 Existing Conditions**
- 1.3 Proposed Conditions**
- 2.0 Hydrologic Methodology**
- 2.1 Conveyance System Design & Analysis**
- 2.1 Upstream & Downstream Analysis**
- 3.0 Conclusions**

Appendices:

Appendix A - Vicinity Map, Existing Conditions Plan

Appendix B - Soil Maps & Classifications, Runoff Curve Numbers, Time of Concentration

Appendix C - Pre & Post Developed Basin Maps, Impervious Area Summary, Bio-Swale Calculation

Appendix D - Hydrocad Analysis for SBUH Hydrographs

1.0 Purpose:

The purpose of this analysis is to describe existing and proposed site conditions, provide data and analysis for the storm water impacts due to the proposed Cedar Brook PUD Developments, as well as address on-site storm water conveyance requirements. In addition, providing water quality calculations, and upstream and downstream analysis, for the site.

1.1 Introduction / Project Overview:

The proposed Cedar Brook PUD project will be comprised of 66 single family attached & detached residential lots to be located at approximately 21601 Cedar Brook Way, Sherwood, Oregon. Located on tax lot 13400 of Tax Map T2S R1W 30CD.

1.2 Existing Conditions:

The existing site is 5.77 acres in size and is zoned HDR, High Density Residential. The project site is currently cleared land covered in vegetation. The site is bounded by "Creekview Crossing" to the east, SW Meinecke Road and Cedar Brook Dental commercial development to the south and Cedar Brook creek to the north/northwest. The project site slopes gently from southeast to the northwest.

1.3 Proposed Conditions / Design Storm Intensity:

The proposed Cedar Brook PUD project will be comprised of 66 single family attached & detached residential lots, public and private streets and public open space areas. All neighboring parcels have been developed and are mitigating their own storm water runoff. A water quality swale will be provided to treat on-site impervious flows from the development it has been determined that detention will not be necessary on-site, reference the Downstream Analysis portion of this report. Due to this, only water quality and conveyance design will be provided for on-site storm water design.

2.0 On-Site Hydraulic Methodology:

The developed conditions were modeled using Hydrocad for Clean Water Services intensities and guidelines, the proposed run-off rates are shown in the table below:

Storm Event	Depth	Pre-Developed Flow	Post Developed Flow
2-year	2.50"	0.53 cfs	2.69 cfs
10-year	3.45"	1.23 cfs	3.89 cfs
25-year	3.90"	1.61 cfs	4.46 cfs
50-year	4.20"	1.87 cfs	4.85 cfs
100-year	4.50"	2.15 cfs	5.24 cfs

Exhibit B is the Soils Survey Information for the project which includes the Hydrologic Soils Classification for the site as found in The USDA Soil Conservation Services "Soil Survey of Washington County". The majority of the soils on-site are classified as Quatama Silt Loam, Hydrologic Soils Group "C". Approximately 10.5% of the site is classified as Hillsboro Loam Hydrologic Soils Group "B". The composite curve number has been accounted for accordingly.

Exhibit B is the SCS Runoff Curve Numbers as found in the Soil Conservation Services Manual "Urban Hydrology for Small Watersheds" (TR-55 Method). A composite SGS Curve Number of 74 was assumed for all post developed on-site pervious surfaces based on the assumption of grass in good condition. An SCS Curve Number of 98 was assumed for all impervious surfaces.

Exhibit C is the pre-developed and post-developed basin maps, impervious area summary and bio-swale calculation.

Exhibit D is the Santa Barbara Urban Hydrograph SCS-Type 1A Method was used to compute the tributary basins peak flows for the 2, 10 and 25-Year, 24-Hour, design storm event. Precipitation for the storm events was taken from Clean Water Services standards.

2.1 Conveyance System Design & Analysis

Storm drainage runoff from proposed development will be collected in catch basin inlet structures and storm drain laterals where it will enter the storm pipe conveyance system.

Pipe conveyance for the project will be analyzed and designed to convey the peak 25- Year, 24-Hour storm event as part of the final construction drawing submittal.

Methodology: The site conveyance calculations will be performed using the SBUH - SCS Type 1-A unit hydrograph method.

Times of Concentration: Initial times of concentration for on-site basins will be assumed to be 9.1 minutes due to the large impervious area and small basin sizes. Incremental travel times were extended through the individual pipe system. See conveyance calculations for details.

2.2 Upstream Analysis & Downstream Basin Analysis

The Cedar Creek basin up-stream of the project release point has low-density, residential homes and forested areas. The total up-stream basin area is approximately 5,000 acres with an average slope of 10 percent.

The downstream system was analyzed per CWS code. See below for a determination of the limits of the downstream analysis. CWS code (R&O 07-20, section 2.04.2.m.3) describes the required limits of a downstream analysis.

CWS Code States:

Where the additional flow from the proposed development drops to less than 10 percent of the total tributary drainage flow, then the analysis will continue for the lesser of:

- i. One-quarter (1/4) of a mile; or*
- ii. Until the additional flow constitutes less than 5 percent of the total tributary drainage flow.*

Flood flows for Cedar Creek were reported in the FEMA Flood Insurance Study for the city of Sherwood, Washington County, July 1981 and in CWS watershed data catalog, Table 2 illustrates the existing flows versus the flows released from the Cedar Brook PUD site.

Project Flows Versus Cedar Creek Flows – Table 2.0				
Storm Event	Cedar Creek Flow (FEMA) @ HWY 99	Cedar Creek Flow (CWS) Sec. 7504584	Cedar Brook PUD Flow	Additional Run-off % VS CWS
10-year	1050 cfs	753 cfs	3.89	0.52%
100-year	1450 cfs	897 cfs	5.24	0.58%

This table illustrates that at our project boundary, the additional flow becomes less than 5% of the tributary drainage, and thus the downstream analysis is terminated at the point of discharge into the wetland prior to Cedar Creek.

A downstream inspection for one quarter mile was completed in July 2012. No barriers or limitations were found. In addition, a detailed search was performed through available maps and no further downstream barriers were noted within one quarter mile.

In conclusion, with the above mentioned references and calculations this development will not adversely affect downstream conditions, and has met the requirements of CWS code (R&O 07-20, section 2.04.2.m.3).

3.0 Conclusion:

1. The conveyance system for the proposed development has been sized to convey the peak 25-Year, 24-Hour storm as per Clean Water Services and City of Sherwood storm water standards.
2. Water Quality has been provided as per Clean Water Services and City of Sherwood standards.
3. Detention on-site is not required.
4. The increase in storm water runoff from the site will not impact the downstream adjacent neighboring properties.

4.0 References:

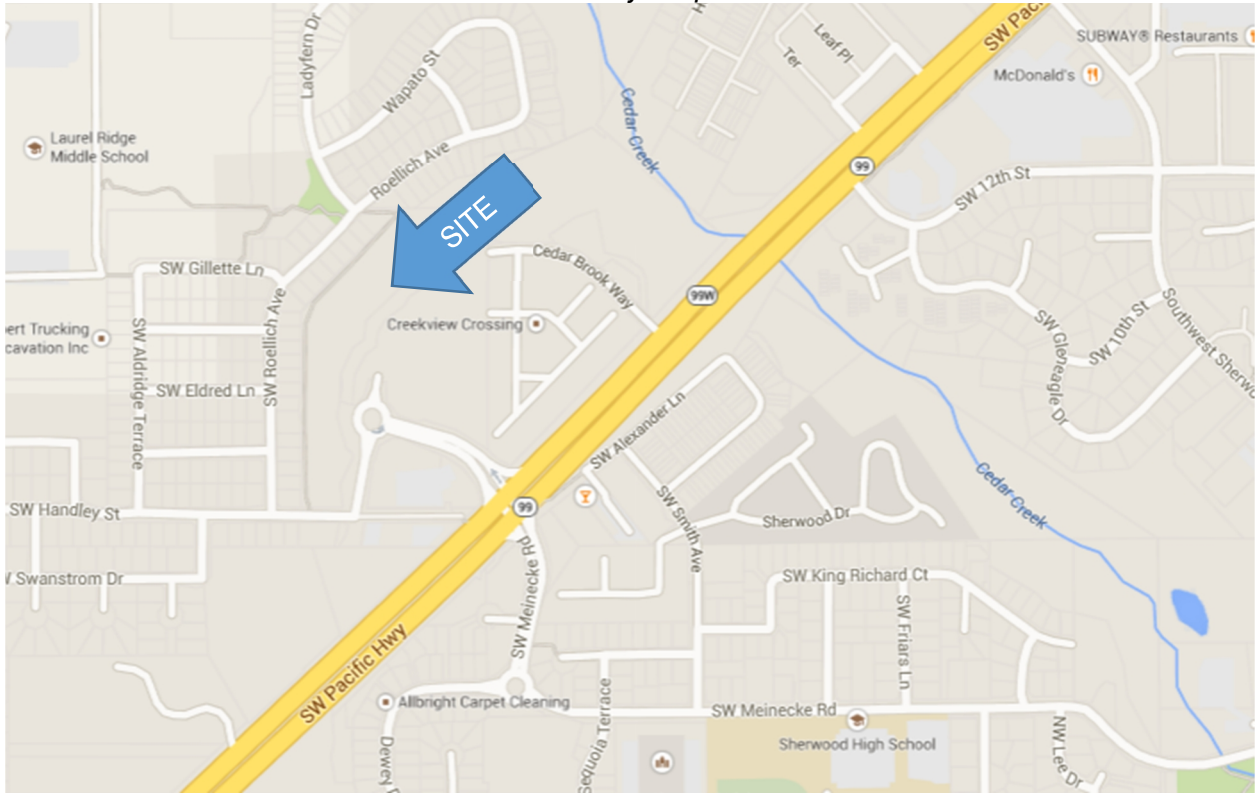
Clean Water Services (CWS), *Design and Construction Standards* (R&O 07-20)

OTAK, *Creekview Condominiums Final Drainage Report*, Sherwood Oregon, Dec. 2006

FEMA, *Flood Insurance Study for City of Sherwood*, July 1981

Appendix A
Vicinity Map, Existing Conditions Plan

Vicinity Map



EXISTING CONDITIONS MAP

OF PARCEL 1 OF
PARTITION PLAT NO. 2007-029
SITUATED IN THE SOUTHWEST 1/4
OF SECTION 30, T.2S., R.1W., W.M.
CITY OF SHERWOOD, WASHINGTON
COUNTY, OREGON
P: \150-005\SURV\1150-005.dwg

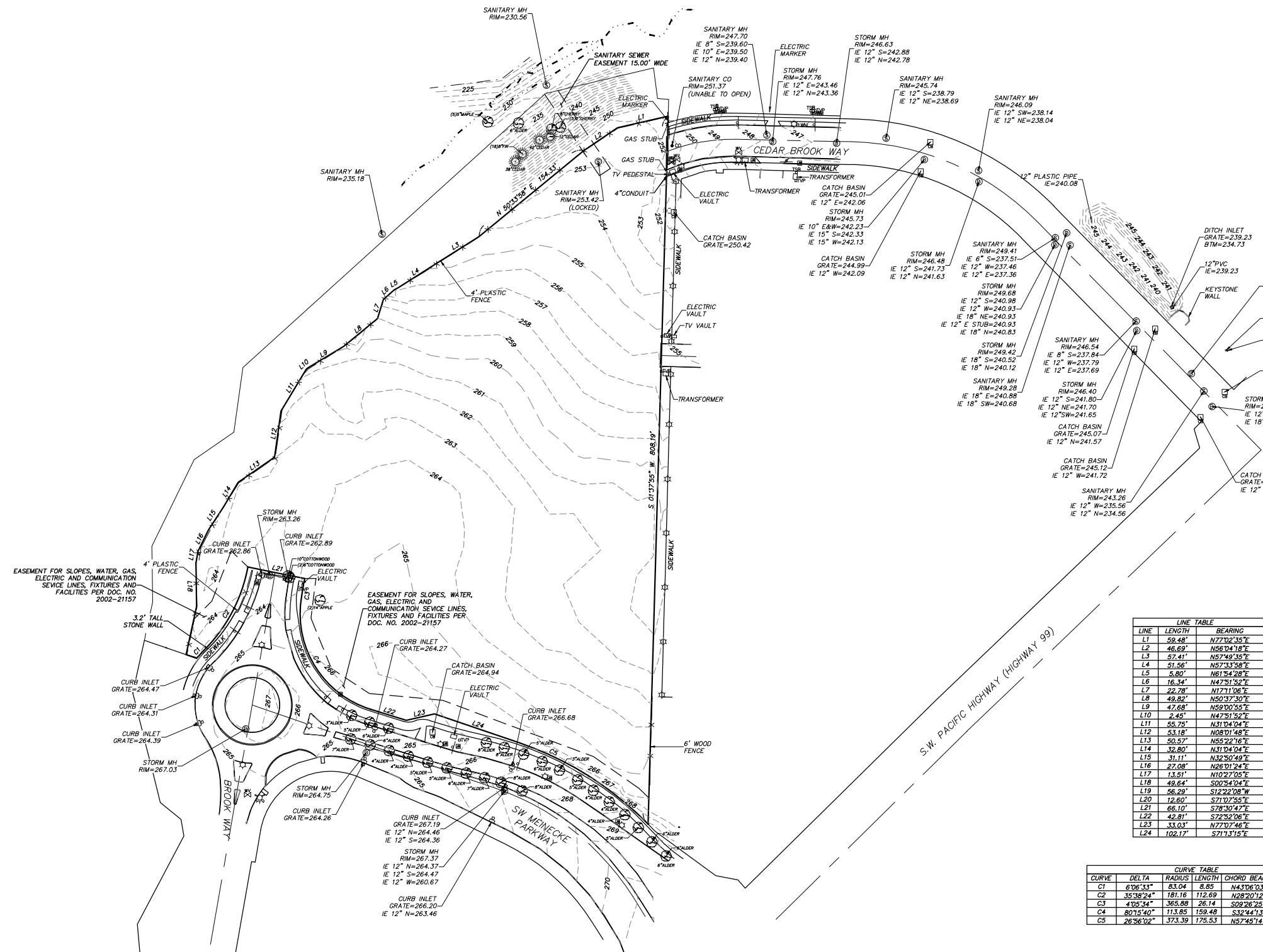
SURVEY NOTES:

THE DATUM FOR THIS SURVEY IS BASED UPON WASHINGTON COUNTY BENCHMARK NO. 100
A BRASS DISCK SET IN CONCRETE FILLED WITH IRON NORTH SIDE OF S.W. EDY ROAD, ON EXTENDED CENTERLINE
OF S.W. EASTVIEW RD.
ELEVATION= 352.377', WASHINGTON COUNTY DATUM.

A TRIMBLE 5600 SERIES ROBOTIC INSTRUMENT WAS USED TO COMPLETE THIS SURVEY.

BOUNDARIES WERE DRAWN PER PLAT AND MONUMENTS FOUND. THIS IS NOT A BOUNDARY SURVEY. NO PROPERTY
CORNERS WERE SET IN THIS SURVEY.

NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTOPPEL,
ACQUIESCENCE, ETC.

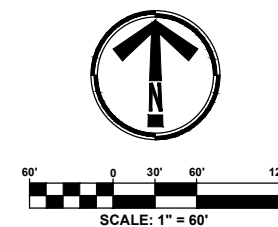


LEGEND

- ⊙ INDICATES STORM MANHOLE
- ⊙ INDICATES CLEANOUT
- ⊠ INDICATES CATCH BASIN
- ⊙ INDICATES SANITARY SEWER MANHOLE
- ⊠ INDICATES WATER VALVE
- ⊠ INDICATES WATER METER
- ⊠ INDICATES FIRE HYDRANT
- ⊠ INDICATES SIGN
- ⊠ INDICATES CURB INLET
- ⊠ INDICATES JUNCTION BOX
- ⊠ INDICATES TRAFFIC SIGNAL BOX
- ⊠ INDICATES TELEVISION PEDESTAL
- ⊠ INDICATES DECIDUOUS TREE
- ⊠ INDICATES EVERGREEN TREE
- INDICATES 5 FOOT INTERVAL CONTOUR
- INDICATES 1 FOOT INTERVAL CONTOUR
- X X INDICATES FENCELINE
- INDICATES EDGE OF WATER
- INDICATES WETLANDS TIED AT FLAGS

LINE	LENGTH	BEARING
L1	58.45'	N77°02'35"E
L2	46.89'	N58°04'18"E
L3	57.41'	N57°49'35"E
L4	51.56'	N57°33'58"E
L5	5.80'	N61°54'28"E
L6	16.34'	N47°01'52"E
L7	22.78'	N77°11'06"E
L8	49.82'	N50°37'30"E
L9	47.68'	N59°00'55"E
L10	2.45'	N47°01'52"E
L11	55.75'	N31°04'04"E
L12	53.18'	N08°01'48"E
L13	50.57'	N55°22'16"E
L14	32.80'	N31°04'04"E
L15	31.11'	N32°20'49"E
L16	27.08'	N28°01'24"E
L17	13.51'	N10°27'05"E
L18	49.64'	S00°24'04"E
L19	56.29'	S12°22'08"W
L20	12.80'	S71°07'55"E
L21	66.10'	S78°00'47"E
L22	42.81'	S72°52'06"E
L23	33.03'	N77°07'46"E
L24	102.17'	S71°13'15"E

CURVE	DELTA	RADIUS	LENGTH	CHORD	BEARING	CHORD
C1	6°06'33"	83.04	8.85	N43°06'03"E	8.85	
C2	35°38'24"	181.16	112.69	N28°20'12"E	110.88	
C3	43°05'14"	365.68	26.14	S02°28'25"W	26.13	
C4	80°15'40"	113.85	159.48	S32°44'13"E	146.76	
C5	26°36'02"	373.39	175.53	N57°45'14"W	173.91	



EMERIO
Design

8285 SW NIMBUS AVENUE, SUITE 180
BEAVERTON, OREGON 97008
PH: (503) 746-8812
FAX: (503) 639-9592

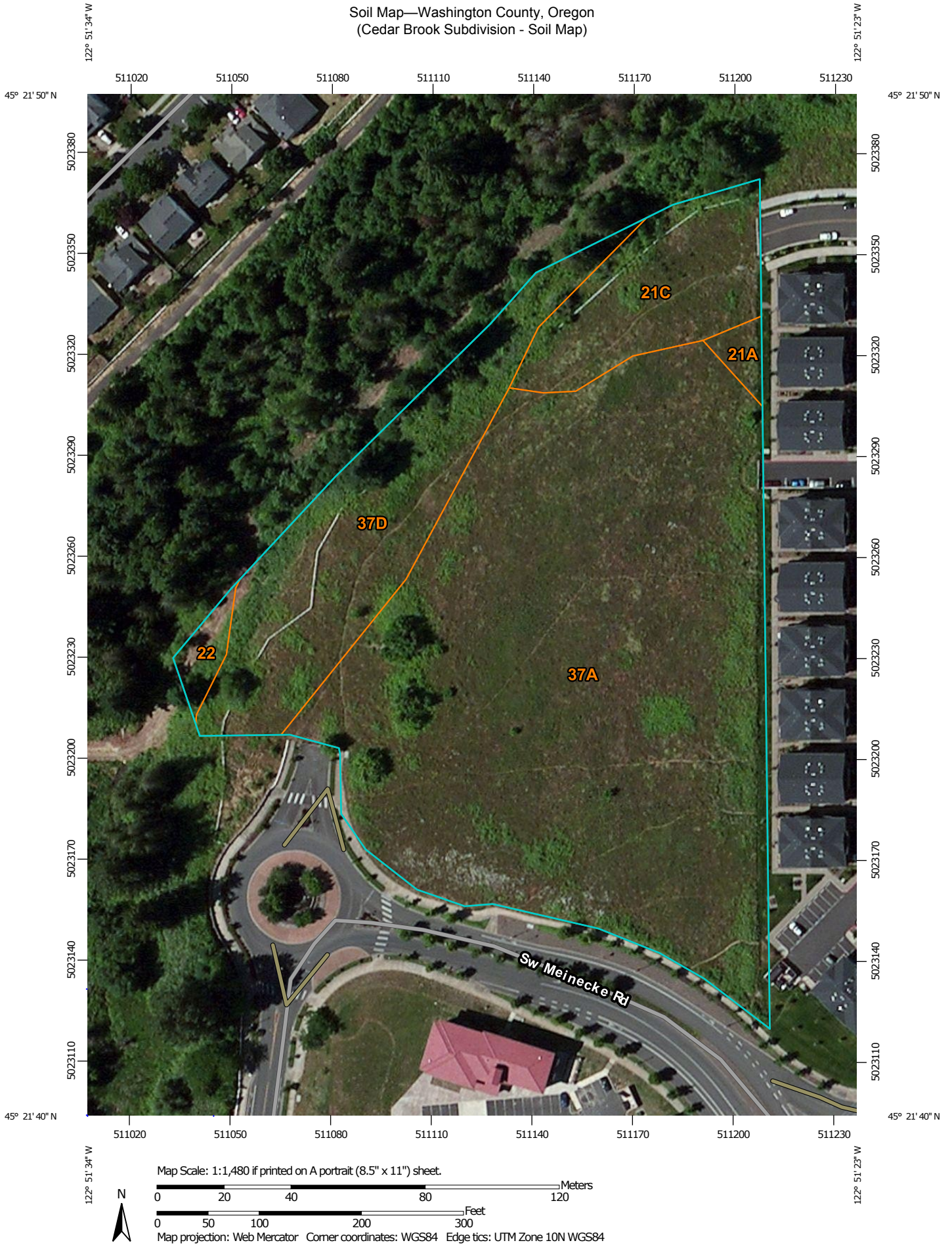
APRIL 14, 2014

JOB: 150-005










































Appendix B

Soil Maps & Classifications, Runoff Curve Numbers, Time of Concentration Calculation

Soil Map—Washington County, Oregon
(Cedar Brook Subdivision - Soil Map)



MAP LEGEND

 Area of Interest (AOI)	 Spoil Area
 Soils	 Stony Spot
 Soil Map Unit Polygons	 Very Stony Spot
 Soil Map Unit Lines	 Wet Spot
 Soil Map Unit Points	 Other
 Special Point Features	 Special Line Features
 Blowout	 Water Features
 Borrow Pit	 Streams and Canals
 Clay Spot	 Transportation
 Closed Depression	 Rails
 Gravel Pit	 Interstate Highways
 Gravelly Spot	 US Routes
 Landfill	 Major Roads
 Lava Flow	 Local Roads
 Marsh or swamp	 Background
 Mine or Quarry	 Aerial Photography
 Miscellaneous Water	
 Perennial Water	
 Rock Outcrop	
 Saline Spot	
 Sandy Spot	
 Severely Eroded Spot	
 Sinkhole	
 Slide or Slip	
 Sodic Spot	

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Washington County, Oregon
Survey Area Data: Version 11, Dec 4, 2013

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 8, 2010—Sep 4, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Washington County, Oregon (OR067)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
21A	Hillsboro loam, 0 to 3 percent slopes	0.1	0.9%
21C	Hillsboro loam, 7 to 12 percent slopes	0.6	9.6%
22	Huberly silt loam	0.1	1.2%
37A	Quatama loam, 0 to 3 percent slopes	4.6	70.7%
37D	Quatama loam, 12 to 20 percent slopes	1.1	17.6%
Totals for Area of Interest		6.5	100.0%

SOIL FEATURES FOR WASHINGTON COUNTY

Soil name and map symbol	Group	Flooding		
		Frequency	Duration	Months
Aloha: 1	C	None	None	None
Amity: 2	C	None	None	None
Astoria: 3E, 3F	B	None	None	None
Briedwell: 4B, 5B, 5C, 5D	B	None	None	None
Carlton: 6B, 6C	B	None	None	None
Cascade: 7B, 7C, 7D, 7E, 7F	C	None	None	None
Chehalem: 8C	C	None	None	None
Chehalis: 9, 10	B	Common	Brief	Nov-Mar
Cornelius: 11B, 11C, 11D, 11E, 11F: Cornelius part	C	None	None	None
Kinton part	C	None	None	None
Cornelius Variet: 12A, 12B, 12C	C	None	None	None
Cove: 13, 14	D	Common	Brief	Dec-Apr
Dayton: 15	D	None	None	None
Delena: 16C	D	None	None	None
Goble: 17B, 17C, 17D, 17E, 18E, 18F	C	None	None	None
Helvetia: 19B, 19C, 19D, 19E	C	None	None	None
Hembre: 20E, 20F, 20G	B	None	None	None
Hillsboro: 21A, 21B, 21C, 21D	B	None	None	None
Hubberly: 22	D	None	None	None
Jory: 23B, 23C, 23D, 23E, 23F	C	None	None	None
Kilchis: 24G Kilchis part	C	None	None	None
Klickitat part	B	None	None	None

SOIL FEATURES FOR WASHINGTON COUNTY

Soil name and map symbol	Group	Flooding		
		Frequency	Duration	Months
Klickitat: 25E, 25F, 25G	B	None	None	None
Knappa: 26	B	None	None	None
Labish: 27	D	Frequent	Very Long	Dec-Apr
Laurelwood: 28B, 28C, 28D, 28E, 29E, 29F	B	None	None	None
McBee: 30	B	Frequent	Brief	Nov-May
Melborne: 31B, 31C, 31D, 31E, 31F	B	None	None	None
Melby: 32C, 32D, 32E, 33E, 33F, 33G	C	None	None	None
Olyic: 34C, 34D, 34E, 35E, 35F, 35G	B	None	None	None
Pervina: 36C, 36D, 36E, 36F	C	None	None	None
Quatama: 37A, 37B, 37C, 37D	C	None	None	None
Saum: 38B, 38C, 38D, 38E, 38F	C	None	None	None
Tolke: 39E, 39F	B	None	None	None
Udifluvents: 40	B	Frequent	Very Long	Nov-Apr
Verboot: 42	D	Frequent	Brief	Dec-Apr
Wapato: 43	D	Frequent	Brief	Dec-Apr
Willamette: 44A, 44B, 44C, 44D	B	None	None	None
Woodburn: 45A, 45B, 45C, 45D	C	None	None	None
Xerchrepts: 46F				
Xerochrepts part	B	None	None	None
Haploxerolls part	C	None	None	None
47D				
Xerochrepts part	D	None	None	None
Rock outcrop part				

TR55 - CURVE NUMBERS

Table 2-2a: Runoff curve numbers for urban areas ¹

Cover description	CN for hydrologic soil				
	Average % impervious area ²	A	B	C	D
Cover type and hydrologic condition					
Fully developed urban areas (vegetation established)					
Open space (lawns, parks, golf courses, cemeteries, etc.) ³ :					
Poor condition (grass cover <50%)	68	79	86	89	
Fair condition (grass cover 50% to 75%)	49	69	79	84	Pre
Good condition (grass cover >75%)	39	61	74	80	Post
Impervious areas:					
Paved parking lots, roofs, driveways, etc. (excluding right-of-way)	98	98	98	98	Imp.
Streets and roads:					
Paved; curbs and storm sewers (excluding right-of-way)	98	98	98	98	
Paved; open ditches (including right-of-way)	83	89	92	93	
Gravel (including right-of-way)	76	85	89	91	
Dirt (including right-of-way)	72	82	87	89	
Western desert urban areas:					
Natural desert landscaping (pervious areas only) ⁴	63	77	85	88	
Artificial desert landscaping (impervious weed barrier, desert shrub with 1- to 2-inch sand or gravel mulch and basin borders)	96	96	96	96	
Urban districts:					
Commercial and business	85	89	92	94	95
Industrial	72	81	88	91	93
Residential districts by average lot size:					
1/8 acre or less (town houses)	65	77	85	90	92
1/4 acre	38	61	75	83	87
1/3 acre	30	57	72	81	86
1/2 acre	25	54	70	80	85
1 acre	20	51	68	79	84
2 acres	12	46	65	77	82
Developing urban areas					
Newly graded areas (pervious areas only, no vegetation) ⁵	77	86	91	94	
Idle lands (CNs are determined using cover types similar to those in table 2-2c)					

1: Average runoff condition, and $I_a = 0.2S$.

2: The average percent impervious area shown was used to develop the composite CN's. Other assumptions are as follows: impervious areas are directly connected to the drainage system, impervious areas have a CN of 98, and pervious areas are considered equivalent to open space in good hydrologic condition. CN's for other combinations of

3: CN's shown are equivalent to those of pasture. Composite CN's may be computed for other combinations of open

4: Composite CN's for natural desert landscaping should be computed using figures 2-3 or 2-4 based on the impervious area percentage (CN = 98) and the pervious area CN. The pervious area CN's are assumed equivalent to

5: Composite CN's to use for the design of temporary measures during grading and construction should be computed using figure 2-3 or 2-4 based on the degree of development (impervious area percentage) and the CN's for the newly graded pervious areas.

MANNING'S "n" VALUES

SHEET FLOW EQUATION MANNING'S VALUES		n_s
Smooth Surfaces (concrete, asphalt, gravel, or bare hand packed soil)		0.011
Fallow Fields or loose soil surface (no residue)		0.05
Cultivated soil with residue cover (< 20%)		0.06
Cultivated soil with residue cover (> 20%)		0.17
Short prairie grass and lawns		0.15
Dense grasses		0.24
Bermuda grasses		0.41
Range (natural)		0.13
Woods or forrest with light underbrush		0.40
Woods or forrest with dense underbrush		0.80
SHALLOW CONCENTRATED FLOW (after initial 300 ft of sheet flow, R = 0.1)		k_s
Forrest with heavy ground litter and meadows (n = 0.010)		3
Brushy ground with some trees (n = 0.060)		5
Fallow or minimum tillage cultivation (n = 0.040)		8
High grass (n = 0.035)		9
Short grass, pasture and lawns (n = 0.030)		11
Nearly bare ground (n = 0.25)		13
Paved and gravel areas (n = 0.012)		27
CHANNEL FLOW (Intermittent) (At the beginning of all visible channels, R = 0.2)		k_c
Forested swale with heavy ground cover (n = 0.10)		5
Forested drainage course/ravine with defined channel bed (n = 0.050)		10
Rock-lined waterway (n = 0.035)		15
Grassed waterway (n = 0.030)		17
Earth-lined waterway (n = 0.025)		20
CMP pipe (n = 0.024)		21
Concrete pipe (n = 0.012)		42
Other waterways and pipe	0.508/n	
CHANNEL FLOW (continuous stream, R = 0.4)		k_c
Meandering stream (n = 0.040)		20
Rock-lined stream (n = 0.035)		23
Grass-lined stream (n = 0.030)		27
Other streams, man-made channels and pipe	(n = 0.807/n)	

TIME OF CONCENTRATION SUMMARY

Pre-Developed Time of Concentration

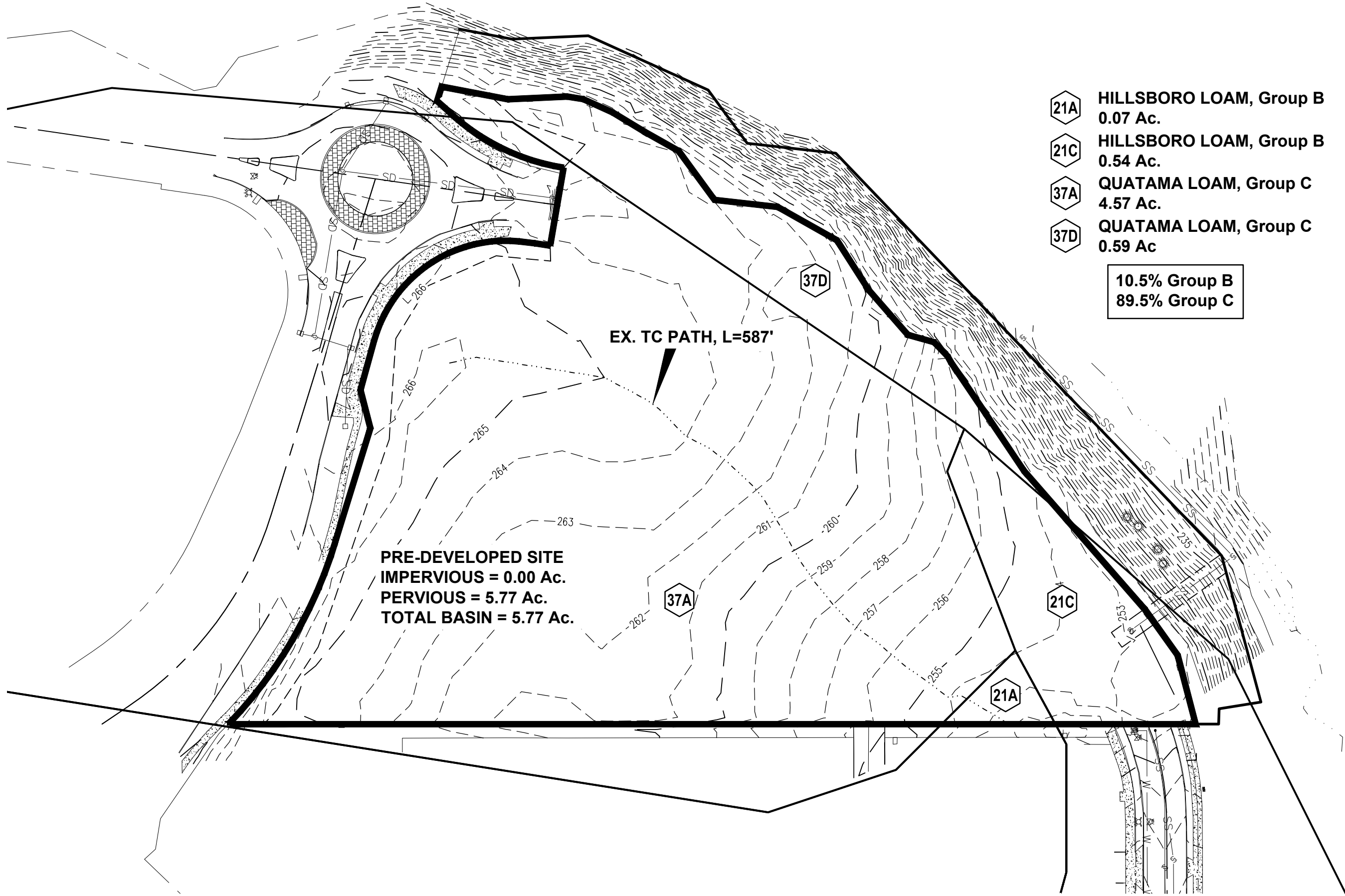
		Accum. Tc
Lag One: Sheet Flow (First 300 ft)		
Tt = Travel time		
Manning's "n" =	0.130	
Flow Length (300 ft. max.), L =	300 ft	
P = 2-year, 24hr storm =	2.5 in	
Slope, S ₀ =	0.016 ft/ft	
$T_T = \frac{(0.42)(n * L)^{0.8}}{(P)^{0.5} (S_0)^{0.4}}$		26.2 min
Lag Two: Shallow Concentrated Flow (Next ft)		
Tc Velocity factor, k=	8	
Slope, S ₀ =	0.034 ft/ft	
$V = k\sqrt{S_0}$	1.5 ft/s	
Flow Length, L =	287 ft	
$T = \frac{L}{(60)(V)}$	3.2 min	29.4 min
Total Predeveloped Tc =		29.4 min

Developed Time of Concentration

Catchment Time	5.0 min	
Longest Run of Pipe	736 ft	
Velocity of Flow	3.0 ft/s	
Time in Pipe = (736 ft)/(3.00 ft/s) =	245 s	
Total Developed Tc =		9.1 min

Appendix C

*Pre & Post Developed Basin Maps, Impervious Area Summary, SBUH Hydrographs,
Bio-Swale Calculation*



- 21A HILLSBORO LOAM, Group B
0.07 Ac.
- 21C HILLSBORO LOAM, Group B
0.54 Ac.
- 37A QUATAMA LOAM, Group C
4.57 Ac.
- 37D QUATAMA LOAM, Group C
0.59 Ac.

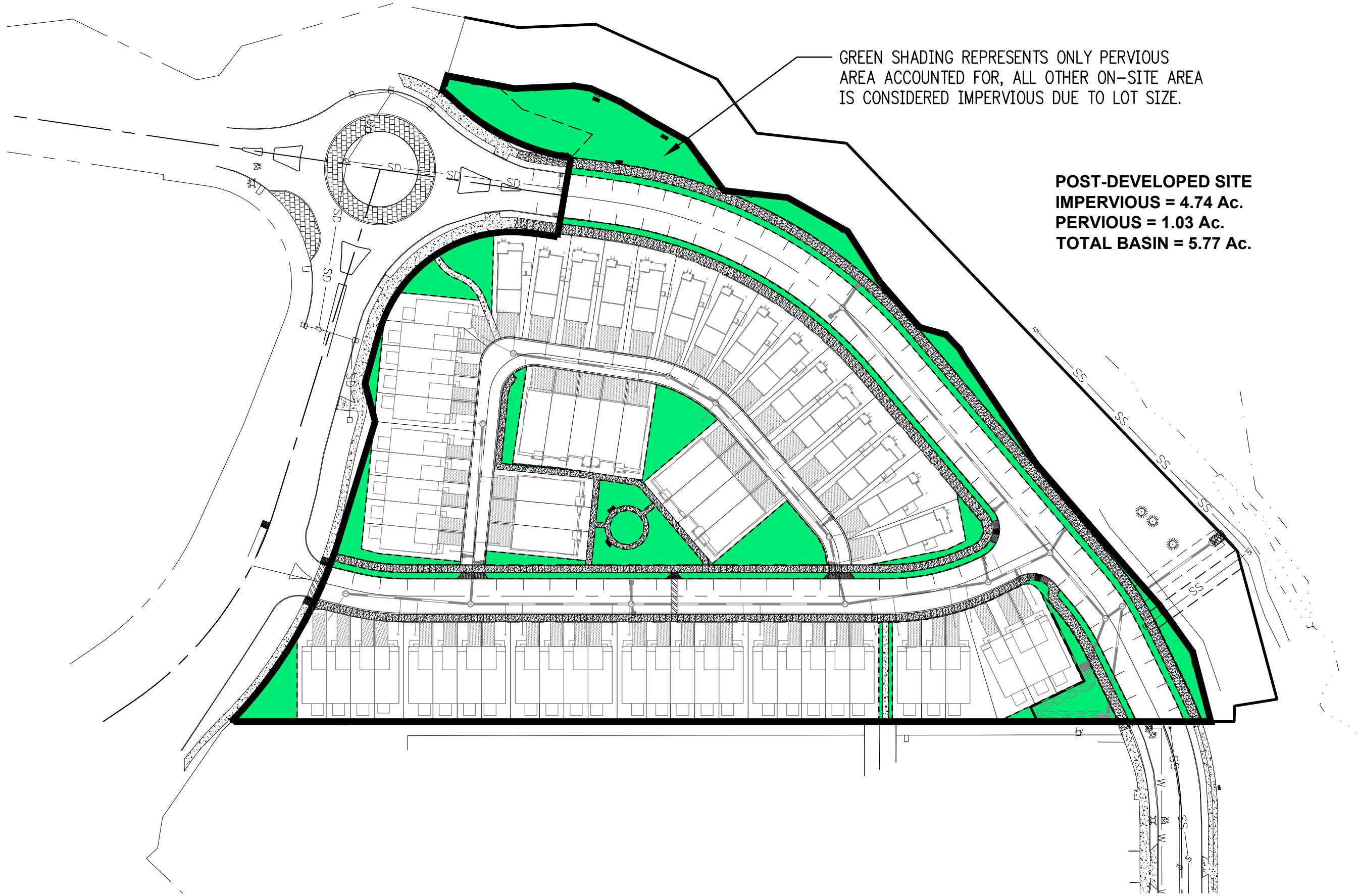
10.5% Group B
89.5% Group C

PRE-DEVELOPED SITE
 IMPERVIOUS = 0.00 Ac.
 PERVIOUS = 5.77 Ac.
 TOTAL BASIN = 5.77 Ac.

EX. TC PATH, L=587'

PRE-DEVELOPED BASIN MAP

PROJECT NO. 150-005
 ORIG. DATE: 7/19/2014
 DRAWN BY:
 SHEET No.



GREEN SHADING REPRESENTS ONLY PERVIOUS AREA ACCOUNTED FOR, ALL OTHER ON-SITE AREA IS CONSIDERED IMPERVIOUS DUE TO LOT SIZE.

**POST-DEVELOPED SITE
IMPERVIOUS = 4.74 Ac.
PERVIOUS = 1.03 Ac.
TOTAL BASIN = 5.77 Ac.**

**PROJECT NO. 150-005
ORIG. DATE: 7/19/2014
DRAWN BY:
SHEET No.**

POST-DEVELOPED BASIN MAP

EMERIO
Design
8285 SW NIMBUS AVE. SUITE 180
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 639-9592
www.emeriodesign.com

IMPERVIOUS AREA SUMMARY

Pre-Developed Areas

Imp-Areas	Gravel/Curbs/Pavement	0 sf	0.00 Ac.
Per-Areas	Bare Soil	251,331 sf	5.77 Ac.
Total		251,331 sf	5.77 Ac.

Post-Developed Areas

Imp-Areas	Lot Area\Streets\Sidewalks	206,544 sf	4.74 Ac.
Per-Areas	Proposed Landscape	44,787 sf	1.03 Ac.
Total		251,331 sf	5.76 Ac.

Existing Impervious Area	0 sf	0.00 Ac.
% Impervious		0.0%
Proposed Impervious Area	206,544 sf	4.74 Ac.
% Impervious		82.2%
Total Shed Area	251,331 sf	5.77 Ac.

WATER QUALITY SWALE CALCULATION

REFERENCES:

1. Clean Water Services R&O 07-20

REQUIRED WATER QUALITY TREATMENT: 65% Phosphorus Removal.

PROPOSED TREATMENT METHODS:

1. Sumped Catch Basins	15%
2. Bio-Filtration Swale	50%
total	65%

DESIGN STORM:

Precipitation:	0.36 inches
Storm Duration:	4 hours
Storm Return Period:	96 hours
Storm Window:	2 weeks

IMPERVIOUS AREA:

Watershed Area:	5.77 acres
Percent imp:	82.18 %
Impervious Area:	4.74 acres

Design Inflow = (4.74 ac)*(43560 ft²/ac)*(0.36 in / 4.0 hrs) = **0.43 cfs**

BIOFILTRATION SWALE DESIGN CRITERIA:

Max Velocity:	0.9 ft/s
Side Slopes:	4 :1 (treatment area)
Base:	2 feet (2' min)
n Factor:	0.24 (plantings)

SWALE CHARACTERISTICS:

Q=	0.43 Design Storm Discharge (determined above)
N=	0.24 Plantings
B=	3 ft Base width of channel
Z=	4 :1 Side slopes
SLOPE=	0.005 ft/ft Slope of channel (0.005 minimum)
ASS. Y=	0.5 ft Assumed depth to begin analysis (0.5 ft maximum)

ITERATIVE SOLUTION OF MANNING'S EQUATION FOR NORMAL DEPTH:

ITERATION	Y (FT)	P (FT)	A (FT ²)	R	Q (CFS)	% ERROR	V (FPS)
1	0.50	7.12	2.50	0.35	0.55	26.99	0.22
2	0.43	6.52	2.01	0.31	0.40	-6.61	0.20
3	0.45	6.68	2.14	0.32	0.44	1.91	0.21
4	0.44	6.63	2.10	0.32	0.43	-0.53	0.20
5	0.44	6.65	2.11	0.32	0.43	0.15	0.20
6	0.44	6.64	2.11	0.32	0.43	-0.04	0.20
7	0.44	6.64	2.11	0.32	0.43	0.01	0.20
8	0.44	6.64	2.11	0.32	0.43	0.00	0.20
9	0.44	6.64	2.11	0.32	0.43	0.00	0.20
10	0.44	6.64	2.11	0.32	0.43	0.00	0.20
11	0.44	6.64	2.11	0.32	0.43	0.00	0.20
12	0.44	6.64	2.11	0.32	0.43	0.00	0.20
13	0.44	6.64	2.11	0.32	0.43	0.00	0.20
14	0.44	6.64	2.11	0.32	0.43	0.00	0.20
15	0.44	6.64	2.11	0.32	0.43	0.00	0.20

NORMAL DEPTH =	0.44 ft	(Normal depth must be 0.5' or less)
FLOW WIDTH =	6.53 ft	
VELOCITY =	0.20 ft/s	
TREATMENT TIME =	9.00 min	

TREATMENT LENGTH = 110.23 ft

STORMWATER CONVEYANCE CALCULATIONS

Onsite

Design Storm: 25 YR
 Storm Duration: 24 HRS
 Precipitation: 3.9 IN
 Manning's "n": 0.013

LINE	INC. AREA (AC)	AREA TOTAL (AC)	% IMP.	AREA PERV. (AC)	CN PER.	AREA IMP. (AC)	CN IMP.	TIME (MIN)	Q (CFS)	PIPE SIZE (IN)	SLOPE (FT/FT)	Qf (CFS)	Q/Qf (%)	Vf (FPS)	V/Vf (%)	ACTUAL V (FPS)	LENGTH (FT)	INC. TIME (MIN)
Total Site																		
Min Slope for a 12" Pipe	0	5.77	82.18	1.03	74	4.74	98	9.09	4.72	12	0.0200	5.05	93.4%	6.4	1.134	7.30	20.00	0.05

Appendix D
Hydrocad Analysis for SBUH Hydrographs

150-005-cedar brook

Prepared by Emerio Design, LLC

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7/20/2014

Area Listing (all nodes)

<u>Area (acres)</u>	<u>CN</u>	<u>Description (subcats)</u>
0.108	61	>75% Grass cover, Good, HSG B (2S)
0.610	69	50-75% Grass cover, Fair, HSG B (1S,1S)
0.922	74	>75% Grass cover, Good, HSG C (2S)
5.160	79	50-75% Grass cover, Fair, HSG C (1S,1S)
4.740	98	Impervious Lot and Street Area (2S)
<hr/>		
11.540		

150-005-cedar brook

Type IA 24-hr 2-Year Rainfall=2.50"

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7/20/2014

Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points

Runoff by SBUH method, Split Pervious/Imperv.

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1S: Existing Site

Runoff Area=5.770 ac Runoff Depth>0.63"

Flow Length=587' Tc=29.4 min CN=78/0 Runoff=0.53 cfs 0.303 af

Subcatchment 2S: Developed Site

Runoff Area=5.770 ac Runoff Depth>1.59"

Flow Length=736' Slope=0.0044 '/ Slope=0.0044 '/ Tc=9.1 min CN=73/98 Runoff=2.69 cfs 0.766 af

Total Runoff Area = 11.540 ac Runoff Volume = 1.070 af Average Runoff Depth = 1.11"
58.93% Pervious Area = 6.800 ac 41.07% Impervious Area = 4.740 ac

150-005-cedar brook

Prepared by Emerio Design, LLC

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Type IA 24-hr 2-Year Rainfall=2.50"

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7/20/2014

Subcatchment 1S: Existing Site

Runoff = 0.53 cfs @ 8.19 hrs, Volume= 0.303 af, Depth> 0.63"

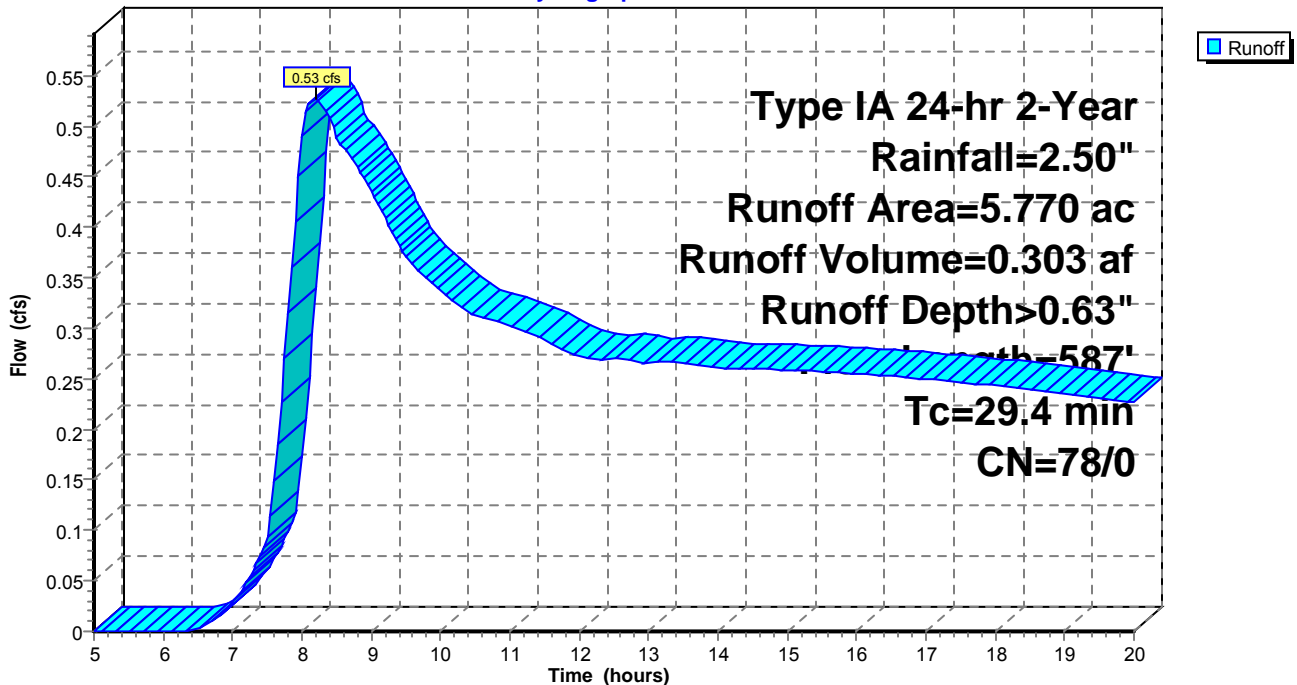
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type IA 24-hr 2-Year Rainfall=2.50"

Area (ac)	CN	Description
0.070	69	50-75% Grass cover, Fair, HSG B
0.540	69	50-75% Grass cover, Fair, HSG B
4.570	79	50-75% Grass cover, Fair, HSG C
0.590	79	50-75% Grass cover, Fair, HSG C
5.770	78	Weighted Average
5.770	78	Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
26.2	300	0.0157	0.19		Sheet Flow, Sheet Flow (1st 300) Range n= 0.130 P2= 2.50"
3.2	287	0.0339	1.47		Shallow Concentrated Flow, Shallow Concentrated Flow Kv= 8.0 fps
29.4	587	Total			

Subcatchment 1S: Existing Site

Hydrograph



Subcatchment 2S: Developed Site

Runoff = 2.69 cfs @ 7.98 hrs, Volume= 0.766 af, Depth> 1.59"

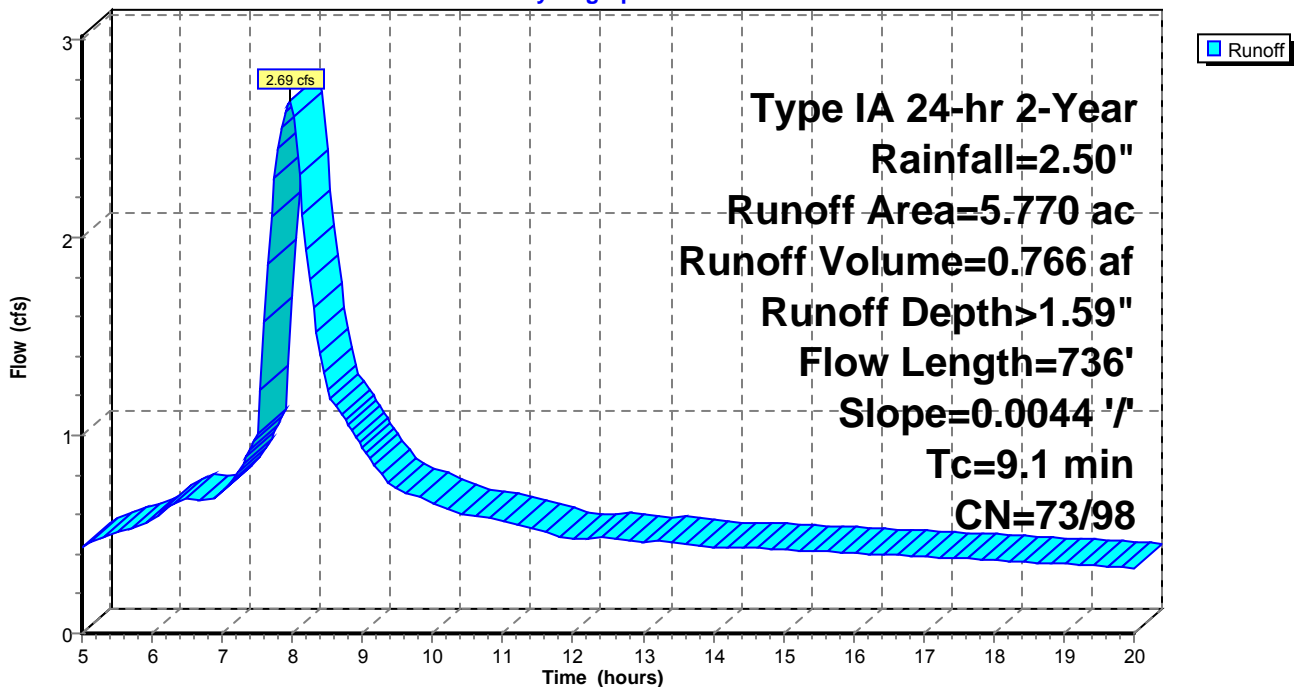
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type IA 24-hr 2-Year Rainfall=2.50"

Area (ac)	CN	Description
4.740	98	Impervious Lot and Street Area
0.108	61	>75% Grass cover, Good, HSG B
0.922	74	>75% Grass cover, Good, HSG C
5.770	93	Weighted Average
1.030	73	Pervious Area
4.740	98	Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, Catchment Time
4.1	736	0.0044	3.01	2.36	Circular Channel (pipe), Diam= 12.0" Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.013 Concrete sewer w/manholes & inlets
9.1	736	Total			

Subcatchment 2S: Developed Site

Hydrograph



150-005-cedar brook

Type IA 24-hr 10-Year Rainfall=3.45"

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Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points

Runoff by SBUH method, Split Pervious/Imperv.

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1S: Existing Site

Runoff Area=5.770 ac Runoff Depth>1.20"

Flow Length=587' Tc=29.4 min CN=78/0 Runoff=1.23 cfs 0.579 af

Subcatchment 2S: Developed Site

Runoff Area=5.770 ac Runoff Depth>2.29"

Flow Length=736' Slope=0.0044 '/' Tc=9.1 min CN=73/98 Runoff=3.89 cfs 1.099 af

Total Runoff Area = 11.540 ac Runoff Volume = 1.678 af Average Runoff Depth = 1.75"
58.93% Pervious Area = 6.800 ac 41.07% Impervious Area = 4.740 ac

Subcatchment 1S: Existing Site

Runoff = 1.23 cfs @ 8.09 hrs, Volume= 0.579 af, Depth> 1.20"

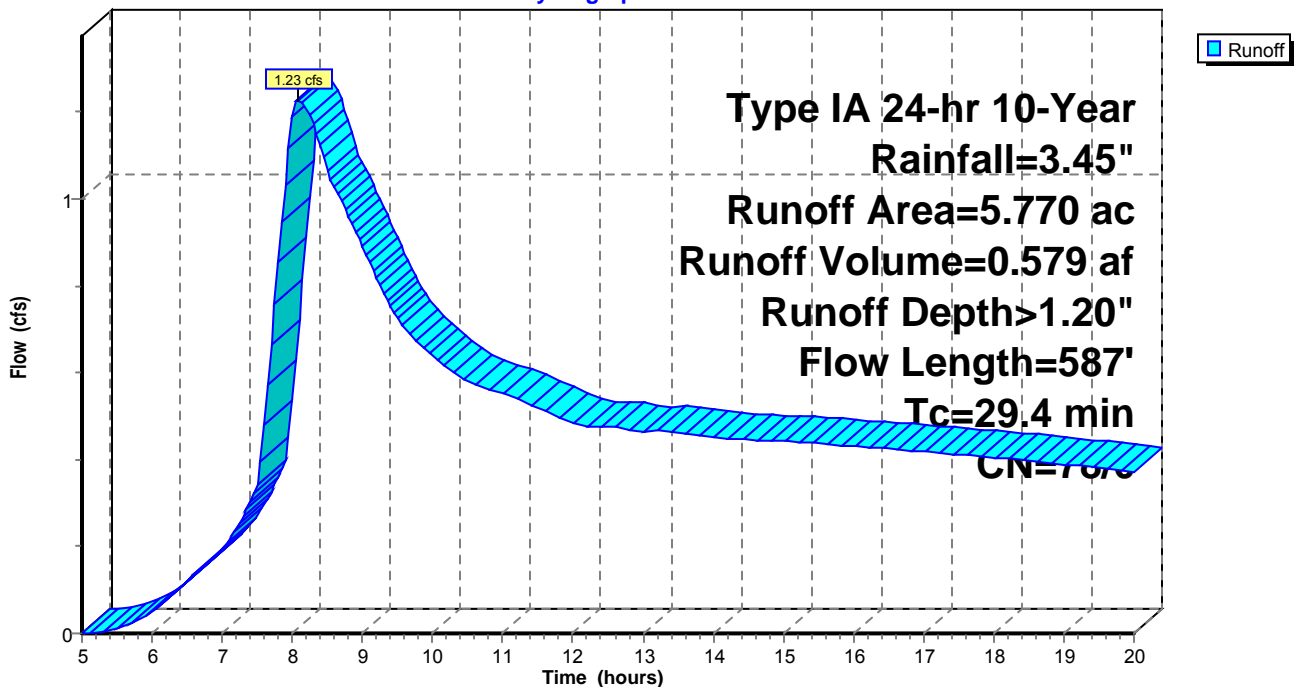
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type IA 24-hr 10-Year Rainfall=3.45"

Area (ac)	CN	Description
0.070	69	50-75% Grass cover, Fair, HSG B
0.540	69	50-75% Grass cover, Fair, HSG B
4.570	79	50-75% Grass cover, Fair, HSG C
0.590	79	50-75% Grass cover, Fair, HSG C
5.770	78	Weighted Average
5.770	78	Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
26.2	300	0.0157	0.19		Sheet Flow, Sheet Flow (1st 300) Range n= 0.130 P2= 2.50"
3.2	287	0.0339	1.47		Shallow Concentrated Flow, Shallow Concentrated Flow Kv= 8.0 fps
29.4	587	Total			

Subcatchment 1S: Existing Site

Hydrograph



Subcatchment 2S: Developed Site

Runoff = 3.89 cfs @ 7.98 hrs, Volume= 1.099 af, Depth> 2.29"

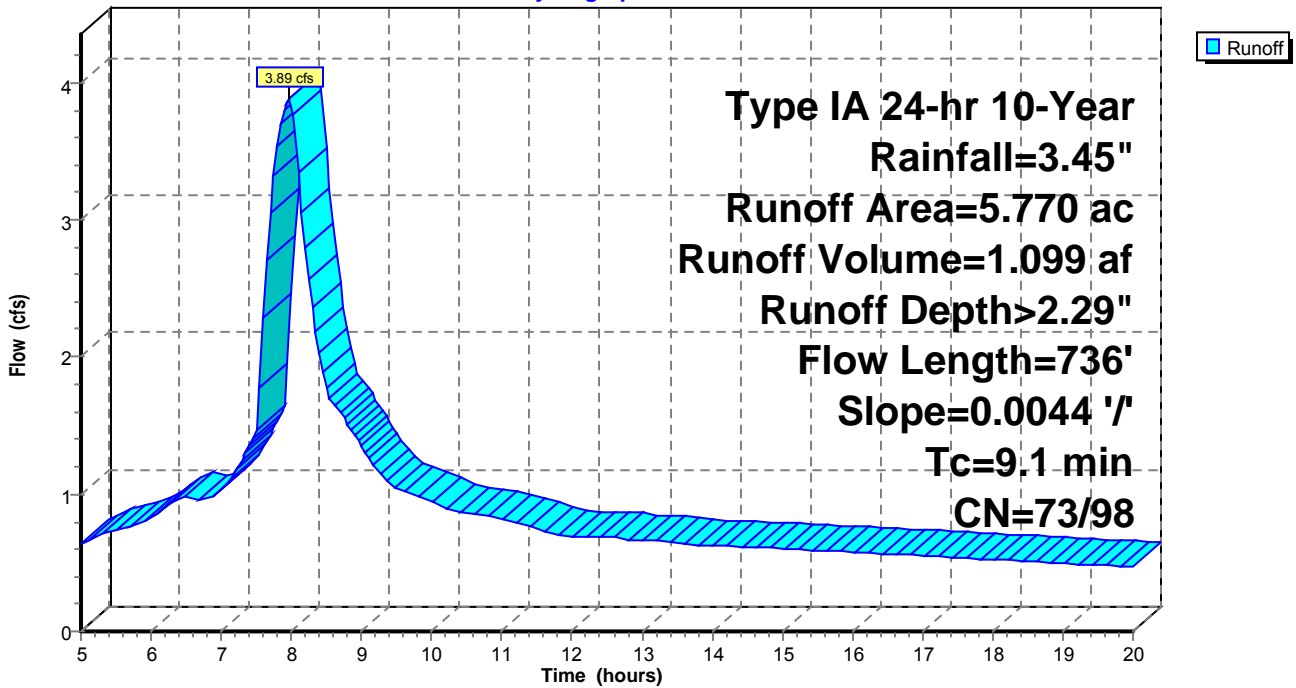
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type IA 24-hr 10-Year Rainfall=3.45"

Area (ac)	CN	Description
4.740	98	Impervious Lot and Street Area
0.108	61	>75% Grass cover, Good, HSG B
0.922	74	>75% Grass cover, Good, HSG C
5.770	93	Weighted Average
1.030	73	Pervious Area
4.740	98	Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, Catchment Time
4.1	736	0.0044	3.01	2.36	Circular Channel (pipe), Diam= 12.0" Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.013 Concrete sewer w/manholes & inlets
9.1	736	Total			

Subcatchment 2S: Developed Site

Hydrograph



150-005-cedar brook

Type IA 24-hr 25-Year Rainfall=3.90"

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Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points

Runoff by SBUH method, Split Pervious/Imperv.

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1S: Existing Site

Runoff Area=5.770 ac Runoff Depth>1.51"

Flow Length=587' Tc=29.4 min CN=78/0 Runoff=1.61 cfs 0.724 af

Subcatchment 2S: Developed Site

Runoff Area=5.770 ac Runoff Depth>2.62"

Flow Length=736' Slope=0.0044 '/ Slope=0.0044 ' Tc=9.1 min CN=73/98 Runoff=4.46 cfs 1.259 af

Total Runoff Area = 11.540 ac Runoff Volume = 1.983 af Average Runoff Depth = 2.06"
58.93% Pervious Area = 6.800 ac 41.07% Impervious Area = 4.740 ac

Subcatchment 1S: Existing Site

Runoff = 1.61 cfs @ 8.07 hrs, Volume= 0.724 af, Depth> 1.51"

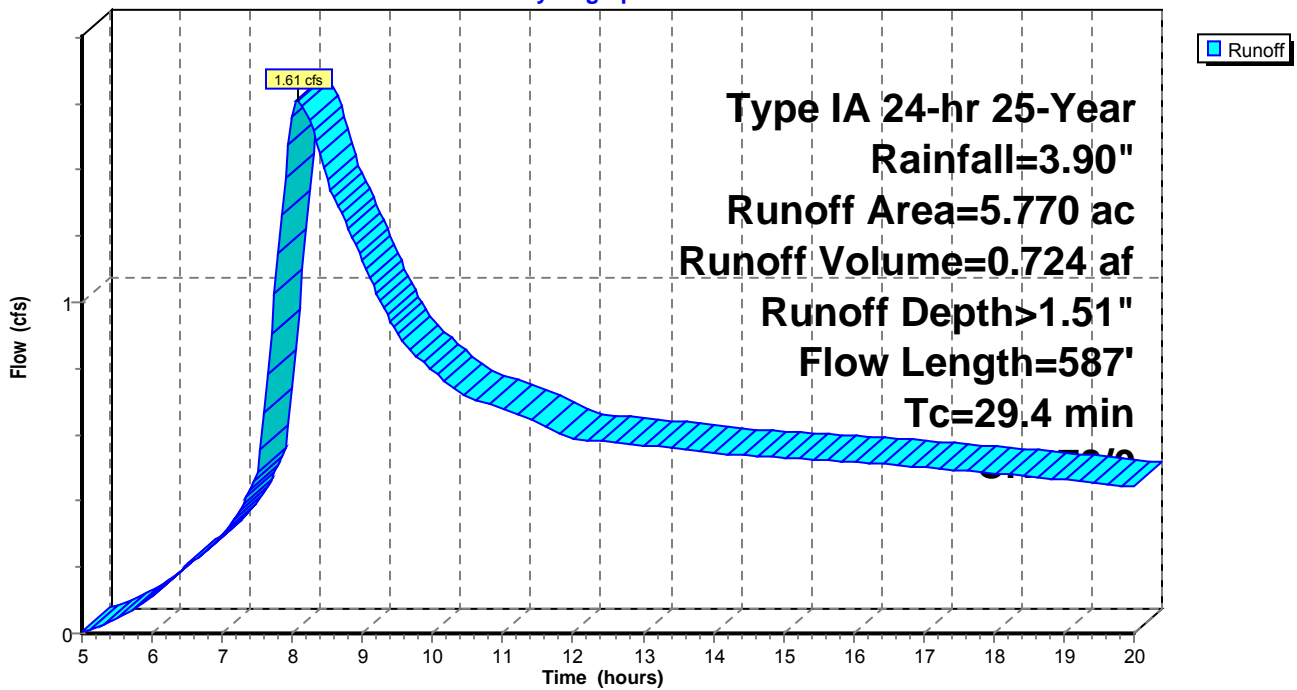
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type IA 24-hr 25-Year Rainfall=3.90"

Area (ac)	CN	Description
0.070	69	50-75% Grass cover, Fair, HSG B
0.540	69	50-75% Grass cover, Fair, HSG B
4.570	79	50-75% Grass cover, Fair, HSG C
0.590	79	50-75% Grass cover, Fair, HSG C
5.770	78	Weighted Average
5.770	78	Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
26.2	300	0.0157	0.19		Sheet Flow, Sheet Flow (1st 300) Range n= 0.130 P2= 2.50"
3.2	287	0.0339	1.47		Shallow Concentrated Flow, Shallow Concentrated Flow Kv= 8.0 fps
29.4	587	Total			

Subcatchment 1S: Existing Site

Hydrograph



Subcatchment 2S: Developed Site

Runoff = 4.46 cfs @ 7.98 hrs, Volume= 1.259 af, Depth> 2.62"

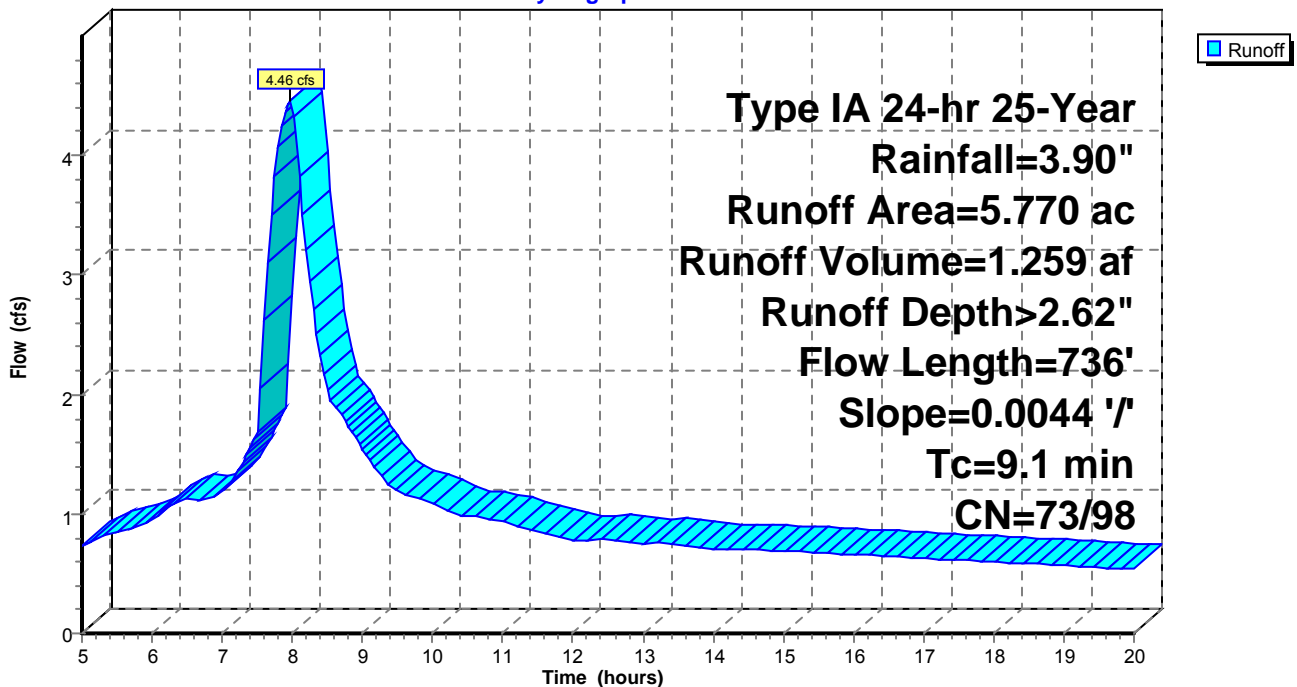
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type IA 24-hr 25-Year Rainfall=3.90"

Area (ac)	CN	Description
4.740	98	Impervious Lot and Street Area
0.108	61	>75% Grass cover, Good, HSG B
0.922	74	>75% Grass cover, Good, HSG C
5.770	93	Weighted Average
1.030	73	Pervious Area
4.740	98	Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, Catchment Time
4.1	736	0.0044	3.01	2.36	Circular Channel (pipe), Diam= 12.0" Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.013 Concrete sewer w/manholes & inlets
9.1	736	Total			

Subcatchment 2S: Developed Site

Hydrograph



150-005-cedar brook

Type IA 24-hr 100-Year Rainfall=4.50"

Prepared by Emerio Design, LLC

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HydroCAD® 8.00 s/n 004804 © 2006 HydroCAD Software Solutions LLC

7/20/2014

Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points

Runoff by SBUH method, Split Pervious/Imperv.

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1S: Existing Site

Runoff Area=5.770 ac Runoff Depth>1.93"

Flow Length=587' Tc=29.4 min CN=78/0 Runoff=2.15 cfs 0.926 af

Subcatchment 2S: Developed Site

Runoff Area=5.770 ac Runoff Depth>3.07"

Flow Length=736' Slope=0.0044 '/' Tc=9.1 min CN=73/98 Runoff=5.24 cfs 1.474 af

Total Runoff Area = 11.540 ac Runoff Volume = 2.400 af Average Runoff Depth = 2.50"

58.93% Pervious Area = 6.800 ac 41.07% Impervious Area = 4.740 ac

Subcatchment 1S: Existing Site

Runoff = 2.15 cfs @ 8.07 hrs, Volume= 0.926 af, Depth> 1.93"

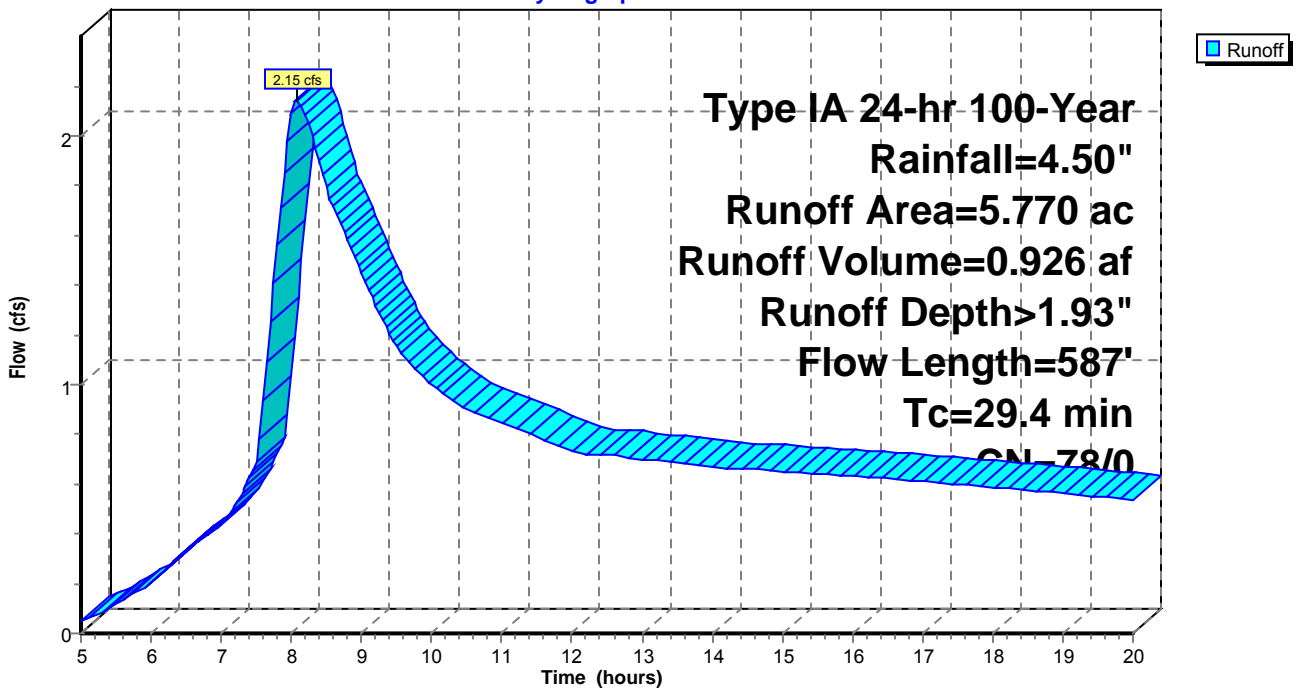
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type IA 24-hr 100-Year Rainfall=4.50"

Area (ac)	CN	Description
0.070	69	50-75% Grass cover, Fair, HSG B
0.540	69	50-75% Grass cover, Fair, HSG B
4.570	79	50-75% Grass cover, Fair, HSG C
0.590	79	50-75% Grass cover, Fair, HSG C
5.770	78	Weighted Average
5.770	78	Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
26.2	300	0.0157	0.19		Sheet Flow, Sheet Flow (1st 300) Range n= 0.130 P2= 2.50"
3.2	287	0.0339	1.47		Shallow Concentrated Flow, Shallow Concentrated Flow Kv= 8.0 fps
29.4	587	Total			

Subcatchment 1S: Existing Site

Hydrograph



Subcatchment 2S: Developed Site

Runoff = 5.24 cfs @ 7.98 hrs, Volume= 1.474 af, Depth> 3.07"

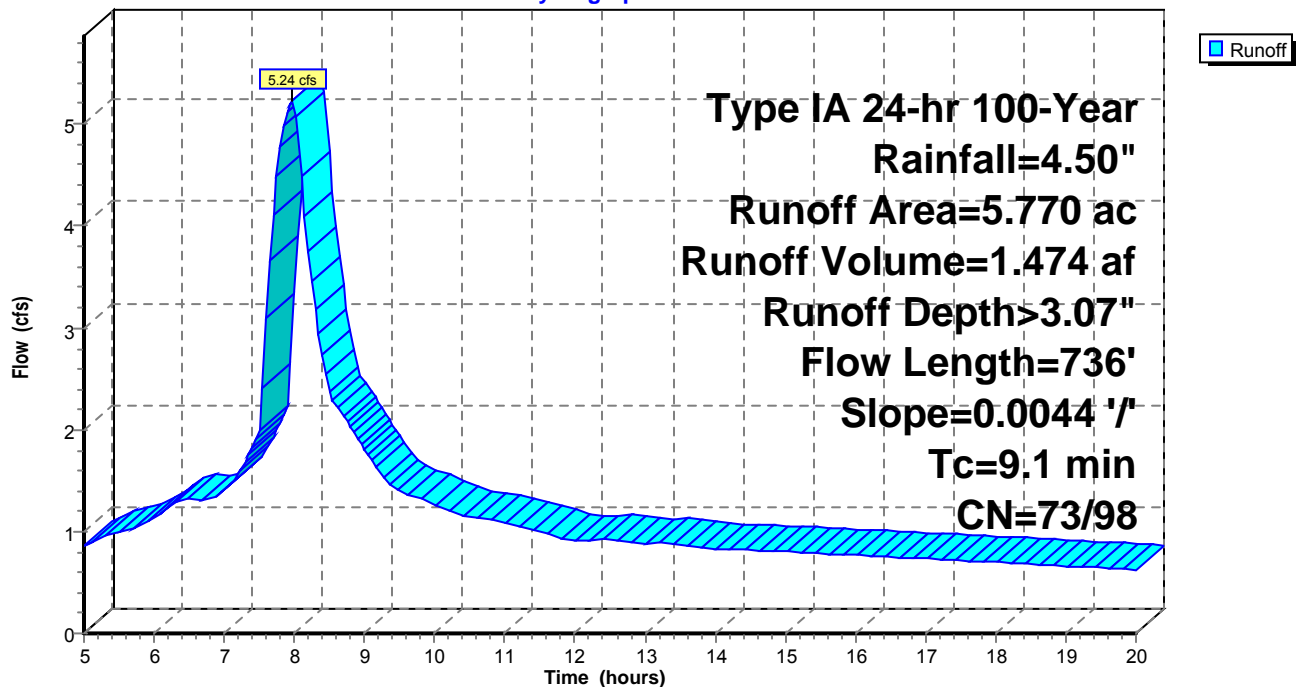
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type IA 24-hr 100-Year Rainfall=4.50"

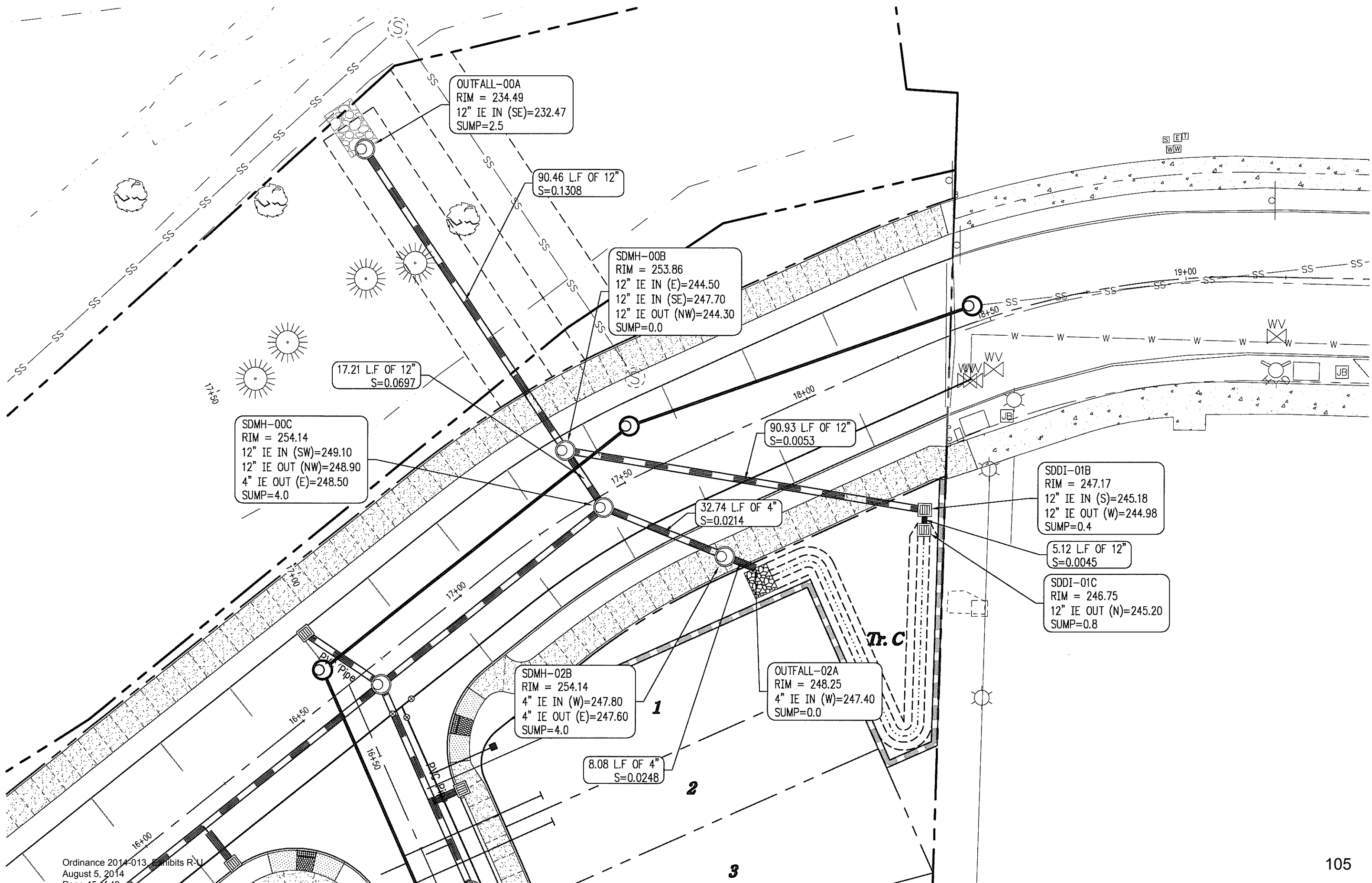
Area (ac)	CN	Description
4.740	98	Impervious Lot and Street Area
0.108	61	>75% Grass cover, Good, HSG B
0.922	74	>75% Grass cover, Good, HSG C
5.770	93	Weighted Average
1.030	73	Pervious Area
4.740	98	Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, Catchment Time
4.1	736	0.0044	3.01	2.36	Circular Channel (pipe), Diam= 12.0" Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.013 Concrete sewer w/manholes & inlets
9.1	736	Total			

Subcatchment 2S: Developed Site

Hydrograph





OUTFALL-00A
RIM = 234.49
12" IE IN (SE)=232.47
SUMP=2.5

90.46 L.F OF 12"
S=0.1308

SDMH-00B
RIM = 253.86
12" IE IN (E)=244.50
12" IE IN (SE)=247.70
12" IE OUT (NW)=244.30
SUMP=0.0

17.21 L.F OF 12"
S=0.0697

SDMH-00C
RIM = 254.14
12" IE IN (SW)=249.10
12" IE OUT (NW)=248.90
4" IE OUT (E)=248.50
SUMP=4.0

90.93 L.F OF 12"
S=0.0053

32.74 L.F OF 4"
S=0.0214

SDDI-01B
RIM = 247.17
12" IE IN (S)=245.18
12" IE OUT (W)=244.98
SUMP=0.4

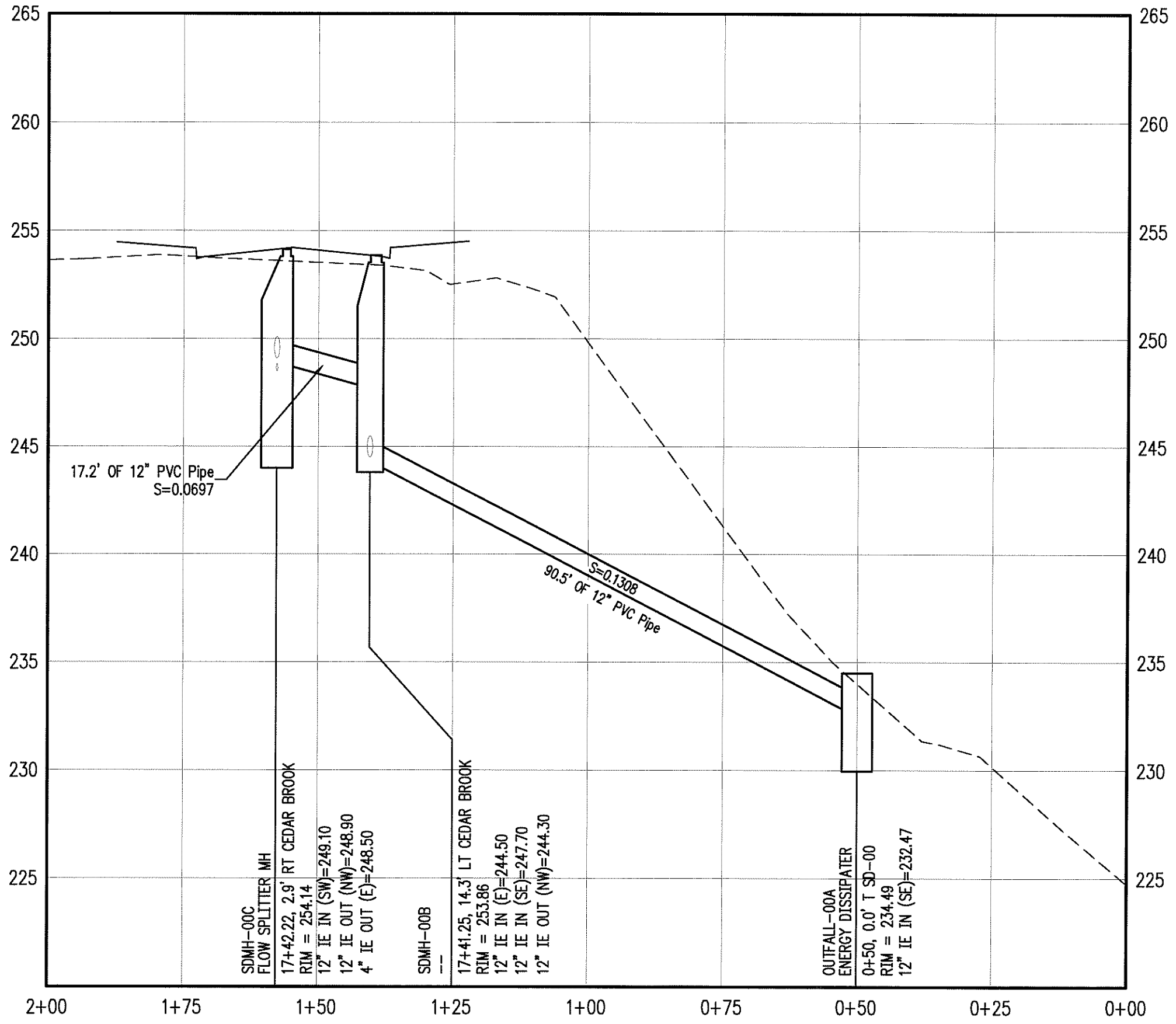
5.12 L.F OF 12"
S=0.0045

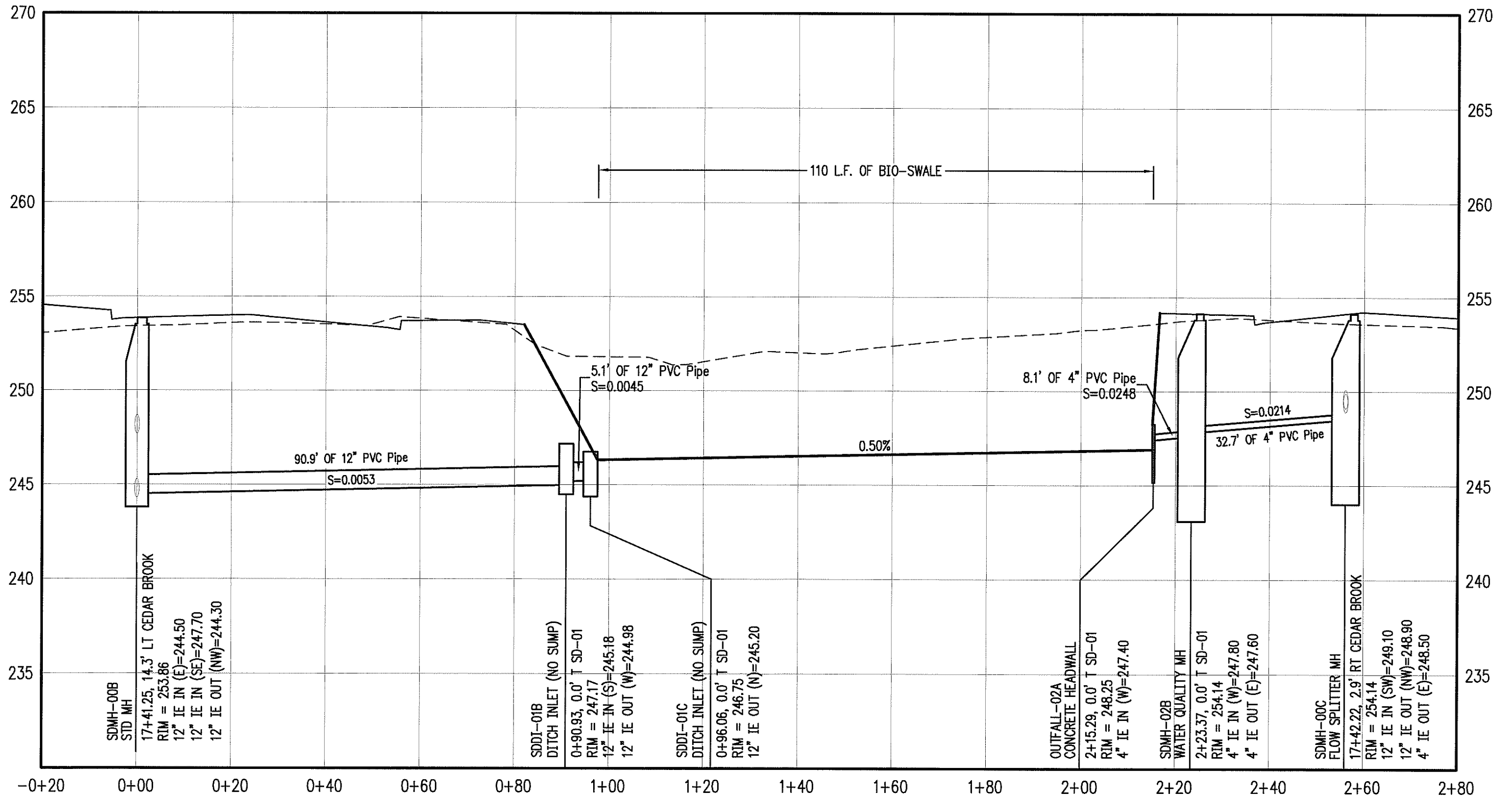
SDDI-01C
RIM = 246.75
12" IE OUT (N)=245.20
SUMP=0.8

SDMH-02B
RIM = 254.14
4" IE IN (W)=247.80
4" IE OUT (E)=247.60
SUMP=4.0

OUTFALL-02A
RIM = 248.25
4" IE IN (W)=247.40
SUMP=0.0

8.08 L.F OF 4"
S=0.0248





Engineering Department Land Use Application Review Comments



To: Brady Kilby, Planning Department Manager
From: Bob Galati PE, City Engineer
Project: Cedar Brook Planned Unit Development (PUD 14-01, SUB 14-01)
Date: July 25, 2014
Item: Revision of Proposed Storm Water Treatment Facility

BACKGROUND

The application for the Cedar Brook Planned Unit Development (PUD) included the proposal to utilize the existing storm water treatment facility constructed as part of Cedar Brook Condo project. The proposal information included hydrologic calculations and schematic plans for increasing the size of the existing facility and resizing of conveyance pipe systems as needed.

Just prior to the City Council meeting of July 15th, the applicant approached the City Engineer with preliminary information regarding a change of plan for providing storm water treatment. The information was provided verbally and with no supporting documentation. The information proposed utilizing Tract C, the small triangular portion of open space land, located at the north corner of the site adjacent to Cedar Brook Way.

The proposed change has merit in that the impact to the existing storm water system and public road infrastructure is eliminated. The issue is whether this change is acceptable to the City Council given the PC has not reviewed the proposal and has not been afforded the opportunity to provide comments or a recommendation.

PUD PROCESS IMPACTS

The impacts to the PUD process are viewed as follows:

1. The open space allocation as reviewed and recommended by the PC was 21 percent, with a 6 percent excess over minimum requirements. Reallocating Tract C into a storm water treatment facility will reduce the open space allocation to 19 percent, a reduction of 2 percent.
 - a. This reallocation was not reviewed by the PC nor is it a part of the PC's recommendation.
 - b. Reallocation of the open space may impact the density calculations for the PUD. This also was not a part of the PC's recommendation.

ENGINEERING REVIEW OF PROPOSED CHANGE

The applicant provided engineering calculations and schematic design drawings of the proposed changes to the storm water treatment system.

1. The engineering calculations are predicated on meeting CWS design standards for the water quality storm event (2-yr/24-hour). Detention is not a CWS requirement so calculations for detention are not included.
2. The calculations provide the physical dimensions for the water treatment system. These physical dimensions also meet CWS requirements for a storm water treatment swale.
3. The schematic drawing(s) provide assurance that the storm water treatment swale is constructible and will be able to fit within the property line limits of Tract C. Certain design elements of the stormwater system will need some minor revisions, but these elements do not affect the initial opinion of constructability and fit.

CONDITIONS OF APPROVAL

Prior to Approval of the Public Improvement Plans

1. That full storm water treatment facility design calculations meeting CWS and City standards, complying with the requirements of the Service Provider Letter issued by CWS dated March 14, 2014, and stamped by an Oregon registered Civil Engineer, are provided and have received review and approval by the City Engineer.

Prior to Approval of the Final Plat

1. That Tract C be either dedicated to the City of Sherwood, or have a Public Storm Water Facility Easement be placed over the Tract in its entirety for the benefit of CWS and the City. That the plat of the subdivision shall indicate the dedication of Tract C to the City, or shall include language establishing a Public Storm Water Facility Easement over Tract C for the benefit of CWS and the City.

End of Engineering Land Use Review Comments



ORDINANCE 2014-013

APPROVING A PLANNED UNIT DEVELOPMENT (PUD) TO BE KNOWN AS CEDAR BROOK PLANNED UNIT DEVELOPMENT INCLUDING APPLICATION OF A PLANNED UNIT DEVELOPMENT OVERLAY ON THE COMPREHENSIVE PLAN AND ZONE MAP AND APPROVING THE SIXTY-FIVE LOT SUBDIVISION

WHEREAS, the applicant, DR Horton, requested a planned unit development and subdivision approval with the ultimate goal of developing an sixty-five lot residential development near the intersection of SW Meinecke and SW Cedar Brook Way in Sherwood; and

WHEREAS, the subdivision would dedicate right of way, provide a needed housing type, have areas of open space, and new trails that connect with the existing trail system benefiting the neighborhood and Sherwood as a whole; and

WHEREAS, the planned unit development approval would allow the applicant some flexibility in standards; and

WHEREAS, the decision is a quasi-judicial land use decision subject to the following criteria: Zoning and Community Development Code Sections: 16.12 (High Density Residential), 16.40 (PUD), 16.44 (Townhomes); 16.92 (Landscaping); 16.94 (Off Street Parking), 16.96 (On-site Circulation), Division VI (Public Improvements), 16.122 (Subdivisions), 16.126 (Land Division Design Standards), 16.142 (Parks and Open Space)

WHEREAS, the Planning Commission held two public hearings on June 10, 2014 and June 24, 2014 to take testimony and consider the proposed planned unit development and subdivision and made a recommendation of approval with conditions on June 24, 2014; and

WHEREAS, the City Council held public hearings on July 15, and August 5, 2014 to take public testimony and deliberate; and

WHEREAS, the Sherwood City Council has received the proposal materials, the Planning Commission recommendation including all exhibits entered into the record (PUD 14-01/SUB 14-01), and after considering the applicable criteria, the Planning Commission recommendation, applicant testimony, public testimony and all documents in the land use record, the City Council determined that the PUD as conditioned meets the applicable criteria.

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

Section 1. Commission Review & Public Hearings. The application for a planned unit development and subdivision of one parcel specifically identified as Tax Map 2S130CD13400. was subject to full and proper review and public hearings were held before the Planning Commission on June 10 and June 24, 2014 and the City Council on July 15, and August 5, 2014.

Section 2. Findings. After full and due consideration of the proposal, the Planning Commission recommendation, applicant testimony, public testimony, applicant rebuttal and all documents included in the land use record, the City Council finds that the proposed PUD as conditioned meets the applicable criteria including all local, regional and state requirements. The findings of fact relied upon by the City are attached to this Ordinance as Exhibit 1. The full and complete record, including Exhibits A-U is attached to the staff reports for reference.

Section 3. Approval.

- A. The Planned Unit Development and subdivision is approved as described and conditioned in the Planning Commission Recommendation attached as Exhibit 1.
- B. The Plan and Zone Map shall be updated to reflect the approved PUD overlay applied to the parcels identified as Tax Map 2S130CD13400.

Section 4. Manager Authorized. The Planning Manager is hereby directed to take such action as may be necessary to document and implement this ordinance.

Section 5. Effective Date. This ordinance shall become effective the 30th day after its final adoption by the City Council and signature of the Mayor. Duly approved by the City Council and signed by the Mayor this 5th day of August 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

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

CITY OF SHERWOOD

Date: July 3, 2014

**Planning Commission Recommendation to the City Council
 Cedar Brook Planned Unit Development
 PUD 14-01 and SUB 14-01**

Pre App. Meeting: December 16, 2013
 Application Submitted: March 6, 2014
 Application Complete: April 21, 2014
 120-Day Deadline: August 21, 2014
 Public Hearings: June 10 and 24, 2014

Recommendation of the Planning Commission

The Planning Commission held two public hearings on June 10, and June 24, 2014 to take testimony and consider the proposed planned unit development and subdivision. After considering the staff report, applicant testimony and public comments, the Commission recommends approval of the plan with conditions. The Planning Commission considered the areas of open space, the adequacy of parking and the site layout in their recommendation to approve the sixty-five lot planned unit development. The Commission found that the applicant adequately addressed the parking needs for the development, provided areas of open space, and supplied a unique housing type for Sherwood. The applicant is in agreement with this recommendation to Council.

Proposal: The applicant proposes to subdivide a 5.77-acre parcel into sixty-six lots just northwest of Highway 99W and north of SW Meinecke in the High Density Residential (HDR) zone. The applicant proposes the following housing types with corresponding lot size.

NOTE: Since the initial submittal, the applicant amended the site layout causing a reduction of one lot in the proposal for an amended total of sixty-five lots and staff has incorporated the amended number of lots in this recommendation to Council.

Lot Numbers	Housing Type Description	Number of Units	Dwelling Unit Size (square feet)	Lot size range (square feet)	Number of Onsite Parking spaces including Garages per unit
1-38	Two-story townhome with one car garage in front	38	1,500	1,610 – 2,552	38 garage and 38 driveway spaces
39-53	Two-story single family detached with rear loaded garage	15	1,304-1,392	2,374 - 3,245	30 garage and 30 driveway spaces
54-65	Two-story townhome with two car alley-loaded garage	12	1,400	1,600-1,974	24 garage and 24 driveway spaces

The applicant proposes a planned unit development (PUD) in order to develop an alternative housing type within this zone and meet the minimum high-density residential requirements of 16.8-24 dwelling units per acre. The applicant proposes single-family attached homes on individual lots that would be less than 5,000 square feet. The applicant proposes 21% of the site for open space in order to comply with the planned unit development requirements. The applicant proposes full street improvements, extending SW Cedar Brook Way, an additional street (Street A) through the development north/south and a private alley. Along with the onsite parking spaces, the applicant provides for 79 on street parking spaces for 263 parking spaces within the development or four parking spaces per unit.

In order to develop the site in this manner, the applicant proposes deviation from multiple Sherwood Zoning and Development Code provisions as considered within this application including setbacks, minimum lot size, lot dimensions, and street design and configurations.

I. APPLICATION INFORMATION

A. Applicant DR Horton Inc.-Portland Division
4380 SW Macadam Avenue, Suite 100
Portland OR 97239
Contact: Steven Miller

Applicant's Engineer Emerio Design
6900 SW 105th Avenue
Beaverton OR 97008

- B. Location:** Washington County Tax Map 2S130CD13400. The property is at the northeastern intersection of SW Cedar Brook Road and Meinecke Parkway
- C. Parcel Sizes:** 5.77 acres total including area for the Cedar Brook Way extension
- D. Existing Development and Site Characteristics:** The site is vacant with a vegetated corridor along the western and northern edges of the property line. The vegetated corridor is approximately fifty feet in most places and slopes to the western edge of the site into the vegetated corridor. Nine trees are to remain within this corridor. The rest of the site is vacant and level. SW Meinecke Parkway, a fully developed roadway extends to the roundabout at the intersection of SW Meinecke Parkway and SW Cedar Brook Way with sidewalks to the roundabout.
- E. Site History:** Historically, the site was farmed until approximately 2000. It sat vacant for a number of years when the site was initially part of a three-lot minor land partition, Cedar Brook Way MLP (05-05), which was approved in 2005. When the Oregon Department of Transportation (ODOT), in cooperation with the City constructed the western extension of SW Meinecke Parkway terminating in a traffic roundabout at SW Cedar Brook Way, tax lots 100 and 101 were physically created with the road separating them. Those three lots were zoned General Commercial (GC). Two of those lots have office buildings currently constructed on their property. In 2013, the applicant received approval of a zone change of this property from General Commercial to High Density Residential. (PA 13-04 Brownstone Text Amendment)

- F. Zoning Classification and Comprehensive Plan Designation:** The site has been recently rezoned to High Density Residential (HDR), suitable for residential development.
- G. Adjacent Zoning and Land Use:** Land to the east is zoned High Density Residential (HDR) and developed with multifamily housing. Land to the south and across SW Meinecke is zoned GC, and developed with two separate office buildings. To the west and across the vegetated corridor buffer, is a residential subdivision with single-family homes zoned low-density residential, planned unit development (LDR-PUD). The subdivision is Wyndham Ridge.
- H. Land Use Review:** The Planned Unit Development Conceptual Plan is a Type V decision with the City Council as the approval authority after recommendation by the Planning Commission. A sixty-five-lot subdivision is generally a Type IV review; however it is being processed concurrent with the PUD. An appeal of the City Council decision would go to the Land Use Board of Appeals (LUBA).

After PUD conceptual plan approval, the development of individual phases must receive detailed final development plan approval. The detailed final development plan requires Planning Commission review and approval and ensures compliance with any conditions of conceptual approval as well as applicable community design standards, etc. The code is not clear regarding the process and past practice dictates that the final plan and site plan are processed concurrently and heard by the Planning Commission (regardless of development size) with no additional fee beyond the site plan fee.

- I. Neighborhood Meeting:** The applicant held a neighborhood meeting on February 6, 2014. No citizens attended this meeting. (Exhibit A, Applicant's submittal)
- J. Public Notice:** Notice of this land use application was posted at the site on May 17, 2014 and in five public locations throughout the City on May 21, 2014. Notice was also mailed to property owners within 1,000 feet of the site and any other party who expressed an interest in receiving mailed notice on May 21, 2014 in accordance with § 16.72.020 of the Sherwood Zoning and Community Development Code (SZCDC). Notice was also published in the Sherwood Gazette newspaper on June 1, 2014 and scheduled for publication in The Times on June 5, 2014.
- K. Review Criteria:** Zoning and Community Development Code Sections 16.12 (HDR), 16.40 (PUD), 16.44 (Townhomes); 16.92 (Landscaping) 16.94 (Off-Street Parking), 16.96 (On-Site Circulation), Division VI (Public Improvements), 16.120 (Subdivisions), 16.128 (Land Division Design Standards), 16.142 (Parks and Open Space)

II. PUBLIC COMMENTS

After notice was sent to property owners within 1,000 feet of the proposal on May 21, 2014, staff received the following comment.

Allison Holden submitted comments via email on May 25, 2014 expressing concern about increasing class size at Edy Ridge and the number of new students that this development could generate. Her comments are attached as **Exhibit B**.

Staff Response: As discussed when the zone change was approved, Oregon law does not allow potential increases in school population to be grounds for approval or denial of an application. The City works with the Sherwood School District in order to assist in forecasting potential school growth within the city limits. Instead, developers pay a tax on their new development to the school district so that they can plan for that growth and the Sherwood School District receives money for each new dwelling

unit that is constructed. On each development proposal, staff sends notice to the Sherwood School District of the project.

III. AGENCY/DEPARTMENTAL COMMENTS

The City requested comments from affected agencies. All original documents are contained in the planning file and are a part of the official record on this case. The following information briefly summarizes those comments:

Sherwood Engineering Department has reviewed the proposal and provided comments which have been incorporated into this report and decision. The City Engineer provided a letter of concurrence with the proposed street design modifications which is included as **Exhibit C**.

Sherwood Broadband: Brad Crawford, IT Director indicated that the applicant install conduit and vaults from the vault on Cedar Brook Way through the extension of Cedar Brook Way.

Clean Water Services provided comments and recommended preliminary conditions which are included as **Exhibit D** to this report.

Tualatin Valley Fire and Rescue (TVF&R) provided comments which are included as **Exhibit E** to this report.

Pride Disposal provided comments which are included as **Exhibit F**.

According to Pride, all of the residents of Street A will be serviced at the front of their home. No parking will be allowed on the east side of the Street A as proposed in order for Pride to access the receptacles. Residents of the alley, (lots 54-65) will need to place the receptacles in the alley. The residents of lots 29-53 may use Meinecke, Cedar Brook Way or the private street, but addresses need to be visible from the street that is proposed.

IV. PLANNED UNIT DEVELOPMENT

The Commission shall review the application pursuant to Chapter 16.72 and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their recommendation based on the following criteria:

A. Chapter 16.40 PLANNED UNIT DEVELOPMENT (PUD)

16.40.010 Purpose

A. PUDs integrate buildings, land use, transportation facilities, utility systems and open space through an overall site design on a single parcel of land or multiple properties under one or more ownerships. The PUD process allows creativity and flexibility in site design and review which cannot be achieved through a strict adherence to existing zoning and subdivision standards.

B. The PUD district is intended to achieve the following objectives:

- 1. Encourage efficient use of land and resources that can result in savings to the community, consumers and developers.**

STAFF ANALYSIS This lot has remained undeveloped since annexation in 2000. The PUD development, if approved will result in sixty-five single-family lots on a 5.77-acre parcel within the City. It is adjacent to existing services and the infrastructure is available to serve this number of units within the City. The applicant proposes to connect Cedar Brook Way in keeping with the intention of the Transportation System Plan. Additionally, the site will be easily accessible to infrastructure connections due to its proximity to existing development.

Currently, there are relatively few buildable residential lots remaining within the City and a limited number of lots with smaller lot sizes, thus providing a unique lot size and housing type for residential development within the City boundaries. The site is surrounded by development on all sides with the infrastructure available to serve this site. The specifications of the infrastructure will be discussed further within this report.

2. Preserve valuable landscape, terrain and other environmental features and amenities as described in the Comprehensive Plan or through site investigations.

STAFF ANALYSIS The developable portion of the site is relative flat with no trees. There is a sloped area off site that is within the vegetated corridor buffer. The roadway will be in between the development and the vegetated corridor buffer thus preserving the environmental features to the fullest extent possible.

3. Provide diversified and innovative living, working or neighborhood shopping environments that take into consideration community needs and activity patterns.

STAFF ANALYSIS The proposed smaller individual lots with reduced setbacks are not as common within Sherwood because the Sherwood Zoning and Development Code provides for a minimum lot size in all zones of at least 5,000 square feet. These homes will provide a more affordable entry level housing type and ownership than may be otherwise available in the competitive Sherwood market.

There are commercial areas directly to the south and across Highway 99W and within walking distance of this proposal. As proposed, the development will have access to several areas of usable open space near and around the site. The applicant has discussed in the narrative the connection to the proposed Cedar Creek Trail and possible future feeder trail connections which would offer the neighborhood a direct connection to the school and parks nearby.

4. Achieve maximum energy efficiency in land uses.

STAFF ANALYSIS: The applicant proposes to extend where needed and connect with the existing main lines and utilize the existing services such as roadway infrastructure and water, sanitary and sewer lines. This promotes energy efficiency in land uses as it is nearby already developed properties. The site is near Highway 99W, a principal arterial and will have access to Highway 99W at the intersection of SW Meinecke and Highway 99W.

5. Promote innovative, pedestrian-friendly, and human scale design in architecture and/or other site features that enhance the community or natural environment. (Ord. 2001-1119 § 1)

STAFF ANALYSIS The applicant has proposed a development that connects with the surrounding neighborhood with sidewalks and pathways. The applicant shows that the neighborhood will connect on a human scale by extending sidewalks on SW Cedar Brook Way between the

neighborhoods. The houses will front Street A, SW Meinecke or Cedar Brook Way with rear alley loaded garages and frontage that will include porches, windows instead of garages in most of the homes. This will provide a seamless pedestrian walkway along the street without curb cuts and driveways intersecting the sidewalks on SW Cedar Brook and SW Meinecke. Cedar Brook Way will abut the open space area with sidewalks on both sides of the street offering unobstructed views of the Cedar Creek corridor and preserving the natural areas for the public.

The applicant includes an architectural pattern book that is comprised of multiple housing type and colors that will be compatible with the existing neighborhood. The applicant includes architectural detail guidelines with dwellings that reflect, "A traditional northwest architectural vernacular best described as simplified interpretation of turn of the century Northwest Craftsman, European or English Cottage styles." These concepts could be further described through the final development plan process.

The applicant is required to provide open space of at least 15 % of the developable area. Overall, the applicant proposes 21% of the area to be open space with two larger areas of approximately 8,992 square feet (Tract K) and 9,749, square feet (Tract E). The remainder is smaller pockets and corners of areas that will be landscaped offering visual amenities to the site. However, it will be difficult to discern the separation from the public realm and private lots with the remaining tracts of open space. The applicant also proposes to serve the overall community with a trail connection from Tract K to the existing trail system to connect with Lady Fern Park north of the Cedar Creek corridor in that subdivision.

16.40.020 Preliminary Development Plan

A. Generally

A PUD Preliminary Development Plan shall be submitted for the review and approval in accordance with Chapter 16.72. PUDs shall be considered: a.) on sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of: natural features such as floodplains, wetlands, and extreme topography, or man-made features, such as parcel configuration and surrounding development; b.) on parcels of land within the Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or c.) in other areas deemed appropriated by Council during the adoption of a concept plan required by a Metro UGB expansion.

The applicant proposes a PUD in order to capitalize on the minimum lot size exemption for HDR Code provisions for this zone that were granted with the zone change and text amendment of PA 13-04 in 2013. The site is constrained due to the wetland nearby, the design of the existing roadway network and the steep slope on the northern boundary of the site. The applicant proposes to integrate the buildings within this development with the surrounding commercial and residential buildings nearby. The property directly to the east, is similarly zoned and used for multifamily residential while the areas to the west are larger lot single family residences. This neighborhood will be a transition from more intensive multifamily to the single family homes to the west.

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

B. Content

The Preliminary Development Plan application shall include the following documentation: Existing conditions map(s) showing: All properties, existing uses, and zoning districts within three hundred (300) feet, topography at five (5) foot intervals, floodplain, significant natural vegetation and features, private and public facilities including but not limited to

utilities, streets, parks, and buildings, historic and cultural resources, property boundaries, lot lines, and lot dimensions and area.

2. Listing of all property owners adjacent to the PUD as per Section 16.72.020, including names and addresses, and a listing of all persons, including names and addresses, with an interest in the property subject to the PUD application.

3. Proposal map(s) showing: Alterations to topography, floodplain, natural vegetation, trees and woodlands, and other natural features, all streets, utility alignments and easements, parks and open space, historic and cultural resources, other public and utility structures, and any other dedicated land features or structures, the parceling, lot consolidation, adjustments, or subdivision of land including basic parcel dimensions and areas, the phasing of the PUD, siting and orientation of proposed new structures, including an identification of their intended use.

4. Narrative describing: the intent of the PUD and how general PUD standards as per this Chapter are met, details of the particular uses, densities, building types and architectural controls proposed, form of ownership, occupancy and responsibility for maintenance for all uses and facilities, trees and woodlands, public facilities to be provided, specific variations from the standards of any underlying zoning district or other provisions of this Code, and a schedule of development.

If the PUD involves the subdivision of land, the proposal shall also include a preliminary subdivision plat and meet all requirements of Chapter 16.122. The preliminary subdivision shall be processed concurrently with the PUD.

Architectural Pattern Book: A compendium of architectural elevations, details, and colors of each building type shall be submitted with any PUD application. The designs shall conform to the site plan urban design criteria in Section 16.90.020(G) or any other applicable standards in this Code. A pattern book shall act as the architectural control for the homeowner's association or the commercial owner. An Architectural Pattern Book shall address the following:

- a. Illustrative areas within the development application covered by the pattern book.
- b. An explanation of how the pattern book is organized, and how it is to be used.
- c. Define specific standards for architecture, color, texture, materials, and other design elements.
- d. Include a measurement or checklist system to facilitate review of the development for conformity with the pattern book.
- e. Include the following information for each building type permitted outright or conditionally proposed in the PUD:

Massing, facades, elevations, roof forms, proportions, materials, and color palette.

(2) Architectural relevance or vernacular to the Pacific Northwest.

(3) Doors, windows, siding, and entrances, including sash and trim details.

(4) Porches, chimneys, light fixtures, and any other unique details, ornamentation, or accents.

(5) A fencing plan with details that addresses the relationship between public space and maintaining individual privacy subject to Section 16.58.020.

The applicant has submitted materials that comply in general with this criterion. They are attached to the staff report as **Exhibit A**. During the course of the final development plan approval phase, should this application be approved, the applicant will need to submit a more comprehensive architectural pattern book describing the building type in greater detail to fully comply with this standard.

FINDING: Based on the above discussion, the applicant has not satisfied this criterion, but can do so with the following condition.

RECOMMENDED CONDITION: Prior to final development plan approval, submit an architectural pattern book that provides an illustrative guide for the development including a measurement or checklist system to facilitate review, include information for each building type that describes massing, facades, elevations, roof forms, proportions, materials and color palette, doors, windows, siding, entrances, porches, light fixtures and other ornamentation, or accents, and a fencing plan that addresses the relationship between public space and maintaining individual privacy subject to § 16.58.020.

C. Commission Review

The Commission shall review the application pursuant to Chapter 16.72 and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their decision based on the following criteria:

- 1. The proposed development is in substantial conformance with the Comprehensive Plan and is eligible for PUD consideration per 16.40.020. A.**

As discussed above, the property was recently rezoned from General Commercial to HDR. During that decision making process, Chapter 3 (Growth Management), Chapter 4 (Residential Land Use and Economic Development) were reviewed in order to determine if the property should be rezoned and in conformance with the Comprehensive Plan. As determined through that process, the high-density residential zoning designation, and in particular the housing types contemplated by the developer within that zone would be compatible with these comprehensive plan policies. The rezone to residential use was adjacent to other residential areas, rather than an independent piece of commercial property would be a beneficial designation for the area. Also, there was limited availability of vacant properties five acre or more zoned high density residential as compared to lower density housing found in greater proportion throughout the City. The policies within the comprehensive plan show the “need for a balance in housing densities, styles, prices and tenures” (Chapter 4, Policy 6 Residential Land Uses) and this housing type satisfies the intention and goal to achieve a variety of type and density in the City’s residential housing stock.

FINDING: Based on the above discussion the applicant can meet this criterion or is able to meet the criterion as conditioned further within this report based on the applicable code provisions.

- 2. The preliminary development plans include dedication of at least 15 percent of the buildable portion of the site to the public in the form of usable open space, park or other public space, (subject to the review of the Parks & Recreation Board) or to a private entity managed by a homeowners association. Alternatively, if the project is located within close proximity to existing public spaces such as parks, libraries or plazas the development plan may propose no less than 5% on-site public space with a detailed explanation of how the proposed development and existing public spaces will together equally or better meet community needs.**

The applicant proposal includes a developable area of 3.87 acres after deducting rights of way, environmentally constrained areas, etc. The applicant’s proposal calculates the individual buildable lots at approximately 3.04 acres in total leaving .83 acres of the area as planned open space. This is approximately 21 % of the total net buildable area. The applicant has identified ten separate areas of open space scattered around the site, with Tract E in the center of the development to be the largest tract at 9,749 square feet. Some of the individual tracts are so small

that they will be indistinguishable from the private property, such as those tracts that abut SW Meinecke or are on the corners of the street intersections.

Staff is concerned that even though the site goes beyond the amount of open space required that some of the smaller areas of open space are so indiscriminately placed in proximity to the private properties that they will not seem like open space areas for the development, but under the private property's control and ownership. This is especially apparent concerning Tract A, B, H, I, and D.

The applicant proposes that Tract K located on the western edge of the development and across SW Cedar Brook way be dedicated to the City in order to connect with the trail system and provide a public open space amenity to the neighborhood. The applicant's narrative addresses the reasoning for this tract to be dedicated to the City and included the fact that it was separated from the primary development, could serve as a mini-neighborhood park for the entire area, and the City was interested in obtaining more parkland.

The applicant proposes to construct to the Parks Board standards as part of the PUD development. Once completed, the applicant proposes to transfer ownership to the City. The park would then be eligible for Parks System Development Charge (SDC) credits in the amount of the construction costs of developing the park and any amount of land value in excess of the 15 % of open space. If approved, each dwelling unit would pay Parks SDCs in the amount of \$7,668.78 for a total of \$506,139.48. Any construction of amenities on Tract K would allow the developer to recoup the portion constructed on the open space tract.

The applicant addressed the Parks Board regarding this request at the April and May 2014 Parks Board meetings. The Parks Board was supportive of the trail connection proposed by the applicant but was reluctant to recommend acceptance of the public area as a neighborhood park.

At the May meeting, staff recommended that the Parks Board consider four options concerning whether to accept the dedication of this park.

Option 1: Dedication of the property to the City including installation of public amenities such as athletic facilities, benches, etc. This would include the extension of a public pathway to the existing pathway adjacent to the Vineyards Subdivision. This would result in a reduction of Parks SDC revenue generated from the development of about 20-25 % and a permanent long-term maintenance cost anticipated to be approximately \$4000 per year.

Option 2: The developer retains the property, installs the public amenities and installs the pathway as noted in Alternative 1. The impacts to the Parks SDC would be the construction of the amenities. The long term maintenance costs would be retained by the developer.

Option 3: The property is dedicated to the City and based on a negotiated public amenities design; a fee in lieu of construction is paid. The fee in lieu of amount would be approximately 125% of the estimated construction costs. The impacts of the dedication will result in a reduction of the Parks SDC revenue generated by the development by approximately 20-25 %.

Option 4: The developer retains the property, a public facility easement is created and a fee in lieu of construction is paid to the City for the construction of the pathway. The fee would be approximately 125% of the construction costs and the City would construct the trail. With this alternative, there would be no impact to the Parks SDC revenue, a reduction in the expected amount of Transportation SDC revenue and the long-term commitment by the City to construct the pathway.

The Parks Board recommended that the best utilization of the City's resources would be Option 4 and for the developer to continue to own the tract and maintain it in the future. They believed that it was too small an area for it to appear anything other than a local neighborhood park and did not want to use Parks System Development Charges to make improvements to the area as it is an area not part of the Parks Master Plan and the Parks Board had prioritized other projects within the City.

Staff takes no position on the determination of whether the Tract K should be transferred to the City or whether amenities to the open space should be designed and conditioned during the final development phase of the project as that is a community decision. It seems that Tract K is not as proximate to the development making more of a public open space than the other tracts of open space found closer to the development.

FINDING: Based on the above discussion, the applicant has not met this standard but may so with a condition imposed later within this report concerning the construction of the trail connection in Tract K.

3. That exceptions from the standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan.

The HDR zone is unique from the other residential zones in that it allows no minimum lot size if developed as a PUD. The applicant proposes to utilize this standard in order to provide a unique housing type as well as offer individual homes on individual lots with a varied lot size between 1,600- 3,245 square feet. This would not be available under the standards of the HDR zone because the minimum lot size is 5,000 square feet on individual lots. Coupled with that standard is the provision that housing density of 16.8-24 units per acre is required. If this development were not part of a PUD, the individual townhomes could not be on separate lots or the site may have been constructed for multifamily development and the uniqueness of this design would not be available. If developed as a standard subdivision with minimum lot areas and dimensions, the applicant would be required to provide only 5 % open space, a much smaller amenity to the site and the applicant clearly would not be able to meet the density requirements.

Ultimately, the PUD process allows the Planning Commission and City Council to have design oversight of the open space areas, and housing design of the project that would be unavailable using the standard Code provisions for a subdivision.

The applicant contends that the housing type is part of the unique design warranting exception and flexibility to the standards. The other amenities offered by the applicant are the extension of Cedar Brook Way, the open space areas and trail connectivity proposed with this development. The applicant believes that these adjustments in lot size, width and street standards are proposed in order to meet various price points in the market and the divergent needs of the public but still providing common open space to maintain an attractive appearance. The applicant's narrative identifies that the benefits of a planned unit development such as this to the community include the HOA's control of the front landscaped areas, a trail system connection, new street connections to other neighborhoods, and common open spaces areas with visual appeal and interest to the community. These are all factors the decision maker could consider making findings that satisfy this criterion.

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

4. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments, vernacular, and scale subject to review and approval in Subsection (B)(6).

The smaller lot sizes are compatible with the HDR zoned multifamily development to the east. The applicant has identified in the architectural pattern book that they will use Pacific Northwest design that is also compatible with the surrounding development. There will be three different general housing types and a variety of materials and colors that will be in harmony with the surrounding development. The applicant through their own independent market analysis determined the desired housing type and layout for the site. The narrative identifies the that architectural style proposed presents an aesthetic and quality of materials of a larger home, just using a smaller building footprint similar to the single family homes to the west of this development. During final development plan approval, the Planning Commission reviews the specifications of the project.

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

5. That the system of ownership and the means of developing, preserving and maintaining parks and open spaces are acceptable.

The applicant proposes that the majority of the open space is owned and maintained through a homeowner's association and rules adopted in the CC & R's. The applicant proposed that Tract K, which is on the other side of the Cedar Brook Way from the development be dedicated to the City. As discussed above, the Parks Board did not recommend approval of that proposal as the area was too small to be used by the general public, the cost of maintenance too high, and any improvements would cause a reduction in the Park System Development Charges that would be collected with this development at the time of building permit approval. This is a suitable resolution, but a condition is required in order to fully comply with the standard.

FINDING: Based on the above discussion, the applicant does not meet this criterion, but can do so with the following condition.

RECOMMENDED CONDITION: Prior to the final development plan approval, provide CC & Rs that document how the open space will be maintained by the neighborhood homeowner's association.

6. That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district.

The proposed development serves as a transition between the more intense multifamily development, Creekview Crossing found to the east of the site with the lower density single-family development located on the north and west of this development proposal. Standard usage of the HDR zone lot dimension requirements would not allow for the housing type proposed with reduced lot sizes on individual lots. Using the flexibility of a PUD, allows the developer to create a more unique housing type with both attached and detached housing within a singular development and still achieve the required densities for the HDR zone of 16.8-24 units per acre. The community benefits with this variety and provides a housing type that is underrepresented within the area that has not been developed in the community for over ten years.

Modifications to the street design afford more flexibility by allowing the house frontages to face the street with alley-loaded garages in some cases and frees up space for individual lots as well as more greenscape than streetscape. The amount of open space goes beyond a standard development that will have a beneficial effect on the area as a whole.

With a PUD, the Planning Commission and Council have oversight as to the design aesthetic and amenities provided to the site unlike a standard subdivision. The Planning Commission can review the design and ensure that it will effectively meet the community's standards during the final development phase of the project.

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

7. That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year from date of approval.

The applicant proposes to complete the development within one year and thus is able to satisfy this criterion. In the alternative, if the applicant is unable to complete the project, safeguards are in place including creating a phasing plan or lapsing of the land use approval in order to meet this criterion.

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

8. That adequate public facilities and services are available or are made available by the construction of the project.

The City Engineer has reviewed the preliminary plat and determined that the site is serviceable or able to be served with conditions outlined further within this report.

FINDING: Based on the above discussion, the applicant meets this criterion or may be conditioned to meet this criterion further within this report.

9. That the general objectives of the PUD concept and the specific objectives of the various categories of the PUDs described in this Chapter have been met. (Ord. 2001-1119 § 1; 98-1053; 86-851)

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

10. The minimum area for a Residential PUD shall be five (5) acres, unless the Commission finds that a specific property of lesser area is suitable as a PUD because it is unusually constrained by topography, landscape features, location, or surrounding development, or qualifies as "infill" as defined in Section 16.40.050(C)(3). (Ord. 2001-1119 § 1)

The site is 5.77 gross acres, which qualifies it for a PUD outright.

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

E. Effect of Decision

Approval of the Preliminary Development Plan shall not constitute final acceptance of the PUD. Approval shall, however, be binding upon the City for the purpose of preparation of the Final Development Plan, and the City may require only such changes in the plan as are necessary for compliance with the terms of preliminary approvals.

FINDING: The applicant is aware that a final development plan will be required upon approval of the preliminary development plan. This criterion cannot be met at this time, but can be met with the final development phase submittal that is in substantial compliance with the approval of the PUD.

16.40.050 Residential PUD

A. Permitted Uses

The following uses are permitted outright in Residential PUD when approved as part of a Final Development Plan:

- 1. Varied housing types, including but not limited to single-family attached dwellings, zero-lot line housing, row houses, duplexes, cluster units, and multi-family dwellings.**
- 2. Related NC uses which are designed and located so as to serve the PUD district and neighborhood.**
- 3. All other uses permitted within the underlying zoning district in which the PUD is located.**

FINDING: The applicant proposes residential uses and all lots will be for single family homes, a permitted housing type within this zone.

B. Conditional Uses

A conditional use permitted in the underlying zone in which the PUD is located may be allowed as a part of the PUD upon payment of the required application fee and approval by the Commission as per Chapter 16.82. (Ord. 86-851 § 3)

FINDING: The applicant does not propose a conditional use, and thus this criterion is not applicable.

C. Development Standards

1. Density

The number of dwelling units permitted in a Residential PUD shall be the same as that allowed in the underlying zoning district, except as provided in Subsection (C)(2), below or 16.40.040.C above.

The SZDC § 16.12 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 sq. feet after excluding present and future rights of way, environmentally constrained areas, public parks and other public uses. The density requirements for HDR are 16.8-24 units per acre. This project includes a buildable area is 3.85 acres with a minimum density of 65 units and a maximum number of units at 92 units. The applicant proposes 65 dwelling units which equals 17.1 dwelling units per acre thus satisfying this criterion.

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

2. Density Transfer

Where the proposed PUD site includes lands within the base floodplain, wetlands and buffers, or steeply sloped areas which are proposed for public dedication, and such

dedication is approved as a part of the preliminary development plan, then a density transfer may be allowed adding a maximum of 20% to the overall density of the land to be developed.

FINDING: The applicant has not applied for a density transfer and therefore this criterion is not applicable.

3. Minimum Lot Size

The minimum lot size required for single-family, detached dwellings is 5,000 square feet, unless the subject property is either:

- a. Located within the High Density Residential zone (HDR). In that case, there is no minimum lot size provided the applicant demonstrates that the proposal meets the purpose and intent of the Zoning and Development Code and the Sherwood Comprehensive Plan until February 4, 2015.**

This proposal is within the HDR zone and the applicant proposes lot sizes between 1,600- 3,245 square feet. When the zone change was approved under PA 13-04, Brownstone Text Amendment, Council approved for a limited time to allow no minimum lot size requirement within this zone, should a development be approved as a PUD within the HDR zone.

To that end, the applicant must adequately show that the PUD meets the objectives as identified under the PUD provisions discussed above. If met, the applicant has the ability to request flexibility in the Code provisions and the decision maker reviews the request.

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

V. PRELIMINARY PLAT – REQUIRED FINDINGS

A. Division VII LAND DIVISIONS, SUBDIVISIONS, PARTITIONS, LOT LINE ADJUSTMENTS AND MODIFICATIONS

Chapter 16.120 Subdivisions

16.120.040 Approval Criteria: Preliminary Plat

No preliminary plat shall be approved unless:

- A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.**

The applicant proposes to construct a public street (SW Cedar Brook Way) through the development to connect with the existing street at the SW Meinecke roundabout. The applicant requested a street modification in order to address the confines of the site and achieve the density requirements, which will be discussed under the Public Improvement section of this report.

FINDING: Based on the above discussion, the applicant meets this criterion or can be conditioned further within this report under the public improvement section.

- B. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.**

The applicant proposes a private alley to access the rear loaded townhomes and is identified as Tract G. This will be discussed further within this report.

FINDING: The applicant proposes a private alley that will be discussed further within this report. This is a deviation from the standards as it is a private right of way and reviewed as part of the PUD approval process.

C. The plat complies with Comprehensive Plan and applicable zoning district regulations.

FINDING: This standard is satisfied through compliance with the applicable criteria discussed throughout this report. If necessary, conditions are imposed to ensure compliance.

D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.

FINDING: As discussed further within this report, (Public Improvements), adequate water, sanitary sewer and other public facilities exist or will be constructed to support the lots proposed in this plat. In addition, the applicant will be required to come in for detailed PUD approval at which time additional review will be provided.

E. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.

FINDING: There are no adjacent properties under the same ownership and the surrounding properties are fully developed. Therefore, this criterion is met.

F. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.

FINDING: All adjoining properties have existing access to public streets. Approval of this subdivision and PUD will not prohibit any adjoining properties from being developed.

G. Tree and Woodland inventories have been submitted and approved per Section 16.142.060.

The applicant submitted a preliminary inventory of the trees on site with the type and size of the trees on the existing conditions plan. (Sheet 2 of the applicant's materials Exhibit A). The plan shows that two trees will be removed, but the narrative has indicated uncertainty as to whether additional trees will be removed during the course of the development of the open space areas. Since there are no trees within the buildable area, it is unlikely that more trees will be removed as a result of this development.

FINDING: Based on the above discussion, the applicant has not prepared a complete or final tree inventory or planting plan for the street trees or open space and therefore has not fully complied with this criterion. However, the following condition can ensure full compliance.

RECOMMENDED CONDITION: Prior to final plat approval, submit a tree inventory and planting plan for the street trees and trees within the open space areas in order to be fully compliant with §16.142.060.

B. Chapter 16.128 LAND DIVISION DESIGN STANDARDS

16.128 Design Standards- Blocks- Connectivity

1. Block Size. The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.

According to the submitted preliminary plat and conceptual PUD plan, each lot has access to either a public street or a private alley. The conceptual plan calls for units to abut the streets with a central block with 13 townhomes surrounded by the alley. The access is convenient for all lots and maintains circulation. The layout has been reviewed by the Engineering Department for safety, traffic control and circulation. There are two entrances to the development on the north and on the south side of the development. Any additional entrances were found to have been too close to the roundabout or with limited visibility to be safe. Where feasible, pedestrian connections are made throughout the site to improve connectivity.

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

2. Block Length. Blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet.

The site is irregularly shaped and the street network is a continuation of already designed and constructed roadways. The extension of Cedar Brook Way will complete a block by connecting with the Meinecke roundabout north of Highway 99W. The proposal includes a circular private alleyway, interior to the site that connects with Street A, creating a block. The development to the east and west prohibits an additional east/west street connection in this area. Additionally, the site is constrained by the established roadway, the Cedar Creek corridor, proximity to the intersection at Highway 99W and the density requirements of HDR.

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

3. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.4-1.

The applicant proposes full street improvements for Cedar Brook Way and has included an interior sidewalk network adjacent to the streets and the townhome blocks. The City of Sherwood Transportation System Plan has identified a trail connection between the existing trail along the east line of "Wyndham Ridge" subdivision and SW Cedar Brook Way. The proposed trail is located within the southwest corner of the subject property and within the City owned property to the west. The developer is required to construct the aforementioned trail meeting the approval of the City of Sherwood Engineering Department and Clean Water Services. Upon request, City Transportation System Development Charges credits are available for required trail construction located outside of the subject property.

The trail will provide an improved connection to both the nearby schools and parks located in the adjacent development. The City has an interest in providing amenities such as trails and pedestrian connections to nearby areas of interest. This PUD has a reduction in private yard space due to the reduced setbacks for most of the lots and therefore providing easy access to open space and larger park areas are critical to the livability of this neighborhood. By creating the trail connection, this neighborhood will enjoy the benefits of this proximity to the public amenities. (See applicant's materials Exhibit A)

At the Planning Commission hearing on June 24, 2014, the applicant discussed that the required permitting and approval of the design for the trail may take longer to complete than the other public improvements. The applicant requested that they could be conditioned to construct the trail segment prior to final occupancy of the last home rather than at the time of the initial occupancy permit. The Planning Commission after consulting with staff suggested that the construction of the trail segment needed to be completed prior to the occupancy permit of either the last townhome building or the last three single-family dwelling units. This portion of the public improvements would be considered Phase 2 of the project and follow a different timeline than the other public improvements of Phase 1. Phase 2 consists of design and construction of the trail extension from Cedar Brook Way through Tract K connecting to the existing trail at Wyndam Ridge.

FINDING: Based on the above discussion, the applicant has not met this criterion, but can do so with the following condition.

RECOMMENDED CONDITION: Prior to issuance of the final occupancy permit for either the last townhome building or the last three (3) single-family homes (at the applicant's choice) construct the trail extension from Cedar Brook Way, through Tract K connecting with the existing trail at Wyndam Ridge (Phase 2). The City Engineer must accept Phase 2. An Approval letter from the Engineering Department accepting all public improvement shall be issued prior to the applicant receiving final occupancy for the buildings delineated under Phase 2. .

16.128.010

B. Easements-Utilities

Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.

An 8-foot wide public utility easement (PUE) is required adjacent to the right-of-way of all street frontages. Tract 'G' containing the proposed private alley shall have a private utility easement over its entirety. All easements (public or private) associated with the development shall be recorded with the County prior to City approval of the public improvements and transfer to a 2-year maintenance bond.

FINDING: As discussed above, this standard has not been fully met but can be as conditioned below.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, provide an 8-foot wide public utility easement over the right of way of all street frontages. Tract 'G' containing the proposed private alley shall have a private utility easement over its entirety.

RECOMMENDED CONDITION: Prior to building permit approval, all easements (public or private) associated with the development shall be recorded with the County and transfer to a 2-year maintenance bond.

16.128.020 Pedestrian and Bicycle Ways

Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.

There are no cul-de sacs within this development and the applicant has provided sidewalks and additional pathways throughout the development.

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

16.128.030 Lots

A. - Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision, and shall comply with applicable zoning district requirement.

As discussed further in this report, the lot sizes are appropriate for the zoning district except as modified for the PUD. The shape and orientation are appropriate when considering the conceptual development and building locations and orientations. The applicant proposes to orient the front yards to the street or a private alleyway and have requested modified standards to allow reduced setbacks with a focus on providing human scale and pedestrian friendly design through the PUD process.

FINDING: As discussed above, this standard is satisfied.

B - Access - All lots in a subdivision shall abut a public street, except as allowed for infill development under Chapter 16.68.

The applicant proposed that some of the townhomes do not abut a public street due to the configuration of the lot and the nature of the PUD development process. The developer requested private street access for lots 54-65, with lots 29-65 all using the private street to access the garages. Lots 29-53 abut SW Cedar Brook Way and lot 65 abuts Street A, both public streets. The deviation from this standard is proposed in order to achieve the minimum density requirements, improve internal circulation, as well as achieve limited driveways on SW Cedar Brook Way with narrower, rear-loaded townhomes. The specific street modifications have been reviewed for safety and approved by the Engineering Department. The exact specifications and requirements approved by the Engineering Department are discussed under the "Street Modification" section on page 29-30 of this report.

FINDING: Based on the above discussion the applicant does not meet this criterion, but has applied for a street modification that will be discussed further within this report.

C. Double Frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems.

FINDING: None of the lots have double frontage. Therefore, the applicant meets this criterion.

E. Grading -Grading of building sites shall conform to the following standards, except when topography of physical conditions warrant special exceptions:

- A. Cut slopes shall not exceed one and one-half (1 1/2) feet horizontally to one (1) foot vertically.**
- B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.**

City policy requires that before any grading is done on site, a permit should be obtained from the Building Department on the private portion of the site. Additionally before grading can begin, the applicant needs an approved grading and erosion control plan along with a Storm Water Connection Permit from Clean Water Services (CWS) as identified in the comments from CWS Exhibit D.

FINDING: Based on the discussion the applicant has not met this criterion, but can do so with the following conditions.

RECOMMENDED CONDITION: Prior to approval of the Erosion and Sediment Control (ESC) plans, submit detailed grading and erosion control plans to the Engineering Department. An

Erosion Control Permit will be required. Areas of Disturbance must be clearly identified on submitted construction plans.

VI. APPLICABLE ADDITIONAL CODE PROVISIONS

A. Division II - Land Use and Development

The subject site is zoned High Density Residential (HDR). Compliance with this section is discussed below. The following table identifies the standard dimensional requirements and the deviation as proposed through the PUD process.

16.12.010 Purpose

High Density Residential (HDR) Standards

		Standard	Requested Deviation
1.	Lot areas		
	a. Single-Family Detached :	5,000 sq. ft.	2,374 sq. ft.
	b. Single-Family Attached Townhome	1,800 sq. ft.	1,585 sq. ft.
2.	Lot width at front property line:	25 ft.	27.9
3.	Lot width at building line:	50 ft.	26 ft.
4.	Lot depth:	80 ft.	71 ft. minimum

The HDR zoning district provides for higher density multi-family housing and other related uses with density of 16.8 to 24 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirement.

The applicant proposes high-density housing by subdividing the property into sixty-five lots. The applicant proposes a density of 16.9 dwelling units per acre within the density parameters of the zone.

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

16.12.040 Dimensional Standards

a. Lot dimensions

The applicant proposes lots for single-family attached and detached dwelling units ranging in size from 1,600 to 3,245 square feet under the PUD standard of no minimum lot size requirements. Due to the size of the lots, the applicant proposes to deviate from the standards that are considered part of the PUD exception process. The applicant proposes the following deviations from the standards.

	b. Setbacks	Standard	Requested Deviation
1.	Front yard:	Garage: 20 ft.	20 ft. to front loaded garages (1-38)

		Porches: 14 ft.	Porches: 8 ft. (lots 39-53) 4 feet (lots 54-65)
2.	Side yard:		
	a. Single-Family Detached:	5 feet	4 ft.
	Corner Lot (street side):	15 feet	Min 6 ft. to homes on corner lots
	b. Single-Family Attached (one side):	5 feet	4 ft.
3.	Rear yard:	20 feet	15 ft. for front loaded townhomes (lots 1-28)
	Garage Setback	20 feet	
4.	Height	3 stories or forty (40) feet	30 ft. maximum

The above table describes the applicant's proposed deviation from the standards of the HDR dimensional requirements. The applicant proposes that the single-family detached homes (lots 39-53) with rear-loaded garages will have an 8-foot front yard setback for the porch. The applicant is requesting a deviation for lots 54-65 for the setback to be 4 feet from the front property line as the front porches will abut open space. The townhome setbacks will be discussed in the townhome standards of § 16.44.010.

FINDING: The applicant does not meet this criterion but has requested a deviation of the standard through the PUD process.

16.44.010 Townhome Standards

A. Generally

A townhome may be located on property zoned MDRH or HDR, or in other zones as specified in an approved Planned Unit Development, provided that the townhome meets the standards contained below, and other applicable standards of Division V - Community Design. Such developments that propose townhomes can do so as condominiums on one parent lot, or in a subdivision, but shall do so in groups known as "townhome blocks," which consist of groups no less than two attached single-family dwellings and no more than six in a block, that meet the general criteria of Subsection B below, and specific design and development criteria of this Chapter.

The applicant proposes two different styles of townhomes within the HDR: townhomes with rear loaded two car garages (lots 59-65) and townhomes with front loaded single car garages (lots 1-38). The townhomes as proposed will be attached with three or five units in a townhome block.

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

B. Standards

1. Each townhome shall have a minimum dwelling area of twelve-hundred (1,200) square feet in the MDRH zone, and one-thousand (1,000) square feet in the HDR zone. Garage area is not included within the minimum dwelling area.

The site is zoned HDR and therefore the minimum dwelling unit size is 1,000 sq. ft. The applicant proposes townhomes of at least 1,400 square feet.

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

2. Lot sizes shall average a minimum of two-thousand five-hundred (2,500) square feet in the MDRH zone, and one-thousand eight-hundred (1,800) square feet in the HDR zone, unless the property qualifies as "infill," and meets the criteria of Subsection D below. If proposed as a subdivision, lots shall be platted with a width of no less than twenty (20) feet, and depth no less than seventy (70) feet.

FINDING: The applicant proposes the total building area for townhomes to be 92,221 square feet with an average size of 1,808 square feet for the 50 townhomes. The lot width is at least 20 feet. This proposal meets the criterion.

3. The townhome shall be placed on a perimeter foundation, the units must meet the front yard, street-side yard, and rear yard setbacks of the underlying zone, if abutting a residential zone designated for, or built as, single-family detached housing.

FINDING: The property does not directly abut a residential zone for detached single-family homes but is part of the PUD where there are fifteen single family detached homes also with reduced setbacks. The units do not meet the standard setbacks within the zone, but as discussed above, the applicant is proposing a deviation from the standards as described in the table above.

4. All townhomes shall include at least two (2) off-street parking spaces in the HDR zone, and two and one-half (2-1/2) spaces in the MDRH zone; garages and/or designated shared parking spaces may be included in this calculation. The City Engineer may permit diagonal or angle-in parking on public streets within a townhome development, provided that adequate lane width is maintained. All townhome developments shall include a parking plan, to be reviewed and approved with the Site Plan application.

FINDING: Lots 1-38 include one driveway space and one garage parking space. There is no shared off street parking space included within this designation, but on street parking spaces are provided on SW Cedar Brook Way and Street A. Lots 59-65 are proposed to include two driveway spaces and two garage spaces. Based on the above discussion, the applicant meets this criterion where garages can be used in the calculation of parking.

5. All townhomes shall have exterior siding and roofing which is similar in color, material and appearance to siding and roofing commonly used on residential dwellings within the City, or otherwise consistent with the design criteria of Subsection E, Design Standards.

The applicant's proposal includes an architectural pattern book that describes the colors and styles proposed for the townhomes. Found to be insufficient, a condition has been recommended previously to ensure that the architectural pattern book is more thorough and detailed. The Planning Commission through the final development plan approval process will be able to review the plans to ensure its compatibility with other residential housing within the City.

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

6. All townhomes in the MDRH zone shall have an attached or detached garage.

FINDING: The townhomes are not within the MDRH zone, and thus this criterion is not applicable.

7. All other community design standards contained in Divisions V, VIII and IX relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design that are not specifically varied by this Chapter, shall apply to townhome blocks.

FINDING: The community design standards will be discussed under the appropriate Code Sections found further within this report.

8. All townhome developments shall accommodate an open space or park area no less than five percent (5%) of the total subject parcel (prior to exclusion of public right-of-way and environmentally constrained areas). Parking areas may not be counted toward this five percent (5%) requirement.

FINDING: This criterion has been discussed earlier within the report as the applicant proposes at least 21% of the area within the development as open space. The PUD requires at least 15 % open space exceeding the 5% open space townhome criterion.

9. Side yard setbacks shall be based on the length of the townhome block; a minimum setback to the property line* on the end of each "townhome block" shall be provided relative to the size of the block, as follows:

- a. 100 feet to 150 feet 6 feet minimum**
- b. Less than 100 feet 5 feet minimum**

The maximum length of the proposed townhome block is 110 feet. The minimum proposed side yard setback to the property line for the townhome block is four feet. This is a standard that requires deviation through the PUD process.

FINDING: Based on the above discussion, the applicant does not meet this standard unless the City Council finds that the proposal warrants such a deviation through the PUD process.

*** In the case of condominium projects where no property line may exist at the end of each townhome block, the setback shall be applied as a minimum area of separation, as applied to each townhome block.**

C. Occupancy

1. No occupancy permit for any townhome shall be issued by the City until the requirements of site plan review and the conditions of the approved final site plan are met. Substantial alteration from the approved plan must be resubmitted to the City for review and approval, and may require additional site plan review before the original hearing authority.

2. The owner(s) of the townhomes, or duly authorized management agent, shall be held responsible for all alterations and additions to a townhome block or to individual homes within the block, and shall ensure that all necessary permits and inspections are obtained from the City or other applicable authority prior to the alterations or additions being made.

The applicant proposes townhomes through the PUD process and should the project be approved, the applicant would then be required to follow the process for a final development plan review by the

Planning Commission. The Building Department generally approves building permits and occupancy permits.

FINDING: Based on the above discussion, the applicant will be able to meet this criterion at the time of building permit application and review.

D. Infill Standard

The minimum lot size required for single-family, attached dwellings (townhomes) may be reduced by a maximum of 15% if the subject property is 1.5 acres or less, and the subject property is surrounded by properties developed at or in excess of minimum density for the underlying zone.

FINDING: The applicant is not applying for application of the infill standard and this criterion is not applicable.

E. Design Standards

Each townhome block development shall require the approval of a site plan, under the provisions of Section 16.90.020, and in compliance with the standards listed below. The site plan shall indicate all areas of townhome units, landscaping, off-street parking, street and driveway or alley locations, and utility access easements. The site plan shall also include a building elevation plan, which show building design, materials, and architectural profiles of all structures proposed for the site.

1. Building Mass: The maximum number and width of consecutively attached townhomes shall not exceed six (6) units or one-hundred fifty (150) feet from end-wall to end-wall.

The applicant proposes no more than five attached townhomes in one block and in no case do the townhomes exceed 150 feet from wall to wall.

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

2. Designation of Access/Alleys: Townhomes shall receive vehicle access only from the front or rear lot line exclusively, not both. If alleys are used for access they shall be created at the time of subdivision approval and built to City standards as illustrated in the Transportation System Plan.

FINDING: The applicant proposes either vehicle access in the front or rear yard of the townhomes. This complies with this standard.

3. Street Access: Townhomes fronting on a neighborhood route, collector, or arterial shall use alley access, either public or private, and comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances and conflicts with other transportation users, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management. Direct access to local streets shall only be used if it can be demonstrated that due to topography or other unique site conditions precludes the use of alleys.

a. Alley loaded garages shall be set back a minimum five feet to allow a turning radius for vehicles and provide a service area for utilities.

b. If garages face the street, the garage doors shall be recessed behind the front elevation (living area, covered porch, or other architectural feature) by a minimum of one (1) foot.

c. The maximum allowable driveway width facing the street is two (2) feet greater than the width of the garage door. The maximum garage door width per unit is sixty percent (60%) of the total building width. For example, a twenty (20) foot wide unit may have one 12-foot wide recessed garage door and a fourteen (14) foot wide driveway. A 24-foot wide unit may have a 14-foot, 4-inch wide garage door with a 16-foot, 4-inch wide driveway.

The proposed townhome units will take access from an alley or a local street. The applicant has proposed no direct access to SW Meinecke and SW Cedar Brook Way. The applicant proposes to construct Street A in order to provide access to the subject property and have limited access to the other nearby developments. Street A provides access to the private alley. The twenty-eight townhomes to be located on Street A will have garages facing the street but recessed from the front porch at least one foot.

The townhomes are proposed to be 20 feet wide, with the garages proposed to be 8 feet which result in the garage width to be 40% of the street facing frontage. The alley-loaded garages will be set back a minimum of 18 feet in order to allow a turning radius for vehicles.

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

4. Building Design: The intent of the following standards is to make each housing unit distinctive and to prevent garages and blank walls from being a dominant visual feature.

a. The front facade of a townhome may not include more than forty percent (40%) of garage door area.

FINDING: As discussed above, the single car garages will be 8 feet wide and the driveways will be at least 10 feet wide. The applicant has not submitted elevations at this time, but it is feasible that they can be constructed in this manner and reviewed at the time of final development review by the Planning Commission for compliance with this standard. Based on the discussion, the applicant has not met this criterion but can do so with the following condition.

RECOMMENDED CONDITION: Prior to final development plan approval, submit plans that show that the front façade of the townhomes do not include more than forty percent (40%) of garage door area.

b. The roofs of each attached townhome must be distinct from the other through either separation of roof pitches or direction, variation in roof design, or architectural feature. Hipped, gambrel, gabled, or curved (i.e. barrel) roofs are required. Flat roofs are not permitted.

The applicant proposes that the style of roof be moderately or steeply pitched, gabled or hipped and articulated with intersecting roofs, dormers and sheds. Additionally the applicant describes that the roofs will be typical to those found in the Northwest, with the primary roofs be either gabled or hipped. The slope of the roof will be a minimum of 7/12 with secondary roofs a minimum of 4/12. The offsets or breaks in roof elevation will be at least two or more feet in height. Both the gabled and hipped roofs will provide overhang eaves on all sides that extend a minimum of 8" beyond the building wall. As described in the architectural pattern book and Exhibit 2 of the applicant's materials, (Exhibit A) flat roofs are not proposed and there is a distinction and variety proposed within the development.

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

c. A minimum of fifty percent (50%) of the residential units within a block's frontage shall have a front porch in the MDRH zone. Front porches may encroach six (6) feet beyond the perimeter foundation into front yard, street-side yard, and landscape corridor setbacks for neighborhood routes and collectors, and ten (10) feet for arterials, and are not subject to lot coverage limitations, in both the MDRH and HDR zones. Porches may not encroach into the clear vision area, as defined in Section 16.58.010.

Even though the property is zoned HDR, the applicant proposes porches which will encroach into the front yard setback as discussed earlier within this report. The applicant does not foresee encroaching into the clear vision area.

FINDING: Based on the above discussion, the applicant does not meet this criterion at this time, but can meet the criterion with the following condition.

RECOMMENDED CONDITION: Prior to final development approval, submit plans that show that the porches do not encroach into any of the clear vision areas.

d. Window trim shall not be flush with exterior wall treatment for all windows facing public right-of-ways. Windows shall be provided with architectural surround at the jamb, head and sill.

e. All building elevations visible from the street shall provide doors, porches, balconies, windows, or architectural features to provide variety in facade. All front street-facing elevations, and a minimum of fifty percent (50%) of side and rear street-facing building elevations, as applicable, shall meet this standard. The standard applies to each full and partial building story. Alternatively, in lieu of these standards, the Old Town Design Standards in Chapter 16.162 may be applied.

The examples of elevations of the proposed townhomes found within the applicant's materials show that there are articulations and windows, porches, all visible from the street. The exact specification of the particular development will be reviewed during the final development plan approval process.

FINDING: Based on the above discussion, the applicant has not yet met this standard, but can do so with the following condition.

RECOMMENDED CONDITION: Prior to final development plan approval, submit plans and elevations of the townhomes that provide for doors, porches, balconies, windows or architectural features to provide variety in the façade.

f. The maximum height of all townhomes shall be that of the underlying zoning district standard, except that: twenty-five percent (25%) of townhomes in the MDRH zone may be 3-stories, or a maximum of forty (40) feet in height if located more than one-hundred fifty (150) feet from adjacent properties in single-family (detached) residential use.

The site is zoned HDR and the maximum height allowed is 40 feet. The applicant does not propose to exceed the height requirement within this zone.

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

16.58.020 Fences, Walls and Hedges

D. Location—Residential Zone:

- 1. Fences up to forty-two (42) inches high are allowed in required front building setbacks.**
- 2. Fences up to six (6) feet high are allowed in required side or rear building setbacks, except fences adjacent to public pedestrian access ways and alleys shall not exceed forty-two (42) inches in height unless there is a landscaped buffer at least three (3) feet wide between the fence and the access way or alley.**
- 3. Fences on corner lots may not be placed closer than eight (8) feet back from the sidewalk along the corner-side yard.**

The applicant proposes that Tract B near the eastern boundary of the site and adjacent to the Creekview Crossing development be 5 feet wide-the exact width of the sidewalk. Any fences constructed on lots 6-7, adjacent to this sidewalk could not exceed 42 inches tall. The applicant does not include landscape buffers adjacent to the pathway as required with this provision. This does not appear to be a suitable resolution for this pedestrian connection and does not comply with the traditional width for pedestrian pathways with landscaped buffers found in the TSP cross sections for paved pathways.

FINDING: Based on above discussion the applicant does not meet this criterion but can do so with the following condition.

RECOMMENDED CONDITION: Prior to final development approval, design the pedestrian pathway within Tract B to include landscaped buffers between the properties with at least three feet of width on each side.

B. Division V. Community Design

Chapter 16.92 Landscaping

16.92.030 Site Area Landscaping and Perimeter Screening Standards

A. Perimeter Screening and Buffering

1. Perimeter Screening Separating Residential Zones:

A minimum six-foot high sight-obscuring wooden fence, decorative masonry wall, or evergreen screen, shall be required along property lines separating single and two-family uses from multi-family uses, and along property lines separating residential zones from commercial, institutional/public or industrial zones subject to the provisions of Chapter 16.48.020 (Fences, Walls and Hedges).

The applicant proposes that the site will be landscaped to ensure compatibility and privacy for the surrounding uses. The applicant has not described how the development plans to provide perimeter screening between the multi-family uses on the eastern edge of the site.

FINDING: Based on the above discussion, the applicant has not met this standard but can do so with the following criterion.

RECOMMENDED CONDITION: Prior to final development plan approval, provide a site plan that shows the perimeter screening separating the residential zones.

RECOMMENDED CONDITION: Prior to certificate of final occupancy, install the perimeter screening separating the residential zones.

16.94.020 Off-Street Parking Standards

A. Generally

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off - street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.

Minimum and Maximum Parking Standards
(Metro spaces are based on 1 per 1,000 sq. ft. of gross leasable area)

	Minimum Parking Standard	Maximum Permitted Parking Zone A ¹	Maximum Permitted Parking Zone B ²
Single, two-family and manufactured home on lot ³	1 per dwelling unit	None	None

Footnote 3: If the street on which the house has direct access is less than twenty-eight (28) feet wide, two (2) off-street parking spaces are required per single-family residential unit. (includes single-family detached or attached, two-family dwelling or a manufactured home on an individual lot) If the abutting street is twenty-eight (28) feet or wider, one (1) standard (9 ft. x 20 ft.) parking space is required.

The applicant proposes the following parking spaces in relation to the housing type.

Lot Number	Housing Type Description	Number of Units	Dwelling Unit Size (square feet)	Lot size range (square feet)	Number of Onsite Parking spaces including Garages per unit
1-38	Two-story townhome with one car garage in front	38	1,500	1,610 – 2,552	38 garage and 38 driveway spaces
39-53	Two-story single family with rear loaded garage	15	1,304-1,392	2,374 - 3,245	30 garage and 30 driveway spaces
54-65	Two-story townhome with two car alley-loaded garage	12	1,400	1,600-1,974	24 garage and 24 driveway spaces

As the table indicates, there is at least one onsite parking space for each unit. Garages although generally used for parking vehicles cannot be considered in the calculation per SZDC in this section but are allowed in the calculation under the townhome provisions. Therefore, under this section, the proposal includes 15 single-family detached dwelling units with two driveway spaces per unit, 13 rear-loaded townhomes with two driveway spaces per unit and 38 front loaded townhome units with one driveway space per unit. Therefore, this standard is not met for lots 1-38 and the applicant requests a deviation for this standard.

The applicant contends that there will be 79 on street parking spaces along both SW Cedar Brook Way and on one side of the street on proposed Street A that will be available to the general public. Historically, the multifamily development to the east has not enough onsite parking and the City has been advised that there has been spillover into the adjoining neighborhoods. With the extension of SW Cedar Brook Way, this situation may improve with the addition of 57 spaces on SW Cedar Brook Way alone. Street A will have 19 spaces on the west side of the street opposite

lots 1-28. Staff has a concern about parking availability for lots 29-38 for those homes front SW Meinecke Parkway and have no proximate on street parking available for visitors should the need arise. This is likely to be intermittent and there may be additional parking on Street A, but many homes in this development along with the adjoining development will likely use this as an option considering that parking has also been a problem in the multifamily development. Staff recommends that the applicant consider adding additional parking to the nine townhomes (lot 29-38) located adjacent to SW Meinecke.

The applicant proposed that through the CC&Rs lots 29-38 include a restriction that the garages in those dwellings must be used for parking. The Planning Commission agreed with this result but will further review the CC&Rs at the time of final development plan approval.

Additionally, the applicant has not identified whether they are considering a reduction in the dimensional parking standard stall of 9 x 20 feet. Twenty five percent of the required spaces are allowed to be reduced and marked as compact for a reduction to 8 x 18 ft. The applicant has also not identified as to whether they are requesting a deviation of the standard should the house plans not meet the standard parking dimensional requirements.

FINDING: Base on the above discussion, the applicant has not met this standard, but the PUD process allows for a deviation from the standard should the decision makers agree to the project.

RECOMMENDED CONDITION: Prior to final development approval, submit a parking plan that details and describe the dimensions of the parking spaces and any deviation from the parking space standards.

C. Division VI - Public Improvements

16.106.010 Generally

A. Creation

Public streets shall be created in accordance with provisions of this Chapter. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional street classification, as shown on the TSP Map and in Figure 1, of Chapter 6 of the Community Development Plan, and other applicable City standards. The following table depicts the guidelines for the street characteristics.

Type of Street	Right of Way Width	Number of Lanes	Minimum Lane Width	On Street Parking Width	Bike Lane Width	Sidewalk Width	Landscape Strip (exclusive of Curb)	Median Width
Neighborhood 1,000 vehicles per day	64'	2	18'	8'	None	8'	5' with 1' buffer	none
Local	52'	2	14'	8' on one side only	None	6'	5' with 1' buffer	none
Alley	16-25'	1-2	10-12'	One side if 20'	none	none	none	none

16.106.020 Required Improvements

A. Generally

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete

acceptable improvements prior to issuance of occupancy permits. The following figure provides the depiction of the functional classification of the street network as found in the Transportation System Plan, Figure 8-1.

C. Proposed Streets

1. Except as otherwise provided, when a development includes or abuts a proposed street, in no event shall the required street improvement exceed a pavement width of forty (40) feet.

D. Extent of Improvements

1. Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications included in the City of Sherwood Construction Standards. Streets shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Applicant may be required to dedicate land for required public improvements only when the exaction is directly related to and roughly proportional to the impact of the development.

The applicant proposes to construct street improvements and dedicate right-of-way to extend SW Cedar Brook Way from the northeastern corner of the subject property to connect to the round-about at SW Meinecke Parkway. The City Engineer recommends that the proposed SW Cedar Brook Way extension have 36 feet of paved surface (curb face to curb face) with 5-foot wide landscape strips and 8-foot wide sidewalks on each side within a 64-foot wide right-of-way unless a design modification request approved by the City Engineer allows otherwise.

The applicant has proposed Street A to extend north-south through the development. The applicant requests a street modification for the design of Street A that will be discussed in the street modification section below. The applicant requests that the alley be private and that also requires a street modification that will be discussed below.

Adequate street lighting, street signage and sidewalk facilities are required to be constructed to serve the subject development meeting the approval of the Sherwood Engineering Department.

The City of Sherwood Transportation System Plan has identified a trail connection between the existing trail along the east line of "Wyndham Ridge" subdivision and SW Cedar Brook Way. The proposed trail is located within the southwest corner of the subject property and within the City owned property to the west. The developer should be required to construct the aforementioned trail meeting the approval of the City of Sherwood Engineering Department and Clean Water Services. Upon request, City Transportation System Development Charges credits are available for required trail construction located outside of the subject property.

FINDING: Based on the above discussion, the applicant has not fully complied with this provision but can do so with the following condition.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, design the proposed SW Cedar Brook Way extension to have 36 feet of paved surface (curb face to curb face) with 5-foot wide landscape strips and 8-foot wide sidewalks on each side within a 64-foot wide right-of-way unless a design modification request is approved by the City Engineer.

E. Transportation Facilities Modifications

1. A modification to a standard contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted TSP may be granted in accordance with the procedures and criteria set out in this section.

2. A modification request concerns a deviation from the general design standards for public facilities, in this Chapter, Section 16.58.010, or Chapter 8 in the adopted Transportation System Plan. The standards that may be modified include but are not limited to:

- a. Reduced sight distances.**
- b. Vertical alignment.**
- c. Horizontal alignment.**
- d. Geometric design (length, width, bulb radius, etc.).**
- e. Design speed.**
- f. Crossroads.**
- g. Access policy.**
- h. A proposed alternative design which provides a plan superior to these standards.**
- i. Low impact development.**
- j. Access Management Plans**

3. Modification Procedure

- a. A modification shall be proposed with the application for land use approval.**
- b. A modification is processed as a Type II application. Modification requests shall be processed in conjunction with the underlying development proposal.**
- c. When a modification is requested to provide a green street element that is not included in the Engineering Design Manual, the modification process will apply, but the modification fee will be waived.**

4. Criteria for Modification: Modifications may be granted when criterion 4a and any one of criteria 4b through 4e are met:

- a. Consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.**
- b. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.**
- c. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request.**
- d. An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.**
- e. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.**

The applicant proposes several street modifications with this application. (See Applicant's Street Modification Request and Engineering Response, Exhibit J).

Item 1: Private Street:

The developer has requested a twenty foot wide private roadway within a 21 foot wide private tract (Tract G) due to the issues with the geometric layout of the property it was determined during the preliminary phase that a private street serving the western side of the development was appropriate to reach the required zoning density. However the layout shown on the plan shows a centerline curve radii of approximately fifty feet (15 mph), 100 feet (20 mph) and 38 feet at bulb out. The 50 ft. radius curve occurs near the private street intersection with Street A. The developer has proposed a rolled curb that would provide 18 feet gutter to gutter and 20 ft. between back of rolled curbs. The rolled curb is proposed to have a height of 3" over one foot. The Engineering Department finds this acceptable subject to the following conditions.

- “No Parking” signs, speed limit signs and “Stop” signs should be posted for the private alley.
- Since there is not enough room within the Tract ‘G’ for the required street signs, a sign easement will be needed along the frontage of Tract ‘G’ for signs.
- The private street shall meet the approval of Tualatin Valley Fire and Rescue.
- The driveway apron and private street width will be widened as necessary to allow for emergency vehicular and truck movement into and out of the private street.
- There are 38 lots that will access the proposed private street. Visibility at the intersections of the private street with SW “A” Street is a concern, especially with parking near the intersections. The developer shall provide data showing that vehicles stopped on the private street waiting to turn onto SW “A” street have adequate visibility to turn onto SW “A” Street without incident.
- Since the proposed rolled curbs will be driven on regularly, the thickness of the curb and gutter shall be a minimum of 8-inches in thickness.
- Street trees shall meet the approval of the Sherwood Planning Department.
- The pavement structure shall be in accordance with that of a Local Street Classification on Sherwood Standard Drawing RD-20.
- A Maintenance Agreement meeting the approval of the Sherwood Engineering Department shall be recorded with the county with a copy being sent to the Sherwood Engineering Department.

- **Item #2 – Nonstandard Bulb Out**

The developer has proposed a bulb out within the private street that will meet emergency access in place of the standard city bulb out (detail RD-12 found in the Engineering Design Manual). Since this is a PUD with higher density the standard bulb out would make it considerably difficult to obtain densities since it is beyond the width of the standard right-of-way. The standard bulb out is meant more for standard single-family home subdivisions in corner areas of the property to obtain access to the corner. The bulb out proposed appears to give adequate width for a vehicle to pull over for an emergency vehicle. Since the standard bulb out is impractical for use in this situation, the Engineering Department recommends acceptance of the request with the following conditions:

- The inside radius to the back of the rolled curb shall be 28-feet minimum.
- Advanced warning signage be installed due to the sharpness of the curve and potential lack of sight distance due to vehicular parking in the driveway of lot 63.
- The bulb out shall meet the approval of Tualatin Valley Fire and Rescue.

Item #3 – SW “A” Street/SW Meinecke Parkway Intersection

The developer is proposing a right in/right out intersection between SW “A” Street and SW Meinecke Parkway due to SW Meinecke Parkway being a divided street. Due to the spacing of Highway 99 in relation to SW Cedar Brook Way, the 400-foot spacing between intersections cannot be obtained for SW “A” Street to connect to SW Meinecke Parkway. The proposed intersection does appear to give adequate sight distance for a vehicle stopped on SW “A” Street to see vehicles within the right turn lane of Highway 99W that are turning onto this section of SW Meinecke Parkway. The intersection would have better sight distance looking east if it were further to the west; however, due to the layout of the developing parcel, it would be impractical. Based on this analysis the Engineering Department recommends approval of the intersection with the following conditions:

- The engineering plans shall show signage to direct that vehicles on SW “A” Street can only turn right onto SW Meinecke Parkway.
- Any island within the intersection shall allow for emergency vehicle and truck turning movements (either by being outside of turning movements, being mountable, etc.).

- The curb return radii shall be in accordance with the Sherwood Engineering Design Manual (25 feet minimum).
- The intersection shall meet the approval of Tualatin Valley Fire and Rescue.

Item #4 – Curb Tight Sidewalk and Reduced Right-Of-Way on SW “A” Street

The developer is proposing eliminating the landscape strip on the east side of SW “A” Street and reducing the right-of-way accordingly. The developer is also proposing using rolled curb on the east side of SW “A” Street and reducing the amount of right-of-way behind the sidewalks on SW “A” Street from 1 foot to 0.5 foot. The requested right-of-way reduction is from 52 feet (city standard) to 47.5 feet (proposed). The Engineering Department recommends approval of the requested design modifications to SW “A” Street with the following conditions.

- The landscape strip shown in the preliminary plan is 5.5 feet in width. The landscape strip shall be 5.0 feet in width.
- The buffer strip shall be 1.0 feet in width behind the sidewalk per standards. When combined with the change in the landscape strip, this condition will only widen the right-of-way from the 47.5 feet proposed by the developer to 48 feet. It appears that this can be accommodated without significant impact to the development.
- The thickness of the rolled curb and gutter should be a minimum of 8-inches in thickness.
- Since the sidewalk on the east side of SW “A” Street is abutting rolled (mountable) curb, the sidewalk shall have a minimum thickness of 6 inches.
- “No Parking” signs shall be located within the buffer strip behind the sidewalk.
- Street trees shall meet the approval of the Sherwood Planning Department.
- The preliminary plan currently shows the sidewalk at the southeastern corner of SW “A” Street and SW Cedar Brook Way with too narrow of a clear sidewalk distance to obstructions. Sidewalk shall have a minimum of 6 feet clear around “Stop” sign and sidewalk ramp.

FINDING: Based on the above discussion the applicant has not met this criterion, but can do so with the following condition.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, comply with the recommended conditions as found in the Street Modification Approval memo submitted by the Engineering Department, Exhibit J.

16.106.030 Location

A. Generally

The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall be consistent with solar access requirements as per Chapter 16.156, and topographical considerations.

B. Street Connectivity and Future Street Systems

1. Future Street Systems. The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 8-8).

FINDING: As discussed above the applicant proposes to extend SW Cedar Brook Way thus meeting this criterion.

2. Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street Connectivity map contained in the TSP.

a. A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical constraints; it shall provide an alternate connection approved by the decision-maker.

The applicant has proposed with this development plan to have an interconnected subdivision with an internal street network and an alley configuration. Adequate pedestrian access is provided with a series of internal sidewalks connecting the areas of open space and midblock pedestrian crossings where applicable.

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

b. Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future.

c. Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property line (i.e., by building more than 3/4 width street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer.

3. Block Length. For new streets except arterials, block length shall not exceed 530 feet. The length of blocks adjacent to arterials shall not exceed 1,800 feet.

The applicant proposes a block length of approximately 1,400 feet. The 530 foot access spacing requirement is not practicable for this site due to the preexisting constraints of SW Meinecke and SW Cedar Brook Way. As discussed above the applicant provided a mid-block crossing on Street A in order to have access to the open space tract in the center of the development. Also, there is a proposed connection to the adjoining multi-family development (Tract B.)

FINDING: Based on the above discussion, the applicant has not met this criterion, but has mitigated the block length requirement with pedestrian crossings and access points to the adjoining properties where practicable.

6. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways consistent with cross section standards in Figure 8-6 of the TSP shall be provided on public easements or right- of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted TSP.

The applicant proposes sidewalks and internal pathways to connect the subdivision and open space to the surrounding neighborhoods. As discussed earlier the applicant proposes to build the pathways according to the Pedestrian and Bike Master Plans in the adopted TSP.

The applicant proposed Tract B connect this development with the Creekview Crossing development. The pathway as proposed is five feet wide with no buffer between the property lines. This is not

compatible with the cross sections for pedestrian access ways as discussed and conditioned earlier within this report.

FINDING: Based on the above discussion, the applicant meets this criterion or has been conditioned earlier within this report to meet this condition.

1. Roadway Access

No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.

a. Local Streets:

Minimum right-of-way radius is fifteen (15) feet. Access will not be permitted within ten (10) feet of Point "B," if no radius exists, access will not be permitted within twenty-five (25) feet of Point "A." Access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than ten (10) feet.

As reviewed by the Engineering Department, all streets are properly aligned. The streets are designed to comply with City standards unless deviated through the street modification process as identified above (p.28-30). The center line radius of Street A, a local street is 185 feet and the tangent length is 25 feet at the intersections. The center line angle of SW Cedar Brook Way and SW Meinecke is 80 degrees which satisfies the Engineering standard. The extension of Cedar Brook Way complies with the local connectivity map as discussed above.

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

N. Private Streets

1. The construction of a private street serving a single-family residential development is prohibited unless it provides principal access to two or fewer residential lots or parcels (i.e. flag lots).

2. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan.

3. A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records.

4. A private street shall also be signed differently from public streets and include the words "Private Street".

FINDING: The applicant is proposing a private alley that has been discussed earlier in this report under the street modification section (p. 28-29). The Engineering Department has reviewed this proposal and recommended approval with conditions outlined in Exhibit J attached to this staff report. Therefore, the applicant does not meet this standard outright and has requested a modification as discussed above with conditions to mitigate for the private street or alley.

16.106.060 Sidewalks

A. Required Improvements

1. Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.

B. Design Standards

1. Arterial and Collector Streets

Arterial and collector streets shall have minimum eight (8) foot wide sidewalks/multi- use path, located as required by this Code.

2. Local Streets

Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.

3. Handicapped Ramps

Sidewalk handicapped ramps shall be provided at all intersections.

C. Pedestrian and Bicycle Paths

Provide bike and pedestrian connections on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 330 feet except where prevented by topography, barriers such as railroads or highways, or environmental constraints such as rivers and streams.

The applicant proposes to construct 8-foot sidewalks on SW Cedar Brook Way and 6 foot sidewalks along Street A. The sidewalks interior to the site are five feet wide. Mid-block crossings are also proposed on Street J.

FINDING: As discussed and conditioned earlier in this report, the applicant proposes and the City concurs that sidewalks should be provided and should comply with the existing standards as reviewed by the engineering department.

16.110 Sanitary Sewers - Required Improvements

Sanitary sewers are required be installed to serve all new developments and shall connect to existing sanitary sewer mains. Sanitary sewers shall be constructed, located, sized and installed at standards consistent with the Code, applicable Clean Water Services standards and City standards to adequately serve the proposed development and allow for future extensions.

Sanitary sewer is recommended to be installed to accommodate project development. The surrounding properties are either open space or have existing sanitary sewer service; therefore, sanitary sewer will not be required to be extended to property lines to accommodate adjacent parcels.

Public sanitary sewer outside of the public right-of-way will be located within a dedicated public easement.

FINDING: The applicant has not met this standard but can do so with the following conditions.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, the sanitary sewer system design and installation shall be in conformance with City design and construction standards in order to be accepted by the City.

16.112 Water Supply - Required Improvements

Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains.

Water lines should be installed to accommodate project development. The applicant proposes a 12-inch water line be installed along the frontage of SW Cedar Brook Way and SW Meinecke Parkway. The Engineering Department recommends that no public water line shall be installed within the Private Street and lots along the private alley shall obtain water service from either SW "A" Street, SW Cedar Brook Way or SW Meinecke Parkway.

All water infrastructure needs to meet the standards of the City of Sherwood and be reviewed and approved by the Sherwood Water Department (Public Works Department) prior to issuance of an Engineering Compliance Agreement.

FINDING: Based on the above discussion, the applicant has not met this criterion but can do so with the following condition.

RECOMMENDED CONDITION: Prior to public improvement plan approval, submit plans so that all water infrastructure will meet City standards and be approved by the Sherwood Water Department.

16.114 Storm Water - Required Improvements

Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage systems consistent with the Comprehensive Plan and the requirements of Clean Water Services water quality regulations contained in their Design and Construction Standards R&O 04-9 or its replacement.

Water quality treatment is required meeting the approval of the City of Sherwood Engineering Department and Clean Water Services. The storm sewer is required to be installed to accommodate project development. The surrounding streets and parcels are already developed and have storm sewer service. Therefore, storm sewer will not be required to be extended to property lines to accommodate adjacent parcels.

The Engineering Department recommends that the capacity of the existing storm sewer receiving runoff from the subject development shall be verified. If undersized, the existing storm sewer shall be upsized to accommodate the subject property. Public storm sewer outside of the public right-of-way will be located within a dedicated public easement.

Clean Water Services has reviewed this proposal and provided comments that include requiring a CWS Storm Water Connection Permit be obtained prior to plat approval and recordation. As part of that Permit the applicant will be required to submit the materials outlined in the CWS Memo dated May 8, 2014 (Exhibit D). The memo outlines conditions that will need to be followed in order to fully comply with this criterion. A "Sensitive Area" is near the site. The applicant should comply with the conditions as set forth in the Service Provider Letter No. 13-002074.

FINDING: As discussed above, staff cannot confirm at this time that the standard has been met. If the applicant submits a revised plan that complies with the following conditions, this standard will be met.

RECOMMENDED CONDITION: Prior to approval of the final plat, receive a Clean Water Services Storm Water Connection Permit Authorization that meets the requirements of the CWS Memorandum dated May 8, 2014, Exhibit D.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, submit to the Engineering Department for review and approval a stormwater report identifying adequate space in the facility. The public improvement plans must include detention and treatment of all stormwater on the site in compliance with Clean Water Services standards.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, show all existing and proposed easements on the plans. Any required storm sewer, sanitary sewer and water quality related easements must be granted to the City.

RECOMMENDED CONDITION: Prior to approval of the final plat, comply with the conditions as set forth in the Service Provider Letter No. 13-002074. (Exhibit A, applicant's materials Exhibit 10)

16.116 Fire Protection Required Improvements

When land is developed so that any commercial or industrial structure is further than two hundred and fifty (250) feet or any residential structure is further than five hundred (500) feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety.

John Wolff of Tualatin Valley Fire and Rescue provided general comments on May 12, 2014 (Exhibit F). Compliance with TVF&R will be required at time of detailed development plan review. The applicant concurs.

FINDING: This standard is satisfied for this stage of the development. However, the applicant cannot fully comply without the following condition.

RECOMMENDED CONDITON: Prior to approval of the public improvement plans, submit revised plans that provide adequate turning radius, hydrant location, fire flow, and adherence in compliance with TVF&R standards as verified by an acceptance letter from TVF&R.

16.118 Public and Private Utilities

A. requires that installation of utilities be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.

B. Requires that public utility easements shall be a minimum of eight feet in width unless a reduced width is specifically exempted by the City Engineer. An eight (8) foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.

C. Indicates that where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property(ies).

D. Requires franchise utility conduits to be installed per the utility design and specification standards of the utility agency.

E. Requires Public Telecommunication conduits and appurtenances to be installed per the City of Sherwood telecommunication design standards.

The City of Sherwood Broadband manager has submitted comments that conduit is necessary as part of this development. As part of the public improvement plan review and approval, the applicant will be required to show conduits for all public and private utilities.

FINDING: As discussed above, this standard is not met but can be conditioned below.

RECOMMENDED CONDITION: Prior to building permit approval, install conduit and vaults per the City of Sherwood telecommunication design standards.

16.118.030 Underground Facilities

Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, shall be placed underground, unless specifically authorized for above ground installation, because the points of connection to existing utilities make underground installation impractical, or for other reasons deemed acceptable by the City.

FINDING: All existing and proposed utilities are proposed to be underground, therefore this standard is met.

D. Division VIII, ENVIRONMENTAL RESOURCES

16.142 – Parks and Open Space

16.142.030 Single-Family or Duplex Residential Subdivisions

A. A minimum of five percent (5%) of the net buildable site (after exclusion of public right-of-way and environmentally constrained areas) shall be maintained as "open space". Open space must include usable areas such as public parks, swimming and wading pools, grass areas for picnics and recreational play, walking paths, and other like space. The following may not be used to calculate open space:

- 1. Required yards or setbacks.**
- 2. Required visual corridors.**
- 3. Required sensitive areas and buffers.**
- 4. Any area required to meet a standard found elsewhere in this code.**

C. The open space shall be conveyed in accordance with one of the following methods:

- 1. By dedication to the City as public open space (if acceptable to the City). Open space proposed for dedication to the City must be acceptable to the City Manager or the Manager's designee with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities;**
- 2. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association or other legal entity, with the City retaining the development rights to the open space. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.**

D. The density of a single-family residential subdivision shall be calculated based on the net buildable site prior to exclusion of open space per this Section.

As indicated previously in this narrative, the applicant is proposing to provide a combination of public and private open space that complies with the PUD standard for at least 15 % open space which is greater than the five percent open space requirement of this provision.

FINDING: As discussed above, this standard can be met as conditioned below.

RECOMMENDED CONDITION: Prior to final plat approval, provide documentation, to be recorded with the plat, dedicating the tracts of open space to either the Homeowner's Association, or to the City as open space unless another acceptable alternative for open space is provided.

16.142.040 Visual Corridors

New developments located outside of the Old Town Overlay with frontage on Highway 99W, or arterial or collector streets designated on the Transportation Plan Map, attached as Appendix C, or in Section VI of the Community Development Plan, shall be required to establish a landscaped visual corridor. The required width along a collector is 10 feet and 15 feet along an arterial. In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk.

B. Landscape Materials

The required visual corridor areas shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section 16.142.060, shall be planted in the corridor by the developer. The improvements shall be included in the compliance agreement. In no case shall trees be removed from the required visual corridor.

C. Establishment and Maintenance

Designated visual corridors shall be established as a portion of landscaping requirements pursuant to Chapter 16.92. To assure continuous maintenance of the visual corridors, the review authority may require that the development rights to the corridor areas be dedicated to the City or that restrictive covenants be recorded prior to the issuance of a building permit.

D. Required Yard

Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited within the required visual corridor, with the exception of front porches on townhomes, as permitted in Section 16.44.010(E)(4)(c). The streets proposed with this development abut SW Meinecke, and a 10 ft. visual corridor is necessary.

FINDING: As discussed above, this standard is not met but can be met with the following condition.

RECOMMENDED CONDITION: Prior to final development approval, submit landscape plans that include the visual corridors required along SW Meinecke.

16.142.050- Trees Along Public Streets or on Other Public Property

A. Trees Along Public Streets

Trees are required to be planted by the land use applicant to the following specifications along public streets abutting or within any new development. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets.

- 1. Tree location: Trees shall be planted within the planter strip along newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines.**

FINDING: The applicant's proposal shows the street trees on the plans but not the species of tree and thus the number cannot be verified. The applicant proposes that they will be from City's Recommended Street Trees list. The trees are shown in the planter strip separating the street from the sidewalk. This standard has not been met, but can be conditioned below in order to fully comply.

- 2. Tree size: A minimum trunk diameter of two (2) inches DBH and minimum height of six (6) feet.**

FINDING: The applicant's proposal does not show the size of proposed street trees. While it cannot be verified that this standard is met, it could be met as conditioned below.

RECOMMENDED CONDITION: Prior to public improvement plan approval, submit a street tree planting plan as part of the public improvements that show the variety of trees that are proposed to be planted, and ensure that the trees being planted will be a minimum of 2 inches DBH and 6 feet high.

RECOMMENDED CONDITION: Prior to final occupancy, plant the required street tree(s) for each of the individual lots.

16.142.070 Trees on Property Subject to Certain Land Use Applications

A. Generally

The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of trees and woodlands within the City. This Section is intended to help protect the scenic beauty of the City; to retain a livable environment through the beneficial effect of trees on air pollution, heat and glare, sound, water quality, and surface water and erosion control; to encourage the retention and planting of tree species native to the Willamette Valley and Western Oregon; to provide an attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time.

B. Applicability

All applications including a Type II - IV land use review, shall be required to preserve trees or woodlands, as defined by this Section to the maximum extent feasible within the context of the proposed land use plan and relative to other codes, policies, and standards of the City Comprehensive Plan.

D. Retention requirements

- 1. Trees may be considered for removal to accommodate the development including buildings, parking, walkways, grading etc., provided the development satisfies of D.2 or D.3, below.**

2. Required Tree Canopy - Residential Developments (Single Family Attached, Single Family Detached and Two - Family)

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of canopy for each tree. The expected mature canopy is counted for each tree regardless of an overlap of multiple tree canopies.

The canopy requirement can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist or other qualified professional shall provide the estimated tree canopy of the proposed trees to the planning department for review.

The site does not have many existing trees. The applicant proposes to retain several of the trees that are located on the undevelopable portions of the site with the exception of two trees that the applicant requests removal due to the location of the storm sewer easement. The applicant proposes street trees in order to comply with the canopy requirement and any other trees as identified or planted within the open space areas. The applicant has done some preliminary calculations and believes that there is more than enough tree canopy with the street trees to meet this standard.

FINDING: Based on the above discussion, the applicant has not yet met this condition, but can do so with the following condition.

RECOMMEND CONDITION: Prior to final development plan approval, submit a landscape plan that identifies a tree canopy of at least 40% on the site.

VII. RECOMMENDATION

Based on a review of the applicable code provisions, agency comments and staff review, the Planning Commission finds that the Planned Unit Development and Subdivision do not fully meet the applicable review criteria. However, the applicable criteria can be satisfied if specific conditions are met. Therefore, **the Planning Commission forwards a recommendation of APPROVAL with conditions of Cedar Brook PUD (PUD 14-01, and SUB 14-01).** Recommended conditions are as follows:

A. General Conditions

- 1.** Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.

- 2.** Approval of this Preliminary PUD does not constitute approval of a final development plan for the PUD or approved phases of the PUD.

3. Final Development plans for the PUD or phases of the PUD shall substantially comply with the preliminary plan dated March 6, 2014 and revised June 16, 2014 and prepared by Emerio Design, and must comply with the conditions in this approval in addition to any other condition deemed necessary to ensure compliance with the development code and this approval.
 4. Development and construction on the site shall conform substantially to the preliminary plat development plans submitted by Emerio Design except as modified in the conditions below, (and shall conform specifically to final construction plans reviewed and approved by the City Engineer, the Building Official, Clean Water Services, Tualatin Valley Fire and Rescue, Tualatin Valley Water District and Washington County). All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Sherwood.
 5. The developer is responsible for all costs associated with any remaining public facility improvements and shall assure the construction of all public streets and utilities within and adjacent to the plat as required by these conditions of approval, to the plans, standards, and specifications of the City of Sherwood. The developer shall also provide to the City financial guarantees for construction of all public streets and utilities within and adjacent to the plat, as required by the engineering compliance agreement.
 6. This approval is valid for a period of two (2) years from the date of the decision notice. Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
 7. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
 8. Placement of construction trailers on the subject property shall require a Temporary Use Permit per Section 16.86 of the SZCDC.
 9. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.
 10. Retaining walls within public easements or the public right-of-way shall require engineering approval. Retaining walls with a height of 4 feet or higher located on private property will require a permit from the building department.
 11. Retaining walls great than four (4) feet in height shall have a geotechnical engineer provide stamped design calculations and details drawings required for retaining wall construction. The retaining wall details shall include at a minimum; wall profile, wall cross section at highest point of wall, wall reinforcing geotextile requirements, wall drainage system, and wall backfill requirements. Retaining wall drainage systems shall either discharge to a public storm drainage system, or discharge on-site in such a manner as to not negatively impact adjacent downslope properties.
- B. General and Specific PUD Detailed Final Development Plan requirements:**
1. A detailed final development plan shall be submitted for review and approval within 1 year of the preliminary PUD approval.
 2. Submit an architectural pattern book that provides an illustrative guide for the development including a measurement or checklist system to facilitate review, include information for each building type that describes massing, facades, elevations, roof forms, proportions, materials and color palette, doors, windows, siding, entrances, porches, light fixtures and other

ornamentation, or accents, and a fencing plan that addresses the relationship between public space and maintaining individual privacy subject to § 16.58.020.

3. Provide the CC & Rs that document how the areas of open space, common areas and onsite parking will be monitored and maintained by the Home Owner's Association.
4. Submit plans that show that the porches do not encroach on any of the clear vision area.
5. Submit plans and elevations of the townhomes that provide for doors, porches, balconies, windows or architectural features to provide variety in the façade and comply with the townhome design standards.
6. Submit plans that show the design of the pedestrian pathway within Tract B to include landscaped buffers between the properties of at least three feet on each side.
7. Submit plans that show the perimeter screening separating the single-family residential zones from the multi-family residential zones.
8. Submit a parking plan that details and describes the dimensions of the parking spaces and any deviation from the parking space standards.
9. Submit landscape plans that include the visual corridor located on SW Meinecke.
10. Submit a landscape plan that identifies a tree canopy of at least 40% on the site.
11. Submit plans that show that the front façade of the townhomes do not include more than forty percent (40%) of garage door area.

C. Prior to issuance of grading or erosion control permits from the Building Department:

1. Submit detailed grading and erosion control plans. An Erosion Control Permit will be required. Areas of Disturbance must be clearly identified on submitted construction plans.
2. The Developer's engineer is required to provide a site specific drainage plan to temporarily collect, route, and treat surface water and ground water during each construction phase. The construction plans shall specifically identify how the storm drainage system and erosion sediment control measures will be phased during construction, such that at any time during construction the approved plans shall be capable of providing full erosion and sediment control, collection, routing and treatment of storm water runoff and ground water. No site construction will be allowed to take place if the storm drainage system and erosion sediment control measures are not installed per plan and functioning properly.
3. Obtain a 1200C Erosion Control Permit through the Building Department for all the disturbed ground, both on and off site that is in excess of one acre in addition to meeting all CWS Design and Construction Standards. The applicant shall follow the latest requirements from DEQ and CWS for NPDES 1200-C Permit submittals. A copy of the approved and signed permit shall be provided to the City prior to holding a pre-construction meeting or commencing any construction activity.
4. Submit a tree protection plan showing how the trees to be retained will be protected throughout the construction of the site.

5. Install tree protection fencing around trees to be retained on site. The tree protection fencing shall be inspected and deemed appropriate by the arborist to be reviewed by the Planning Department.
6. Any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by the City Plumbing Inspector and provide verification of such to the City Engineer.
7. A demolition permit shall be obtained from the Sherwood Building Department prior to demolishing or moving any structures.
8. In the event there is engineered fill on any public roads or lots, the applicants' soils engineer and testing lab shall obtain and record compaction tests and submit results for the review and approval of the City Engineer.

D. Prior to approval of the public improvement plans:

1. Submit engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets) to the Sherwood Engineering Department. The engineering plans shall conform to the design standards of the City of Sherwood's Engineering Department, Clean Water Services, Tualatin Valley Water District, Tualatin Valley Fire & Rescue and other applicable requirements and standards. The plans shall be in substantial conformance with the utility plans dated March 6, 2014 and as amended and prepared by Emerio Design with the following modifications:
 - a. Design the proposed SW Cedar Brook Way extension to have 36 feet of paved surface (curb face to curb face) with 5-foot wide landscape strips and 8-foot wide sidewalks on each side within a 64-foot wide right-of-way unless a design modification request is approved by the City Engineer.
 - b. Comply with the recommended conditions as found in the Street Modification Approval memo submitted by the Engineering Department, Exhibit J.
2. Submit to the Engineering Department for review and approval a stormwater report meeting design standards of both the City of Sherwood and Clean Water Services and the Clean Water Service Provider letter dated March 14, 2014, (Exhibit A, Applicant's Materials).
3. Provide an 8-foot wide public utility easement over the right of way of all street frontages. Tract 'G' containing the proposed private alley shall have a private utility easement over its entirety.
4. All easements (public or private) associated with the development shall be recorded with the County and transfer to a 2-year maintenance bond.
5. A cross section for each type of street improvement shall be prepared that illustrates utility locations, street improvements including grade and elevation, and sidewalk location including grade and elevation per current construction standards. Cross sections shall be included in the plan set and submitted to the City Engineer for review and approval.
6. Submit public improvement plans that demonstrate the placement of all existing and proposed utilities underground.
7. Submit public improvement plans to the Engineering Department, with a copy of the landscaping plan to the Planning Department, for review and approval.

8. All public easement dedication documents must be submitted to the City for review, signed by the City and the applicant, and recorded by the applicant with the original or a certified copy of the recorded easements on file at the City prior to release of the public improvement plans.
9. Submit the final plat for review to the Planning Department.
10. Submit plans so that all water infrastructure will meet City standards and be approved by the Sherwood Water Department.
11. The sanitary sewer system design and installation shall be in conformance with City design and construction standards in order to be accepted by the City.
12. Submit to the Engineering Department for review and approval a stormwater report identifying adequate space in the facility. The public improvement plans must include detention and treatment of all stormwater on the site in compliance with Clean Water Services standards.
13. Show all existing and proposed easements on the plans. Any required storm sewer, sanitary sewer and water quality related easements must be granted to the City.
14. Submit revised plans that provide adequate turning radius, hydrant location, fire flow, and adherence in compliance with TVF&R standards as verified by an acceptance letter from TVF&R.
15. Submit a street tree-planting plan as part of the public improvements that show the variety of trees that will be a minimum of 2 inches DBH and 6 feet high.

E. Prior to Approval of the Final Plat:

1. The submittal by the applicant for final plat review and approval shall include but not be limited to the following: a final plat application; final plat review fee; narrative identifying how the required conditions of approval have or will be met; three copies of the final plat; and any other materials required to demonstrate compliance with the conditions of approval.
2. Approval of the public improvement plans by the Engineering Department, and signature of a compliance agreement must be complete prior to release of the plat to the County for review. In addition, prior to final plat approval, either all on-site work must be complete or the improvements bonded or guaranteed with a cash deposit.
3. Receive a Clean Water Connection Permit Authorization that meets the requirements of the CWS Memorandum dated May 8, 2014 (Exhibit D).
4. The final plat shall show the following:
 - a. The Community Development Director as the City's approving authority within the signature block of the final plat.
 - b. Private access easements, utility easements and/or special use easements as required for the development of the site. A plat note shall reference an easement and maintenance agreement or similar document, to be recorded with the plat, for the joint maintenance of any common private utility lines, common driveway improvements, or other common amenity or perimeter fencing. The language of such plat note and associated document shall be reviewed and approved by the Planning Department.

- c. Provide documentation to be recorded with the plat, dedicating the tracts of open space to either to the Homeowner's Association, or to the City as open space unless another acceptable alternative for open space is provided.
5. Submit a tree inventory and planting plan for the street trees and trees within the open space areas in order to be fully compliant with §16.142.060.
6. Submit revised plans that provide adequate turning radius, hydrant location, fire flow, and adherence in compliance with TVF&R standards as verified by an acceptance letter from TVF&R.
7. The public improvement plans must be approved and bonded for prior to the City's approval of the final plat.
8. Design the public street intersections to meet sight distance requirements. Provide certification by a registered Oregon Professional Engineer that the constructed public street intersections meet sight distance requirements.

F. Prior to Issuance of a Building Permit:

1. For the Phase 1 portion of the project which consists of all buildings excluding either one townhome building or the last three single family homes (applicant's choice), all public improvements delineated under Phase 1 must be completed and accepted by the City Engineer, and the final plat(s) must be recorded. An approval letter from the Engineering Department accepting all public improvements constructed under Phase 1, shall be issued prior to issuance of building permits for buildings delineated under Phase 1.
2. Prior to issuance of any building permits, the developer shall provide a geotechnical investigation report if required by the Building Official.
3. Prior to issuance of building permits, an electronic version of the final plat must be submitted to the Planning Department.
4. Submit a recorded copy of the CC & Rs.
5. All easements (public or private) associated with the development shall be recorded with the County and transfer to a 2-year maintenance bond.
6. Install conduit and vaults per the City of Sherwood telecommunication design standards.

G. Prior to Final Occupancy of the Subdivision:

1. All public improvements shall be competed, inspected and approved, as applicable, by the City, CWS, and TVF & R, and other applicable agencies.
2. All agreements required as conditions of this approval must be signed and recorded.
3. Plant the required street trees for each lot prior to a certificate of occupancy for the home on the lot.
4. Install the landscaping according to the landscape plan prior to the issuance of the occupancy permits or pay a security bond for 125% of the cost of the landscaping payable to the City. If the landscaping is not completed within six months, the security may be used by the City to complete the installation.

5. Construct and install the pathway and other open space amenities described in the final development plan, excluding the trail connection as identified under Condition G.7.
6. Install the perimeter screening separating the residential zones of the single family homes with the multifamily development to the east.
7. Phase 2 portion of the project consists of design and construction of the trail extension from SW Cedar Brook Way through Tract K, connecting to the existing trail at Wyndam Ridge. Final occupancy for either the last townhome building or last three single-family homes (applicant's choice) shall be granted once the trail extension has been constructed and accepted by the City Engineer. An approval letter from the Engineering Department accepting all the public improvements under Phase 2 shall be issued prior to granting final occupancy for the buildings delineated under Phase 2.

H. On-going Conditions

1. All rain, storm, and other surface water runoff from roofs, exposed stairways, light wells, courts, courtyards, and exterior paved areas shall be disposed of in compliance with local ordinances and state rules and regulations, in a manner that will not increase runoff to adjacent properties. The approved points of disposal include storm sewer laterals to a public system or other storm sewer system as approved by the City Engineer.
2. Joint mailbox facilities shall be installed prior to the City signing the Letter of Acceptance for the development. Joint mailbox facilities must be installed per U.S. Postal Service's "*Developers' Guide to Centralized Box Units*". The Developer shall provide a signed copy of the U.S. Postal Services "*Mode of Delivery Agreement*". Submittal of this agreement shall be required prior to a pre-construction meeting taking place.
3. The developer shall coordinate location of garbage and recycling receptacles with Pride Disposal.
4. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code.
5. Decks, fences, sheds, building additions and other site improvements shall not be located within any easement unless otherwise authorized in writing by the City Engineer.
6. Fences separating lots from adjacent pedestrian access way may not exceed 42" in height unless the fences are setback with at least three (3) feet of landscaping from the pedestrian easement.
7. Comply with the Clean Water Services Service Provider Letter throughout the development of the site.
8. Restrict and maintain on-site landscaping, utilities, and any other obstructions in the sight distance triangles to provide adequate sight distance at access locations to SW Street A and SW Cedar Brook Way and Tract G, the private alley.
9. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.

10. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working in the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
11. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through proper disposal containers or construction fencing enclosures. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the Community Development.

VIII. EXHIBITS

- A. Applicant's materials submitted on March 6, 2014, and revised on April 14, 2014
- B. Allison Holden comments submitted via email on May 25, 2014
- C. City of Sherwood Engineering comments dated May 12, 2014
- D. Clean Water Services letter submitted on May 8, 2014
- E. Tualatin Valley Fire and Rescue letter submitted May 13, 2014
- F. Pride Disposal comments submitted May 12, 2014
- G. Applicant's submittal to the Parks Board concerning Tract K dated May 5, 2015
- H. Bicycle Master Plan Figure 6-1 from the City of Sherwood Transportation System Plan
- I. Street Design Modification request by the applicant dated April 29, 2014
- K. Staff Memo to the Planning Commission dated June 10, 2014
- L. Supplementary Response memo from the applicant for the June 24, 2014 hearing
- M. Revised Site Plan, submitted by the applicant including "On and Off Street Parking"
- N. Revised Site Plan, submitted by the applicant that includes the proposed setback deviation from the Development Code
- O. Example of CC&Rs that include the garage restriction
- P. Example of the City Parking District Policy
- Q. Citizen Comments from Mara Broadhurst dated June 23, 2014

End of Report

TO: Sherwood City Council

FROM: Joseph Gall, ICMA-CM, City Manager and Sylvia Murphy, MMC, City Recorder
through: Edward Sullivan, Special Counsel to Charter Review Committee

SUBJECT: Resolution 2014-057, a Resolution Approving Ballot Titles and Explanatory Statements and Submitting Proposed Charter Amendments to City Voters

Issue:

Shall the City Council approve a resolution approving ballot titles and explanatory statements and submitting proposed charter amendments to City voters for the November 4, 2014 election?

Background:

The Charter Review Committee was established by the City Council in 2013 to review the City Charter. The Committee met several time in public meetings and recommended changes to Chapter III-Council and Chapter VII-Elections of the City Charter. The City Council met in a joint work session with the Committee and held a public hearing to receive citizen input. The proposed amendments were then approved by the City Council for the May 2014 election.

Since March 2014, the Sherwood Charter Review Committee has been focusing their work on reviewing the remaining chapters of the City Charter. As a result of their efforts, the Charter Review Committee met with the City Council in a work session on July 15, 2014 to discuss proposed ballot titles and explanatory statements. The Committee is recommending that the City Council take the appropriate actions to place the proposed charter amendments on the ballot for the November 4, 2014 election.

The Charter Review Committee held six meetings and allowed public input at each meeting. Before the City Council acts on these proposed charter amendments, a public hearing is scheduled for Tuesday, August 5, 2014 to obtain additional public comment on the proposed amendments.

In order to achieve the goal of allowing Sherwood voters the opportunity to vote on these amendments on November 4, 2014, action on this resolution needs to occur on or before August 5, 2014 to allow time for the required noticing of the Receipt of a Ballot Title. As part of this resolution, seven draft ballot titles and explanatory statements have been developed and approved by the City Attorney per the Sherwood Municipal Code.

Financial Impacts:

Cost associated with publishing the Notice of Receipt of a ballot title, average publication cost per ballot title is \$500-\$700.

Recommendation:

Staff respectfully requests City Council consideration of Resolution 2014-057 approving ballot titles and explanatory statements and submitting proposed charter amendments to City voters for the November 4, 2014 election.



RESOLUTION 2014-057

APPROVING BALLOT TITLES AND EXPLANATORY STATEMENTS AND SUBMITTING PROPOSED CHARTER AMENDMENTS TO CITY VOTERS

WHEREAS, the Sherwood City Council appointed a Charter Review committee in December 2013 comprised of members of the community; and

WHEREAS, the Committee met several times to discuss potential charter amendments and receive public comment; and

WHEREAS, the City Council and Committee met in a work session on July 15, 2014 to discuss the results of the committee's work; and

WHEREAS, the Council held a public hearing on August 5, 2014 and has determined to submit to the voters of Sherwood ballot measures proposing amendments to the charter.

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

- Section 1.** An election is called for the City of Sherwood, Washington County, Oregon for the purpose of submitting to City voters various amendments to the home rule charter.
- Section 2.** Tuesday, November 4, 2014 is designated as the date for holding the election for voting on the measures.
- Section 3.** The election will be conducted by the Washington County Elections Department.
- Section 4.** The precincts for this election will include all of the territory within the corporate limits of the City of Sherwood.
- Section 5.** The Ballot Titles and Explanatory Statements will read as provided in the attached Exhibits A through G.
- Section 6.** The City Recorder will publish the Ballot Titles as required by State law.
- Section 7.** This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 5th day of August 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Ballot Title
An Election on a Proposed Revision of the City Charter-Title and Effective Date

CAPTION: REVISION TO SHERWOOD CHARTER; TITLE, REVIEW AND EFFECTIVE DATE *(9 words, max 10)*

QUESTION: Should the charter provisions pertaining to title, date and review be revised to be current and also require periodic review? *(20 words, max 20)*

SUMMARY: This measure affects two sections of the current city charter; Chapter I, Section 1-Title, and Chapter XI, Section 47-Time of Effect. This change would take effect January 1, 2015.

Section 1 would be amended by eliminating the year “2005” from the title of the charter and substituting an effective date of January 1, 2015. In addition, Section 1 would include a new provision requiring review of the charter at least every 6 years by a charter review committee. Section 47 would be deleted.

The net effect would change the date of the charter to 2015. In addition, at least every six years, the council would appoint a committee to review whether the charter continues to meet the needs of the city’s residents.

Section 1-Title would be amended to read as follows:

Title, Effective Date and Review. *This charter shall be referred to as the Sherwood City Charter and takes effect January 1, 2015. This charter shall be reviewed at least every six years with the appointment of a charter review committee by the city council.*

(175 words, max 175)

**CITY OF SHERWOOD
MEASURE TO AMEND CITY CHARTER**

EXPLANATORY STATEMENT

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. In 2013, the City Council formed a Charter Review Committee comprised of Sherwood residents to review and propose amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback. The Charter Review Committee then met with the City Council to review the amendments, and the City Council held a public hearing to received citizen input. Several amendments were voted on at the May 2014 election and another set of amendments are being brought before city voters on the November 2014 Ballot.

This proposed measure would affect two sections of the current city charter: Chapter I, Section 1-Title, and Chapter XI, Section 47-Time of Effect.

The proposed revisions would amend Section 1 by eliminating the year “2005” from the title, add an effective date for the new charter of January 1, 2015, and add a provision requiring review of the charter at least every 6 years by a charter review committee.

The proposed revision would amend Section 47 by deleting it entirely. That section currently provides that “this charter takes effect July 1, 2005.” With the new language in Section 1, there is no longer a need for this provision.

The charter review committee wanted to ensure that the date of the charter reflected its most recent amendment and to ensure that the charter would be reviewed periodically to ensure that it continues to meet the needs of the citizens of Sherwood.

The proposed amendments to Section 1-Title are as follows (language to be added is underlined; language to be deleted is shown in ~~strikethrough~~):

Title, Effective Date and Review. This charter ~~may~~ shall be referred to as the 2005 Sherwood City Charter and takes effect January 1, 2015. This charter shall be reviewed at least every six years, with the appointment of a charter review committee by the city council.

If approved by the voters, the revisions will take effect January 1, 2015.

(336 words, 500 max)

Ballot Title
An Election on a Proposed Revision of the City Charter-Mayoral Appointments

CAPTION: REVISION TO SHERWOOD CHARTER; SECTION 6-DISTRIBUTION, MAYORAL APPOINTMENTS *(8 words, max 10)*

QUESTION: Should the charter be revised to allow mayor to appoint members to city commissions, boards and committees with council consent? *(20 words, max 20)*

SUMMARY: This measure amends Section 6, Chapter II of the current city charter. Currently, the Charter allows the city council to appoint members of commissions, boards and committees. If approved, the new measure would take effect on January 1, 2015.

The new measure would authorize the Mayor to appoint those members, subject to the consent of the city council.

The amended Section 6 would read in its entirety as follows:

Section 6. Distribution. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances. The mayor appoints members of commissions, boards and committees, as established by ordinance or resolution, subject to the consent of the city council by resolution.

(163 words, max 175)

**CITY OF SHERWOOD
MEASURE TO AMEND CITY CHARTER**

EXPLANATORY STATEMENT

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. In 2013, the City Council formed a Charter Review Committee comprised of Sherwood residents to review and propose amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback. The Charter Review Committee then met with the City Council to review the amendments, and the City Council held a public hearing to receive citizen input. Several amendments were voted on at the May 2014 election and another set of amendments are being brought before city voters on the November 2014 Ballot.

This measure amends Section 6 – Distribution, Chapter II of the current city charter. Currently, the charter requires members of commissions, boards and committees to be appointed by the council. The amended provision authorizes the mayor to appoint those members, subject to the consent of the city council.

The text of Section 6 would be amended as follows (underlined language would be added; language with ~~strikethrough~~ would be deleted):

Section 6. Distribution. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances. ~~The council appoints members of commissions, board and committees established by ordinance or resolution.~~ The mayor appoints members of commissions, boards and committees, as established by ordinance or resolution, subject to the consent of the city council by resolution.

If approved by the voters, the revisions will take effect January 1, 2015.

(297 words, 500 max)

Ballot Title
An Election on a Proposed Revision of the City Charter-Council Agenda Setting

CAPTION: REVISION TO SHERWOOD CHARTER; SECTION 7-COUNCIL ESTABLISHING AGENDA *(8 words, max 10)*

QUESTION: Should the charter be revised to allow the council majority to add items to future council meeting agendas? *(18 words, max 20)*

SUMMARY: The Oregon Constitution gives city voters the right to adopt, amend and revise a charter. The charter is the foundational document of the city and grants legal authority to the city and sets duties. Sherwood voters adopted the most recent revisions to the charter in May 2014. If this measure is approved, it would take effect on January 1, 2015.

This measure would amend Section 7-Council, Chapter III of the current city charter by adding language that would allow a majority of the council to cause an item to be added to a future meeting agenda.

The section would read in its entirety as follows:

The council consists of a mayor and six councilors nominated and elected from the City. A majority of the council may cause an item to be added to the agenda of a future meeting.

(139 words, max 175)

**CITY OF SHERWOOD
MEASURE TO AMEND CITY CHARTER**

EXPLANATORY STATEMENT

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. In 2013, the City Council formed a Charter Review Committee comprised of Sherwood residents to review and propose amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback. The Charter Review Committee then met with the City Council to review the amendments, and the City Council held a public hearing to received citizen input. Several amendments were voted on at the May 2014 election and another set of amendments are being brought before city voters on the November 2014 Ballot.

This proposed measure would amend the Section 7-Council, Chapter III of the current city charter by adding a provision allowing a majority of the council to cause an item to be added to the agenda of a future meeting. Currently, the Mayor, as the presiding officer of the city council, controls the agenda that comes before the city council. The proposed change would allow a majority of the council to require that a matter come before the council even if the mayor objected to considering the matter.

The text of Section 7 would be amended as follows (the new language is shown as underlined):

The council consists of a mayor and six councilors nominated and elected from the City. A majority of the council may cause an item to be added to the agenda of a future meeting.

If approved by the voters, the revisions will take effect January 1, 2015.

(255 words, 500 max)

Ballot Title
An Election on a Proposed Revision of the City Charter-Ordinance Adoption

CAPTION: REVISION TO SHERWOOD CHARTER; SECTION 16-ORDINANCE ADOPTION *(7 words, max 10)*

QUESTION: Should the charter section governing the process of ordinance adoption be revised? *(12 words, max 20)*

SUMMARY: This measure amends Section 16(a)-Ordinance Adoption of the charter by deleting it and creating a new provision. That provision would impose new requirements on the adoption of new ordinances. If approved, it would take effect January 1, 2015

The amendment is as follows:

(a) Except as this provision provides otherwise, adoption of an ordinance requires approval by a majority of the council at two separate meetings separated by at least six days.

(1) The text of the proposed ordinance shall be posted and available to the public at least six days in advance of the meeting at which the ordinance will be considered, and any amendment to the text as posted shall be read in full.

(2) At each meeting that the ordinance is considered, the title of the ordinance shall be read and public comments shall be accepted prior to the vote of the council.

(3) An ordinance may be adopted at a single meeting of the council by unanimous vote of all sitting councilors on the question upon being read by title twice.

(175 words, max 175)

**CITY OF SHERWOOD
MEASURE TO AMEND CITY CHARTER**

EXPLANATORY STATEMENT

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. In 2013, the City Council formed a Charter Review Committee comprised of Sherwood residents to review and propose amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback. The Charter Review Committee then met with the City Council to review the amendments, and the City Council held a public hearing to received citizen input. Several amendments were voted on at the May 2014 election and another set of amendments are being brought before city voters on the November 2014 Ballot.

This proposed measure would amend Chapter IV, Section 16-Ordinance Adoption of the current city charter by deleting the current provision in its entirety and replacing it with a new provision. The new provision would require ordinances to be read by title at two council meetings separated by at least six days. In emergency situations, the council could adopt the ordinance at a single meeting if there was unanimous support to do so. In addition, the new provision would require the city to post any proposed ordinance at least six days in advance of the meeting where it will be considered and require the council to accept public comment on all ordinances prior to adoption.

The charter review committee wanted to ensure that interested persons could participate in the city's adoptions of new ordinances.

The proposed revision would read in its entirety:

~~(a) Adoption of an ordinance requires approval by a majority of the council at one meeting provided the proposed ordinance is available in writing to the public at least one week before the meeting.~~ (a) Except as this provision provides otherwise, adoption of an ordinance requires approval by a majority of the council at two separate meetings separated by at least six days.

(1) The text of the proposed ordinance shall be posted and available to the public at least six days in advance of the meeting at which the ordinance will be considered, and any amendment to the text as posted shall be read in full.

(2) At each meeting that the ordinance is considered, the title of the ordinance shall be read and public comments shall be accepted prior to the vote of the council.

(3) An ordinance may be adopted at a single meeting of the council by unanimous vote of all sitting councilors on the question upon being read by title twice.

If approved by the voters, the revisions will take effect January 1, 2015.

(424 words, 500 max)

Ballot Title
An Election on a Proposed Revision of the City Charter-Violation of Prohibition

CAPTION: REVISION TO CHARTER; SECTIONS 33, 31 -CITY MANAGER AND VACANCIES *(10 words, max 10)*

QUESTION: Should the charter be revised by deleting a provision regarding council authority to remove an elected official for coercion? *(19 words, max 20)*

SUMMARY: This measure would amend the Section 33-City Manager, Chapter VIII of the city charter by removing language in section 33(i) that currently allows the council to remove an elected official for coercing the city manager or a candidate for that position. The amendment also would require an additional conforming amendment to Section 31-Vacancies by eliminating subsection 31(b)(7), because vacancies could no longer be created in this way. If approved, this measure would take effect on January 1, 2015.

The proposed amendment is shown below, with the deleted material shown in ~~strike~~through:

Section 33 – City Manager

(i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any City employee, or in administrative decisions. ~~Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing.~~ In council meetings, councilors may discuss or suggest anything with the manager relating to City business.

(165 words, max 175)

**CITY OF SHERWOOD
MEASURE TO AMEND CITY CHARTER**

EXPLANATORY STATEMENT

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. In 2013, the City Council formed a Charter Review Committee comprised of Sherwood residents to review and propose amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback. The Charter Review Committee then met with the City Council to review the amendments, and the City Council held a public hearing to receive citizen input. Several amendments were voted on at the May 2014 election and another set of amendments are being brought before city voters on the November 2014 Ballot.

This proposed measure would amend Section 33-City Manager, Chapter VIII of the current city charter by deleting language in Section 33.(i) that authorizes a majority of the council to remove an elected official for coercing the City Manager or a candidate for the office of the manager. The Charter Review Committees believed that removal from office was the duty of Sherwood voters and a majority of the council should not have this authority. This amendment also would require a confirming amendment to Section 31-Vacancies. The confirming amendment is required because, once Section 33(i) is eliminated, that section can no longer be a cause for a vacancy.

The amendments would revise Section 33.(i) to read as follows (with deleted language shown in ~~strikethrough~~):

Section 31. Vacancies. *The mayor or council office becomes vacant:*

(b) Upon declaration by the council after the incumbent's:

~~(7) Removal under section 33(i).~~

Section 33. City Manager.

(i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any City employee, or in administrative decisions. ~~Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing.~~ In council meetings, councilors may discuss or suggest anything with the manager relating to City business.

If approved by the voters, the revisions will take effect January 1, 2015.

(337 words, 500 max)

Ballot Title
An Election on a Proposed Revision of the City Charter-Violation of Prohibition

CAPTION: REVISION TO SHERWOOD CHARTER; SECTION 35-CITY ATTORNEY
(7 words, max 10)

QUESTION: Should the charter be revised to clarify that the city attorney may be a city employee or a contracted firm? *(20 words, max 20)*

SUMMARY: This measure would amend the Section 35-City Attorney, Chapter VII of the current city charter by adding language clarifying that the city attorney may be either an employee of the city or a contracted firm. If adopted by the voters, this measure would take effect on January 1, 2015.

If the amendment is adopted, the amended provision would read in its entirety:

The office of city attorney is established as the chief legal counsel of the city government. The city attorney shall be either an employee of the city or a firm under a written contract approved by the council. A majority of the council must appoint and may remove the attorney or contracted firm. If the attorney is an employee of the city, the attorney must appoint and supervise, and may remove, any city attorney office employee.

(138 words, max 175)

**CITY OF SHERWOOD
MEASURE TO AMEND CITY CHARTER**

EXPLANATORY STATEMENT

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. In 2013, the City Council formed a Charter Review Committee comprised of Sherwood residents to review and propose amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback. The Charter Review Committee then met with the City Council to review the amendments, and the City Council held a public hearing to received citizen input. Several amendments were voted on at the May 2014 election and another set of amendments are being brought before city voters on the November 2014 Ballot.

This proposed measure would amend the Section 35-City Attorney by clarifying current language in Chapter VIII of the current city charter to clarify that the City Attorney may be an employee of the city or a law firm that enters into a contract with the city that has been approved by the council.

The proposed amendment would delete the language shown in ~~strikethrough~~ and add the language shown as underlined to section 35 of the charter:

The office of the city attorney is established as the chief legal ~~officer~~ counsel of the city government. The city attorney shall be either an employee of the city or a firm under a written contract approved by the council. A majority of the council must appoint and may remove the attorney or contracted firm. If the attorney is an employee of the city, the attorney must appoint and supervise, and may remove any city attorney office employees.

If approved by the voters, the revisions will take effect January 1, 2015.

(271 words, 500 max)

Ballot Title

An Election on a Proposed Revision of the City Charter-Violation of Prohibition

CAPTION: REVISION TO SHERWOOD CHARTER; SECTION 37-COMPENSATION (6 words, max 10)

QUESTION: Should the charter be revised to require that any council compensation requires voter approval? (14 words, max 20)

SUMMARY: The Oregon Constitution gives city voters the right to adopt, amend and revise a charter. The charter is the foundational document of the city and grants legal authority to the city and sets duties. Sherwood voters adopted the most recent revisions to the charter in May 2014. If this measure is adopted, it would take effect on January 1, 2015.

This measure would amend the Section 37 – Compensation, Chapter IX of the current city charter by adding language prohibiting the mayor and councilors from receiving compensation for their service. The charter would continue to allow councilors to be reimbursed for actual expenses, but require that the reimbursements must be reasonable.

If approved, the revised provision would read in its entirety as follows:

The council must authorize the compensation of City appointive officers and employees as part of the approval of the annual City budget. The mayor and councilors shall not be compensated but may be reimbursed for actual and reasonable expenses.

(161 words, max 175)

**CITY OF SHERWOOD
MEASURE TO AMEND CITY CHARTER**

EXPLANATORY STATEMENT

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. In 2013, the City Council formed a Charter Review Committee comprised of Sherwood residents to review and propose amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback. The Charter Review Committee then met with the City Council to review the amendments, and the City Council held a public hearing to receive citizen input. Several amendments were voted on at the May 2014 election and another set of amendments are being brought before city voters on the November 2014 Ballot.

This proposed measure would amend Section 37 of Chapter VIII of the City Charter by adding language that prohibits the mayor and councilors from receiving compensation for their service. In addition, Section 37 would continue to allow the mayor and councilors to be reimbursed for actual expenses, but that those expenses would explicitly be required to be reasonable.

The Charter Review Committees believed that the compensation and reimbursement of city officials needed to be clarified. The Charter Review Committee discussed the potential for compensation in the future and noted that it would require a vote of the electorate to amend this charter provision. The Committee also discussed reimbursable expenses and agreed that any "actual expenses" incurred by the mayor or councilors must also be reasonable to allow for compensation.

The proposed amendment would read in its entirety (with added language shown in underline):

The council must authorize the compensation of City appointive officers and employees as part of its approval of the annual city budget. The mayor and councilors shall not be compensated but may be reimbursed for actual and reasonable expenses.

If approved by the voters, the revisions will take effect January 1, 2015.

(299 words, 500 max)